

1. The existing shed, when viewed from the front of the house, appears to be in the side yard but is in the street yard due to the arching right-of-way that borders the property on two sides which creates the hardship that is not self-imposed. In addition, the shed is screened from view by trees and shrubs and the applicant has indicated that it would be very challenging to relocate the shed on the subject property due to the required setbacks from the existing structures, the existing mound system, and the lot lines and due to the topography of the property. Just a portion of the stairs associated with the pool deck are less than the required 10 feet from the principal structure and this portion of the after-the-fact variance request is no reflection on the current property owners as they have indicated that they had no affiliation with the property when the pool deck/stairs were constructed as they did not own the property at that time. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted by this request. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions:

The applicant must obtain zoning permit cards from this office after paying the required quadruple fees of \$340.00 (shed) and \$300 (uncovered deck/stairs). A copy of these conditions must be kept at the project site at all times until the project has been completed. This variance approval will expire on June 7, 2022, unless the zoning permits referenced above in condition are obtained prior to this date, or an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. The existing shed and uncovered deck/stairs shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on July 2, 2021. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.

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| B. Brett and Rhonda Matschke
9:10 Ruebl Builders, Agent | -Waterford- | A minimum of thirty-three (33) feet of the lot does not abut upon a public street and the proposed single-family residence with full basement, attached garage and uncovered/screened-in deck will have insufficient shore yard setback. |
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Czuta presented the petition. The Board heard public testimony and communications were read into the record.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to approve the petition as presented. **Motion carried. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated August 31, 2021. Submitted documentation and public hearing testimony established a need for a single-family residence with full basement, attached garage and uncovered/screened-in deck to be located on this site to preserve the substantial property rights of the owner that are also enjoyed by others in this area. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed single-family residence with full basement, attached garage and uncovered/screened-in deck should not block views to the water, should not compromise aesthetics and will not encroach further into the shore yard setback. Unusual lot configuration, lack of lot width, as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with full basement, attached garage and uncovered/screened-in deck on this property. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted by this request. The waters of the state will be protected by implementing required erosion-control measures and shoreland conditions. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with full basement, attached garage and uncovered/screened-in deck). This card must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed. This variance approval will expire on June 7, 2022, unless substantial work has commenced pursuant to such grant, or an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed single-family residence with full basement, attached garage and uncovered/screened-in deck shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on August 5, 2021. Prior to zoning permit issuance, the applicant must submit proof of a recorded access easement for the subject property from Irma Lane to the Racine County Development Services office. To prevent sedimentation from entering onto an abutting property or into Tichigan Lake, silt fencing must be installed as illustrated on the submitted Site and Grading Plan. Silt fence shall remain in-place and be maintained until the area is no longer susceptible to erosion; remove silt fence when vegetation is established. See attached "Silt Fence" sheet for installation instructions. Do not allow stockpiles or soil disturbances beyond the property lines or within the floodplain. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch. Backfill must slope away from the structures and all slopes must be 3:1 or flatter. All excess earth not used for immediate backfilling of the proposed structure must be removed from the property.

Storm water drainage plan review, approval, and regulation are the Town's responsibility. The property owner must contact the Town for approval of the proposed finished yard grades and any proposed changes to the storm water drainage patterns on-site. The Town has the authority to not issue a building permit until they have approved a storm water drainage plan for the site. Use existing driveways and concrete pads for vehicles and equipment. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority. All structures must have rain gutters and downspouts installed on all roofs within 14 days after the completion of the roof and associated fascia treatment. Downspouts must outlet away from the buildings in a manner to prevent soil erosion. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding. Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within 7 days after final grading. Seeding may be completed through snow cover at which time seeding is not allowed again until April 1st at which time permanent seeding may resume. Permanent seeding must be completed prior to June 1, 2022. The site may need to be stabilized with straw, mulch or erosion control fabric prior to winter. See the attached seeding recommendations. There must be no unapproved excavation, filling, construction, or other land disturbances within the designated 100-year floodplain. The applicant must allow full and unlimited access to the project site at a reasonable time to any Public Works and Development Services Department employee who is investigating the project's construction, operation, or maintenance. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.

- C. Susan Bissing and Dawn Quist -Burlington- The proposed two-story addition will
9:27 have insufficient street and side yard setbacks.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Chart**, to approve the petition. **Motion carried. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated August 31, 2021. Submitted documentation and public hearing testimony established a need for a ±1700 square-foot two-story addition to the existing residence to preserve the substantial property rights of the owners that are also enjoyed by others in this area. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the proposed ±1700 square-foot two-story addition to the existing residence is consistent with the existing development in this area, the location should not impair visibility for traffic and it should not compromise aesthetics. Due to the fact that the traveled roadway is approximately 20' from the street right-of-way the Board feels that this request is not a safety issue. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted

by this request. The waters of the state will be protected by implementing required erosion control measures and shoreland conditions through the shoreland conditional use contract process. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: Before beginning this project, the applicant must obtain a shoreland conditional use contract after paying the required fee of \$250.00. In addition, the applicant must obtain a zoning permit card from this office after paying the required fee of \$200.00. This card must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed. This variance approval will expire on June 7, 2022, unless substantial work has commenced pursuant to such grant, or an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed ±1700 square-foot two-story addition to the existing residence shall be located and sized as shown on the submitted survey that was received by the Racine County Development Services office on August 6, 2021. The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit can be issued. Prior to zoning permit issuance, the applicant must submit a mitigation plan to the Racine County Development Services office for review and approval that illustrates and outlines how the excess impervious surfaces will be mitigated. This plan must ultimately be recorded with the Racine County Register of Deeds office. The applicant must allow full and unlimited access to the project site at a reasonable time to any Public Works and Development Services Department employee who is investigating the project's construction, operation, or maintenance. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.

D. RNR Properties LLC and
9:38 ASDA Real Estate LLC

-Burlington-

The possible future extractions within the M-4 quarrying district will be less than two hundred (200) feet from any property line and the shared driveway will traverse the district abutting the highway to service a use/structure in a different zone that is not permitted in the zoning district abutting the highway.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **SCHAAL MOVED, seconded by Chart** to approve the petition. **Motion carried. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director recommended approval pursuant to her correspondence dated August 31, 2021. Submitted documentation and public hearing testimony established a need for allowing possible future extractions in the M-4 quarrying district to be less than two hundred (200) feet from any property line and to allow a shared driveway to traverse the district abutting the highway to service a use/structure in a different zone that is not permitted in the zoning district abutting the highway to preserve the substantial property rights of the owners that are also enjoyed by others in this area. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the proposed possible future extractions in the M-4 quarrying district are consistent with the existing development in this area and the location of the proposed shared driveway will improve visibility for traffic. The proposed shared driveway is in a much safer location as it is not as steep and it provides much greater site lines. Severe topography as well as other obstructions, create a hardship and limit the location for placement of a safe driveway to service the ASDA Real Estate LLC parcels on the ASDA Real Estate LLC parcels. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted by this request. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions: A copy of these conditions must be kept at the project site (RNR Properties LLC and ASDA Real Estate LLC) at all times until the project has been completed. This variance approval will expire on June 7, 2022, unless substantial work (installation of shared driveway) has commenced pursuant to such grant, or an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. This approval recognizes that the possible future extractions within the M-4 quarrying district may not take place prior to June 7, 2022, and conditional use approval from the Racine County Economic Development and Land Use Planning Committee and the Town of Burlington is required for said extractions. The proposed possible future extractions within the M-4 quarrying district and the proposed shared driveway shall be located and sized as shown on the submitted plan that was received by the Racine County Development Services office on August 12, 2021. The proposed ingress and egress easement agreement associated with the shared driveway access must be recorded at the Racine County Register of Deeds Department in a manner to permit its existence by reference to each parcel in perpetuity. The applicant must allow full and unlimited access to the project site at a reasonable time to any Public Works and Development Services Department employee who is investigating the project's construction, operation, or maintenance. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff if said changes are the same as or more in conformance with this approval. No other additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.

(9:47) **SCHAAL MOVED**, seconded by Chart, to close the public hearing. **Motion carried unanimously. VOTE: 4/0**

BOARD MEETING

A. Decisions on preceding petitions
9:47

B. Richard Ida -Burlington- Request to extend the variance
10:09 approval granted on 12/01/2020

Czuta presented the petition. At the committee meeting, the Board granted approval of the extension request and deadlines for up to nine months (June 1, 2022), with all applicable portions of the variance approval letter dated December 2, 2020, remaining in effect, **HENDRIX MOVED, seconded by Chart. Motion carried. VOTE: 4/0**

C. Other business as authorized law
10:10

D. Adjourn
10:11

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 10:06 a.m. **Motion carried unanimously. VOTE: 4/0**