

RACINE COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES
October 1, 2024, 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 October 1, 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 August 6, 2024, 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.	Brandon and Tammie Begotka	-Waterford-	The proposed addition will have insufficient side and shore yard setbacks.
9:03			
10:00			

Czuta presented the petition. The Board heard public testimony and communications were read into the record. Tammie Begotka was present to discuss the reasoning behind their plan for the addition and to answer questions of the committee members.

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to layover this petition for up to three meetings.

Motion carried unanimously. VOTE: 4/0

The Board laid over this variance request for up to three (3) meetings. The layover will allow time to explore other options to redesign or possibly reduce the size of the addition to be in or more in compliance with the zoning ordinance requirements.

B.	Richard and Susan McClure Living Trust	-Norway-	The proposed addition will have an insufficient rear yard setback.
9:33			
10:02			

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

At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to deny the variance request as presented. **Motion carried. VOTE: 4/0**

The Board denied this variance request as the Racine County Public Works and Development Services Director did not support this request pursuant to the memorandum dated September 30, 2024. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located, and the proposed addition to the existing residence is inconsistent with such as it would have an insufficient rear 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 a variance. No unnecessary hardship was demonstrated that would unreasonably prevent the owners from using the property for the permitted purpose allowed by code. The requested variance approval is not necessary to provide reasonable use of the property. The applicant has other options available that will comply with the zoning ordinance including redesigning and/or reorienting the proposed addition to the existing residence and building a code-complying addition.

C.	John Funke	-Waterford-	The proposed shed will have an insufficient street yard setback
	9:55 10:06		

Czuta presented the petition. The Board heard public testimony and communications were read into the record. John Funke was present at the hearing to answer questions of the committee.

HENDRIX MOVED, seconded by Chart, to amend and approve this variance. **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 September 30, 2024. Submitted documentation and public hearing testimony established a need for a shed of this size and location 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 shed 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 shed on this property as when the zoning ordinance requirements are applied there is no location on the subject property to locate a shed in a code compliant location. 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 (10' x 14' shed). 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 July 1, 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 10' x 14' shed shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on September 5, 2024.
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
10:00

B. Other business as authorized law
10:08

None

C. Adjourn
10:08

There being no further business, **SCHAAL MOVED, seconded by Chart**, to adjourn at 10:08 a.m. **Motion carried unanimously. VOTE: 4/0**