

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: RICK NELSON / RBKB Real Estate LLC Applicant/Agent: JOHN F. "FRANK" & JEN CALLAHAN

Address: S73W17240 LAKE DR. Date petition filed: 10/02/2020 Hearing Date: 11/03/2020

MUSKEGO, WI 53150 Municipality: TOWN OF WATERFORD

Phone (Hm) 303-642-6091 (wk) John Callahan 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: to construct 15.5' x 30' shore yard deck with pergola and 6.0' x 8.0' stairs addition to the existing residence

at site address 7423 N TICHIGAN ROAD, Section 11, T 4 N, R 19 E Lot(s) — Blk — Subd/CSM — Parcel Id.# 016041911076000

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 shore yard deck with pergola and stairs will have insufficient shore yard setback.

Applicant is subject to: Article VI, Div. 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, and Natural Resources Code 115 Minimum zoning standards for Shorelands

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 TICHIGAN LAKE
X Project is all/partially located in the shoreland area of Tichigan Lake
X Property is all/partially located in the floodplain area of Tichigan Lake
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

Owner/Applicant's Signature Date 10/02/2020

Fee paid: \$ 450.00 Check # 3898 (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 RBKB Reel Estate LLC

APPLICANT John + Jennifer Callahan

Mailing

Mailing

Address 573 W 17240 Lake Dr.

Address 2865 Beeler St.

Muskego WI 53150

Denver CO 80238-2675

City State Zip

City State Zip

Phone (H) 414-698-6257 (W)

Phone (H) 303-642-6091 (W)

Parcel Id. # 016041911076000

Site Address 7423 N. Tichigan Rd.

Municipality Waterford Section(s) 11 Town 4 North, Range 19 East

Lot — Block — Subdivision Name — CSM # —

Proposed Construction/Use shore yard deck with pergola and stairs

New Addition	Principal Bldg.	Size	(<u>15.5' x 30'</u>) * (<u>6' x 8' x —</u>) (— x —)
Alteration	Accessory	Area (sq ft)	(<u>385 ft²</u>) * (<u>48 ft²</u>) = (<u>433 ft² Total</u>)
Conversion	Deck	# of Units/Stories	<u>1 / 1</u> Building Ht.-Avg. (ft.) <u>—</u>
Temporary	Sign	Peak Ht. (ft.)	<u>+ 4'</u> 100-Yr. Floodplain Elev. <u>775.7</u>
	Other	Eave Ht. (ft.)	<u>—</u> Flood Protection Elev. <u>777.7</u>

Contractor Applicant Est. Value w/Labor \$ 12,000 ZONING DISTRICT R-3A

Existing Nonconforming?	N/A <input checked="" type="checkbox"/>	* Yes <input type="checkbox"/> No <input type="checkbox"/>	Yard Setbacks	Proposed	OK?
*Structure's Fair Mkt Value \$	<u>—</u>	Cumulative % <u>—</u>	Street-1 st (Res.)	<u>0.0'</u>	<u>yes</u>
*>50% of Fair Market Value?	N/A <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Street-2 nd	<u>N/A</u>	<u>—</u>
Structure in Shoreland? (per map)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Side-1 st	<u>9.3'</u>	<u>yes</u>
Structure in Floodplain? (per map)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Side-2 nd	<u>10.4'</u>	<u>yes</u>
Structure in Wetland? (per map)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Rear	<u>N/A</u>	<u>—</u>
Substandard Lot?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Shore	<u>22' 4 7/16"</u>	<u>—</u>
Abutting Lot-Same Owner/Closely Related?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Total Acc. Structures	<u>—</u>	<u>—</u>
BOA Variance Needed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Date of Approval	<u>—</u>	<u>—</u>
Conditional Use/Site Plan Needed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Approval	<u>—</u>	<u>—</u>
Shoreland Contract Needed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Approval	<u>—</u>	<u>—</u>

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

Cash/Check/CC Date # 3898

Signature of Owner /Applicant

Date

Shoreland Contract Fee Pd: \$ _____

Cash/Check/CC Date # _____

Print Name(s)

Zoning Permit Fee Pd: \$ 75.00

Cash/Check/CC Date # _____

Notes (revisions, extensions, etc.)

Other: Pd: \$ _____

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 0160419-11-076000

02 October 2020

John F and Jennifer J Callahan
2865 Beeler Street
Denver, CO 80238

Public Works & Development Services
14200 Washington Avenue
Sturtevant, WI 53177

Re: Variance Request Application
7423 N Tichigan Road, Town of Waterford, Racine County
Parcel ID : 016041911076000
Owner: RBKB Real Estate LLC, Rick Nelson

Dear Racine County Zoning Board of Adjustment Members,

I ask that you review the attached materials in support of my request to grant a variance that will allow an adequate sized deck and pergola, detailed on attached documents, at 7423 N Tichigan Rd. My request is based on the fact that the lot is at an awkward angle, approx. 35 degrees off of being perpendicular to the Tichigan Lake shoreline, as evidenced by the survey. A deck edge that is parallel to the shoreline within the required 35' shoreline setback results in a shape and size that does not accommodate a seating area for more than ~4 people, nor will it accommodate a small eating area. The imperative for an eating area is high because there is not a space for dining inside, aside from the kitchen counter. The lack of a dedicated interior eating area, neither a kitchen or dining table, was a previous design concession necessitated by the impairments of setbacks on the footprint of the house. Further, the rear of the house and outside entertainment area are facing south and have a high exposure to direct sun and resulting heat throughout the summer months. As a result, it is our goal to introduce an open pergola shade structure attached to house, extending over the proposed deck, to dramatically increase its usability and visual appeal. This is simply not feasible with the previous deck plan. Please grant a variance that will allow the deck to extend out from rear of house 11.5'/15.5', as shown. The specific geometry of this site is very unforgiving and is at the root of the associated hardship, such that fair consideration should be given to granting the measurement of the 35.1' shoreline setback at the center of the rear lot line and in a straight line versus the most minimal lot edge and perpendicular to the angled shoreline. The only neighboring house seems to have a shoreline setback of just less than 22' already. So, there is zero negative affect on them, because they would be in line AND the massing and of an open-air deck and pergola are very different than that of a house. Consideration must also be given to the supposed "impervious" characteristics of an open air deck. This deck and pergola is nothing like a house or a concrete driveway, because water does pass through. We are very hopeful that you all will grant this variance based on this very specific situation. Your consideration is very much appreciated.

Thank you,



John F. "Frank" and Jennifer J Callahan
(submitted with the expressed written permission of Rick Nelson as current owner, see attached below)

RECEIVED

JUL 07 2020

RACINE COUNTY

1.) Creates an unnecessary hardship... no feasible use of property

7423 N Tichigan Rd is a 3BD/2.5BA home (plus one pullout sofa bed) in which we intend to oftentimes have 8 people staying. The multitude of setbacks that apply to this property and its inherent geometry have already significantly impacted its development. Specifically, it has led to the exclusion of space dedicated to dining. There is a kitchen counter, but neither space for a kitchen table nor a dining table.

This is a lakefront home for which we are paying an exceptional premium. It is our hope that we will be able to maximize our enjoyment of said lake by spending time outside dining, conversing, and relaxing on the proposed deck. An adequate size deck for these 8 people is obviously critical to this endeavor. 385 sq. feet is adequate to this purpose, 150 sq. feet is not feasible to allow for these uses.

The lot faces south and is subject to direct exposure to the sun and the resulting oppressive heat at the exact times of year that we most want to be outside enjoying our property and the adjacent lake. A deck as proposed will allow us to incorporate an open air pergola that provides shade which will minimize these issues, but a small 150 sq. ft. "triangle" shape does not provide for that option.

2.) Exceptional, extraordinary, or unusual circumstances

The lot lines of this lot are ~35 degrees from being perpendicular to the shoreline. This has an exceptionally limiting factor on the usable square footage of the lot. I estimate it to have a 28% detrimental effect on the usability, since 99% of construction uses rectilinear forms, e.g. squares and rectangles versus triangles and circles.

Allowing for the 35.1' shoreline setback to be considered in the middle of the lot shoreline straight back from rear of house versus at one controlling extreme seems to be an appropriate way to grant an accommodation for the extraordinary and unusual geometric circumstances of this particular lot.

3.) Would not create substantial detriment to adjacent property

The only directly adjacent property appears to have been grandfathered in to previous setback requirements which seemingly have allowed it to sit at ~22' from the shoreline, so this newly proposed deck would not be much in their view. Further, the massing of an open-air deck and pergola is minimal when compared to that of the "solid" structure and mass of a house.

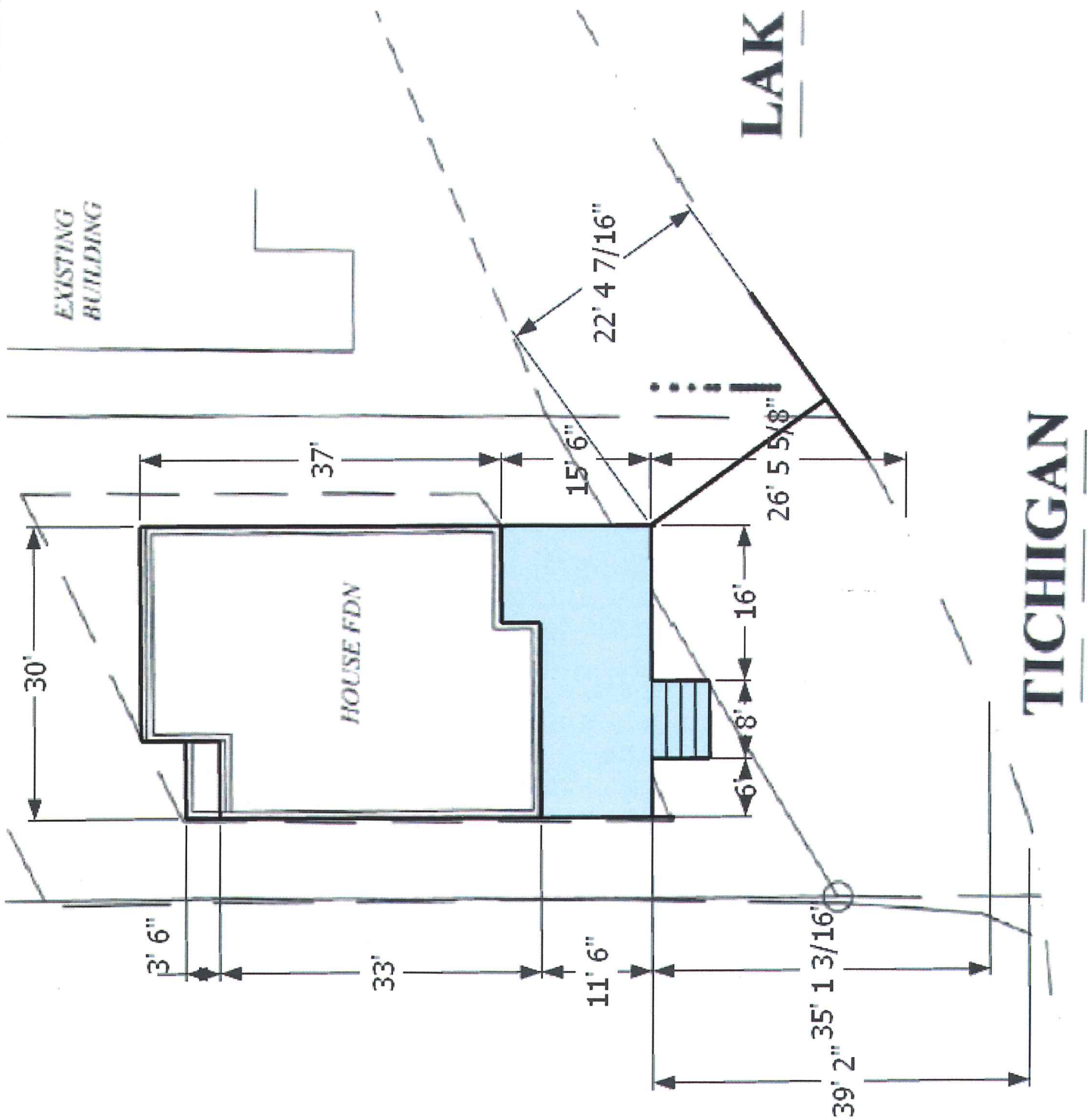
4.) Request is not based on economic gain and is not self-imposed

Our request is not based on an economic gain of any sort, as this home is for our personal use. We have no intention of selling the home in the near future.

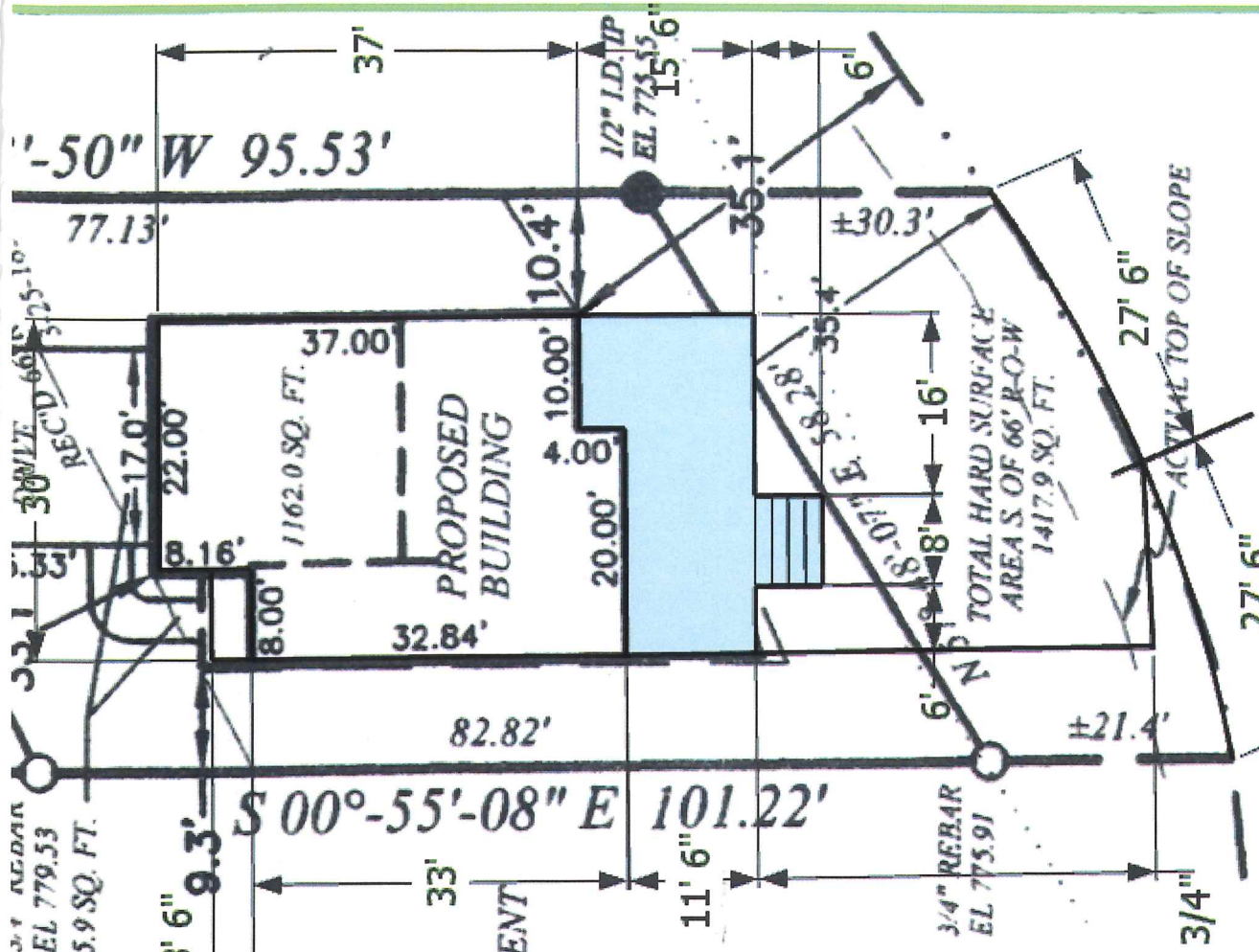
The unique circumstances described are not in any way self-imposed. The development of this home was executed by Stone Brook Homes and RBKB Real Estate. We, only recently, agreed to terms and went under contract to purchase this property from them and are in no way related to them or their interests. The choices made in developing this site were made by them and the lot dimensions and restrictions are those set by the Town of Waterford.





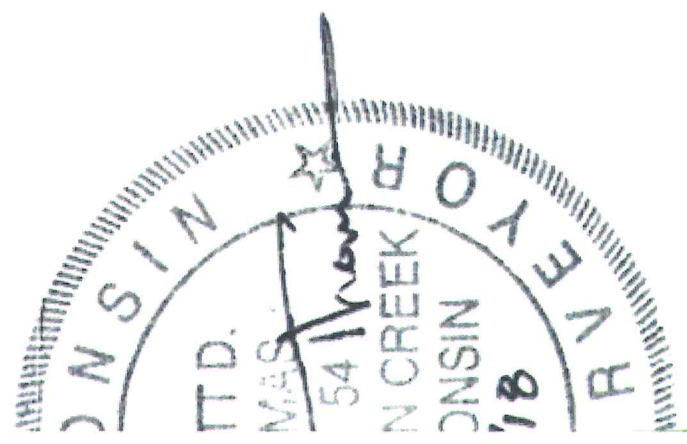


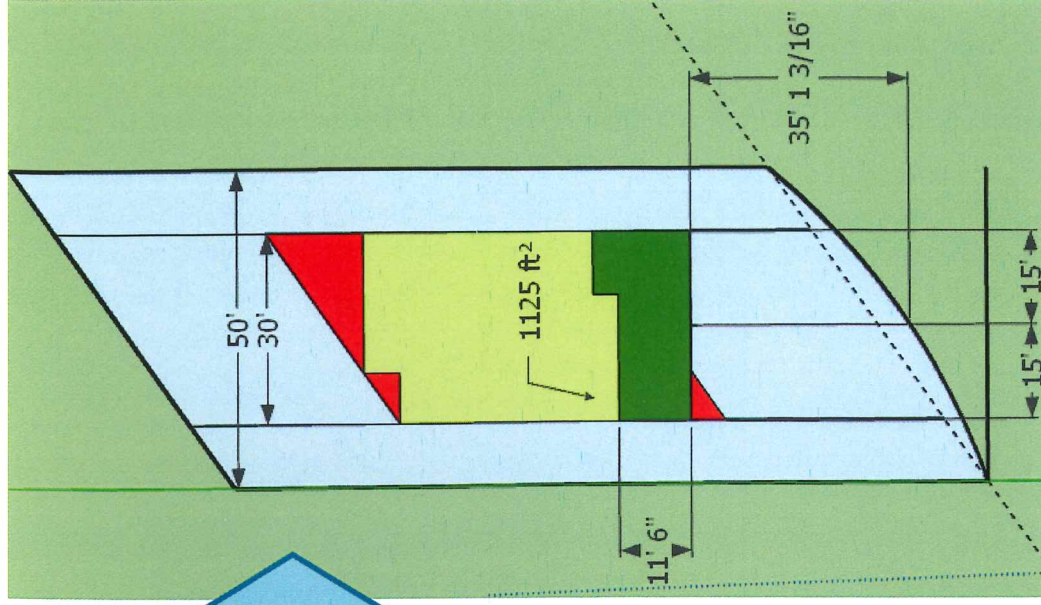
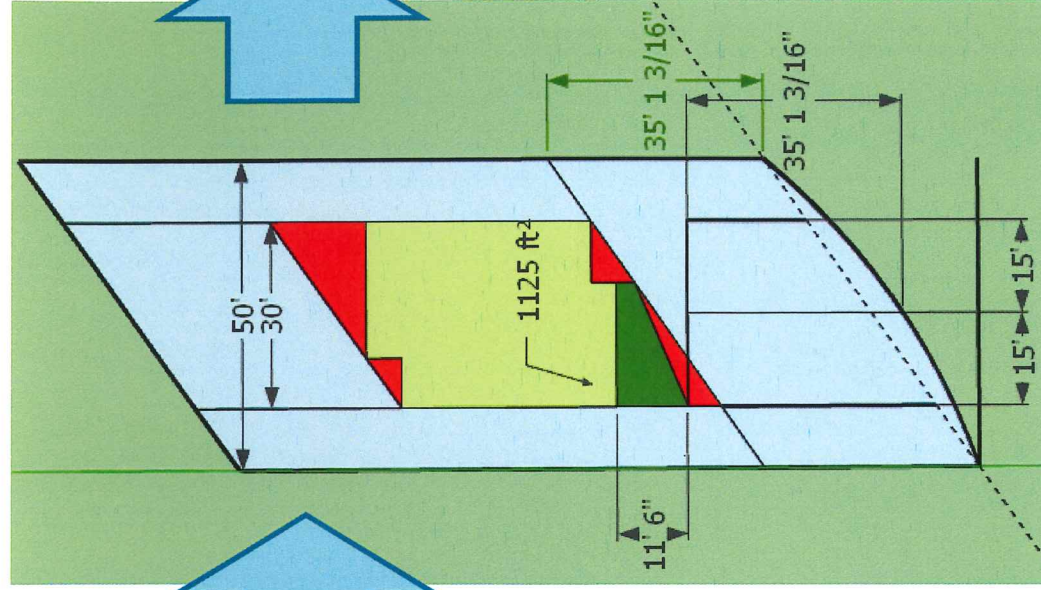
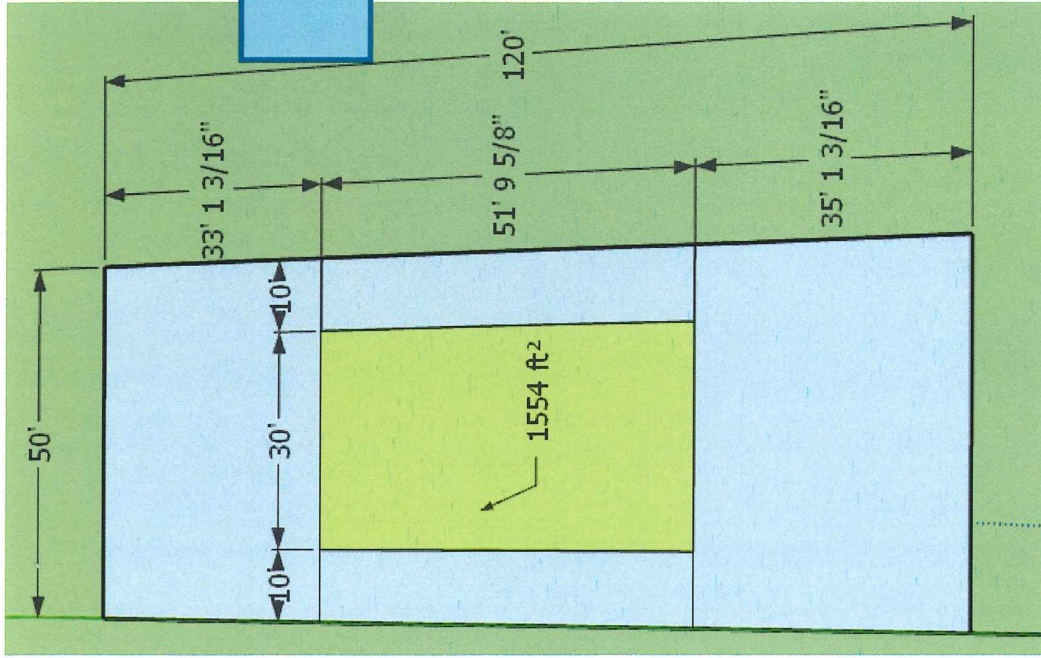
53.0"



- PROPOSED TOP OF FOUNDATION: 779.67
- PROPOSED GARAGE FLOOR EL: 779.33
- PROPOSED FINAL YARD GRADE: 779.00
- PROPOSED EXPOSED GRADE: 777.67
- PROPOSED TOP OF FOOTING: 775.67
- DRIVEWAY SLOPE : NEGATIVE TO PAVEMENT (ASSUMING 4' WALL - CHECK PLAN)

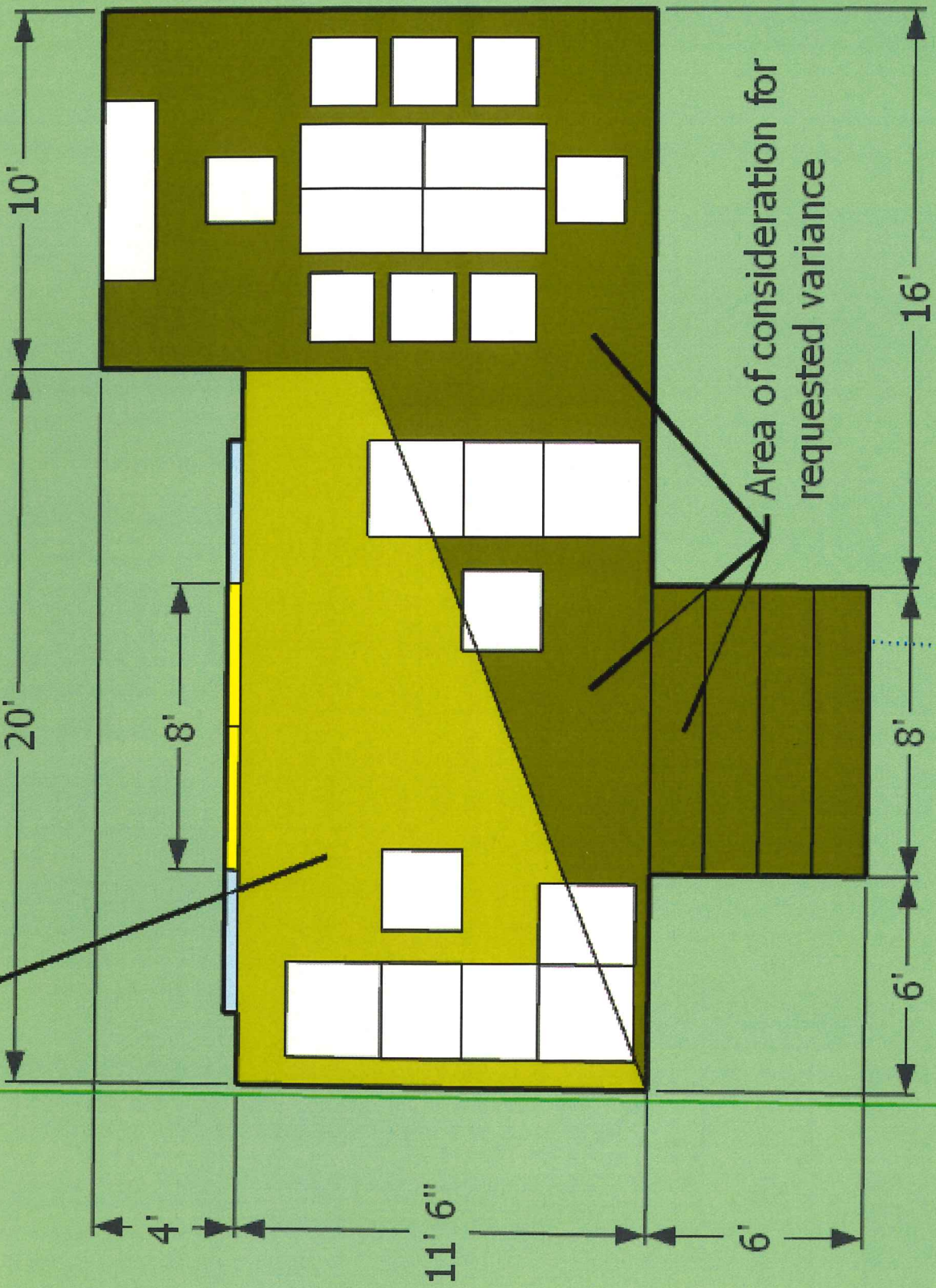
BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 11-04-19, WHICH IS ASSUMED TO BEAR N 00°-27'-16\"/>



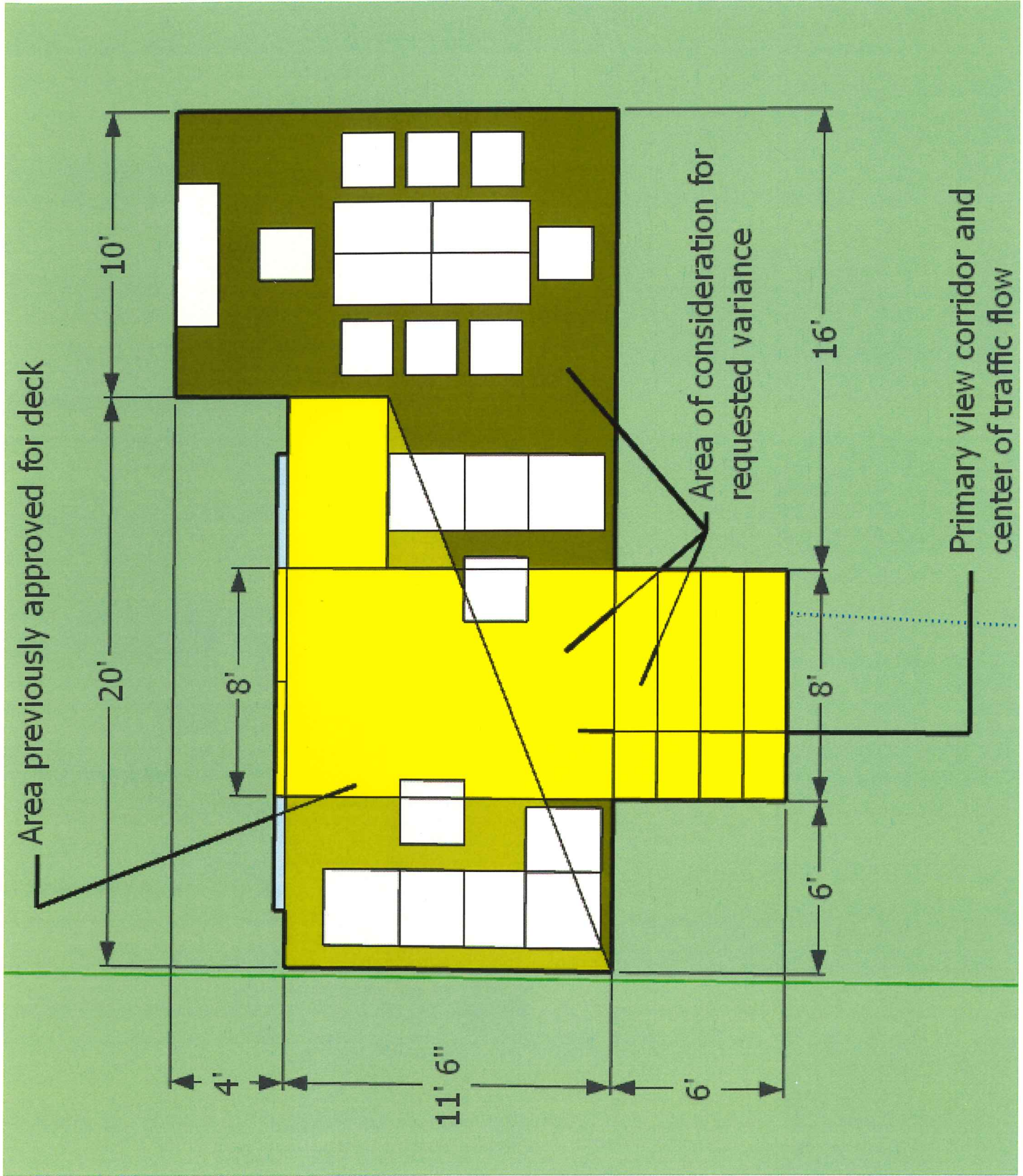


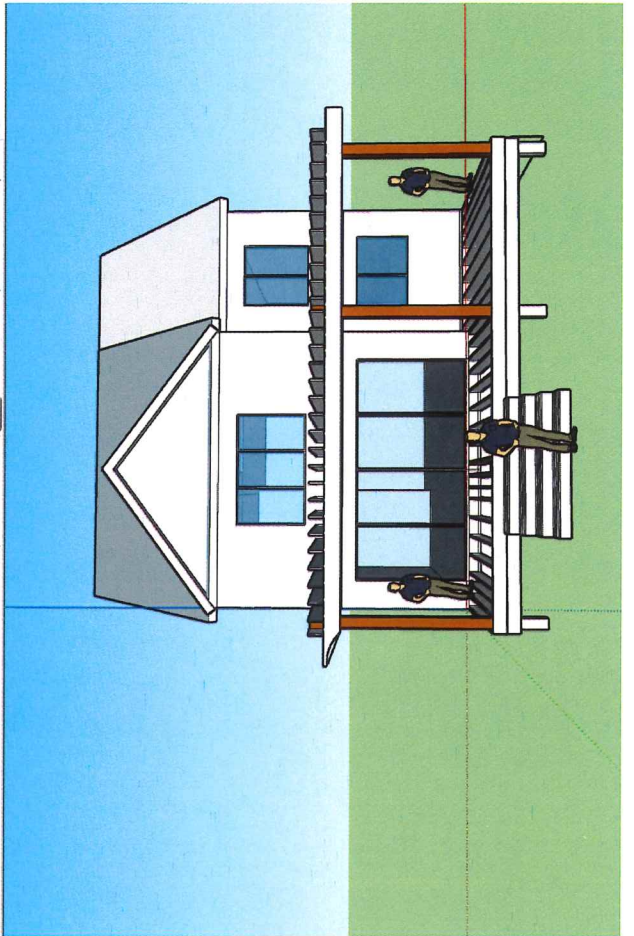
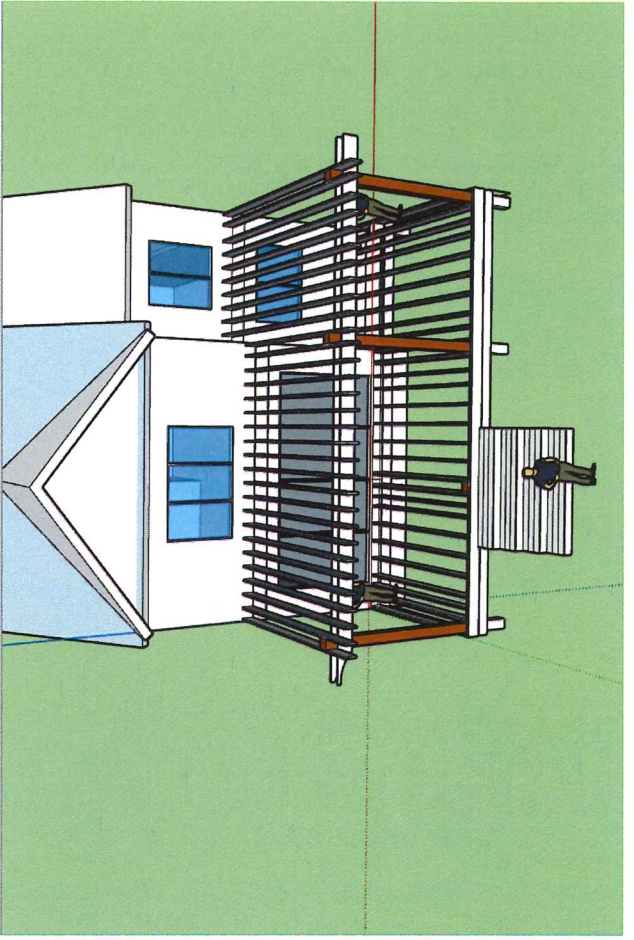
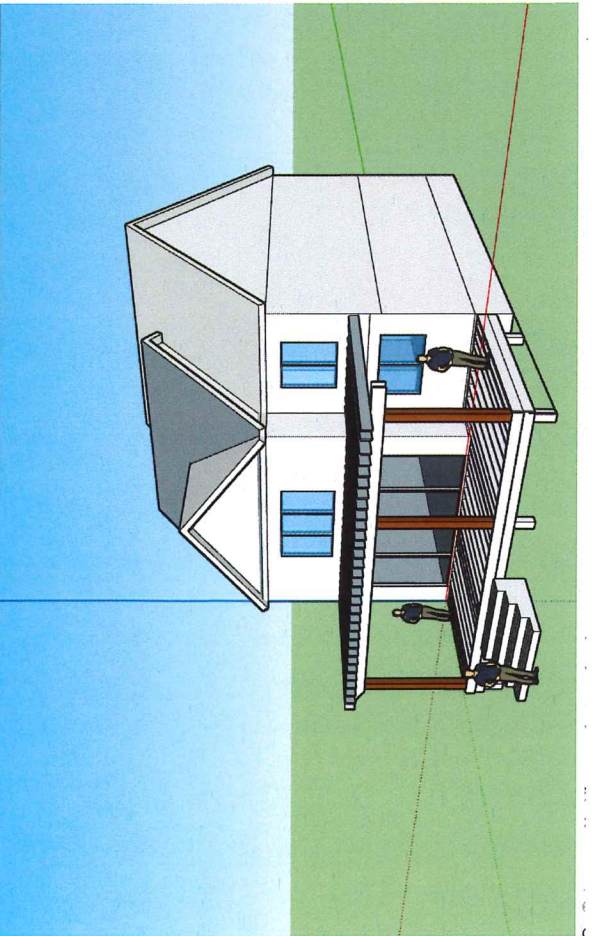
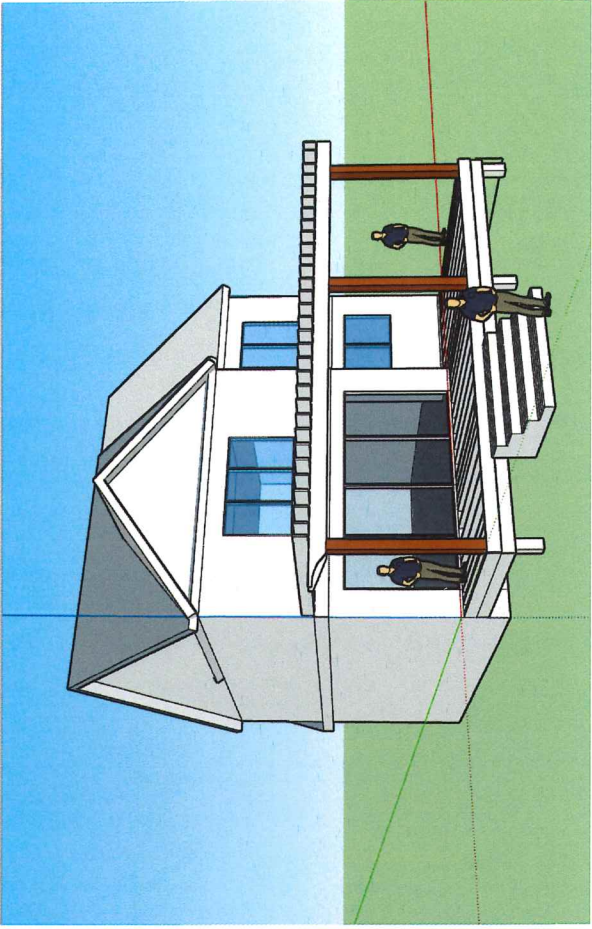
This series of drawings is intended to demonstrate the unnecessary hardship created by this lot's unforbearing geometry, survey shows actual exact dimensions, as compared to a straight lot perpendicular to the shoreline versus the roughly 35 degree offset of this specific lot. The usable square footage of the footprint shrinks 28%, 1554 to 1125 sq. feet, due to the offset of the angled shoreline. By granting this variance request, you all are simply recognizing that this specific lot deserves special consideration. We are asking that you all allow an accommodation, by granting a variance, for us to use the center of the back lot line to measure the 35.1' shoreline setback in a straight line perpendicular to the rear of the house, versus perpendicular to the 35 degree angled shoreline.

Area previously approved for deck



Area of consideration for requested variance





1. Average Deck Size

A small deck intended to hold a round dining table should be at least 12 feet by 12 feet, while a large deck can be designed with much more space. The average deck size is between 300 and 400 square feet. Generally, a deck should be wider than it is deep, with the longer dimension running along the house. With large decks, consider making them multi-level designs. This will help break up the look and designate areas for certain activities.

- **Pro Tip:** *The typical 10' x 10' builders' special deck is completely useless. I wouldn't build a deck less than 15' x 15' at minimum. I've never had a single client who wished they'd made the deck smaller.*

—Chuck Edwards of Breckon Land Design Inc. in Garden City, ID.

One of the most common mistakes is to install a deck that is out of proportion with the house. A deck that is too large can dwarf your house, while a deck that is too small will get lost.

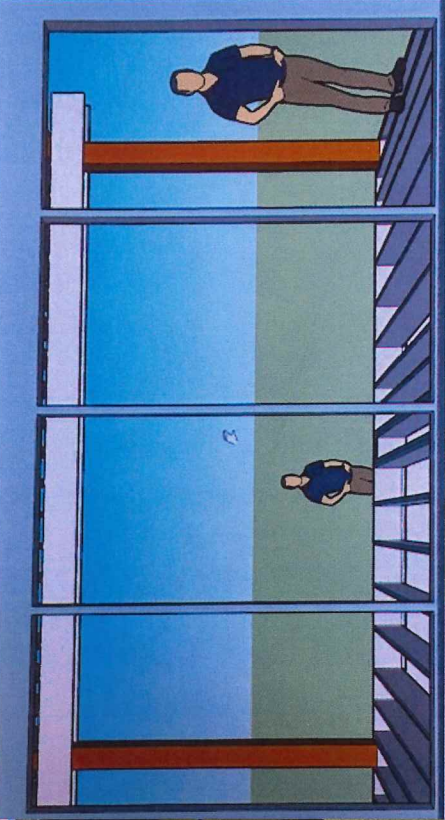
Cited in www.landscapingnetwork.com

2. What is a good size deck for entertaining?

To have enough space for 10-12 people you'll want to up to 288 square feet. However, that will be just enough space. If you want ample room to be able to move about comfortably, you'll want at least 392 square feet. This is a good size deck for entertaining for most people. Dec 19, 2017

[What's a Good Size Deck for Entertaining | Carefree Decks & Patio ...](#)

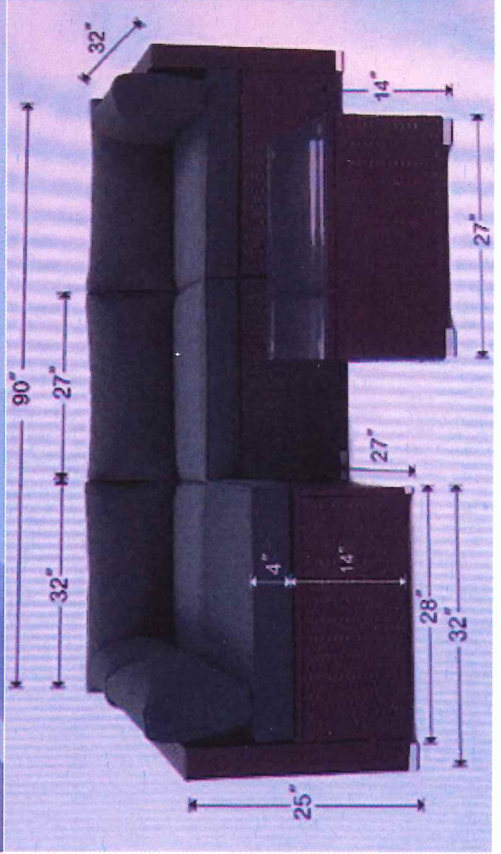
carefreedecks.com > blog > whats-good-size-deck-entertai

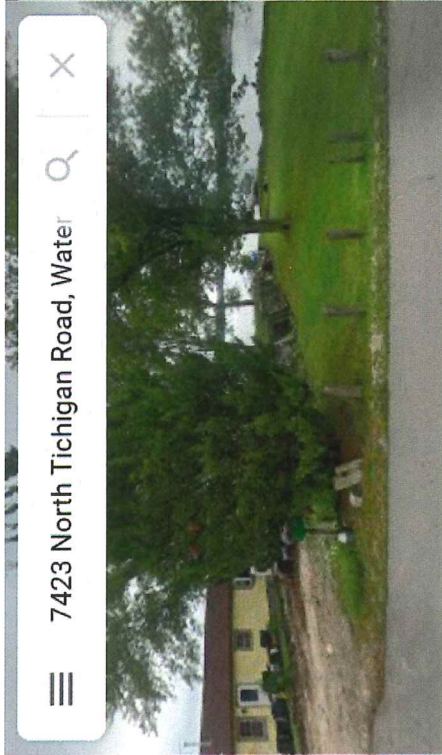


Table

Umbrella Hole Diameter	2"
Overall Table Weight	76 lb.
Other Dimensions	
Chair	37" H x 22" W x 23" D
Table	29" H x 43" W x 63" L
Chair Weight Capacity	300 lb.
Cushion Thickness	2"
Overall Product Weight	109.85 lb.

- Table Thickness: 2"
- Seat cushion: 15" x 19"



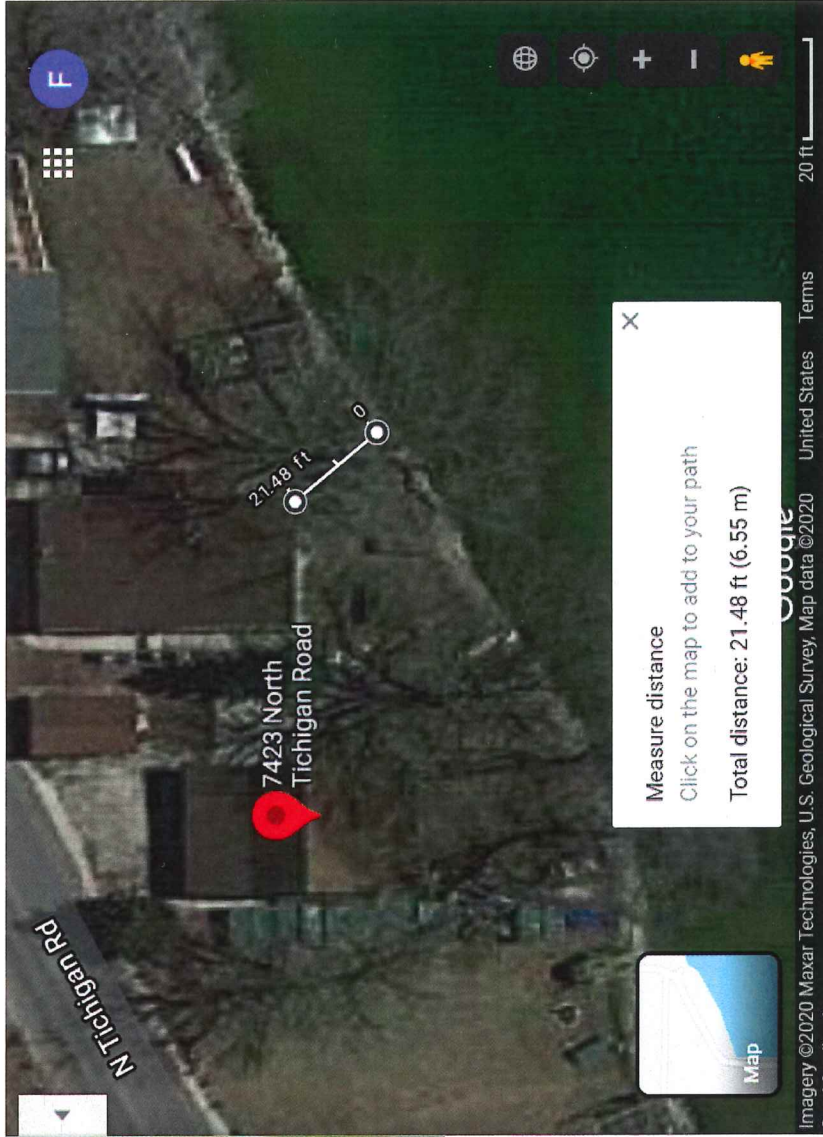


7423 North Tichigan Road, Waterford, WI 53185

7423 N Tichigan Rd

Waterford, WI 53185
Building

- Directions
- Save
- Nearby
- Send to your phone
- Share



Measure distance
Click on the map to add to your path
Total distance: 21.48 ft (6.55 m)

Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 United States Terms

Dictionary



im·per·vi·ous

/im'pervēəs/

adjective

1. not allowing fluid to pass through.
"an impervious layer of basaltic clay"

Similar:

impermeable

impenetrable

impregnable

waterproof

watertight

Survey of what was part of the boy of the April 3, 2018
 HOLLAND & THOMAS, L.L.C. - LAND SURVEYORS
 202 West Street Johnson Creek, WI 53038 (920) 699-3305

PLAT OF SURVEY

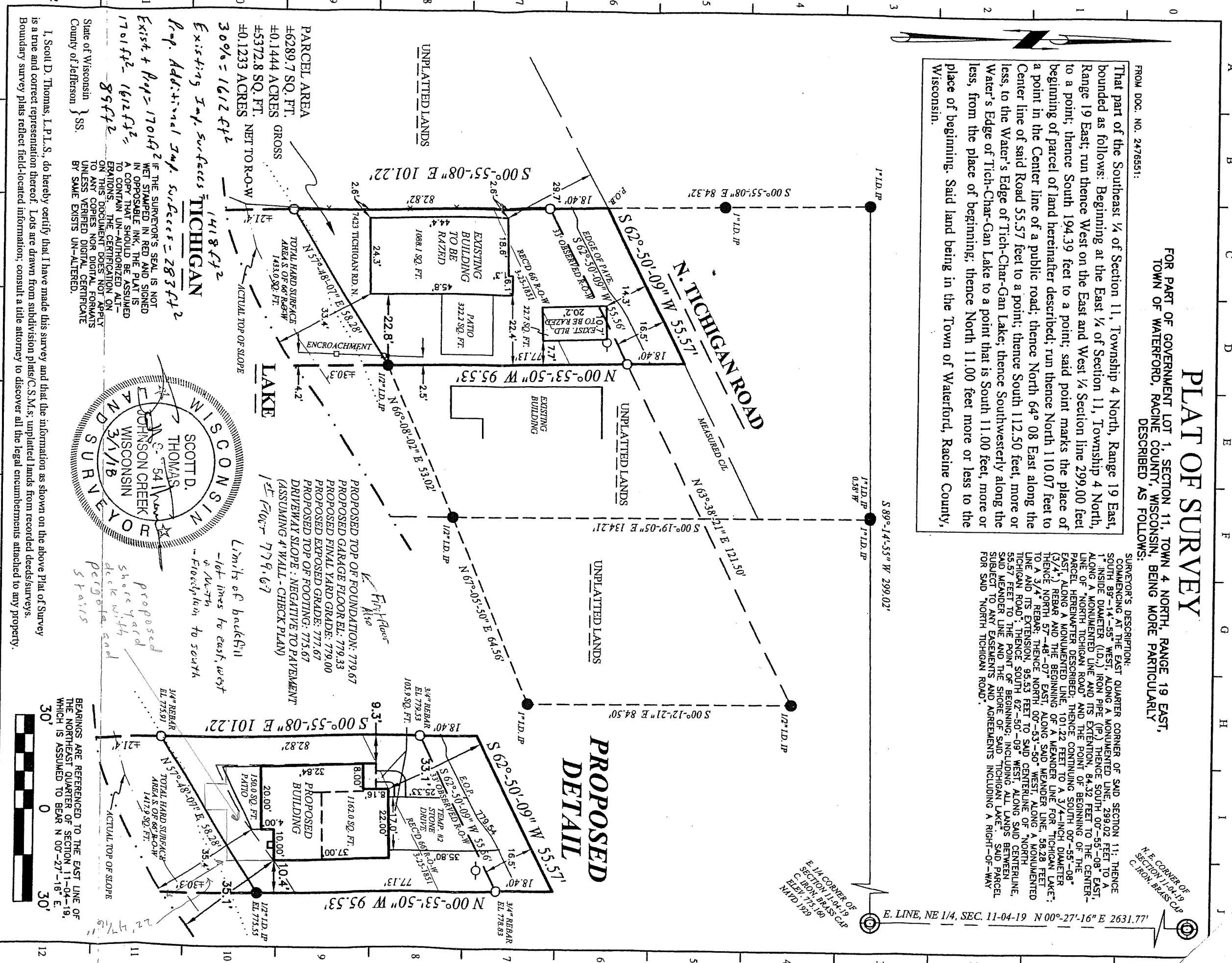
FOR PART OF GOVERNMENT LOT 1, SECTION 11, TOWN 4 NORTH, RANGE 19 EAST,
 TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN, BEING MORE PARTICULARLY
 DESCRIBED AS FOLLOWS:

FROM DOC. NO. 24785511:
 That part of the Southeast 1/4 of Section 11, Township 4 North, Range 19 East, bounded as follows: Beginning at the East 1/4 of Section 11, Township 4 North, Range 19 East; run thence West on the East and West 1/4 Section line 299.00 feet to a point; thence South 194.39 feet to a point; said point marks the place of beginning of parcel of land hereinafter described; run thence North 110.07 feet to a point in the Center line of a public road; thence North 64° 08' East along the Center line of said Road 55.57 feet to a point; thence South 112.50 feet, more or less, to the Water's Edge of Tichigan-Gan Lake; thence Southwesterly along the Water's Edge of Tichigan-Gan Lake to a point that is South 11.00 feet, more or less, from the place of beginning; thence North 11.00 feet more or less to the place of beginning. Said land being in the Town of Waterford, Racine County, Wisconsin.

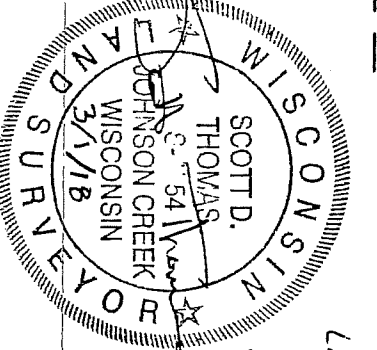
SURVEYOR'S DESCRIPTION:
 COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 11; THENCE SOUTH 89°-14'-55" WEST, ALONG A MONUMENTED LINE 299.02 FEET TO A 1" INSIDE DIAMETER (I.D.) IRON PIPE (IP) THENCE SOUTH 00°-55'-08" EAST, ALONG A MONUMENTED LINE AND ITS EXTENSION, 84.32 FEET TO THE CENTER-LINE OF "NORTH TICHIGAN ROAD" AND THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTH 00°-55'-08" EAST, ALONG A MONUMENTED LINE, 101.22 FEET TO A 3/4-INCH DIAMETER (3/4") REBAR AND THE BEGINNING OF A MEANDER LINE FOR "TICHIGAN LAKE"; THENCE NORTH 57°-48'-07" EAST, ALONG SAID MEANDER LINE, 58.28 FEET TO A 3/4" REBAR; THENCE NORTH 00°-53'-50" WEST, ALONG A MONUMENTED LINE AND ITS EXTENSION, 95.53 FEET TO SAID CENTERLINE OF "NORTH TICHIGAN ROAD"; THENCE SOUTH 62°-50'-09" WEST, ALONG SAID CENTERLINE, 55.57 FEET TO THE POINT OF BEGINNING; INCLUDING ALL LANDS BETWEEN SAID MEANDER LINE AND THE SHORE OF SAID "TICHIGAN LAKE"; SAID PARCEL SUBJECT TO ANY EASEMENTS AND AGREEMENTS INCLUDING A RIGHT-OF-WAY FOR SAID "NORTH TICHIGAN ROAD".

N.E. CORNER OF SECTION 11-04-19 C. IRON BRASS CAP MVD 1929

E. LINE, NE 1/4, SEC. 11-04-19 N 00°-27'-16" E 2631.77'



**PROPOSED
 DETAIL**



PARCEL AREA
 ±6289.7 SQ. FT. GROSS
 ±0.1444 ACRES
 ±5372.8 SQ. FT. NET TO R.O.-W
 ±0.1233 ACRES
 30% = 1612 sq ft

Existing Imp. Surfaces TICHIGAN
 Prop. Additional Imp. Surfaces = 283 sq ft
 Exist + Prop = 1701 sq ft
 1701 sq ft - 1612 sq ft = 89 sq ft

State of Wisconsin } SS.
 County of Jefferson }

1. Scott D. Thomas, L.P.L.S., do hereby certify that I have made this survey and that the information as shown on the above Plat of Survey is a true and correct representation thereof. Lots are drawn from subdivision plats/C.S.M.s; unplatted lands from recorded deeds/surveys. Boundary survey plats reflect field-located information; consult a title attorney to discover all the legal encumbrances attached to any property.

BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 11-04-19, WHICH IS ASSUMED TO BEAR N 00°-27'-16" E.

LEGEND: These standard symbols may be found in the drawing.
NOTE: EXCAVATOR AND MASON MUST VERIFY AT LEAST TWO BENCHMARKS SHOWN ABOVE.

- P.L.S.S. Monument (Found) w/desc. Platted Utility Easement
- Lot Corner (Found) w/desc. Building Setback Line
- 18" X 3/4" Dia. Rebar (Set) 100 Yr. Flood Line (Sealed) 775.7
- Elec. Trans. Box Shoreline
- ⊕ Man Hole Existing Wood Fence
- Utility Pedestal Existing Woven Wire Fence
- ⊗ Water Valve

RECEIVED

MAR 07 2018

RACINE COUNTY

FOR: Stone Brook Homes
 24 Enterprise Rd. Unit G
 Delfield, WI 53018
 OWNER: RBKB Real Estate, LLC
 573 W17240 Lake Dr.
 Muskego, WI 53150

Exhibit A