

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
November 2, 2021, 9:00 A.M.

(NOTE: Audio recording from Racine County is available upon request. These minutes are intended as a summary of actions taken by the Committee and do not include verbatim or detailed accounts of all comments made by staff, the Committee, and members of the general public present at the meeting.)

Board members present by roll call: George Bieneman, B. Jean Schaal, Dave Hendrix, Fred Chart

Board members excused: none

Staff present Jarmen Czuta, Shaun Maiter, Kim Parsons

Chairman Bieneman called the November 2, 2021, Racine County Zoning Board of Adjustment public hearing to order at 9:00 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

CHART MOVED, seconded by Schaal, to approve the October 5, 2021, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. **Motion carried unanimously. VOTE: 4/0**

Jarmen Czuta announced that Board members may have visited the sites prior to this meeting, and pertinent information obtained during the visits may be discussed at this meeting and used to assist them in their decision-making.

PUBLIC HEARING

A.	Katherine J. Romanak Revocable	-Norway-	The proposed addition will cause the
9:04	Living Trust		existing garage to have insufficient side
9:58	Katherine J. Romanak, Applicant		yard setback.

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 Chart**, to approve the petition as presented. **Motion carried. VOTE: 4/0**

The Board approved the variance as The Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated October 26, 2021. Submitted documentation and public hearing testimony established a need for an addition that will connect the existing residence and the existing detached garage to allow the property owner the ability to access her vehicle from the residence and vice versa without being subjected to the effects of the outdoor environment and the need 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 addition should not compromise aesthetics, the existing structures were built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed addition will not encroach further into the required side yard setback than what presently exists. The Zoning Ordinance and the location of the existing garage, create a hardship as a detached garage is subject to different setback requirements than an attached garage.

The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, an adjacent property owner submitted written support for this proposal 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:

1. Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$150.00. 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.
2. This variance approval will expire on August 2, 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.
3. The proposed addition shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on October 4, 2021.
4. The exterior of the addition must be the same as or in harmony with the exterior of the buildings to which it is being attached.
5. 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.
6. 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.
7. 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.
8. 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.

B. Gregory and Amy Jo Roanhouse -Waterford- The proposed detached garage will
9:12 have insufficient street yard setback.
10:00

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 October 26, 2021. Submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owner's belongings from the effects of the outdoor environment and the need 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 detached garage is consistent with the existing development in this area, and it should not compromise aesthetics. Overhead electric utility wires, a unique road right-of-way that fronts the subject property as well as other obstructions, create a hardship and limit the location for proper placement of a detached garage 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, area property owners submitted written support for this proposal 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:

1. Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$85.00 (detached garage). 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.
2. The accessory structure must not be used for human habitation, it is restricted to only code-compliant uses for the property owners, with no business, commercial, or industrial use, and no rental of space within this structure.
3. This variance approval will expire on August 2, 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.
4. The proposed 27.75'x36' detached garage shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on October 4, 2021.
5. The applicants must comply with the impervious surface removal plan, received by the Racine County Development Services office on October 4, 2021, that reduces the total impervious surfaces on the lot to less than the amount that existed prior to construction of the proposed detached garage.
6. The applicants 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.
7. The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations.

8. 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.
9. 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. Judith T. Boyle Living Trust -Burlington- The proposed addition will have
9:21 Thomas Boyle, Applicant insufficient shore yard setback and
10:06 will exceed 200 square feet.

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 Chart**, 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 October 26, 2021. Submitted documentation and public hearing testimony established a need for an attached garage and mudroom addition to the existing residence to allow the property owners the ability to access their vehicles from the residence and vice versa without being subjected to the effects of the outdoor environment and the need 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 existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed addition will not encroach further into the shore yard setback than what presently exists. The Zoning Ordinance and the location of the existing residence, create a hardship and limit the location for proper placement of an attached garage and mudroom addition to the existing residence 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:

1. Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$200.00 (attached garage and mudroom addition to the existing residence). 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.
2. This variance approval will expire on August 2, 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.
3. The proposed ±1,013 square-foot attached garage and mudroom addition to the existing residence shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on October 6, 2021.
 4. 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.
 5. 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.
 6. To prevent sedimentation from entering onto an abutting property or into Browns Lake, silt fencing must be installed as illustrated on the submitted plat of survey. 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.
 7. 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.
 8. 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.
 9. 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.
 10. **Town condition** - Spot grades shown in the new building footprint are identical to the existing site yard grades. Proposed elevations and/or contours should be provided for review.
 11. **Town condition** – Heavy duty silt fence should be installed and maintained on all downhill slopes from the construction area. Please note that heavy duty silt fence is reinforced to prevent erosion blow outs. A double row of standard silt fence may be substituted.
 12. **Town condition** – Erosion matting meeting the Wisconsin PAL matrix should be included in all disturbed areas. This is extremely important with potential winter construction/restoration.
 13. **Town condition** – A stone tracking pad meeting DNR standards should be installed at the

driveway entrance.

14. **Town condition** – Any disturbed area left inactive longer than 14 working days must be temporarily stabilized.
15. 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.
16. 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.
17. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding.
18. 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.
19. There must be no unapproved excavation, filling, construction, or other land disturbances within the designated 100-year floodplain.
20. 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.
21. 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.
22. 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.
23. 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. Brenda L. Hansen Living Trust -Burlington- The proposed addition will have
9:39 Dated April 26, 2019 insufficient street yard setback.
10:11 Brenda L. Hansen, Applicant

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 Chart**, to approve the petition. **Motion carried. VOTE: 4/0**

The Board approved this variance request as submitted documentation and public hearing testimony established a need for a 16'x48' greenhouse addition to the existing detached garage and the need 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 16'x48' greenhouse addition to the existing detached garage is consistent with the existing development in this area, the location should not impair visibility for traffic, and it should not compromise aesthetics. Severe topography, unusual triangular lot configuration, mature tree location, dual street frontage, and the need for an onsite vehicular turn around for safety purposes, create a hardship and limit the location for proper placement of a greenhouse addition to the existing detached garage 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. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions:

1. Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$85.00. 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.
2. This variance approval will expire on August 2, 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.
3. The proposed 16'x48' greenhouse addition to the existing detached garage shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on October 7, 2021.
4. The exterior of the addition must be the same as or in harmony with the exterior of the buildings to which it is bring attached.
5. 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.
6. 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.
7. 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.
8. 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.

- E. Centurion LLC -Burlington- A portion of the single-family
9:04 DeMark, Kolbe & Brodek, S.C., residence and associated open sided
Agent structures have insufficient shore yard
Withdrawn by Agent setbacks.

Czuta presented request to withdraw this petition from the Agent. **HENDRIX MOVED, seconded by Chart**, to accept the withdrawal. **Motion carried. VOTE: 4/0**

(9:57) **SCHAAL MOVED, seconded by Chart**, to close the public hearing. **Motion carried unanimously. VOTE: 4/0**

BOARD MEETING

- A. Decisions on preceding petitions
9:58

- B. Jay and Kristin Lorino -Norway- Request to amend the variance
10:16 approval granted on November 7,
2017.

Czuta presented the petition and read communications into the record. **HENDRIX MOVED, seconded by Schaal**, to approve this amendment to the variance granted on November 7, 2017. **Motion carried. VOTE: 4/0**

- C. Other business as authorized law

- D. Adjourn
10:30

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 10:30 a.m. **Motion carried unanimously. VOTE: 4/0**