

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Jacques Fernandes and
Cassandra Rippbeger

Applicant/Agent: Dennis R. Lynch

Address: 6622 Channel Road
Waterford, WI 53185

Date petition filed: 09/10/2020 Hearing Date: 10/06/2020

Municipality: Town of Waterford

Phone (Hm) 773-750-7025 (Wk)

Zoning district(s): R3-A

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: Block retaining walls and stairs (constructed without permit or approval)

at site address 6622 Channel Road, Section 14, T 4 N, R 19 E Lot(s) 121 Blk - Subd/CSM Fox Point Park No. 3 Parcel Id.# 016-04-19-14-213-000 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 block retaining walls and stairs have insufficient shore yard setback

Applicant is subject to: Article VI, Division 6, R-3A Suburban Residential District (Sewered); Section 20-191 Substandard nonconforming lots; Sec. 20-1017 Reduction or Joint Use 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 Fox River
Project is all/partially located in the shoreland area of Fox River
Property is all/partially located in the floodplain area of Fox River
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. 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

RECEIVED

SEP 09 2020

RACINE COUNTY

Owner/Applicant's Signature [Signature]

Date 09/09/2020

Fee pd: \$ 450.00 Ck # pd in full (Payable to Racine County Development Services) Attach required documentation

Dennis R. Lynch cc 9/10/2020

ATTACHMENT TO APPLICATION FOR VARIANCE

JACQUES FERNANDES & CASSANDRA RIPPBEGER

The applicants purchased the property in 2012. At the time of purchase, the landscaping was in great need of repair. Over time the water run-off became a problem due to development to the south, which is much higher in elevation than our lot.

Petitioner understood that he could construct a retaining wall without a permit providing the wall was more than fifty (50) feet from the Fox River. The wall as constructed is, at the closest point, 52.5 feet from the river and is consistent with many other improvements in the area.

During the applicant's occupancy of the residence, water runoff was a continuing issue. By placing fill at a grade approximately level with adjacent Lot 121, runoff was reduced and erosion substantially eliminated. The amount of fill varied. Applicant's lot, at the south boundary, was approximately level with Lot 120. The lot then tapered off to the north and towards the Fox River. At the southwestern most point of the wall, as constructed, approximately 48" of fill was added.

RECEIVED

SEP 09 2020

RACINE COUNTY

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

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER Jacques Fernandes and
 Cassandra Rippbeger
Mailing Address 6622 Channel Road

APPLICANT Dennis R. Lynch
Mailing Address 432 Milwaukee Avenue

City Waterford, WI State WI Zip 53185
Phone (H) 773-750-7025 (W) _____

City Burlington, WI State WI Zip 53105
Phone (H) _____ (W) 262-763-2451

Parcel Id. # 016-04-19-14-213-000 Site Address 6622 Channel Road, Waterford

Municipality Town of Waterford Section(s) 14 Town 4 North, Range 19 East

Lot 121 Block — Subdivision Name Fox Point Park No. 3 CSM # —

Proposed Construction/Use Block retaining walls and stairs (constructed without permit or approval)

New Addition	<input checked="" type="checkbox"/>	Principal Bldg.	_____	Size (* See attached survey)	(<u>—</u> x <u>—</u>)
Alteration	_____	Accessory	_____	Area (sq ft)	(<u>60</u>) (<u>30</u>) (<u>—</u>)
Conversion	_____	Deck	_____	# of Units/Stories	<u>1</u> / <u>1</u>
Temporary	_____	Sign	_____	Building Ht.-Avg. (ft.)	_____
	_____	Other	<u>retaining walls</u>	Peak Ht. (ft.)	<u>4'</u>
	_____		<u>4 ft</u>	100-Yr. Floodplain Elev.	<u>775.7</u>
	_____			Eave Ht. (ft.)	_____
	_____			Flood Protection Elev.	<u>777.7</u>

Contractor Applicant _____ **Est. Value w/Labor** \$ 15,000.00 **ZONING DISTRICT** R-7A

Existing Nonconforming?	N/A	<input checked="" type="checkbox"/>	* Yes	_____	No	_____	Yard Setbacks	Proposed	OK?
*Structure's Fair Mrkt Value \$	<u>N/A</u>		Cumulative %	_____	Street-1 st	_____	<u>± 18'</u>	_____	<u>yes</u>
*>50% of Fair Market Value?	N/A	<input checked="" type="checkbox"/>	Yes	_____	No	_____	Street-2 nd	_____	_____
Structure in Shoreland? (per map)		<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	_____	Side-1 st	(N) <u>± 11'</u>	<u>yes</u>
Structure in Floodplain? (per map)			Yes	_____	No	<input checked="" type="checkbox"/>	Side-2 nd	(S) <u>± 4'</u>	<u>yes</u>
Structure in Wetland? (per map)			Yes	_____	No	<input checked="" type="checkbox"/>	Rear	_____	_____
Substandard Lot?		<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	_____	Shore	<u>pers surveyor ± 52'</u>	_____
Abutting Lot-Same Owner/Closely Related?			Yes	_____	No	<input checked="" type="checkbox"/>	Total Acc. Structures	_____	_____
BOA Variance Needed?		<input checked="" type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	_____	Date of Approval	_____	_____
Conditional Use/Site Plan Needed?			Yes	_____	No	<input checked="" type="checkbox"/>	Date of Approval	<u>—</u>	_____
Shoreland Contract Needed?		<input checked="" type="checkbox"/>	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: \$ 450.00 Signature of Owner / Applicant _____ Date 09/09/2020
 CC Date/Check/Cash # 9/10/2020

Shoreland Contract Fee Pd: \$ _____ Print Name(s) Dennis R. Lynch

* Quadruple fee Zoning Permit Fee Pd: \$ 600.00 Notes (revisions, extensions, etc.) _____

Other: _____ Pd: \$ _____ Zoning Administrator _____ (Staff Initials)

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

RECEIVED

SEP 09 2020

RACINE COUNTY

PIN 0160419 - 14 - 213000

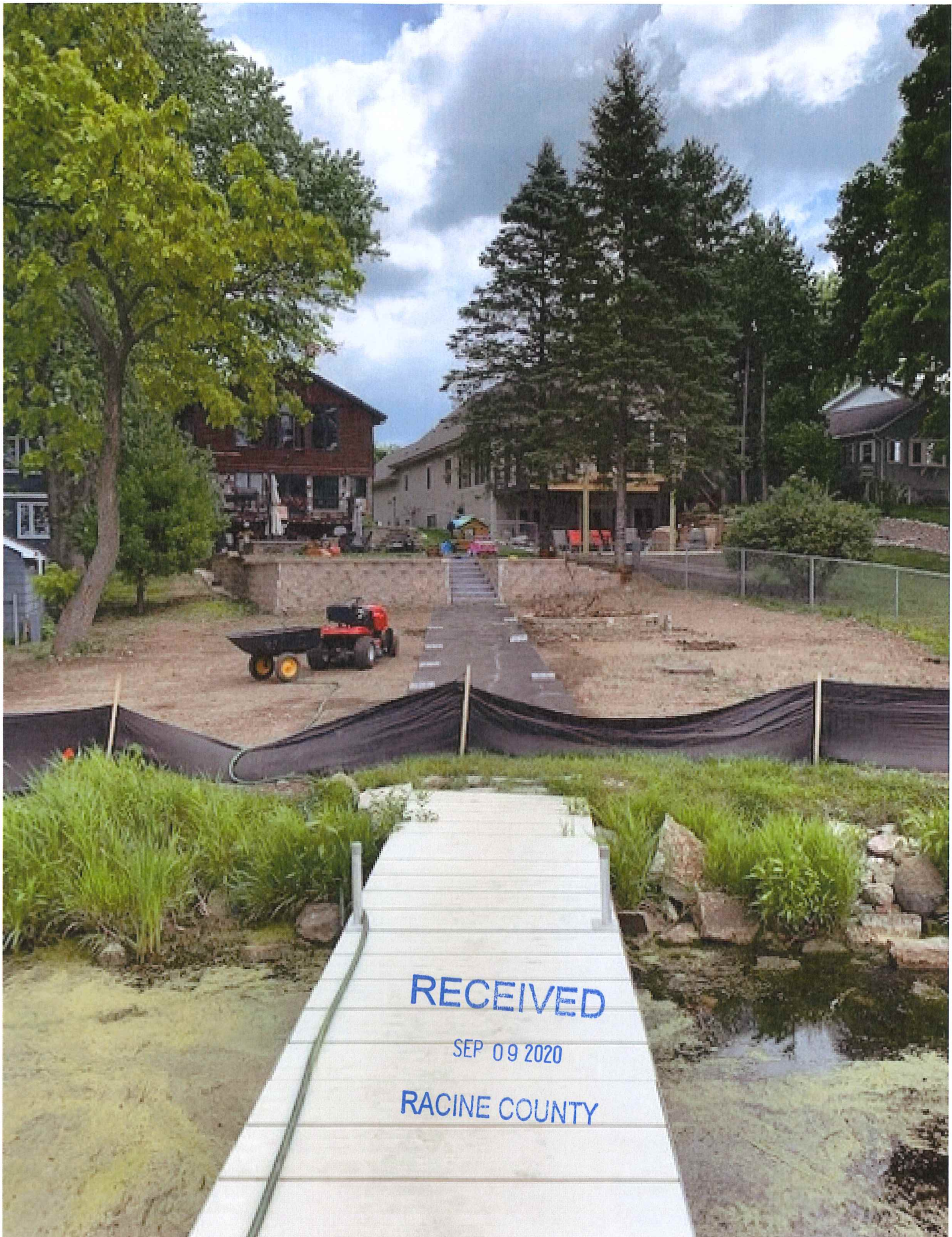




RECEIVED

SEP 09 2020

RACINE COUNTY



RECEIVED

SEP 09 2020

RACINE COUNTY

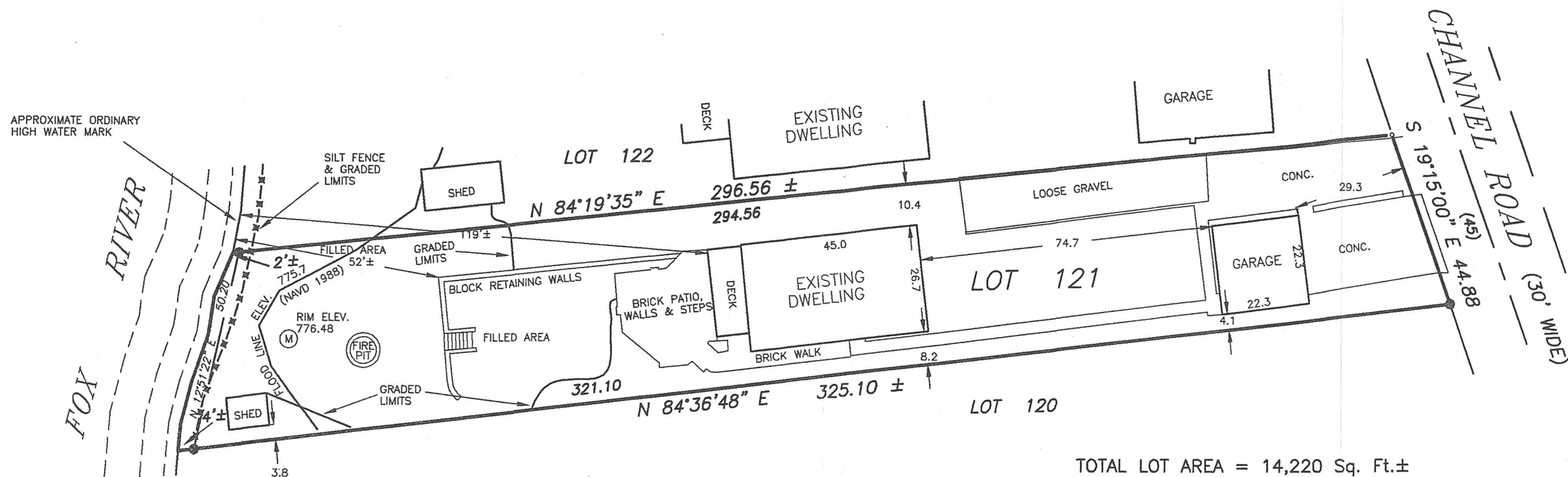
DEGEN - FOAT SURVEYING, INC.

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

PLAT OF SURVEY

LOT 121 OF FOX POINT PARK NO. 3, A SUBDIVISION LOCATED IN THE NORTHWEST 1/4 OF SECTION 14, TOWN 4 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, TOWNSHIP OF WATERFORD, RACINE COUNTY, WISCONSIN.

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



TOTAL LOT AREA = 14,220 Sq. Ft.±

IMPERVIOUS AREA INCLUDING NEW RETAINING AND STEPS = 4,699 Sq. Ft.

NEW RETAINING WALL AND STEPS = 147 Sq. Ft. (INCLUDED IN CALCS.)

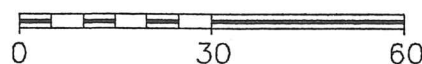
LOOSE GRAVEL AREA = 783 Sq. Ft. (NOT INCLUDED IN CALCS.)

LEGEND

- - FOUND "MAG" NAIL
- - FOUND IRON PIPE
- - FENCE
- () - RECORDED AS
- (M) - SANITARY MANHOLE (EASEMENT NOT LOCATED)

SCALE: 1" = 30'

BEARINGS BASED ON THE WEST LINE OF CHANNEL ROAD - RECORDED AS S 19°15' E.



SURVEY PREPARED FOR: JACK FERNANDES
6622 CHANNEL ROAD
WATERFORD, WI 53185

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 WITHIN (1) YEAR FROM THE DATE HEREOF.

DATED AT WATERFORD, WI THIS 21st DAY OF JULY 2020

RECERTIFIED

Gary B. Foat

RECEIVED

SEP 09 2020

RACINE COUNTY