

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: LYN CLEVELAND Applicant/Agent: BOWEE DESIGN + CONSTRUCTION

Address: 3652 MORAGA WAY P.O. Box 194 Date petition filed: 1-6-20 Hearing Date: 2-4-20

ROCKFORD, IL 61114 Kenosha, WI 53139 Municipality: DOVER

Phone (Hm) 815-519-3173 (Wk) ———— Zoning district(s): R-5

TO THE ZONING BOARD OF ADJUSTMENT/APPEALS: Please take notice that the undersigned was denied a permit or seeks an appeal of the Zoning Administrator for: to increase the size of a previously approved uncovered deck and concrete patio

at site address 23317 SHORE H. DRIVE, Section 22, T 3 N, R 20 E
Lot(s) — Blk — Subd/CSM — Parcel Id.# 000-03-20-22-013-000

in Racine County, Wisconsin, for the reason that the application failed to comply with Chapter 20 (Zoning) of the Racine County Code of Ordinances with respect to: the portion of the uncovered deck and concrete patio that is greater than what was previously approved will have insufficient shore yard setback

Applicant is subject to: Article VI, Division 8, R-5 Urban Residential District II; Art. VII, Div. 3 Shoreland; Art. VIII, Div. 8 Shoreland Uses; Section 20-191 Substandard Nonconforming Lots; Sec. 20-1017 Reduction of Joint Use; Sec. 20-1045 No Structures Permitted Within Shoreland Setback Area; and Natural Resources Code 115 Minimum Zoning Standards for Shorelands of the Wisconsin Administrative Code, of the Racine County Zoning Ordinance.

Check applicable below: (Underline or circle the word "all" or "partially" below, as needed)

- Property is all partially located in the shoreland area of EAGLE LAKE
- Project is all partially located in the shoreland area of Eagle Lake
- Property is all partially located in the floodplain area of EAGLE LAKE
- Project is all partially located in the floodplain area of NA
- Property is all partially located in a wetland area. Project is all partially located in a wetland area.

Indicate below or attach separate pages showing how your application meets the legal criteria for a variance.

1) Explain how the Ordinance creates an **unnecessary hardship** and in the absence of approval no feasible use can be made of the property. SEE ATTACHED

2) Describe the **exceptional, extraordinary or unusual circumstances** that are unique to this lot or structure. SEE ATTACHED

3) Describe how the approval would not create **substantial detriment** to adjacent property or materially impair or be contrary to the purpose and spirit of zoning or the public interest. SEE ATTACHED

4) Explain how the request is not based on **economic gain or loss** and is not **self-imposed**. SEE ATTACHED

Owner/Applicant's Signature K. Fresina AGENT OF BOWEE DESIGN Date 1/3/2020

Fee pd: \$ 450⁰⁰ Ck # 13272 (Payable to Racine County Development Services) · Attach required documentation

Mr. Lyn Cleveland Variance Notes:

1. Explain How the Ordinance creates an **unnecessary hardship** and in the absence of approval no feasible use can be made of the property.

Mr. Cleveland is raising an old and dilapidated home, porch and concrete patio. (Photos are attached.) The current home is located at 49.4' from the shoreline with the porch and concrete patio located within the 49.4' setback. (See Existing Plat of Survey) This has provided him with living area very close to the shore. With the new shoreline setback at 60.1, this does not allow room for his home and useable deck space and patio.

Mr. Cleveland is replacing the existing structure with a new home which is a 2-story, 1,730 Sq. Ft. home, with the structure being a rectangle shape, roughly 28' by 40'. (Colored renderings are attached.) The home design is modest in nature due to the limitation of the lot. With the design of the new home placed within the current setbacks, there is limited opportunity for a deck to be placed on the shore side of the home utilizing the 2 story exposure gained from the topography of the lot. The new home, under the current setback, will only allow for a minimal use 6' deck off the shore side of the home.

In addition, the shore at Mr. Cleveland's lot curves in at his property which results in having to push the setbacks even further into his property.

2. Describe the **exceptional, extraordinary or unusual circumstances** that area unique to this lot or structure.

The building envelope of the lot, including the decking and patio spaces, do not offer Mr. Cleveland the opportunity to enhance outdoor space for enjoying the lake. Due to the restrictions of the lot, Mr. Cleveland's home design was cognizant of the neighboring homes and maintaining sightline and enhancing the aesthetics of the property.

3. Describe how the approval would not create **substantial detriment** to adjacent property or materially impair or be contrary to the purpose and spirit of zoning of the public interest.

Mr. Cleveland's neighbors would not incur detriment as the new home would be set closer to the existing road and further from the lake than existing structures.

Current setback: 49.4 of existing home, porch and deck are within the setback

Setback with deck extension: 54.1

New code setback: 60.1'

The current minimal use 6' deck would be located within the 60.1' setback. An additional 6' extension to the deck would place the new home and deck approximately 54' from the

shoreline allowing for functional deck space. Adding the additional 6' to the deck would still be providing a larger setback than what is existing. (See Overlay Survey.)

Mr. Cleveland's neighbors 3 doors down, THOMAS and MARY TYLER 23409 N SHORE DR have also been issued a variance due to the building envelope size.

The increase in Impervious surfaces have already been addressed when applying for the Shoreland Contract. (See attached letter.)

4. Explain how the request is not based on **economic gain or loss** and is not **self-imposed**.

The request is not based on economic gain or loss and is not self-imposed. The reason this statement is accurate is Mr. Cleveland plans on this property be a long term, permanent home. No longer using the property for seasonal enjoyment. The new home design will have less impact on the neighboring properties than the existing structure..

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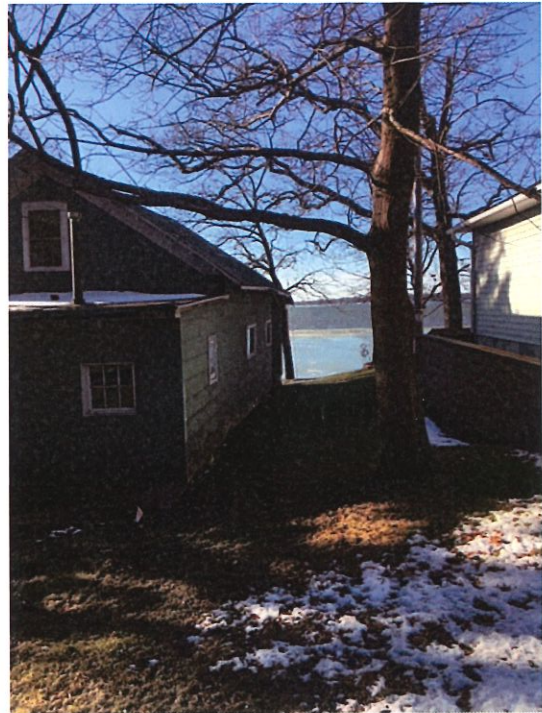
JAN 06 2020

RACINE COUNTY

STREET SIDE VIEWS OF EXISTING STRUCTURE



EAST SIDE



WEST SIDE

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JAN 06 2020

RACINE COUNTY



NEIGHBOR TO THE EAST SHORE SIDE VIEW



NEIGHBOR TO THE WEST SHORE SIDE VIEW

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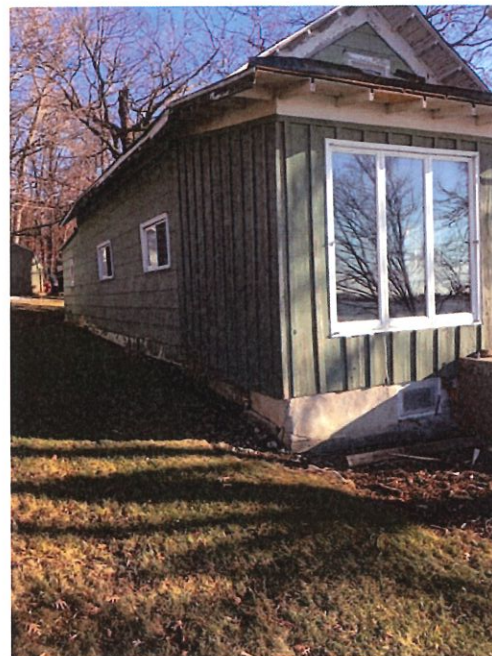
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RACINE COUNTY

SHORE SIDE VIEWS OF EXSITING STRUCTURE



EAST SIDE



WEST SIDE

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RACINE COUNTY

PROPOSED NEW HOME



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RACINE COUNTY

address: 23317 N. Shore Drive

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RACINE COUNTY

NEW HOUSE SURFACE S.F.

Property: 8,190 S.F. X 30% = 2457
House & Garage: 1,731 S.F.
Drive: 627 S.F.
Patio: 192 S.F.

11.5 x 4 = 46

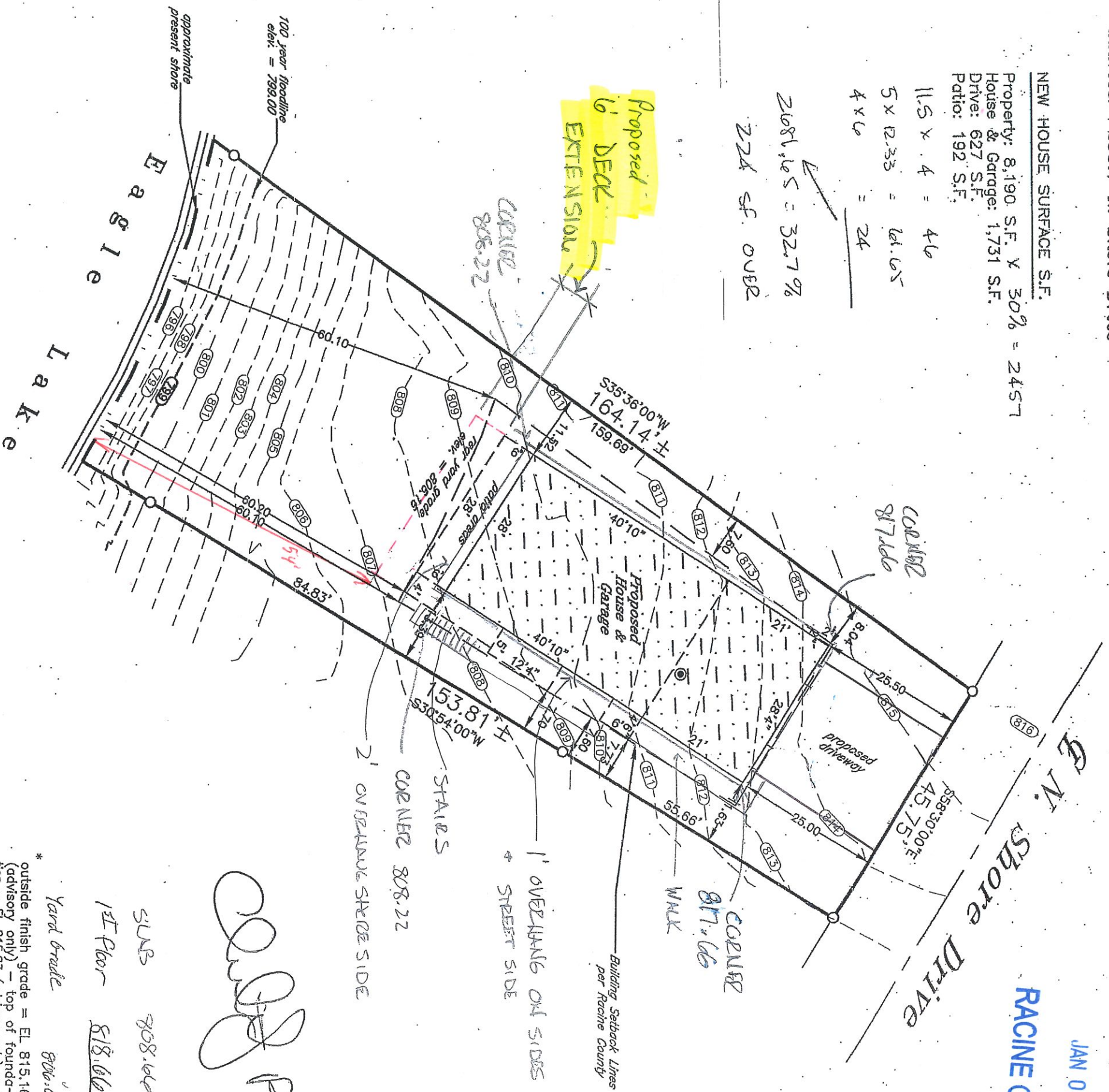
5 x 12.33 = 61.65

4 x 6 = 24

2081.65 = 32.7%

224 SF. OVER

Proposed
6' DECK
EXTENSION



[Handwritten signature]

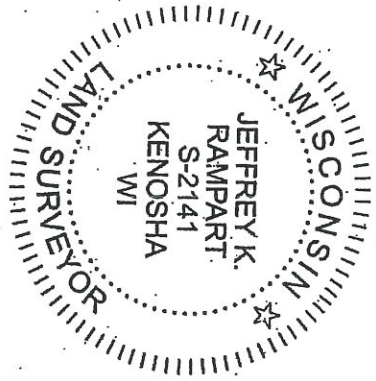
SUBS 708.64
1st Floor 818.66

* Yard grade 816.06 Lake
outside finish grade = EL 815.16 street
(advisory only) - top of founda-
tion = EL 815.83 (advisory only) un-
less otherwise determined in writ-
ing by Town Engineering Department

Limits of backfill =
~~road~~, road curb
+ 20' Lake side
* see condition #110 of contract
Verify exact numbers with limits of
Town Engineering Department
backfill

Proposed building field staked true size. Contractor to verify all dimensions before building by same. Refer to a current title report for easements or restrictions which may affect site.

J.R.R. SURVEYING, INC.
8121 SAND AVENUE
KENOSHA, WI 53143



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof.

[Handwritten signature]

Reg. Land Surveyor
December 3, 2019
Revised 12/14/19

Scale
1" = 20'



Plat of Survey of
PREMISES KNOWN AS TAX KEY NO.

006-03-20-22-013-000

in NE1/4 Section 22-3-20

TOWN OF DOVER
RACINE COUNTY, WIS.

-for-
Bower Design & Construction

OVERLAY

PLAT OF SURVEY

-OF-

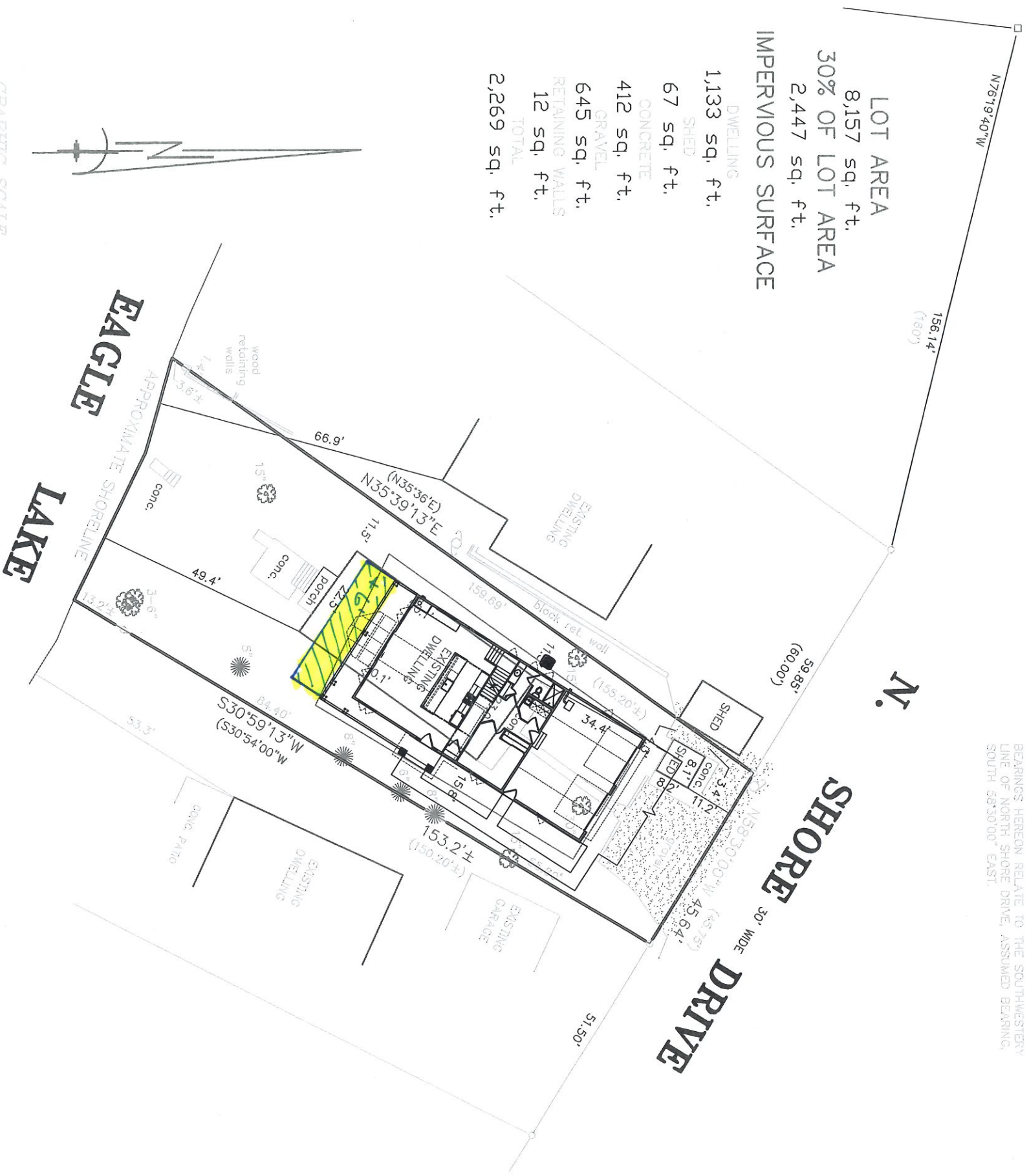
THAT PART OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 20 EAST, BOUNDED AS FOLLOWS: COMMENCE AT A POINT 808.05 FEET SOUTH AND 1518.25 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 35°36' WEST 170.24 FEET, MORE OR LESS, TO THE MARGIN OF EAGLE LAKE AND THE PLACE OF BEGINNING; THENCE NORTH 35°36' EAST 155.20 FEET, MORE OR LESS TO A POINT -15.04 FEET SOUTH 35°36' WEST OF THE POINT OF COMMENCEMENT FIRST MENTIONED; THENCE SOUTH 58°30' EAST 45.75 FEET; THENCE SOUTH 30°54' WEST 150.20 FEET, MORE OR LESS TO THE MARGIN OF EAGLE LAKE, THENCE NORTHERLY AND WESTERLY ALONG THE MARGIN OF EAGLE LAKE 56.80 FEET MORE OR LESS TO THE PLACE OF BEGINNING; TOGETHER WITH A RIGHT-OF-WAY OF INGRESS AND EGRESS TO AND FROM THE PREMISES ABOVE DESCRIBED IN COMMON WITH J.A. MCNAMARA AND CELIA MCNAMARA, HIS WIFE, THEIR HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS TO THE CENTER OF A TOWN ROAD LAID OUT AND RECORDED MARCH 15, 1888 IN VOLUME 1, PAGE 258, IN THE TOWN CLERK'S RECORDS, IN THE TOWN OF DOVER, OF THE WIDTH OF 30 FEET, HAVING AS ITS CENTER A LINE COMMENCING AT THE POINT OF COMMENCEMENT FIRST REFERRED TO ABOVE AND GOING THENCE SOUTH 58°30' EAST TO THE CENTER OF SAID TOWN ROAD. SAID LAND BEING IN THE TOWN OF DOVER, COUNTY OF RACINE AND STATE OF WISCONSIN.

SURVEY FOR: LYN CLEVELAND
SURVEY LOCATION: 23317 SHORE DRIVE

BEARINGS HEREON RELATE TO THE SOUTHWESTERN
LINE OF NORTH SHORE DRIVE, ASSUMED BEARING,
SOUTH 58°30'00" EAST.

LOT AREA
8,157 sq. ft.
30% OF LOT AREA
2,447 sq. ft.
IMPERVIOUS SURFACE

DWELLINGS
1,133 sq. ft.
SHED
67 sq. ft.
CONCRETE
412 sq. ft.
GRAVEL
645 sq. ft.
RETAINING WALLS
12 sq. ft.
TOTAL
2,269 sq. ft.

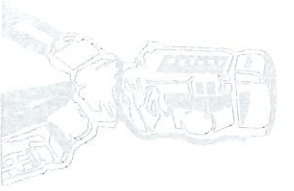


"I, hereby certify that I have surveyed the above described property and that this above map is a correct representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures, and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any."

"This survey is made for the use of the present owners of the property, and those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."

- LEGEND**
- FOUND IRON PIPE
 - FOUND IRON RACK BAR
 - FOUND IRON ROD
 - ∅ SET IRON PIPE
 - ☀ CONIFEROUS TREE
 - ☀ DECIDUOUS TREE

THIS IS NOT AN ORIGINAL PRINT
UNLESS THIS SEAL IS RED.



B.W. SURVEYING, INC.

LAND SURVEYS
MAPPING AND PLANNING
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225

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JAN 06 2020

RACINE COUNTY

ROBERT J. WETZEL

SEPTEMBER 18, 2018

DATE

S-1778

9706

JOB NUMBER

CLEVELAND
EXISTING

PLAT OF SURVEY

-OF-

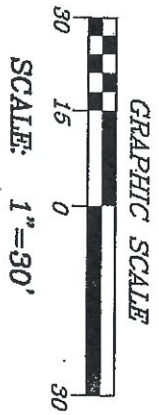
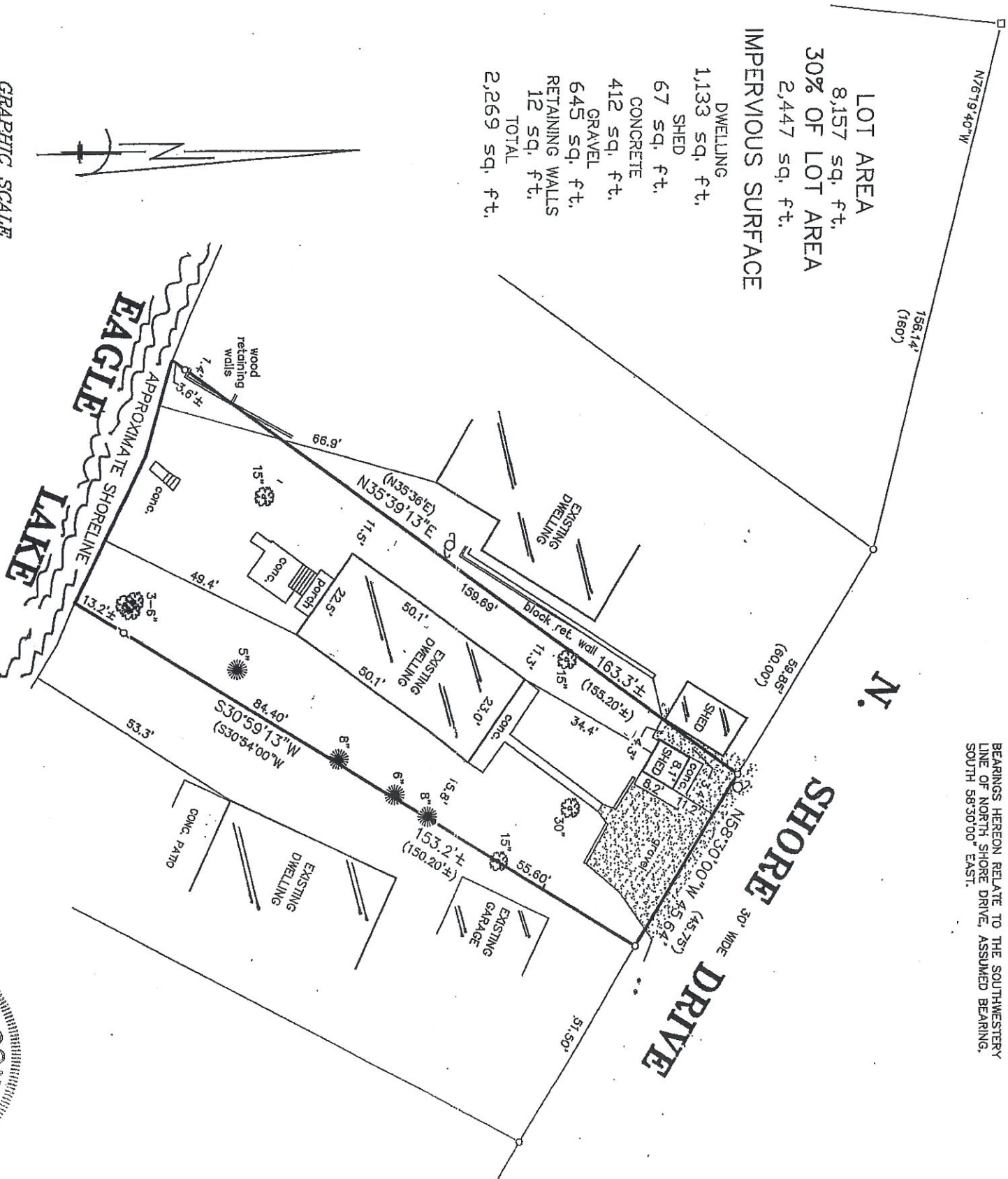
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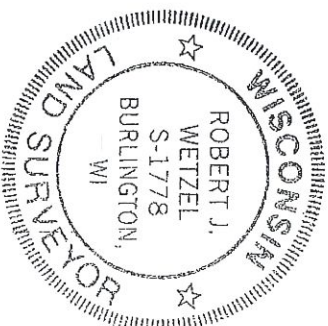
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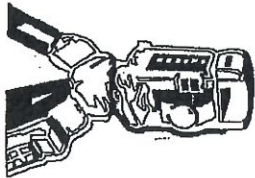
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Eagle Lake

floodplain

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