

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
December 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.)

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

Staff present Jarmen Czuta, Kim Parsons

Chairman Bieneman called the December 6, 2022, Racine County Zoning Board of Adjustment public hearing to order at 9:02 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

SCHAAL MOVED, seconded by Chart, to approve the November 1, 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. Stephen and Penny Kennicott -Waterford- The proposed addition will have
9:04 insufficient street yard setback.
9:53

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Stephen Kennicott was present. He gave a little history of the project and answered questions of the board members.

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 December 5, 2022. Submitted documentation and public hearing testimony established a need for a covered porch addition to the existing residence of this size to provide a safer ingress/egress to the residence 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 covered porch addition is consistent with the existing development in this area, the location should not impair visibility for traffic, and should not compromise aesthetics, the existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed covered porch addition will not encroach further into the required street yard setback than the existing barn 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, as the existing residence is an existing nonconforming structure due to the existing street yard setback.

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. This card must be displayed in a prominent location at the project site. In addition, 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 September 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 proposed covered porch addition shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on November 9, 2022.
4. The exterior of the covered porch addition must be the same as or in harmony with the exterior of the building to which it is being attached.
5. 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.
6. 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.
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. Grant Horn
9:08
9:56

-Waterford-

The proposed detached garage will have insufficient street and side yard setbacks and will exceed the maximum aggregate total footprint area.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Grant Horn was present to answer questions of the board members and described the reasoning for his variance request.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart**, to amend and approve the petition. **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 to the amended approval pursuant to her correspondence dated December 5, 2022. Submitted documentation and public hearing testimony established a need for a detached garage with lean-to 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 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 detached garage with lean-to is consistent with the existing development in this area, the location should not impair visibility for traffic, and it 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. 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 with lean-to). 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 September 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. Prior to zoning permit issuance, the applicant must submit a revised Plat of Survey/Site Plan to the Racine County Development Services office for review and approval that illustrates that the proposed redesigned detached garage with lean-to is a minimum of 15 feet from the road right-of-way and a minimum of 4 feet from the north side lot line. This plan must also illustrate and inventory existing and proposed impervious surfaces.
4. 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.
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.

C. Betty Kempken -Burlington- The proposed two-family residence
9:42 Nicholas Kempken, Applicant will have insufficient street yard
10:02 setback.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Nicholas Kempken was present and described how this project would complete the subdivision in this road.

At the Board portion of the hearing, **SCHAAL 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 recommended approval pursuant to her correspondence dated December 5, 2022. Submitted documentation and public hearing testimony established a need for a two-family residence of the proposed size and orientation to be located on this site 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 two-family residence is consistent with the existing development in this area, the location should not impair visibility for traffic, and it should not compromise aesthetics. The unique arched right-of-way that is created by a cul-de-sac at the terminus of a private road that services this development, the need to continue consistent and harmonious development within this planned unit development, as well as other obstructions, create a hardship and limit the location for proper placement of a two-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. **Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$600.00 (two-family residence with attached garages, full basement and attached uncovered decks).** 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 September 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 proposed two-family residence with attached garages, full basement and attached uncovered decks shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on November 10, 2022.
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.

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

BOARD MEETING

A. Decisions on preceding petitions
10:04

B. Other business as authorized law
10:04

None

C. Adjourn
10:05

There being no further business, **SCHAAL MOVED, seconded by Chart, to adjourn at 10:05 a.m. Motion carried unanimously. VOTE: 4/0**