

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: David V. Durand Applicant/Agent: Thomas E. Stelling - Architect
Address: 5429 East Peninsula Drive Date petition filed: June 11, 2020 Hearing Date: July 7, 2020
Waterford, Wisconsin 53185 Municipality: Town of Waterford
Phone (Hm) 262-893-8866 (Wk) Zoning district(s): R-3A Suburban Residential District - Sewered

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: The Street Yard Setback (SB) requirements of 35' compliance with ordinance will make the site unbuildable. (See Exhibit 'A'). The plated road right of way (RW) on each street E. and W. Peninsula is listed at 15' each. The lot (99) depths is North 103' and lot (101) South 102'; in order to comply the setback to building E. Peninsula (15' RW + 35' SB + 50') - W. Peninsula (15' RW + 35' SB = 50') equals 100' or only 3' on north and 2' on south buildable. Even as a Substandard nonconforming lot at 25' each would only allow for a 13' deep home.
at site address South of address 5509 W. Peninsula Dr., Waterford, WI Section 23, T4 N, R 19 E
Lot(s) 99,100,101 Blk -- Subd/CSM Buena Park Parcel Id.#016041923151000
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: Division 6. -R-3A Suburban Residential District (Sewered): Section 20--318 Yard Setback Requirements.
Item (2) - Street Yard setback 35' (See Attached "Exhibit A") and explained above. Also Considered was Section 20-191- Substandard nonconforming lots.
New residence will have insufficient setbacks to conform with 20-318 or 20-191.

Applicant is subject to: Division 6 - R-3A - Suburban Residential District (Sewered); Section 20-318; Division 3 - Shoreland; Section 20-1183 - Review and approval by the zoning administrator of shoreland, flood plan application. Section 20-191 Substandard Nonconforming Lots; Section -1017 - Reduction of joint use. Section 20-1020 - Single Family Dwelling and two-family dwelling requirements Items (1), (2), and (3).

of the Racine County Zoning Ordinance.

Check applicable below: (Underline or circle the word "all" or "partially" below, as needed)
[X] Property is all/partially located in the shoreland area of Fox River and Tichigan Lake
[X] Project is all/partially located in the shoreland area of Fox River and Tichigan Lake
Property is all/partially located in the floodplain area of
Project is all/partially located in the floodplain area of
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. With the required Street Yard setbacks the site will not accommodate a residential structure. See "Exhibit A" Attached to this document.

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure.
Lots 99, 100 and 101 of the Buena Park Subdivision is bordered by two streets: West Peninsula Drive and East Peninsula Drive. When you incorporate the street right-of-way's (15') for both East and West Peninsula Drive and add in the standard lot 35' or 25' sub-standard lot to both streets, the buildable area is either 2' wide or 12' wide these buildable areas, both nonconforming. Options need to be determined and a Variance granted for the use of this property for its intended purpose.

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.
The surrounding existing homes have modified setbacks from the existing paved surface, and their setback from any deeded right-of-way may not exist. ("See Exhibit B") A granted variance would be in keeping with the existing developed home on both the east and west sides of West Peninsula and East Peninsula Drives.

4) Explain how the request is not based on economic gain or loss and is not self-imposed.
These lots were intended for the construction of a single family home, they were combined prior to Purchase for the development of a home. The granting of this Variance would be in-keeping with the other developed site in this area. A prior Variance has been granted on this lot.

Owner/Applicant's Signature Thomas E. Stelling Date June 11, 2020

Fee pd: \$ 600.00 Ck # 6342 (Payable to Racine County Development Services) Attach required documentation

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: David Durand

Applicant/Agent: Thomas Stelling

Address: 5429 E. Peninsula Dr.
Waterford, WI 53185

Date petition filed: 6-11-20 Hearing Date: 7-7-20

Municipality: Waterford

Phone (Hm) 262-893-8866 (Wk)

Zoning district(s): R-3A

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: shoreland conditional use approval and a variance to raze two detached garages and construct a single family residence with attached garage

at site address lot south of 5509 W. Peninsula Dr. (5422 E. Peninsula Dr.), Section 23, T 4 N, R 19 E
Lot(s) 99-101 Blk — Subd/CSM Buena Park Parcel Id.# 016041923151000

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 proposed residence will have insufficient street yard setbacks and will exceed the maximum height allowed for a substandard lot.

Applicant is subject to: Article VI Division 6 R-3A Suburban Residential District (Sewered); Art. VII, Div. 3 Shoreland; Art. VIII, Div. 8 Shoreland Uses; Section 20-191 Substandard Nonconforming Lots; Sec. 20-1017 Reduction or Joint Use; Sec. 20-1120 Average Street Yards 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 the Fox River Impoundment
- Project is all/partially located in the shoreland area of the Fox River Impoundment
- Property is all/partially located in the floodplain area of _____
- Project is all/partially located in the floodplain area of _____
- 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. _____

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

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. _____

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

Owner/Applicant's Signature _____ Date _____

Fee paid: \$ 600.00 Check # 6342 (Payable to Racine County Planning) •Please attach required documentation

APPLICATION FOR ZONING PERMIT
 RACINE COUNTY, WISCONSIN (Rev. 11/20)

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER David V. Durand
Mailing 5429 E. Peninsula Dr.
Address 601 Genesee Street #205
 Waterford WI 53108
 Delafield Wisconsin 53108
 City State Zip
Phone (H) 262-893-8866 (W) _____

APPLICANT Thomas E. Stelling
Mailing _____
Address P.O. Box 506, 181 West Chestnut Street
 Burlington Wisconsin 53105
 City State Zip
Phone (H) Cell 262-492-0482 (W) 262-763-8725

Parcel Id. # 016041923151000 Site Address 5422 E Peninsula Dr. South of Lot 5509 West Peninsula Drive

Municipality Twon of Waterford Section(s) 23 Town 4 North, Range 19 East
 99, 100,
 Lot 101 Block ---- Subdivision Name Buena Park CSM # ----

Proposed Construction/Use New Single Family Home *Single Family Residence*
with attached garage

New	<input checked="" type="checkbox"/>	Principal Bldg.	<input checked="" type="checkbox"/>	Size (40'-0" x 34'-0") (34'-0" x 24'-0") (24'-0" x 24'-0")
Addition	_____	Accessory	_____	Area (sq ft) (1360+(sq. ft.)) (816 (sq. ft.)) (576 + (sq. ft.))
Alteration	_____	Deck	_____	# of Units/Stories 1 / 3 Building Ht.-Avg. (ft.) _____
Conversion	_____	Sign	_____	Peak Ht. (ft.) 33' 100-Yr. Floodplain Elev. NO 775.7
Temporary	_____	Other	_____	Eave Ht. (ft.) _____ Flood Protection Elev. NO 777.7

Contractor To Be Determined **Est. Value w/Labor** \$ 350,000 +/- **ZONING DISTRICT** R-3A

Existing Nonconforming?	N/A <input checked="" type="checkbox"/>	* Yes _____ No _____	Yard Setbacks	Proposed	OK?
*Structure's Fair Mrkt Value \$	_____	Cumulative % _____	Street-1 st	20'-0"	_____
*>50% of Fair Market Value?	N/A _____	Yes N/A No N/A	Street-2 nd	18'-0"	_____
Structure in Shoreland? (per map)	Yes <input checked="" type="checkbox"/> No _____	Side-1 st	10'-2"	_____	_____
Structure in Floodplain? (per map)	Yes _____ No <input checked="" type="checkbox"/>	Side-2 nd	Shown @ 87'-3"	_____	_____
Structure in Wetland? (per map)	Yes _____ No <input checked="" type="checkbox"/>	Rear	NA	_____	_____
Substandard Lot?	Yes <input checked="" type="checkbox"/> No _____	Shore	N/A	_____	_____
Abutting Lot-Same Owner/Closely Related?	Yes _____ No <input checked="" type="checkbox"/>	Total Acc. Structures	_____	_____	_____
BOA Variance Needed?	Yes <input checked="" type="checkbox"/> No _____	Date of Approval	_____	_____	_____
Conditional Use/Site Plan Needed?	Yes _____ No <input checked="" type="checkbox"/>	Date of Approval	_____	_____	_____
Shoreland Contract Needed?	Yes <input checked="" type="checkbox"/> No _____	Date of Approval	_____	_____	_____

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes No _____ (If "Yes," see back)

The applicant hereby acknowledges receipt of notice contained herein and certifies that submitted information/ attachments are true and correct to the best of the knowledge and belief of the signer, and that all construction/ use will be done in accordance with the Zoning Ordinance, applicable stipulations, and Wisconsin laws.

BOA/Conditional Use/Site Plan Pd: \$ 600.00 *Thomas E. Stelling* June 11, 2020
 CC Date/Check/Cash # 6342 **Signature of Owner /Applicant** **Date**

Shoreland Contract Fee Pd: \$ _____ Thomas E. Stelling
 CC Date/Check/Cash # _____ **Print Name(s)**

Zoning Permit Fee Pd: \$ 500.00
 CC Date/Check/Cash # _____ Notes (revisions, extensions, etc.)

Other: _____ Pd: \$ _____ *Jcc*
 if shoreland erosion review fee is included above Zoning Administrator (Staff Initials)

Make checks payable to "Racine County Development Services" - **Note: ALL FEES ARE NONREFUNDABLE (OVER)**

PIN 0160419-23-151000

If a private onsite wastewater treatment system (POWTS) serves the property, check here and complete # 1-6 below:

- 1) Sanitary Permit # _____ Date issued _____ Year installed _____ Failing? _____
- 2) **If zoning permit is for an accessory structure without plumbing, check here and go to #4 below.**
- 3a) If a commercial facility, public building, or place of employment, will there be a change in occupancy of the structure; or will the proposed modification affect either the type or number of plumbing appliances, fixtures or devices discharging to the system? **Yes*** No N/A
- 3b) If a dwelling, will the addition/alteration change the number of bedrooms? **Yes*** No N/A
*If "Yes" above, documentation must be submitted per SPS 383.25 (2) (d) to verify system can be used.
- 4) Will construction interfere with the setback requirements to the POWTS per SPS 383.43 (8) (i)? Yes No
If "Yes," provide variance approval date: _____
- 5) Has a new sanitary permit been issued to accommodate the structure or proposed modification in wastewater flow or contaminant load **and/or** County sanitary approval granted? Yes No
- 6) Comments _____
POWTS Inspector's Signature: _____ Date: _____

ZONING PERMIT REQUIREMENTS

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin for all new principal structures located on lots less than five (5) acres in size. All zoning permit applications shall be accompanied by plans drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon and any primary and accessory buildings, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building and the number of families and/or employees the building is intended to accommodate. Include floodplain, wetlands, environmental corridors, easements and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for ordinance enforcement. Adequate driveway access and off-street parking stalls must be provided in accordance with Sec. 20-1088, Racine County Code of Ordinances. In addition, if a private sewage system exists, the location of the tank(s), system and vent shall be shown on the plan with setback distances to the closest part of the proposed construction.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. The lot and location of the building thereon shall be staked out on the ground before construction is started. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from the closest point of the ordinary highwater mark of a navigable body of water. All elevations shall be provided in mean sea level datum.

All zoning permits issued pursuant to this ordinance are valid for nine (9) months unless substantial construction has commenced and is continuing, otherwise such zoning permits shall become null and void and a new zoning permit is required. It is the responsibility of the applicant to secure all other necessary permits required by any federal, state or local agency. The issuance of a zoning permit is not a guaranty or warranty that the requirements have been met for other necessary permits, or that the site is otherwise suitable for construction.

NOTICE: YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER. See DNR web site <http://dnr.wi.gov/wetlands/locating.html> for more information.

ADDITIONAL ZONING PERMIT STIPULATIONS (check all that apply)

- Proposed structure is for personal use only and not to be used for human habitation or separate living quarters. No business, commercial or industrial use is allowed.
- All disturbed soils must be reseeded and mulched or sodded immediately upon completion of project.
- Must install the following within 14 days of completion of roof: gutters and downspouts which outlet onto splashblocks or into drain tiles; or a hard surface material that extends at least 16" beyond the dripline of the structure.
- All excess soil not used for backfilling project must be removed from the shoreland area within 10 days of excavation.
- A hard surface material must be placed beneath the deck to prevent soil erosion.
- All existing yard grade elevations will remain unchanged.
- Firmly anchor, no floor < _____'; Buoyant, flammable, explosive or injurious materials/utilities/electric & 1st floor ≥ _____'