

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
January 4, 2022, 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, Fred Chart

Board members excused: Dave Hendrix

Staff present Jarmen Czuta, Shaun Maiter, Kim Parsons

Chairman Bieneman called the January 4, 2022, 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.

SCHAAL MOVED, seconded by Chart, to approve the December 7, 2021, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. **Motion carried unanimously. VOTE: 3/0**

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. 9:02 10:57	Island View Homeowners Association Attorney Richard Scholze, Agent	-Burlington-	The concrete pad for the storage of kayaks, concrete pad, and fire pit area, crushed red gravel walking path/patio area and rock retaining wall have insufficient shore yard setbacks.
---------------	---	--------------	--

Czuta presented the petition. The Board heard public testimony and multiple communications were read into the record.

At the Board portion of the hearing, **SCHAAL MOVED, seconded by Chart**, to approve the petition as presented. **Motion carried. VOTE: 3/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director did not object pursuant to her correspondence dated December 28, 2021. Submitted documentation and public hearing testimony established a need for a concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio area and rock retaining wall to remain in nonconforming locations 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 concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio and rock retaining wall should not block views to the water, the location of the concrete pad and fire pit area is relatively the same as what previously existed, and the concrete pad for the storage of kayaks, concrete pad and fire pit

area, crushed red gravel walking path/patio area and rock retaining wall should not compromise aesthetics. The vast size of the subject property, that the subject property functions like a community living arrangement or a resort, severe topography and that the amount of erosion due to the high volume of foot traffic near the shoreline has been reduced by the implementation of this project create a hardship and justify the location of the concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio area and rock retaining wall on the subject property. Over forty area property owners submitted written and oral 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. The applicant must obtain a zoning permit card from this office after paying the required quadruple fee of \$600.00 (concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio area and rock retaining wall) The quadruple fee is being implemented because after-the-fact Zoning Board of Adjustment approval was required for this project. A copy of these conditions must be kept at the project site at all times.
2. This variance approval will expire on October 4, 2022, unless substantial work (in this case obtaining the after-the-fact zoning permit as outlined above) 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 existing concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio area and rock retaining wall shall be located and sized as shown on the submitted surveys received by the Racine County Development Services office on December 9, 2021.
4. Prior to zoning permit issuance, the applicant must submit a landscaping plan to the Racine County Development Services office for review and approval. This plan must outline additional shore yard plantings to offset the visual and environmental impacts of the concrete pad for the storage of kayaks, concrete pad and fire pit area, crushed red gravel walking path/patio area and rock retaining wall.
5. It is recommended that this project be reviewed by a registered engineer who can certify that the retaining wall is functionally and structurally adequate for this project. Racine County does not warrant this wall against design or structural failure and will accept no liability through the issuance of a zoning permit. If the retaining wall becomes damaged or destroyed it is the responsibility of the property owners to repair or replace this wall.
6. 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.
7. 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.
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.

SCHAAL MOVED, seconded by Chart, to close the public hearing. Motion carried unanimously. VOTE: 3/0

BOARD MEETING

A. Decisions on preceding petitions
10:57

B. Other business as authorized law
11:03

C. Adjourn
11:03

There being no further business, **SCHAAL MOVED, seconded by Chart, to adjourn at 11:03 a.m. Motion carried unanimously. VOTE: 3/0**