

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
July 2, 2024, 9:00 A.M.

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

Staff present Jarmen Czuta, Kim Parsons

Chairman Bieneman called the January 3, 2024, 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 4, 2024, Racine County Board of Adjustment public hearing and board meeting summary minutes as submitted. **Motion carried unanimously. VOTE: 4/0**

Public Hearing

A.	Kurt Lekschas	-Waterford-	The proposed detached garage will have an insufficient setback to the principal structure and an insufficient side yard setback.
9:04			
10:02			

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

At the Board portion of the hearing, **DAVE HENDRIX moved, seconded by Chart**, to approve the variance as presented. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director had no objection pursuant to his correspondence dated July 1, 2024. Submitted documentation and public hearing testimony established a need for a detached garage 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 is consistent with the existing development in this area, the location should not impair visibility for traffic, it should not block views to the water, and it should not compromise aesthetics. The zoning ordinance creates a hardship and limits the location for code compliant placement of a detached garage on this property as when the zoning ordinance requirements are applied there is no location on the subject property to locate a detached garage in a code compliant location. The proposed detached garage will be reconstructed on an existing foundation which has contained a detached garage that has existed since prior to the adoption of the revised Racine County Zoning Ordinance. 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 (13.4' x 21.4' detached garage). 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 2, 2025, 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 proposed 13.4' x 21.4' detached garage shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on June 5, 2024.
4. Firewall protection shall be installed according to town building and/or fire department codes.
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.

B.	Mark and Rachel Farchione	-Waterford-	The proposed covered porch with stairs addition will have an insufficient street yard setback.
9:10			
10:05			

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Mark Farchione was present to answer any questions the committee had.

At the Board portion of the hearing, **DAVE HENDRIX moved, seconded by Schaal**, to approve the variance as presented. **Motion carried unanimously. VOTE: 4/0**

The Board approved this variance request as the Racine County Public Works and Development Services Director had no objection pursuant to his correspondence dated July 1, 2024. Submitted documentation and public hearing testimony established a need for a covered porch with stairs addition to the existing residence to provide adequate and safe ingress and egress for the existing residence 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 existing residence that the proposed covered porch with stairs would be added to was built prior to the adoption of the revised Racine County Zoning Ordinance and based upon its location there is no option to provide adequate access to the existing street yard door without approval of a variance. The proposed covered porch with stairs addition is consistent with the existing development in this area, the location should not impair visibility for traffic, and it should not compromise aesthetics. The location of the existing residence in relation to the road right-of-way as well as other obstructions, creates a hardship and limits the location for proper placement of a covered porch with stairs addition 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, an area property owner submitted written support for this proposal 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 (6' x 25' covered porch with stairs addition to the existing residence). 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 2, 2025, 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 proposed 6' x 25' covered porch with stairs addition shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on June 5, 2024.
4. The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached.
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. 9:21 10:08	Mohsin and Zarina Dawoodbhai Turn Key Homes, Agent	-Waterford-	Request an appeal to a decision by the Development Services office relative to zoning permit 2024-016-019.
---------------------	-------------------------------------------------------	-------------	------------------------------------------------------------------------------------------------------------

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Mohsin Dawoodbhai and John Kreger from Turn Key Homes were present to answer questions of the committee.

At the Board portion of the hearing, **JEAN SCHAAL moved, seconded by Chart**, to deny the variance. **Motion carried unanimously. VOTE: 4/0**

The Board denied this variance request as the Racine County Public Works and Development Services Director recommended denial of this request pursuant to the memorandum dated July 1, 2024. The Wisconsin Department of Natural Resources recommended denial pursuant to the correspondence dated June 28, 2024. The Board may not grant an appeal of a staff decision that is inconsistent with the purpose and intent of the regulations for the district in which the project is located, and the proposed enclosed living space addition within the footprint of the existing shore yard uncovered wood deck is inconsistent with such as it would have an insufficient shore yard setback, which is contrary to zoning objectives. There were no exceptional, extraordinary, or unusual circumstances or conditions that apply to this parcel to allow for the granting of an appeal. No unnecessary hardship was demonstrated that would unreasonably prevent the owners from using the property for the permitted purpose allowed by code. The requested appeal is not necessary to provide reasonable use of the property. The applicants have other options available that will comply with the zoning ordinance including constructing a second story vertical expansion of the existing single-family residence within the footprint of the existing principal structure (residence). No appeal decision shall be granted that would create a substantial detriment to the adjacent property, and an abutting property owner indicated an objection to this appeal request.

SCHAAL MOVED, seconded by Chart, to close the public hearing. **Motion carried unanimously. VOTE: 3/0**

BOARD MEETING

A. Decisions on preceding petitions
10:02

B. Other business as authorized law
10:20

None

D. Adjourn
10:20

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 10:20 a.m. **Motion carried unanimously. VOTE: 4/0**