

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES

February 1, 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: David Hendrix, B. Jean Schaal, Fred Chart

Board members excused: George Bieneman

Staff present Jarmen Czuta, Shaun Maiter, Kim Parsons

Vice-Chairman Hendrix called the February 1, 2022, Racine County Zoning Board of Adjustment public hearing to order at 9:00 a.m. Board members were introduced by roll call and Vice-Chairman Bieneman explained meeting procedures.

SCHAAL MOVED, seconded by Chart, to approve the January 4, 2022, 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

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| <p>A. Foat Trust 9:02 Garrett Foat and Kyle Foat, Agents 9:34</p> | <p>-Waterford- The proposed residential building envelope will have an insufficient street yard setback.</p> |
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Czuta presented the petition. The Board heard public testimony and multiple communications were read into the record. Garrett Foat was present to answer any questions.

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 had no objection pursuant to her correspondence dated January 31, 2022. Submitted documentation and public hearing testimony established a need for a building envelope with a reduced street yard setback for the future construction of a single-family residence 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 building envelope location should not impair visibility for traffic and it should not compromise aesthetics. Unusual triangular lot configuration, lack of lot depth in a north south fashion, the vast right-of-way associated with CTH K abutting the subject property which is much greater than the traveled roadway, and no access to CTH K as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence on this property. The request does not appear to create substantial

detriment to adjacent property as there was no significant 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. The proposed building envelope must be located and sized as shown on the submitted surveys received by the Racine County Development Services office on December 17, 2021. The variance for the building envelope will run in perpetuity with the land. The future residence will be subject to the permit fee schedule in effect at the time of construction.
2. The applicant shall submit a plat of survey showing the staked location of the proposed residence prior to the issuance of the zoning permit.
3. The applicant must obtain a sanitary permit from the Racine County Development Services office prior to the issuance of the zoning permit.
4. 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.
5. 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.
6. 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.
7. 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. Michael and Danielle Skowronski -Waterford- The proposed detached garage will be located on a parcel of land without the presence of a principal structure and will exceed the maximum aggregate total footprint area.
9:19
9:38

Czuta presented the petition. The Board heard public testimony and multiple communications were read into the record. Michael Skowronski as present to answer questions of the board members.

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

The Board approved this variance request as the Racine County Director of Public Works and Development Services had no objection to the amended approval pursuant to her correspondence dated January 31, 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, the location should not impair visibility for traffic, it should not compromise aesthetics and it will not impact residential density. The Zoning Ordinance creates a hardship for the property owners, as they are unable to utilize their parcel of land across the street from their residence for construction of a detached garage. 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 (detached garage up to 1,000 square feet) or \$125.00 (if the proposed detached garage is greater than 1,000 square feet). 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 November 1, 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. Prior to zoning permit issuance, the applicant must submit a revised Plat of Survey to the Racine County Development Services office for review and approval that illustrates the location and size of the proposed redesigned detached garage is no greater than 1,093 square feet.
4. A deed restriction stating that the lot on the west side of Riverside Road cannot be sold separately from the owners' parcel across the street, unless done in a manner that complies with the Racine County Zoning Ordinance, must be recorded at the Racine County Register of Deeds Department in a manner to permit its existence by reference to the parcel in perpetuity. This must be accomplished prior to the issuance of the zoning permit for the detached garage. A copy of the deed restriction and proof of recording must be submitted to the Racine County Development Services office. The Racine County Zoning Board of Adjustment indicated that they consider both lots one parcel through implementation of the deed restriction.
5. 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.
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.

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

BOARD MEETING

A. Decisions on preceding petitions

9:45

B. Kenneth and Michele Nikolai

9:45

-Norway-

Request to extend the variance approval granted on April 6, 2021.

Czuta presented the petition. **SCHAAL MOVED, seconded by Chart** to approve the extension of the variance granted on April 6, 2021. **Motion carried. VOTE: 3/0**

C. Other business as authorized law

9:48

None

D. Adjourn

9:48

There being no further business, **SCHAAL MOVED, seconded by Chart, to adjourn at 9:48 a.m. Motion carried unanimously. VOTE: 3/0**