

**RACINE COUNTY BOARD OF ADJUSTMENT**  
**PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES**  
**SEPTEMBER 6, 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.)

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

Staff present Jarmen Czuta, Kim Parsons

Chairman Bieneman called the September 6, 2022, Racine County Zoning Board of Adjustment public hearing to order at 9:01 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

**SCHAAL MOVED, seconded by Chart**, to approve the August 2, 2022, Racine County Board of Adjustment public hearing and board meeting summary minutes as submitted. **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. Grant and Valerie Horn -Waterford- The attached uncovered deck has an insufficient shore yard setback.  
9:04  
9:31

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Grant Horn was present to answer any questions of the board members. Leroy and Karen Zierath were present and expressed opposition to the variance request.

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 Director of Public Works and Development Services had no objection pursuant to her correspondence dated September 2, 2022. Submitted documentation and public hearing testimony established a need for an attached uncovered deck of this size 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 current deck is safer, more functional, overall modest in size, no closer to the shore than what previously existed and does not appear to impact views for adjacent property owners. The Racine County Zoning Board of Adjustment felt that a critical point was that a larger deck than what was being requested could be built within the footprint of the previously existing deck, without variance approval, and this would also create a greater amount of impervious surfaces than the current deck. The location of the existing residence in relation to the shoreline as well as other obstructions, create a hardship and limit the location for proper placement of an attached uncovered deck 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 applicant must obtain a zoning permit card from this office after paying the required quadruple fee of \$240.00 (attached uncovered 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.
2. This variance approval will expire on June 6, 2023, 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 attached uncovered deck shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on August 11, 2022.
4. 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.
5. 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.
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.

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

### **BOARD MEETING**

- A. Decisions on preceding petitions  
9:31

B. Other business as authorized law  
9:49

None

C. Adjourn  
9:49

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:49 a.m. **Motion carried unanimously. VOTE: 4/0**