

OWNER <sup>Joseph</sup> Joe & Mary Jo Kunde  
Mailing Address 26300 W. Baxter Dr.  
Plainfield IL 60585  
City State Zip

APPLICANT <sup>Joseph</sup> Joe & Mary Jo Kunde  
Mailing Address 26300 W. Baxter Dr.  
Plainfield IL 60585  
City State Zip

Phone (H) 224-407- (W) 208-860-  
Parcel Id. # 0297 9573  
016-64-19-23-189-00

Phone (H) 224-407- (W) 208-860-957-  
Site Address 5753 0297  
Scenery Rd. Water-

Municipality Town of Waterford Section(s) 23 Town T4 North, Range 19 East ford

Lot 415,6 Block — Subdivision Name Buena Park 1<sup>st</sup> Addition CSM # —

Proposed Construction/Use Single-family residence with attached garage and uncovered deck

	HOME	CARAGE	Deck
New Addition	<input checked="" type="checkbox"/> Principal Bldg.	<input type="checkbox"/> Accessory	<input type="checkbox"/> Deck
Alteration	<input type="checkbox"/> Deck	<input type="checkbox"/> Sign	<input type="checkbox"/> Other
Conversion	<input type="checkbox"/> Sign	<input type="checkbox"/> Other	
Temporary	<input type="checkbox"/> Other		
	Size ( <u>76</u> x <u>46</u> )	( <u>22.6</u> x <u>27</u> )	( <u>12</u> x <u>17</u> )
	Area (sq ft) ( <u>1998</u> )	( <u>397</u> )	( <u>198</u> )
	# of Units/Stories <u>1</u> / <u>1</u> / <u>1</u>	Building Ht.-Avg. (ft.)	
	Peak Ht. (ft.) <u>24 1/2 ft</u>	100-Yr. Floodplain Elev. <u>775.7</u>	
	Eave Ht. (ft.) <u>9.9 1/4 ft</u>	Flood Protection Elev. <u>777.7</u>	

Contractor Demlang Builders, Inc. Est. Value w/Labor \$ 275,000 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>		Street-1 <sup>st</sup>	<u>20.0'</u>	
*>50% of Fair Market Value?	<u>N/A</u>		Street-2 <sup>nd</sup>	<u>—</u>	
Structure in Shoreland? (per map)	<input checked="" type="checkbox"/> Yes	No	Side-1 <sup>st</sup>	<u>11.9'</u>	<u>yes</u>
Structure in Floodplain? (per map)	<input type="checkbox"/> Yes	No <input checked="" type="checkbox"/>	Side-2 <sup>nd</sup>	<u>11.9'</u>	<u>yes</u>
Structure in Wetland? (per map)	<input type="checkbox"/> Yes	No <input checked="" type="checkbox"/>	Rear	<u>—</u>	
Substandard Lot? <u>depth</u>	<input checked="" type="checkbox"/> Yes	No	Shore	<u>49.9'</u>	
Abutting Lot-Same Owner/Closely Related?	<input type="checkbox"/> Yes	No <input checked="" type="checkbox"/>	Total Acc. Structures	<u>—</u>	
BOA Variance Needed?	<input checked="" type="checkbox"/> Yes	No	Date of Approval		
Conditional Use/Site Plan Needed?	<input type="checkbox"/> Yes	No <input checked="" type="checkbox"/>	Date of Approval	<u>—</u>	
Shoreland Contract Needed?	<input checked="" type="checkbox"/> Yes	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  
Cash/Check/CC Date # 34048  
Shoreland Contract Fee Pd: \$ 250.00  
Cash/Check/CC Date # \_\_\_\_\_  
Zoning Permit Fee Pd: \$ 500.00  
Cash/Check/CC Date # \_\_\_\_\_

Mary Jo Kunde 10/5/20  
Signature of Owner / Applicant Date  
Joe & Mary Jo Kunde  
Print Name(s)  
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Other: \_\_\_\_\_ Pd: \$ \_\_\_\_\_  
 if shoreland erosion review fee is included above Zoning Administrator (Staff Initials) [Signature]

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

PN 0100419 - 23 - 189000

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: <sup>Joseph</sup> Joe & Mary Jo Kunde  
Address: 26300 W. Baxter Dr.  
Plainfield IL 60585  
Phone (Hm) 224-407-0297

Applicant/Agent: Joe & Mary Jo Kunde  
Date petition filed: 10/8/2020 Hearing Date: 11/3/2020  
Municipality: Waterford  
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: a variance to raze the existing residence, sheds, shore yard stairs and retaining walls and construct a single-family residence with attached garage and uncovered deck

at site address 5753 Scenery Dr., Section 23, T 4 N, R 19 E  
Lot(s) 45,4 Blk - Subd/CSM Buena Park Addition Parcel Id.# D110041923189000  
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 single-family residence with attached garage and uncovered deck will have insufficient street and shore yard setbacks.

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; 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 Buena Lake
- Project is all partially located in the shoreland area of Buena Lake
- Property is all partially located in the floodplain area of Buena Lake
- N/A Project is all/partially located in the floodplain area of \_\_\_\_\_
- N/A Property is all/partially located in a wetland area. N/A 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 attachment 6

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. There is a small indent at the shoreline that creates a measurement that is shorter than the zoning regulation. Also, the lot

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 side setbacks are within the zoning allotments so they house is not infringing on the neighboring properties.

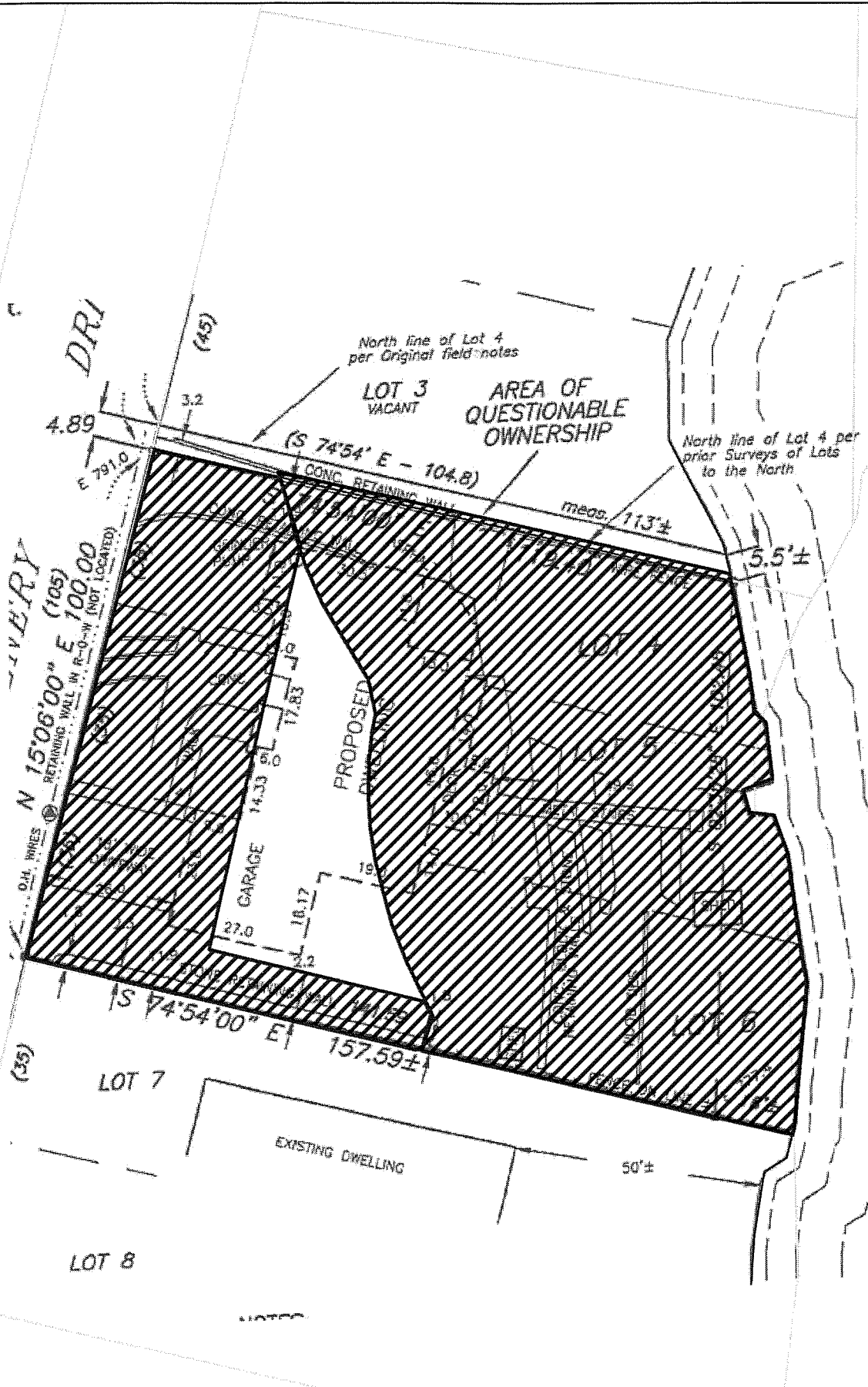
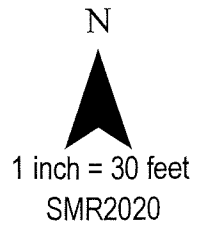
4) Explain how the request is not based on economic gain or loss and is not self-imposed. The home will be a permanent residence for the owners/applicants.

Owner/Applicant's Signature Joe & Mary Jo Kunde Date 10/8/20

Fee paid: \$ 450.00 Check # 34048 (Payable to Racine County Planning) •Please attach required documentation

# Scenery Dr Standard Lot Building Window

Illustrating 75' shore setback and 35' street setback



Survey that illustrates the shore setback of the previously existing Residence

PLAT OF SURVEY  
-OF-

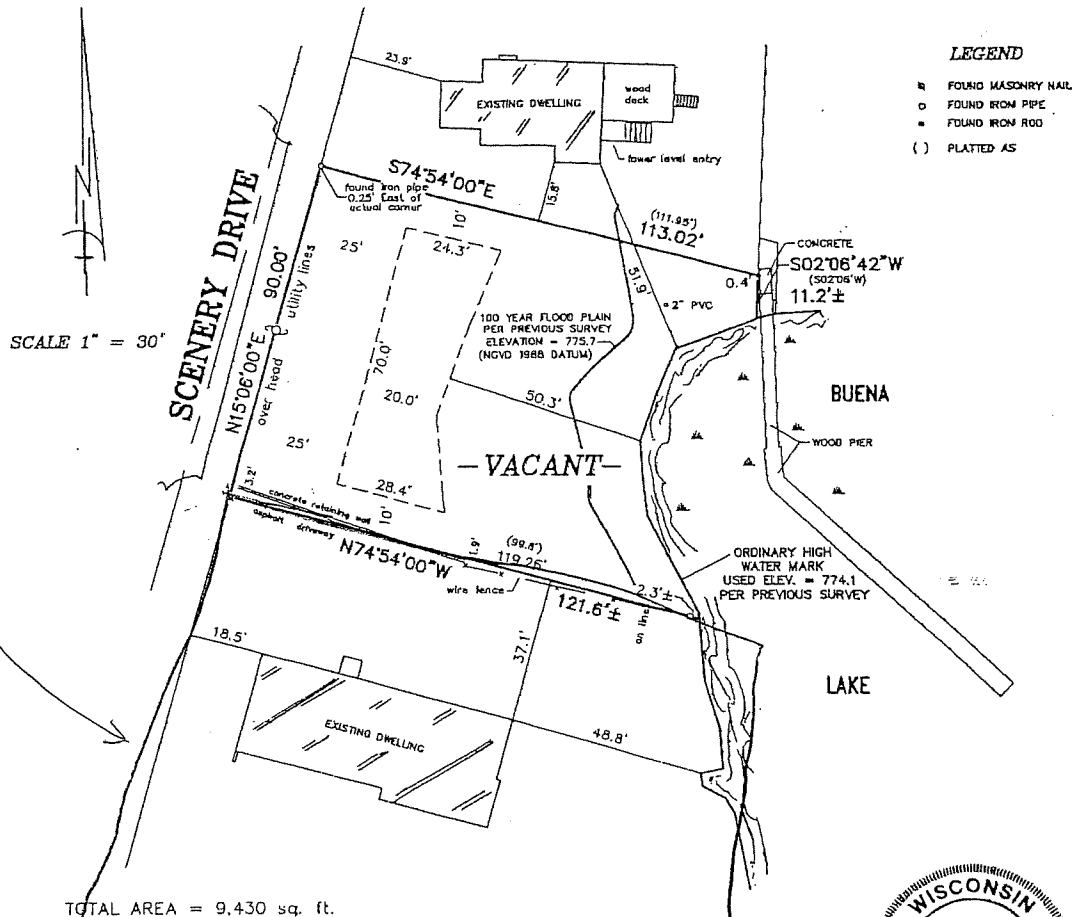
LOTS 2 AND 3, BUENA PARK FIRST ADDITION, BEING PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 19 EAST IN THE TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

SURVEY FOR: JEFF PLAMBECK

Racine County Surveyor

File #: 82546 Date: 4/17/17

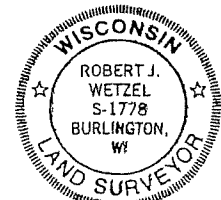
Deputy For Records



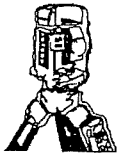
Subject property

I hereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the site and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, appurtenant 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.



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

Robert J. Wetzel  
ROBERT J. WETZEL S-1778

JANUARY 17, 2017  
DATE

9269  
JOB NUMBER

Dear Zoning Committee Members,

This letter is a request to build a (R-3A) single-family, 2-car garage home at 5753 Scenery Road, Waterford, WI. We were born and raised in Wisconsin and our sons were born in Wisconsin. After 20 years of being away, we are eager to move back to our favorite state.

Because of the unique characteristics of this lot, approval of this request would give us a more enjoyable use of the property.

The property was purchased in May from a builder who previously submitted a home plan in accordance to Racine County zoning regulations (attachment 1). The plan worked within the previous footprint of an existing home that was torn down.

What we would ask the board to consider:

1. The requested new footprint is consistent with the guidelines of Racine County zoning regulations that currently exist except for one unique area on the waterfront side (back). There is a small indent at the water that creates a measurement from the home's deck to the water at 49.9 feet. (The neighbor's home is 50 feet from the water.) The shoreline variance is not different from what the previous owner submitted to the Racine County Development Services.
2. The front and side setbacks create no undue burden on any neighboring residence, and comply with Racine County zoning regulations.
3. The proposed style and structure of the home is in harmony with the existing neighborhood.
4. The proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Items included to validate our variance approval are noted below:

- Racine County Application for Variance Appeal
- Previous owners submitted home plan (Attachment 1)
- Home Plans (Demlang Builders, Attachment 2)
- Property Survey (Degen-Foat Surveying, Inc., Attachment 3)
- As required resident names within 100 feet of 5753 Scenery Drive (Attachment 4)
- Proposed Landscape Design (Attachment 5)

Thank you for your consideration.

Respectfully,

Joe and Mary Jo Kunde

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### Racine County

Owner (s):

**KUNDE, JOSEPH  
KUNDE, MARY JO**

Location:

**Section, Sect. 23, T4N, R19E**

Mailing Address:

**JOSEPH KUNDE  
MARY JO KUNDE  
26300 W BAXTER LN  
PLAINFIELD, IL 60585**

School District:

**6083 - WATERFORD UNION HS  
6113 - WATERFORD ELEM**

Request Mailing Address Change

Tax Parcel ID Number:

Tax District:

Status:

**016-04-19-23-189-000 016-TOWN OF WATERFORD Active**

Alternate Tax Parcel Number: Acres:

**0.3400**

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

**BUENA PARK 1ST ADD LOT 4,5, & 6 PT FROM 016041923188000 IN 2020 FOR 2021 ROLL**

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

**SCENERY RD WATERFORD, WI 53185**

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**Attachment 1**

**Previous Owner Submitted Home Construction Plans**

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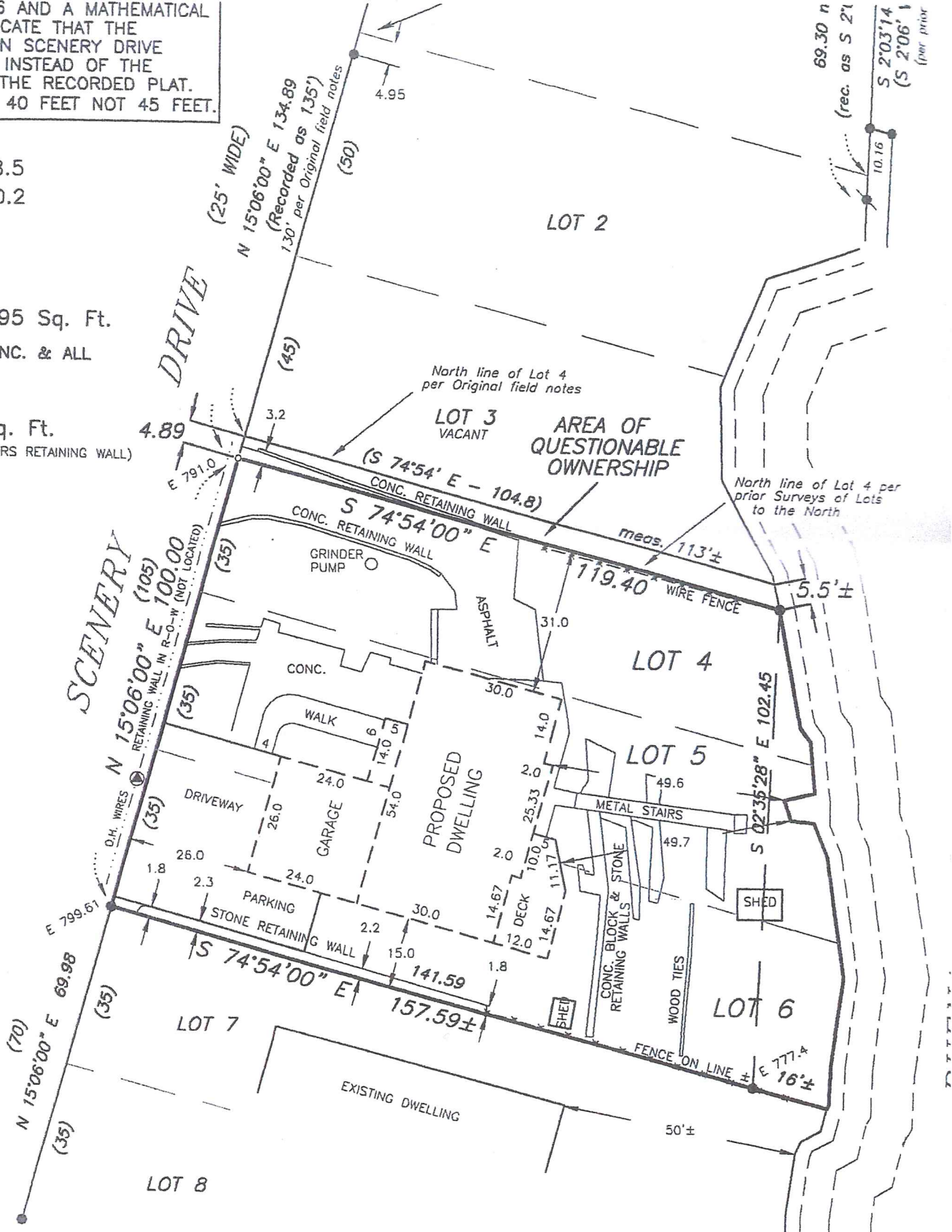
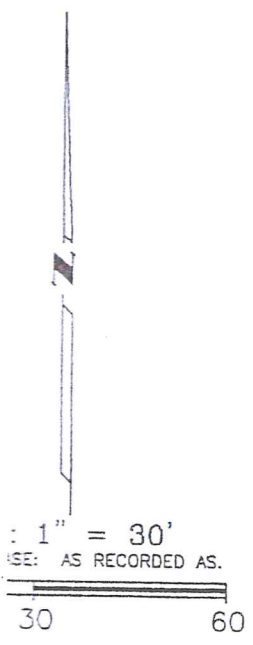
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NOTES FROM 1926 AND A MATHEMATICAL SURVEY OF LOT 1 INDICATE THAT THE WIDTH FOR LOT 1 ON SCENERY DRIVE SHOULD BE 40.00 FEET INSTEAD OF THE 50.00 FEET SHOWN ON THE RECORDED PLAT. RECORDED PLAT SCALES 40 FEET NOT 45 FEET.

GROUND GRADE - 798.5  
 GROUND ELEV. - 800.2  
 ELEVATION - 799.2

14,160 Sq.Ft.±  
 (QUESTIONABLE OWNERSHIP)  
 EXISTING AREA 4595 Sq. Ft.  
 SHEDS, ASPHALT, CONC. & ALL  
 EXCEPT ADJOINERS

EXISTING AREA 4168 Sq. Ft.  
 (CONC. DRIVE, PARKING & ADJOINERS RETAINING WALL)  
 NEW RETAINING WALLS  
 427 Sq. Ft.



**NOTES:**  
 OWNER/CONTRACTOR TO FIELD VERIFY ALL BUILDING DIMENSIONS PRIOR TO EXCAVATION. IF ANY DISCREPANCIES ARE FOUND, CONTACT THIS OFFICE IMMEDIATELY.  
 EXCAVATOR TO EXPOSE SEWER LATERAL TO INSURE GRAVITY FLOW FROM BASEMENT.

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



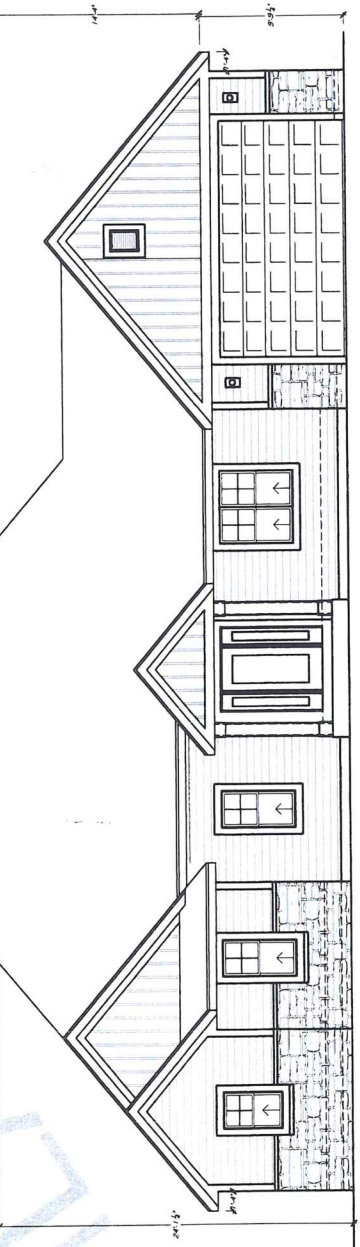
**Attachment 2**

**Demlang Builders Home Construction Plan**

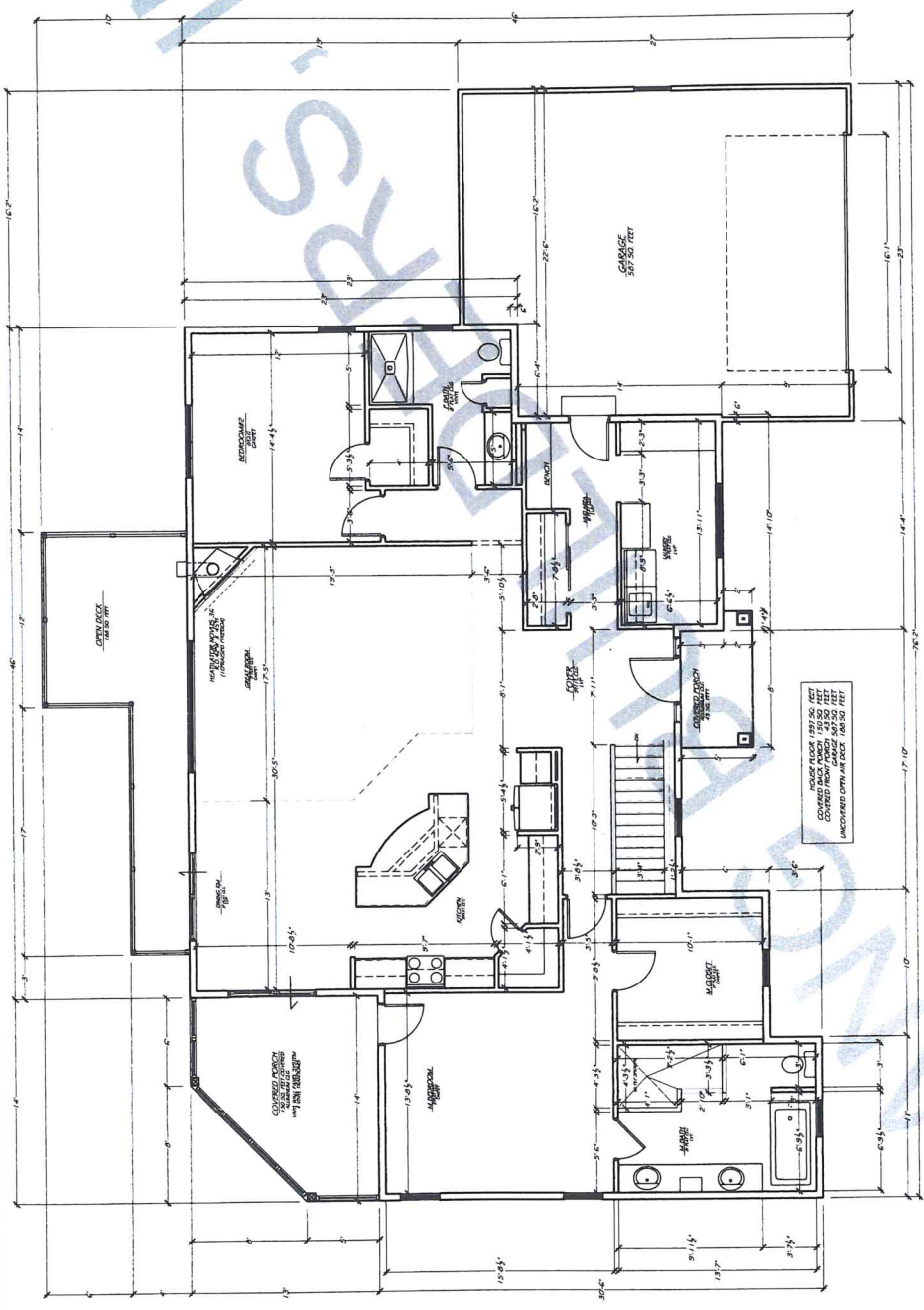
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THE HADLEY

DEM LANG BUILDERS, INC.

1827 WETZEL BUCKING DRIVE  
 51509, WI 53099  
 (262) 246-0330

CONTRACT NO. 2018-018  
 PROJECT NO. 2018-018  
 DATE: 08/15/2018  
 DRAWN BY: J. HADLEY  
 CHECKED BY: J. HADLEY  
 ALL RIGHTS RESERVED. REPRODUCTION OR ALTERATION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF DEM LANG BUILDERS, INC. IS PROHIBITED.  
 DEM LANG BUILDERS, INC. ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE CLIENT IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION.  
 THIS PLAN IS THE PROPERTY OF DEM LANG BUILDERS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DEM LANG BUILDERS, INC.

JOE & MARY JO KUNDE RESIDENCE  
 FLOOR PLAN AND FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"  
 9-3-20

THIS LINE MUST REMAIN 1" FROM PRINT TO BE CORRECT SCALE

INCOMP

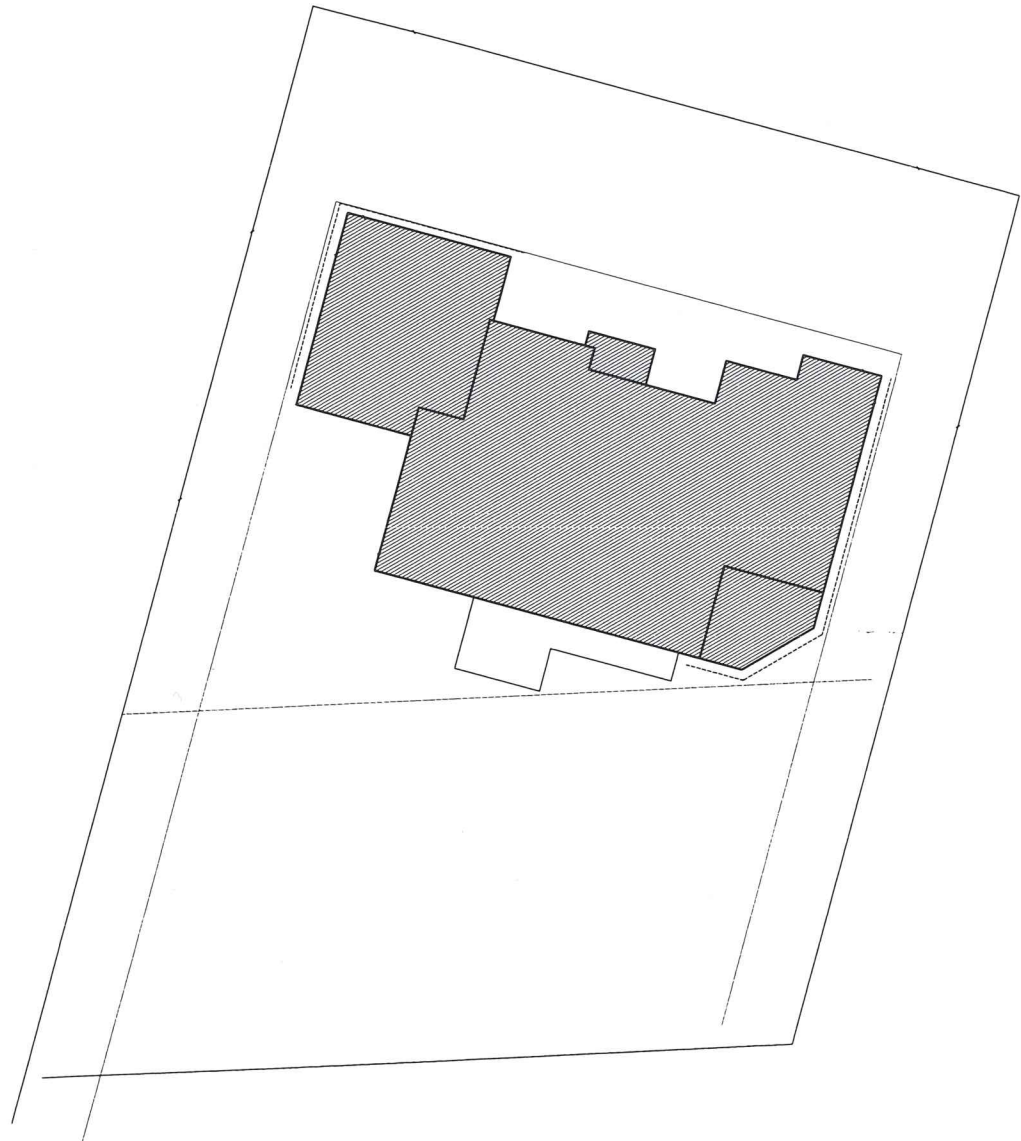
PREP

WETZEL

CONTRACT DATE 2019 BY DEM LANG BUILDERS INCORPORATED  
ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE DEM LANG BUILDERS, INCORPORATED IS THE SOLE AUTHOR OF THIS DOCUMENT. THE INFORMATION CONTAINED HEREIN IS FOR YOUR INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY OTHER ACTION.

OVERLAY PLAN, SCALED TO FIT  
LOT # 144RY JO KUNDE RESIDENCE

PAGE 2 OF 3



THIS PLAN MUST BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL.

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CONSENT: I HEREBY CONSENT TO THE RECORDING OF THIS PLAT AND TO THE CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. I AGREE TO HOLD THE SURVEYOR AND THE RECORDING OFFICE HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THEM BY ANY PARTY AS A RESULT OF MY FAILURE TO OBTAIN NECESSARY PERMITS, APPROVALS, OR CONSENTS FROM ANY OTHER PARTY OR AGENCY. I AGREE TO WAIVE ANY RIGHTS I MAY HAVE TO CHALLENGE THE ACCURACY OF THIS PLAT OR THE SURVEYOR'S LIABILITY THEREFOR. I AGREE TO WAIVE ANY RIGHTS I MAY HAVE TO CHALLENGE THE ACCURACY OF THIS PLAT OR THE SURVEYOR'S LIABILITY THEREFOR. I AGREE TO WAIVE ANY RIGHTS I MAY HAVE TO CHALLENGE THE ACCURACY OF THIS PLAT OR THE SURVEYOR'S LIABILITY THEREFOR.

THESE PLANS ARE NOT FINAL UNLESS STAMPED FINAL BY PLAT.



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**Attachment 3**

**New Lot Survey from Degen-Foat Surveying Inc.**

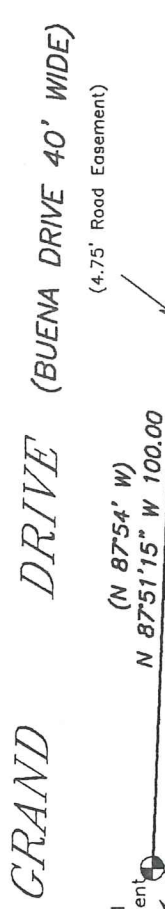
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100 SOUTH SECOND STREET  
WATERFORD, WISCONSIN 53185  
(262)534-5404 (FAX)534-2022

PRELIMINARY SITE PLAN FOR VARIANCE

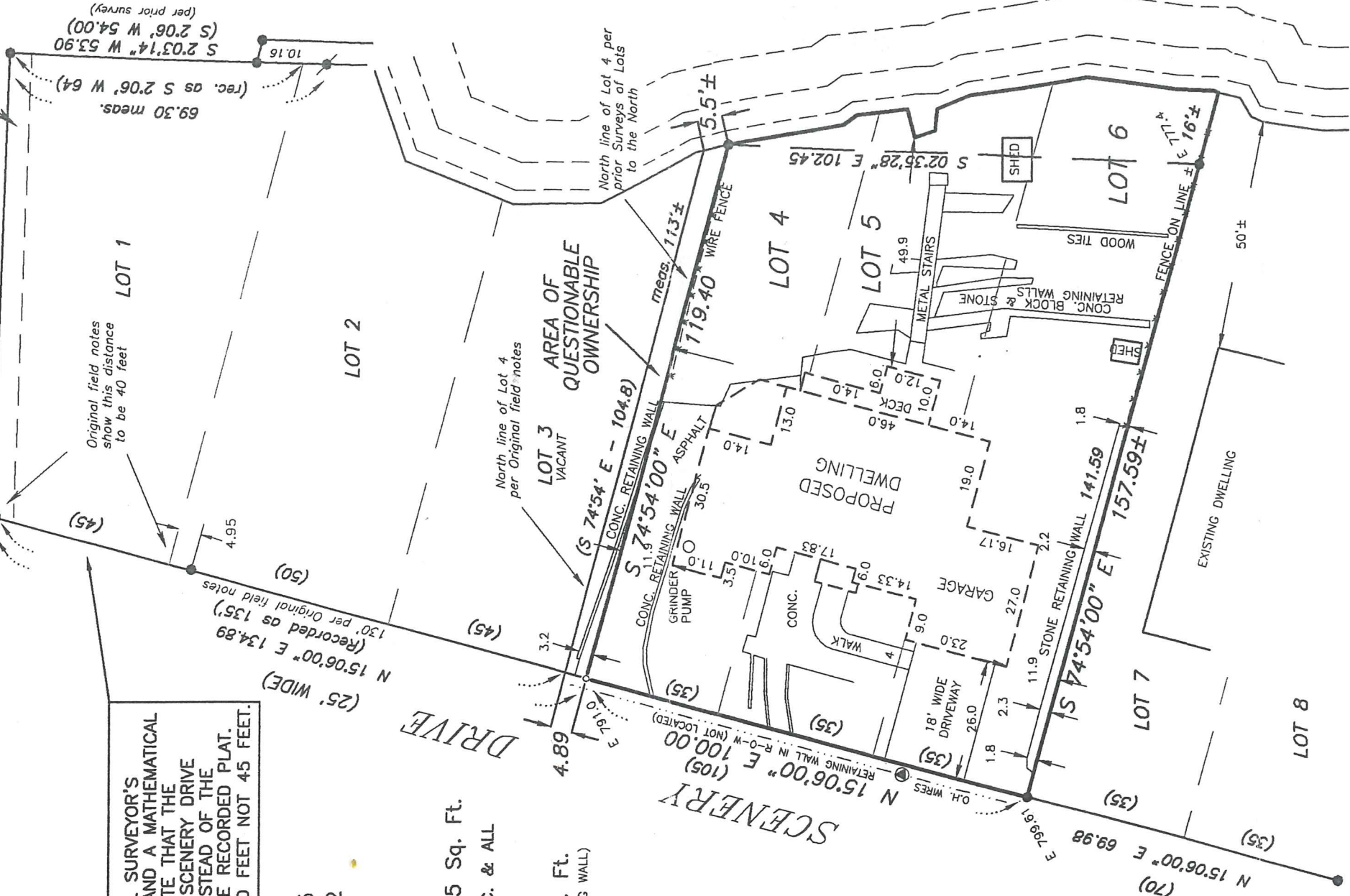
LOTS 4, 5 AND 6, BUENA PARK 1ST ADDITION, A SUBDIVISION LOCATED IN SECTION 23, TOWN 4 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, TOWNSHIP OF WATERFORD, RACINE COUNTY, WISCONSIN.  
\* REFER TO A CURRENT TITLE REPORT FOR EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD THAT MAY AFFECT THIS LAND. \*

ORDERED BY: JOE KUNDL  
26300 BAXTER DRIVE  
PLAINFIELD, IL 60585



NOTE: A CHECK OF THE ORIGINAL SURVEYOR'S FIELD NOTES FROM 1926 AND A MATHEMATICAL CLOSURE OF LOT 1 INDICATE THAT THE FRONTAGE FOR LOT 1 ON SCENERY DRIVE SHOULD BE 40.00 FEET INSTEAD OF THE 45.00 FEET SHOWN ON THE RECORDED PLAT. RECORDED PLAT SCALES 40 FEET NOT 45 FEET.

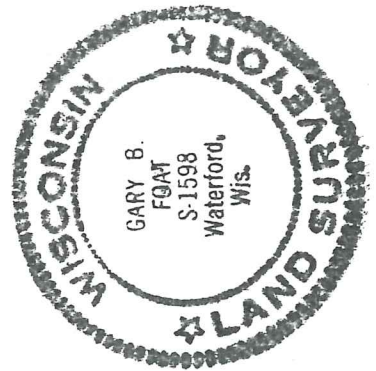
- PROPOSED YARD GRADE - 798.5
- PROPOSED FLOOR ELEV. - 800.2
- TOP OF FOUNDATION - 799.2
- LOT AREA - 14,160 Sq.Ft.± (EXCLUDING AREA OF QUESTIONABLE OWNERSHIP)
- CURRENT IMPERVIOUS AREA 4,595 Sq. Ft.
- REMOVE EXISTING SHEDS, ASPHALT, CONC. & ALL RETAINING WALLS, EXCEPT ADJOINERS
- NEW IMPERVIOUS AREA 3,735 Sq. Ft. (DWELLING, DECK, WALK, DRIVE & ADJOINERS RETAINING WALL)
- ALLOWANCE FOR NEW RETAINING WALLS NOT TO EXCEED 860 Sq. Ft.



SCALE: 1" = 30'  
BEARING BASE: AS RECORDED AS.

- LEGEND
- ⊕ - FOUND CONCRETE MONUMENT
  - ⊙ - FOUND IRON ROD
  - ⊖ - FOUND IRON PIPE
  - - FOUND "MAG" NAIL
  - - - FENCE
  - ( ) - RECORDED AS
  - ⊙ - UTILITY POLE
- ELEVATIONS BASED ON MEAN SEA LEVEL DATUM (NAVD 1988)

NOTES:  
OWNER/CONTRACTOR TO FIELD VERIFY ALL BUILDING DIMENSIONS PRIOR TO EXCAVATION. IF ANY DISCREPANCIES ARE FOUND, CONTACT THIS OFFICE IMMEDIATELY.  
EXCAVATOR TO EXPOSE SEWER LATERAL TO INSURE GRAVITY FLOW FROM BASEMENT.



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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 14th DAY OF SEPTEMBER 2020  
Gary B. Foat

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**Attachment 4**

**Residents within 100 Feet:**

**Patrick and Kelly Higgins  
Parcel : 016041923186000  
10811 South Troy Street  
Chicago, IL 60655**

**Pollock Trust  
5737 Scenery Drive  
Waterford, WI 53185**

**George Brezinski  
5720 Scenery Drive  
Waterford, WI 53185**

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## Attachment 5

### Proposed Landscape Plans:

Owner will remove all existing impermeable structures to include:

- 2 existing sheds, one near the shoreline and the second adjacent to the neighboring property on the south side of the lot
- Removal of all landscape timer retaining walls
- Removal of all concrete retaining walls on the property, **except adjoiners**
- Removal of the metal staircase leading to the shoreline

Our intention is to backfill the lot in accordance of Racine County zoning regulations. The grade will allow the ability to access the shoreline in a walkable manner. In addition, we will add a 60' composite walkway from the back of the home to the shoreline in accordance to Racine County Zoning regulations. In addition, trees, shrub, plants and a front/side yard fence that align to Racine County zoning regulations will be included. Long-term plans will include a dock to comply with Racine County zoning regulations.

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**Attachment 6**

- 1) Explain how the ordinance creates an unnecessary hardship and in the absence of the approval, no feasible use can be made of the property.**

**Denial of this variance will result in a home build that is sub optimal for year-round living. The requested home plan is to build a modest 1997 square foot home with a walkout basement and deck. The lot shape and high water mark creates a challenge with the home depth, especially on the north side of the lot nearest to the water. The variance request does not infringe on what was previously submitted by the property former owner. The set back from the water is consistent with the neighboring homes set back. The front and side set backs are within Racine County zoning regulation standards.**

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