

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
March 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: George Bieneman, David Hendrix, B. Jean Schaal, Fred Chart

Board members excused:

Staff present Jarmen Czuta, Shaun Maiter, Kim Parsons

Chairman Bieneman called the March 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 Chairman Bieneman explained meeting procedures.

SCHAAL MOVED, seconded by Chart, to approve the February 1, 2022, Racine County Board of Adjustment public hearing and board meeting summary minutes as amended. **Motion carried unanimously. VOTE: 4/0**

Shaun Maiter 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. Andrew Pagels 9:02 9:54	-Dover-	The proposed lot will have insufficient lot frontage 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.
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Maiter presented the petition. The Board heard public testimony and communications were read into the record.

Andrew Pagels presented a brief history relating to adding the family business to part of his property and answered questions of the board.

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 portion of the subject property that is associated with the substandard lot has been approved to be rezoned from A-2, General Farming and Residential District II to B-5, Highway Business District by the Racine County Economic Development and Land Use Planning Committee and the Town of Dover. The Racine County Public Works and Development Services Director recommended approval pursuant to her correspondence dated February 28, 2022. Submitted documentation and public hearing testimony established a need for the parcel configuration that was requested 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 land division is consistent with the existing development in this area, the shared driveway location should not impair visibility for traffic, the existing structures were built prior to the adoption of the revised Racine County Zoning Ordinance and their locations prohibit increasing the lot frontage of the proposed lot and the proposed lot is similar in character to other lots in this area and meets the minimum area standards for the zoning district. The existing location of the house, associated mound system and storage buildings and that the jurisdictional highway authority will only grant one access point for the subject property as well as other obstructions, create a hardship and limit the proper lot frontage and the location for proper placement of two driveways 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. The proposed land division shall be located and sized as shown on the submitted plans received by the Racine County Development Services office on February 1, 2022.
2. A registered land surveyor must survey each parcel and the new parcel ownership must be recorded with the Racine County Register of Deeds Department. Proof of such must be submitted to the Racine County Development Services office within 9 months. **The survey must illustrate an access easement, associated with the portion of the driveway on lot 1, for the benefit of perpetual ingress and egress for lot 2.**
3. The applicant will have to obtain conditional use approval from the Racine County Economic Development and Land Use Planning Committee and the Town of Dover prior to developing lot 2.
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. This variance approval will expire on December 1, 2022, unless substantial work (recording the required survey) 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 an extension is granted in writing by the Racine County Zoning Board of Adjustment.

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 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.	Irish Cottage of Franklin, LLC	-Waterford-	The concrete patio and associated
9:20	Attorney Todd Terry, Agent		tiki bar have insufficient shore yard
10:02			setbacks.

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 amend and approve the petition. **Motion carried. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director did not object pursuant to her correspondence dated February 28, 2022. Submitted documentation and public hearing testimony established a need for a concrete patio of this size and associated amended tiki bar to remain in a nonconforming location 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 patio and associated amended tiki bar are consistent with the existing development in this area, they should not block views to the water, the location of the concrete patio and associated amended tiki bar is relatively the same as what previously existed, and the concrete patio and associated amended tiki bar should not compromise aesthetics. 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. The applicant must obtain a zoning permit card from this office after paying the required quadruple fee of \$600.00 (concrete patio and associated amended tiki bar) The quadruple fee is being implemented because after-the-fact Zoning Board of Adjustment approval was required for this project. 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 December 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 that the tiki bar will be reconfigured so that no portion is less than 75' from the ordinary high-water mark of the Fox River.
4. The applicant must comply with the impervious surface removal plan (Removal of a portion of the gravel parking lot and shore yard horseshoe pits) that reduces the total impervious surfaces on the lot to less than the amount that existed prior to construction of the concrete patio and associated amended tiki bar.
5. 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 patio.
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.

C. 9:41 10:12	Gertrude Kaemmerer Shannon Souther, Agent	-Norway-	The proposed residential building envelope 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**

SCHAAL MOVED, seconded by Chart, to close the public hearing. **Motion carried unanimously. 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 February 28, 2022. Submitted documentation and public hearing testimony established a need for a building envelope with a reduced shore 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 is consistent with the existing development in this area, it should not block views to the water, it should not impair visibility for traffic, and it should not compromise aesthetics. The waterfront lot being bordered by water in two areas verses one, the requirements of developing the lot in compliance with the floodplain development standards, and the location of wetlands, 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 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 survey received by the Racine County Development Services office on February 7, 2022. 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 will have to obtain shoreland floodplain conditional use approval from the Racine County Economic Development and Land Use Planning Committee and the Town of Norway prior to constructing a single-family residence on the subject lot.
3. Increased flood insurance premiums and risk of life and property may result from the granting of this variance.
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.

BOARD MEETING

A. Decisions on preceding petitions
9:54

B. Other business as authorized law
10:16

None

C. Adjourn
10:16

There being no further business, **SCHAAL MOVED, seconded by Chart,** to adjourn at 10:16 a.m. **Motion carried unanimously. VOTE: 4/0**