

October 18, 2019

Racine County Public Works & Development Services
14200 Washington Avenue
Sturtevant, Wisconsin 53177

Re: Request for Extension of Variance
28924 Beach Drive, Town of Waterford
Parcel ID No. 01604191407000

Dear Racine County Zoning Board of Adjustment,

Our variance to raze an old cottage and construct a two-story, single family residence with an attached garage on the above property was approved on April 2nd, 2019. Within one week of that we started working with an architect on the plans for a home at that property. The plans have not been completed at this time, although are apparently getting close. A roof Truss issue is being discussed with truss manufacturers. Three different builders have been contacted and are awaiting delivery of said sets of plans. All of the builders appear to be extremely busy due to weather in both the spring and this fall. No demolition will occur this year. We are asking for an extension due to these circumstances. In the meantime the property is being maintained and left in its original condition.

We will be available to attend any meetings on this until Mid-January, 2020, when we will head to Florida for the remainder of the winter. If you have any questions, please contact us at 727/415-6790.

Sincerely,



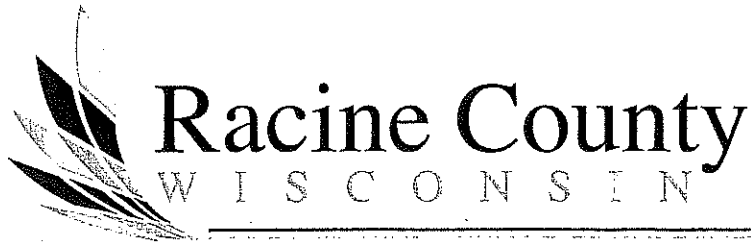

Lowell Nickerson & Patti Bacun

5936 North River Bay Rd.
Waterford, WI 53185

RECEIVED

OCT 23 2019

RACINE COUNTY



April 9, 2019

Jennifer M. Gorn, Attorney at Law
Wanasek, Scholze, Ludwig, Ekes & Gorn, SC
133 South Pine Street
P.O. Box 717
Burlington, WI 53105

Re: Variance Request
28924 Beach Drive, Town of Waterford
Parcel Id. No. 016041914077000

Dear Attorney Gorn:

The Racine County Zoning Board of Adjustment, at their meeting on April 2, 2019, approved your variance request to raze an existing residence and construct a two-story, single-family residence with an attached garage located at 28924 Beach Drive, Section 14, Town 4 North, Range 19 East, in the Town of Waterford.

The Board approved this variance request as:

1. The Racine County Public Works and Development Services Director recommended approval, pursuant to her correspondence dated March 11, 2019.
2. Submitted documentation and public hearing testimony established a need for a residence to be located on this site to preserve the substantial property rights of the owners that are also enjoyed by others in this area.
3. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed residence is consistent with the existing development in this area, it should not compromise aesthetics, it should have less impact on the neighboring property than the existing dwelling, and it will be located further from the Ordinary High Water Mark than what presently exists.
4. The unusual lot configuration, and the fact that a building envelope does not exist when applying required setbacks, create a hardship and limit the location for proper placement of a residence on this property.
5. The request does not appear to create substantial detriment to adjacent property, as there was no opposition shown at the public hearing, one area property owner submitted oral support for this proposal, and the public interest does not appear to be negatively impacted by this request.
6. The waters of the state will be protected by implementing required erosion-control measures and shoreland conditions.
7. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome, as applying the minimum setbacks would render this lot unbuildable.

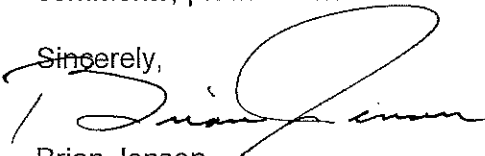
The Board granted approval subject to the following conditions:

1. **Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fees of \$345.00 for the single-family residence with attached garage and \$225.00 for the shoreland contract. (Total fees due: \$570.00).** This card must be displayed in a prominent location at the project site. In addition, 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 January 2, 2020, unless substantial work has commenced pursuant to such grant. 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 and attached garage shall be located and sized as shown on the submitted survey dated March 6, 2019, prepared by Registered Land Surveyor Gary B. Foat. The residence shall not be constructed closer than 26-feet to the road right-of-way and 35-feet from the Ordinary High-Water Mark.
4. Racine County Shoreland Conditional Use approval must be obtained before a zoning permit may be issued.
5. The applicants 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 applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations.
7. No 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.

Your accepting this variance approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Patricia Bacun and Lowell Nickerson and their heirs, successors, and assigns are responsible for full compliance with the above conditions. It is the property owners' responsibility to inform any subsequent owner or operator of these conditions.

THIS DECISION LETTER WAS FILED APRIL 9, 2019, AT THE RACINE COUNTY PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT, WHICH IS USED AS THE RACINE COUNTY ZONING BOARD OF ADJUSTMENT OFFICE. Any person, jointly or severally, aggrieved by any decision of the Board of Adjustment; any taxpayer; or any officer, department, board or bureau of the County may present an appeal of such decision of the Board of Adjustment within 30 days of the filing, pursuant to Sec. 59.694(10) of the Wisconsin Statutes. If you have any questions or comments, please contact the Racine County Development Services Office at (262) 886-8440.

Sincerely,



Brian Jensen
Development Services Superintendent

BDJ/ni

c: Tina Mayer, Town of Waterford Clerk
Tom Hincz, Town of Waterford Chairman & District #19 Supervisor
WDNR
File Copy

Notice is hereby given that the Racine County Zoning Board of Adjustment will hold a public hearing at 9:00 a.m. on Tuesday, April 2, 2019, in the Ives Grove Office Complex Auditorium, 14200 Washington Ave., Sturtevant, WI. This location is handicap accessible. If you have other special needs, contact (262) 886-8440. The purpose of the hearing is to hear appeals for relief from Chapter 20 (Zoning) of the Racine County Code of Ordinances, of:

Patricia Bacun & Lowell Nickerson
225 Howard Dr.
Belleair Beach, FL 33786
Atty. Jennifer Gorn, Agent

Request a variance to raze an existing residence and construct a two-story, single-family residence with an attached garage, located at 28924 Beach Dr., Sec. 14, T4N, R19E, Town of Waterford.

Permit was denied and a variance is requested as the proposed residence will have insufficient shore yard setback.

Applicants are subject to Article VI, Division 6, R-3A Suburban Residential District (Sewered); Art. VII, Div. 3, Shoreland; Art. VIII, Div. 8, Shoreland Uses; Sec. 20-191 Substandard Nonconforming Lots; Sec. 20-1017 Reduction or Joint Use of the Racine County Zoning Ordinance and Natural Resources Code 115 Minimum Zoning Standards for Shorelands of the Wisconsin Administrative Code

The above petition is on file in the Development Services Office at 14200 Washington Ave. This file is open for public review prior to the hearing date, from 8:00 a.m. to 12:00 p.m. & 12:30 p.m. to 4:30 p.m., Monday through Friday.

Published: March 20 & 25, 2019



Julie A. Anderson
Racine Co. Public Works & Development Services Director

DEGEN - FOAT SURVEYING, INC.

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182089S1.DWG

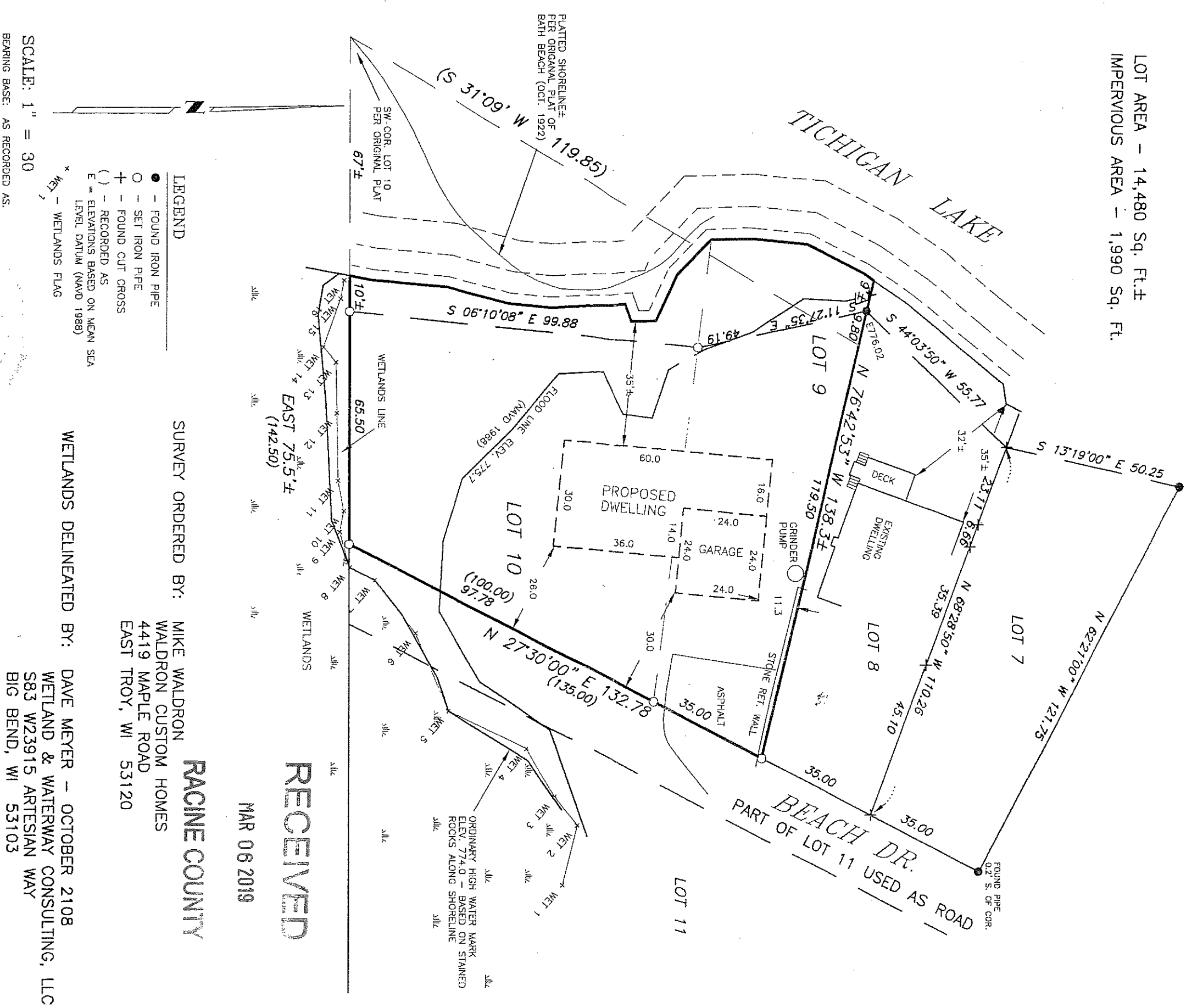
100 SOUTH SECOND STREET
WATERFORD, WISCONSIN 53185
(262)534-5404 (FAX)534-2022

PLAT OF SURVEY

LOTS 9 AND 10, BATH BEACH, A SUBDIVISION BEING PART OF GOVERNMENT LOT 2 IN THE NORTHEAST FRACTIONAL 1/4 OF SECTION 14, TOWN 4 NORTH, RANGE 19 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

* REFER TO A CURRENT TITLE REPORT FOR EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD THAT MAY AFFECT THIS LAND. *

LOT AREA - 14,480 Sq. Ft.±
IMPERVIOUS AREA - 1,990 Sq. Ft.

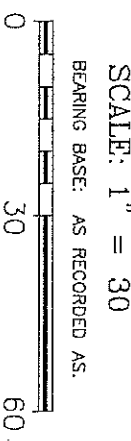


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MAR 06 2019

RACINE COUNTY
SURVEY ORDERED BY: MIKE WALDRON
WALDRON CUSTOM HOMES
4419 MAPLE ROAD
EAST TROY, WI 53120

WETLANDS DELINEATED BY: DAVE MEYER - OCTOBER 2108
WETLAND & WATERWAY CONSULTING, LLC
583 W23915 ARTESIAN WAY
BIG BEND, WI 53103

- LEGEND**
- - FOUND IRON PIPE
 - - SET IRON PIPE
 - + - FOUND CUT CROSS
 - () - RECORDED AS
 - E = ELEVATIONS BASED ON MEAN SEA LEVEL DATUM (NAVD 1989)
 - * WET - WETLANDS FLAG



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, OR GUARANTEE THE TITLE THERETO DATED AT WATERFORD, WI THIS 30th DAY OF OCTOBER 2018 REVISED: FEB. 5, 2019

RECORDED _____

[Signature]