

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
January 3, 2023, 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 January 3, 2023, 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 6, 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.	Zachary and Amber Bartz	-Waterford-	The proposed single-family residence
9:02	Don Janczak, Agent		will have insufficient street yard
9:34			setback.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Amber Bartz was present. Don Janczak was also present and provided a background of the project and the steps taken to address the issues preventing it from moving forward. He also 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 recommended approval pursuant to her correspondence dated December 22, 2022. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage, full basement and covered porch to be located on this site 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 insufficient street yard setback is to a platted but unconstructed right-of-way that functions more as an access easement than a road. Severe topography as well as other obstructions, create a hardship and limit the location for proper placement of a single-family residence with attached garage, full basement, and covered porch 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. Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$500.00 (single-family residence with attached garage, full basement and covered porch). 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 October 3, 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 single-family residence with attached garage, full basement and covered porch shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on December 6, 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
9:34

B.	Irish Cottage of Franklin, LLC	-Waterford-	Request to extend the amended
9:40	Attorney Todd Terry, Agent		variance approval granted on March
9:44			1, 2022

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Todd Terry was present to answer questions of the committee.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart**, to approve the amended variance extension request as presented for up to nine months with a caveat that this be the final extension. **Motion carried. VOTE: 4/0**

C. Other business as authorized law
9:44

None

D. Adjourn
9:44

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:44 a.m. **Motion carried unanimously. VOTE: 4/0**