



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
[www.cityofracine.org](http://www.cityofracine.org)

## Meeting Minutes - Final

### Board of Zoning Appeals

---

Wednesday, August 14, 2019

5:30 PM

City Hall, Room 205

---

#### Call To Order

*Associate Planner Jeff Hintz called the meeting to order at 5:30 p.m. Hintz stated that since the Chairman of the ZBA resigned, the ZBA would need to decide on a Chairman to run this meeting. He stated the Chairman of the ZBA will be elected at a future meeting.*

*Commissioner Hefel nominated Samuel Peete to Chair the meeting, Commissioner Lipor seconded the nomination. The nomination PASSED by a Voice Vote.*

*Commissioner Peete became the Chair of the ZBA for the current meeting.*

*PRESENT: 5 - Christina Hefel, Linda Yackley, Samuel Peete, George Matson, and Rod Lipor*

#### Approval of Minutes for the May 8, 2019 Meeting

**A motion was made by Hefel, seconded by Yackley, to approve the minutes of the May 8th meeting. The motion PASSED by a Voice Vote.**

#### [0917-19](#)

**Subject:** (Direct Referral) Consideration of a request from Bob and Judy Bagley, seeking to build a 12 foot x 12 foot sunroom addition to the rear of the dwelling unit at 1435 Spring Valley Drive. The proposed addition would encroach into the required yard as required by Sec. 114-295(a) of the Municipal Code. The required rear yard is 40 feet and the proposed yard would be 22.5 feet (ZBA-19).

**Attachments:**    [Public Hearing Notice](#)  
[Review and Recommendation](#)  
[Applicant Submittal](#)  
[Draft ZBA findings resolution](#)  
[Bagley ZBA Testimony.pdf](#)

*Hintz reviewed the request. He stated that the request is to build a sunroom addition at the rear of the property at 1435 Spring Valley Drive. Hintz reviewed the bird's eye view, showed the rear lot line of the property, a copy of the map that went out with the public hearing notice, a photo of the property and surrounding area, described the surrounding area, area photo, and zoning map. He stated the surrounding area consists of Mount Pleasant, and R2 Residential zoning. He stated the comprehensive plan call for medium density residential.*

*Hintz showed the elevation renderings and the site plan for the proposed addition. He stated the quality or aesthetics were not a reason staff is recommending denial. He stated it was one of the last homes built in the area. He stated the area was developed in the 1960's and the house was built in 1977 – the current zoning ordinance became effective in 1973. He stated the homes built in the 1960's were based off of the 1946 zoning ordinance which only required a 25 foot setback, however, much of the neighborhood conforms to the what is present in the zoning code from 1973. Hintz explained that the house currently has a 35 foot rear yard and is considered conforming due the depth of the lot.*

*Hintz explained the possible actions of the ZBA and described the required findings of fact for the approval of variances. He stated there was nothing particularly unique about the topography of the lot which prevents this development standards from being met. The regulation does not prohibit building on the lot rendering it unusable. He stated some of the properties have a shorter setback however the openness of the golf course behind some of the properties adheres to the requirement.*

*He stated upon visiting the site there is a change of grade, the house builds into a hill. It would be difficult to build a sunroom where the patio sits.  
Public Hearing opened at 6:01 p.m.*

*Peete swore in the following speakers for the request:*

*Bob Bagley, 1435 Spring Valley Drive, Racine, Wisconsin*

*Bagley passed out a copy of his testimony and photos of the site. A copy of the testimony that he read can be found attached to this agenda item. He passed out a copy of his testimony as well as copies of photos of the site.*

*After Bagley read his testimony Lipor asked if the elevation change where the current patio is is considered a hardship.*

*Hintz stated the board does not necessarily have to agree with staff findings. He stated it is not that staff does not care about the disability it just not one of the things that staff can considered along with money according to the state statutes.*

*The contractor stated that as a builder, the whole neighborhood is unique. He stated there are houses that are not meeting the different setback requirements. He stated what he thinks about setback is to keep space in between houses. Take the elevation away you will be staring right at the neighbor to the north with an all glass room. He stated this does make it a very unique situation stated – putting in the proposed location there will still be space between the neighbors and trees blocking. He stated the property really is a unique lot.*

*Peete closed the public hearing at 6:16 p.m.*

*Discussion ensued regarding the uniqueness of the lot in regards to the elevations of the property.*

*Discussion after the motion:*

*Based on the motion, Hintz revised the findings of a fact to reflect approval of the request.*

*Hintz stated staff did prepare recommended conditions. Hintz reviewed the conditions of approval.*

**A motion was made by Yackley, seconded by Matson, to approve the variance based on the fact that it is a unique situation based on the different elevations.**

### **Adjournment**

*There being no further business, the meeting adjourned at 6:26 p.m.*