

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
July 5, 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, Dave Hendrix, B. Jean Schaal, and Fred Chart

Staff present Jarmen Czuta, Kim Parsons

Chairman Bieneman called the July 5, 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 June 6, 2023, Racine County Board of Adjustment public hearing and board meeting summary minutes as submitted. **Motion carried unanimously. VOTE: 4/0**

Public Hearing

A.	Mark and Linda Lutz	-Waterford-	The paver patio/fire pit, stone wall and paver walk have insufficient shore yard setbacks.
9:03			
9:38			

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Mark Lutz was present to answer questions of the board members. Jeffrey and Tricia Kedrowicz and Kathy Imme were present and expressed opposition to the petition due to drainage issues.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to approve the petition.

Motion carried unanimously. VOTE: 4/0

The Board approved this variance request as the Racine County Public Works and Development Services Director did not object pursuant to his correspondence dated July 3, 2023. Submitted documentation and public hearing testimony established a need for a paver patio/fire pit, stone wall and paver walk to remain on this site 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 paver patio/fire pit, stone wall and paver walk are consistent with the existing development in this area, they should not block views to the water, and they should not compromise aesthetics. 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 a paver patio/fire pit, stone wall and paver walk on this property. The Board felt that the extensive amount of native shore yard plantings that have been installed at the subject property would offset any negative environmental impacts caused by the paver patio/fire pit, stone wall and paver walk. 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 (paver patio/fire pit, stone wall and paver walk) 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 April 5, 2024, unless substantial work has commenced pursuant to such grant. If the zoning permit is obtained prior to the nine-month expiration date, this approval shall run concurrent with the zoning permit, and shall subsequently expire upon the expiration of the zoning permit. An application for extension may be 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 paver patio/fire pit, stone wall and paver walk shall be located and sized as shown on the submitted plan received by the Racine County Development Services office on May 31, 2023.
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
9:38

B. Other business as authorized law
9:47

None

D. Adjourn
9:47

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 9:47 a.m. **Motion carried unanimously. VOTE: 4/0**