

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
February 7, 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 February 7, 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 January 3, 2023, 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. Greenfield Investments, LLC -Waterford- The proposed concrete driveway, sidewalk, shore yard patio and stairs will have insufficient shore yard setback.
9:03
9:31

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Katherine Kawczynski, representing Greenfield Investments, was present to answer questions.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal,** to amend and approve the petition. The amendment requires that the proposed shore yard patio and stairs be deleted from the proposal and that the proposed concrete driveway and sidewalk in the street yard and side yard are allowed. The proposed sidewalk in the side yard must terminate at or before the southeast corner of the existing shore yard concrete patio. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as submitted documentation and public hearing testimony established a need for a concrete driveway and sidewalk in the street yard and side yard 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 concrete driveway and sidewalk in the street yard and side yard is consistent with the existing development in this area, it should not block views to the water, and it should not compromise aesthetics.

The lack of lot depth, as well as other obstructions, create a hardship and limit the location for proper placement of a driveway and sidewalk in the street and side yard 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 \$150.00 (concrete driveway and sidewalk in the street and side yard). 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 7, 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 shore yard patio and stairs will be deleted from the proposal and that the proposed concrete driveway and sidewalk will be located solely in the street yard and side yard as discussed at the public hearing. The proposed sidewalk in the side yard must terminate at or before the southeast corner of the existing shore yard concrete patio.
4. Prior to zoning permit issuance, the applicant must submit a mitigation plan to the Racine County Development Services office for review and approval that illustrates and outlines how the excess impervious surfaces will be mitigated. This plan must ultimately be recorded with the Racine County Register of Deeds office.
5. There must be no unapproved excavation, filling, construction, or other land disturbances within the designated 100-year floodplain.
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.

B. Cody Burns -Burlington- The proposed single-family residence with attached garage and covered porches will have insufficient street yard setback.
9:25
9:36

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

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart**, to approve the variance request 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 February 6, 2023. Submitted documentation and public hearing testimony established a need for a single-family residence with attached garage and covered porches 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 single-family residence with attached garage and covered porches is consistent with the existing development in this area and the location should not impair visibility for traffic. 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 and covered porches 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 \$500.00 (single-family residence with attached garage and covered porches). 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 7, 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 and covered porches shall be located and sized as shown on the submitted site plan received by the Racine County Development Services office on January 11, 2023.
4. Prior to zoning permit issuance, the applicant must obtain a sanitary permit from the Racine County Development Services for a code compliant Private Onsite

Wastewater Treatment System (POWTS) to service the proposed single-family residence.

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.

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
9:39

None

C. Adjourn
9:39

There being no further business, **SCHAAL MOVED, seconded by Chart, to adjourn at 9:39 a.m. Motion carried unanimously. VOTE: 4/0**