

**RACINE COUNTY BOARD OF ADJUSTMENT**  
**PUBLIC HEARING AND BOARD MEETING SUMMARY MINUTES**  
**January 5, 2021, 9:00 A.M.**

(NOTE: Audio recording from Racine County is available upon request. These minutes are intended as a summary of actions taken by the Committee and do not include verbatim or detailed accounts of all comments made by staff, the Committee, and members of the general public present at the meeting.)

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Board members present by roll call: George Bieneman, B. Jean Schaal, Dave Hendrix, Fred Chart

Board members excused: none

Staff present Jarmen Czuta, Kim Parsons

Others present: none

Chairman Bieneman called the January 5, 2021, Racine County Zoning Board of Adjustment public hearing to order at 9:00 a.m. Board members were introduced by roll call and Chairman Bieneman explained meeting procedures.

**SCHAAL MOVED, seconded by Chart, to approve the December 1, 2020, Racine County Board of Adjustment public hearing and board meeting summary minutes as presented. Motion carried unanimously. VOTE: 4/0**

Jarmen Czuta announced that Board members may have visited the sites prior to this meeting, and pertinent information obtained during the visits may be discussed at this meeting and used to assist them in their decision-making.

**PUBLIC HEARING**

1. Tri and Jacqui Nguyen -Burlington- The proposed addition to the existing detached garage will exceed seventeen (17) feet in building height and will cause the detached garage to have insufficient side yard setback.  
9:04

Czuta presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Chart, to amend and approve the variance to construct a 14.0' x 24.3' addition to the existing detached garage, located at 2500 Cedar Drive, Section 27, Town 3 North, Range 19 East, in the Town of Burlington. Amendment to the variance request authorizes the insufficient side yard setback and requires that the proposed addition to the existing detached garage be redesigned so that it has a code compliant building height that will not exceed seventeen (17) feet in building height. This amended variance approval must be in compliance with the plans and documents received by the Racine County Development Services office on November 19, 2020. Approval is also subject to the applicant submitting revised architectural drawings for review and approval to the Racine County Development Services office which illustrate that the**

proposed addition to the existing detached garage will not exceed seventeen (17) feet in building height.

The Board granted approval subject to the following conditions:

Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$85.00. This card must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed. This variance approval will expire on October 5, 2021, unless substantial work has commenced pursuant to such grant, or an application for extension is submitted to this office before the expiration date and said extension request shall be placed upon the next available agenda. No construction may begin after such time unless the Racine County Board of Adjustment grants an extension in writing. The proposed 14.0' x 24.3' addition to the existing detached garage shall be located and sized as shown on the submitted survey that was received by the Racine County Development Services office on November 19, 2020. The exterior of the addition to the existing detached garage must be the same as or in harmony with the exterior of the building to which it is being attached. The proposed 14.0' x 24.3' addition to the existing detached garage and the portion of the existing detached garage must only be used for storage of personal items owned by the property owners. There must be no business, commercial or industrial use and no living quarters in any portion of the addition to or the existing portion of the detached garage. Prior to zoning permit issuance, the applicant must submit revised architectural drawings for review and approval to the Racine County Development Services office which illustrate that the proposed addition to the existing detached garage will not exceed seventeen (17) feet in building height. The applicant must allow full and unlimited access to the project site at a reasonable time to any Public Works and Development Services Department employee who is investigating the project's construction, operation, or maintenance. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations. Minor changes may be approved by Development Services staff through a revised zoning permit if said changes are the same as or more in conformance with this approval. No other additions, deletions, or changes may be made to these conditions without the prior approval of the Zoning Board of Adjustment. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit. **Motion carried unanimously. VOTE: 4/0**

2. Mark and Nancy Jo Wilcox -Norway- The proposed detached garage will  
9:25 exceed seventeen (17) feet in building  
height.

Czuta presented the petition. The Board heard public testimony and communications were read into the record. At the Board portion of the hearing, **HENDRIX MOVED, seconded by Schaal**, to lay over this variance request for up to six (6) meetings to allow time to explore other options to redesign or possibly reduce the height of the detached garage to be in, or more in, compliance with the zoning ordinance requirements of seventeen (17) feet in building height. **Motion carried unanimously. VOTE: 4/0**

***DRAFT***

(9:57) **SCHAAL MOVED**, seconded by Chart, to close the public hearing. **Motion carried unanimously. VOTE: 4/0**

**BOARD MEETING**

A. Decisions on preceding petitions

B. Other business as authorized law  
10:06

NONE

C. Adjourn  
10:07

There being no further business, **SCHAAL MOVED**, seconded by Hendrix, to adjourn at 10:07 a.m. **Motion carried unanimously. VOTE: 4/0**

***DRAFT***

APPLICATION FOR A VARIANCE/APPEAL

Jerry Jenks  
Racine County, Wisconsin

Owner: John Palmer IRPP Properties

Applicant/Agent: John Palmer

Address: 7038 N Tichigan Rd Waterford

Date petition filed: 1-7-21 Hearing Date: 2-2-2021

Mailing Address: 4935 Buena Park Rd Waterford WI 53185

Municipality: Waterford

Phone (Hm) 912 939-9120 (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: Request shoreland conditional use approval and a variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage

at site address 7038 N. Tichigan Rd., Section 11, T 4 N, R 19 E  
Lot(s) — Blk — Subd/CSM — Parcel Id.# 016041911060000

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 will have insufficient shore, street and side 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, Section 20-191 Substandard Non conforming 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 Tichigan Lake
- Project is all/partially located in the shoreland area of Tichigan Lake
- 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 [Signature] Date 1-7-21

Fee paid: \$ 600.00 Check # 2082 (Payable to Racine County Planning) •Please attach required documentation

7038 N. Tichigan Rd:

Question # 1 and 2

This lot creates many unique circumstances, starting with the FEMA flood plain that runs 2/3<sup>rd</sup> of the property. This makes it exceedingly difficult to move the new house towards the west (back of lot). In addition to the flood plain, the well is in the center of the back yard, hindering moving the house to the west as well. At the front of the house, we have a road easement making it unable to move to the east.

Question # 3

I do not see any substantial detriment to any surrounding properties.

Question # 4

I purchased the property with the intent of renovating the current structure. Upon closing on the property, we pulled up sub-flooring to address the uneven floor situation. Upon removing the sub-floor, I discovered roughly 3" of water in the crawl space. When assessing the floor joists, I discovered that every single floor joist is rotten, broken or on the verge of failing (see attached pictures). Doing a renovation on the current property would be nearly impossible.

The current house sits 1 Ft. into the road right-of-way. The new house will be moved back out of the right-of-way. The south side of the current house is 1'3" from the south lot line. The new house will be built 2' from the lot line. With such a limited area to build the new house it is nearly impossible to build with out the setbacks we have laid out.

RECEIVED

JAN 07 2021

RACINE COUNTY

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

PERMIT NO. \_\_\_\_\_  
 DATE PERMIT ISSUED \_\_\_\_\_

OWNER JRP Propentics LLC  
 Mailing Address 4935 Buena Park Rd

APPLICANT John Palmer  
 Mailing Address - SAME -

Waterford WI 53185  
 City State Zip  
 Phone (H) 262-939-9100 (W) \_\_\_\_\_

\_\_\_\_\_  
 City State Zip  
 Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

Parcel Id. # 016041911060000 Site Address 7038 N. Tichigen Rd.

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

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_ CSM # \_\_\_\_\_

Proposed Construction/Use Single-family residence with attached garage

New	<input checked="" type="checkbox"/>	Principal Bldg.	<input checked="" type="checkbox"/>	Size	( <u>37'</u> x <u>44'</u> ) (____ x ____)
Addition	_____	Accessory	_____	Area (sq ft)	( <u>2587 sq ft</u> ) (total per. plots _____)
Alteration	_____	Deck	_____	# of Units/Stories	<u>1 / 2</u> Building Ht.-Avg. (ft.) <u>26' 6 1/2"</u>
Conversion	_____	Sign	_____	Peak Ht. (ft.)	<u>33'</u> 100-Yr. Floodplain Elev. <u>775.7</u>
Temporary	_____	Other	_____	Eave Ht. (ft.)	<u>20' 1/2"</u> Flood Protection Elev. <u>777.7</u>

Contractor OWNER Est. Value w/Labor \$ 250,000 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 <sup>st</sup> (Res.)	<u>0.3'</u>	_____
*>50% of Fair Market Value?	N/A <input checked="" type="checkbox"/>	Yes _____ No _____	Street-2 <sup>nd</sup>	<u>N/A</u>	_____
Structure in Shoreland? (per map)	Yes <input checked="" type="checkbox"/> No _____	Yes <input checked="" type="checkbox"/> No _____	Side-1 <sup>st</sup> (Res.)	<u>2.0'</u>	_____
Structure in Floodplain? (per map)	Yes _____ No <input checked="" type="checkbox"/>	Yes _____ No <input checked="" type="checkbox"/>	Side-2 <sup>nd</sup> (Res.)	<u>5.2'</u>	_____
Structure in Wetland? (per map)	Yes _____ No <input checked="" type="checkbox"/>	Yes _____ No <input checked="" type="checkbox"/>	Rear (Res.)	<u>±108'</u>	<u>yes</u>
Substandard Lot?	Yes <input checked="" type="checkbox"/> No _____	Yes <input checked="" type="checkbox"/> No _____	Shore (Res.)	<u>±67'</u>	_____
Abutting Lot-Same Owner/Closely Related?	Yes _____ No <input checked="" type="checkbox"/>	Yes _____ No <input checked="" type="checkbox"/>	Total Acc. Structures	_____	_____
BOA Variance Needed?	Yes <input checked="" type="checkbox"/> No _____	Yes <input checked="" type="checkbox"/> No _____	Date of Approval	_____	_____
Conditional Use/Site Plan Needed?	Yes _____ No <input checked="" type="checkbox"/>	Yes _____ No <input checked="" type="checkbox"/>	Date of Approval	_____	_____
Shoreland Contract Needed?	Yes <input checked="" type="checkbox"/> No _____	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 <sup>w/shoreland conditional use</sup> Pd: \$ 600.00 Signature of Owner/Applicant \_\_\_\_\_ Date 1-7-21  
 Cash/Check/CC Date # \_\_\_\_\_  
 Print Name(s) John Palmer  
 Shoreland Contract Fee Pd: \$ \_\_\_\_\_  
 Cash/Check/CC Date # \_\_\_\_\_  
 Zoning Permit Fee Pd: \$ 500.00 Notes (revisions, extensions, etc.) \_\_\_\_\_  
 Cash/Check/CC Date # \_\_\_\_\_  
 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 0160419-11-060000

Owner: JRP Properties LLC

Applicant Agent: Jerry Jenks

Town: Waterford

Zoning district(s): R-3A

TO THE RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE:

The undersigned requests a conditional use / site plan review permit to (specify use, project, structure, size, etc.)  
Request shoreland Conditional use and a variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage

AT (site address): 7038 N. Tichigan Rd.

Subdivision: \_\_\_\_\_ Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_  
Parcel # 016041911060000 Section(s) 11 T 4 N R 19 E

served by municipal sewer, check here:  Sanitary permit #: NIA

Attached are:

- zoning permit application
- hearing/review fee (Fees are non-refundable, & re-publication/amendment fees will be charged where applicable.)
- 12 SETS: drawn-to-scale site plan that is based on a survey (10 of the 12 should be sized or folded to 8.5" x 11")
- letter of agent status
- 3 SETS: landscaping/lighting plan
- 12 SETS: report/cover letter & operations plan abutting property owners' names & mailing addresses other


Print name: John Palma

e-mail address: Quality53177@gmail.com

Address: 4935 Bremen Park Rd.

telephone #: 262-939-9100

Waterford WI 53185

signed: 

STAFF USE ONLY:

BASED ON CURRENT MAPPING, check applicable statement(s) below & underline or circle the word "all" or "partially".

- The property is all / partially located in the Tichigan Lake shoreland area.
- The project is all / partially located in the Tichigan Lake shoreland area.
- The property is all / partially located in the Tichigan Lake floodplain.
- The project is all / partially located in the \_\_\_\_\_ floodplain.
- The property is all / partially located in the wetland.
- The project is all / partially located in the wetland.

The applicant is subject to the following Racine County Ordinance provisions (specify article/section):

See Code sections on BOA application

Shoreland contract: yes  no \_\_\_\_\_

Public hearing date: 2-2-2021

Site plan review meeting date: NIA

Permit submitted received by: JCC

Date petition filed: 1-7-2021

Payment method: cash or check #: 2082

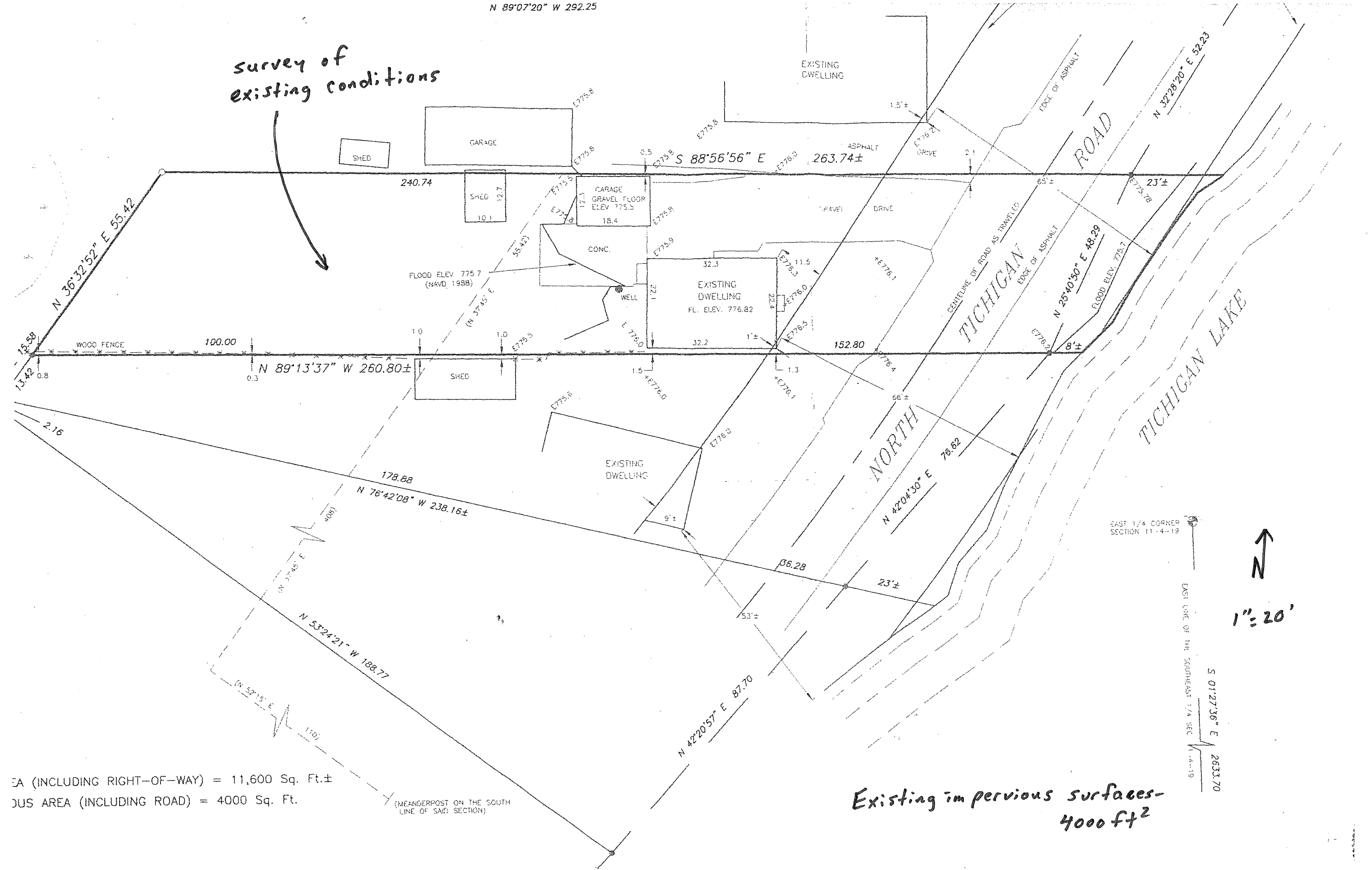
Amount received: \$ 600 BOA with shoreland







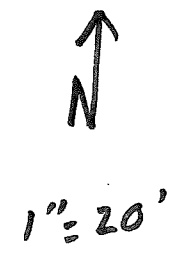
survey of existing conditions



EAST 1/4 CORNER SECTION 11-4-19

EAST LINE OF THE SOUTHEAST 1/4 SEC 11-4-19

S 01°27'36" E 2633.70

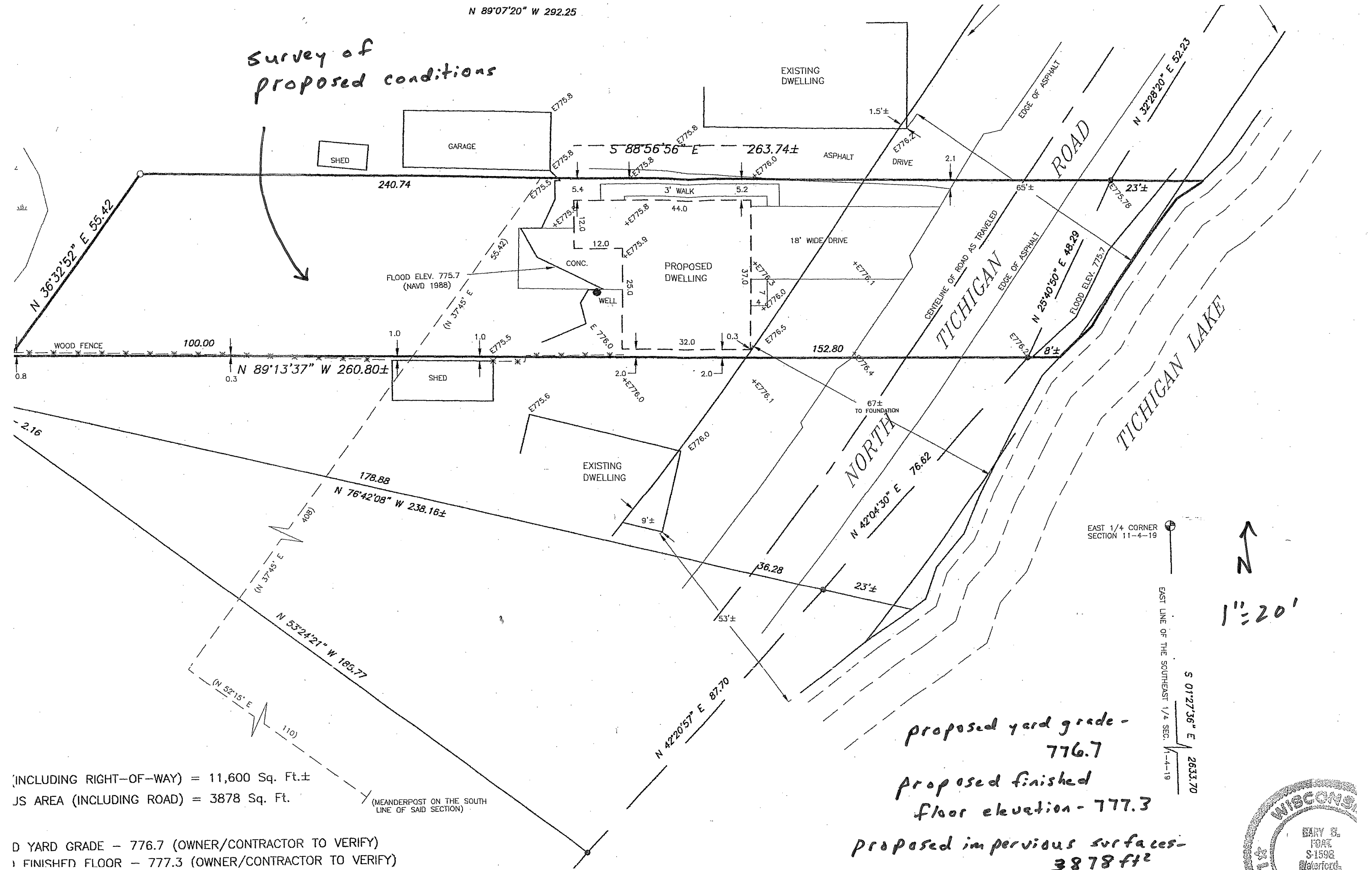


EA (INCLUDING RIGHT-OF-WAY) = 11,600 Sq. Ft.±  
 JUS AREA (INCLUDING ROAD) = 4000 Sq. Ft.

(MEANDERPOST ON THE SOUTH LINE OF SAID SECTION)

Existing impervious surfaces - 4000 ft<sup>2</sup>

# Survey of proposed conditions



(INCLUDING RIGHT-OF-WAY) = 11,600 Sq. Ft.±  
 JS AREA (INCLUDING ROAD) = 3878 Sq. Ft.

YARD GRADE - 776.7 (OWNER/CONTRACTOR TO VERIFY)  
 FINISHED FLOOR - 777.3 (OWNER/CONTRACTOR TO VERIFY)

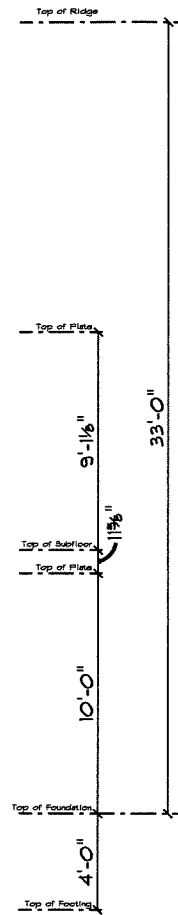
Proposed yard grade - 776.7  
 Proposed finished floor elevation - 777.3  
 Proposed impervious surfaces - 3878 ft<sup>2</sup>

1" = 20'





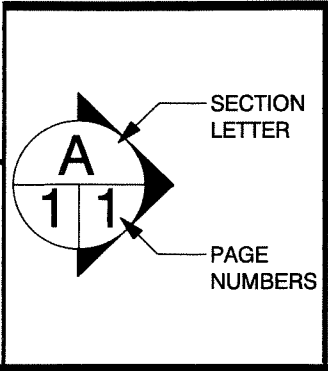
FRONT ELEVATION  
SCALE 1/8" = 1'-0"



RIGHT ELEVATION  
SCALE 1/8" = 1'-0"

Project Location  
7038 N. Tichigan  
Waterford  
WI  
53185

PHONE:  
FAX:

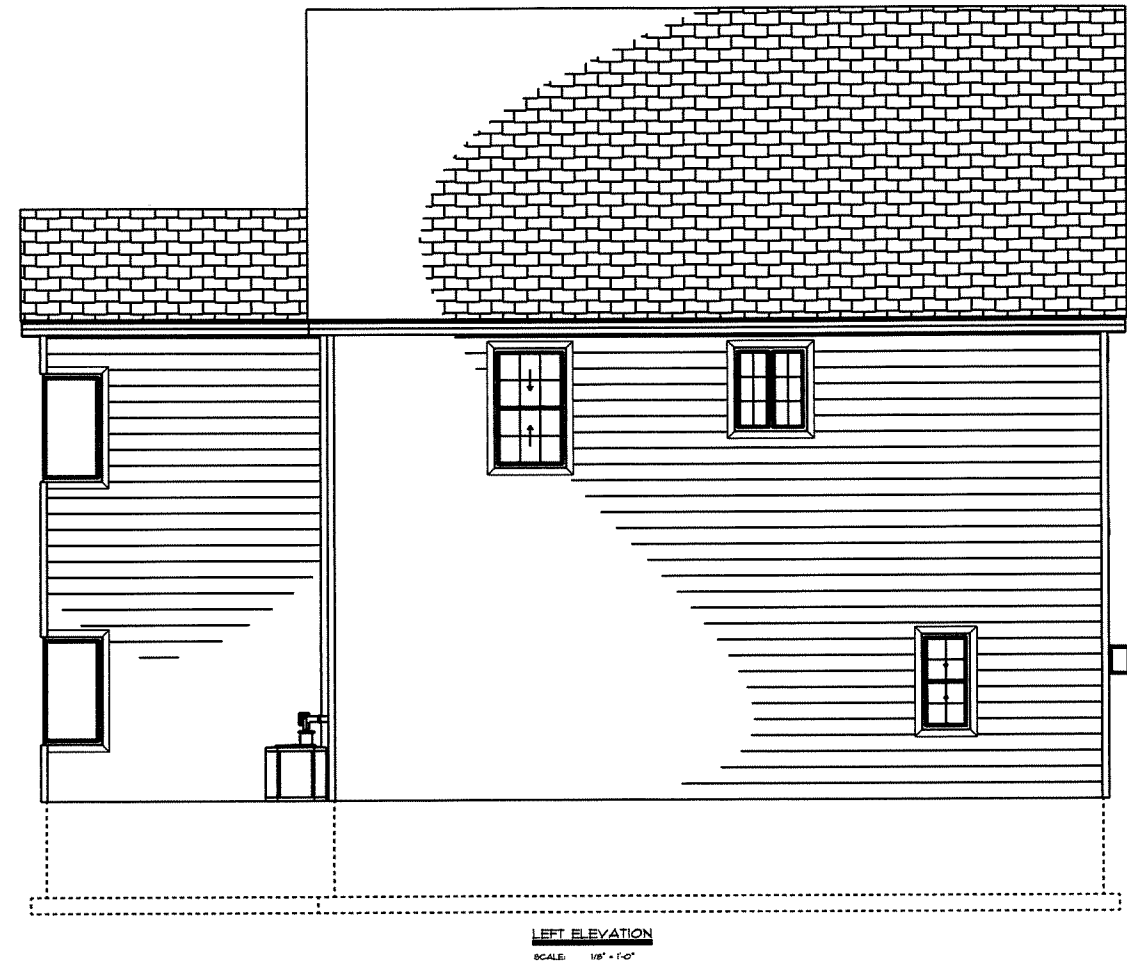
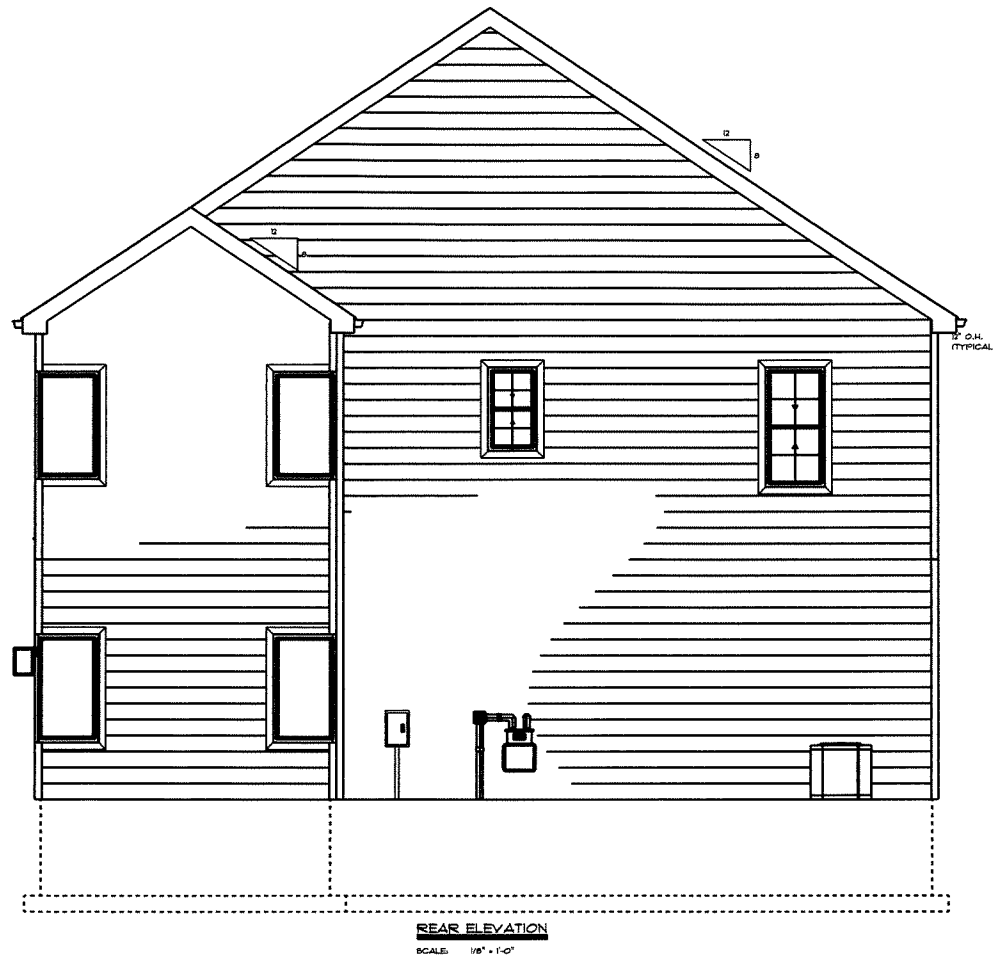


Quality Restorations of Wisconsin, LLC  
4935 Buena Park Road  
Waterford  
WI  
53185

PHONE: 1 262 939 9100  
FAX:  
quality53177@gmail.com

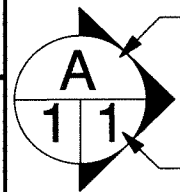
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DATE: Tuesday, January 5, 2021

PAGE: 1 / 4

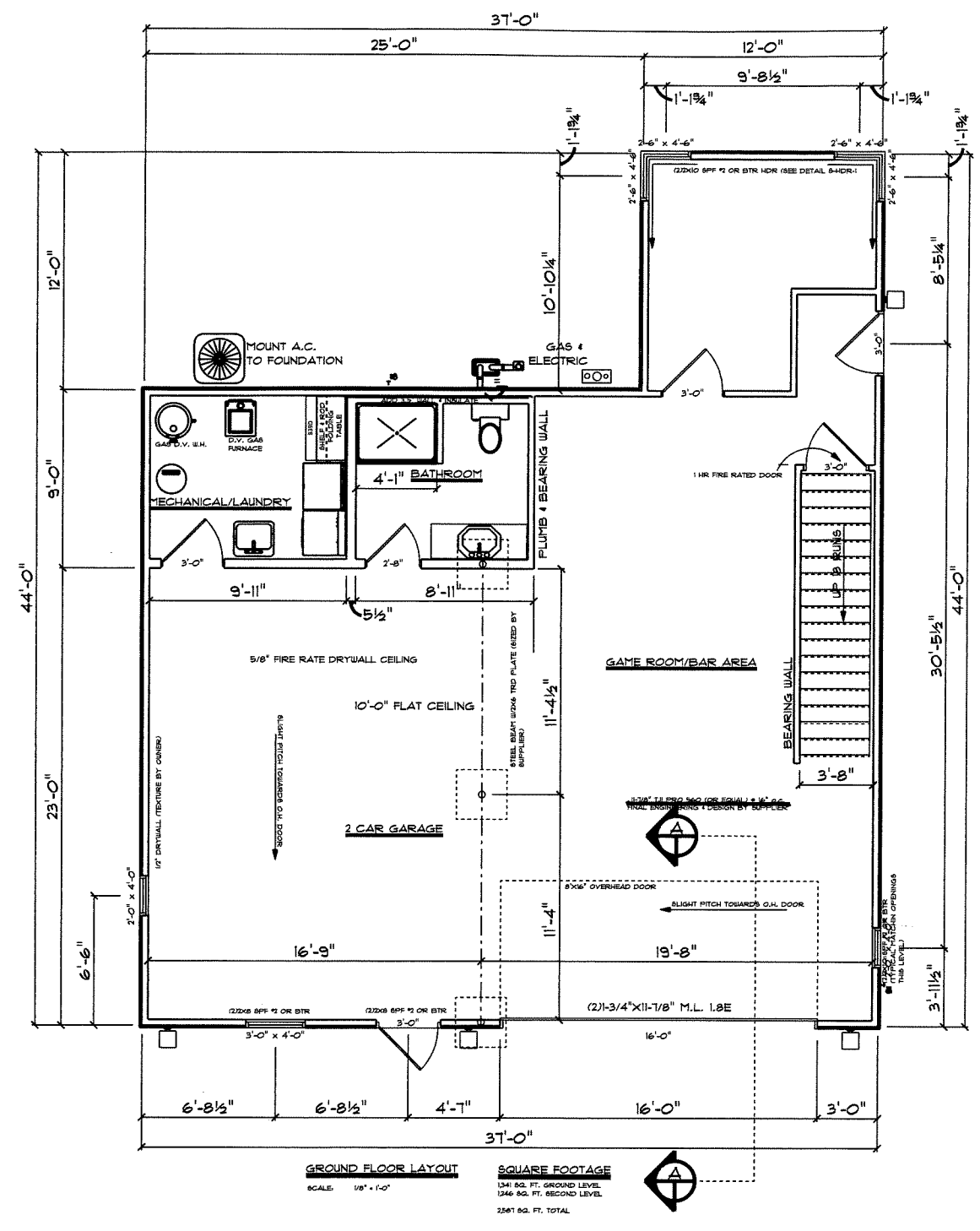
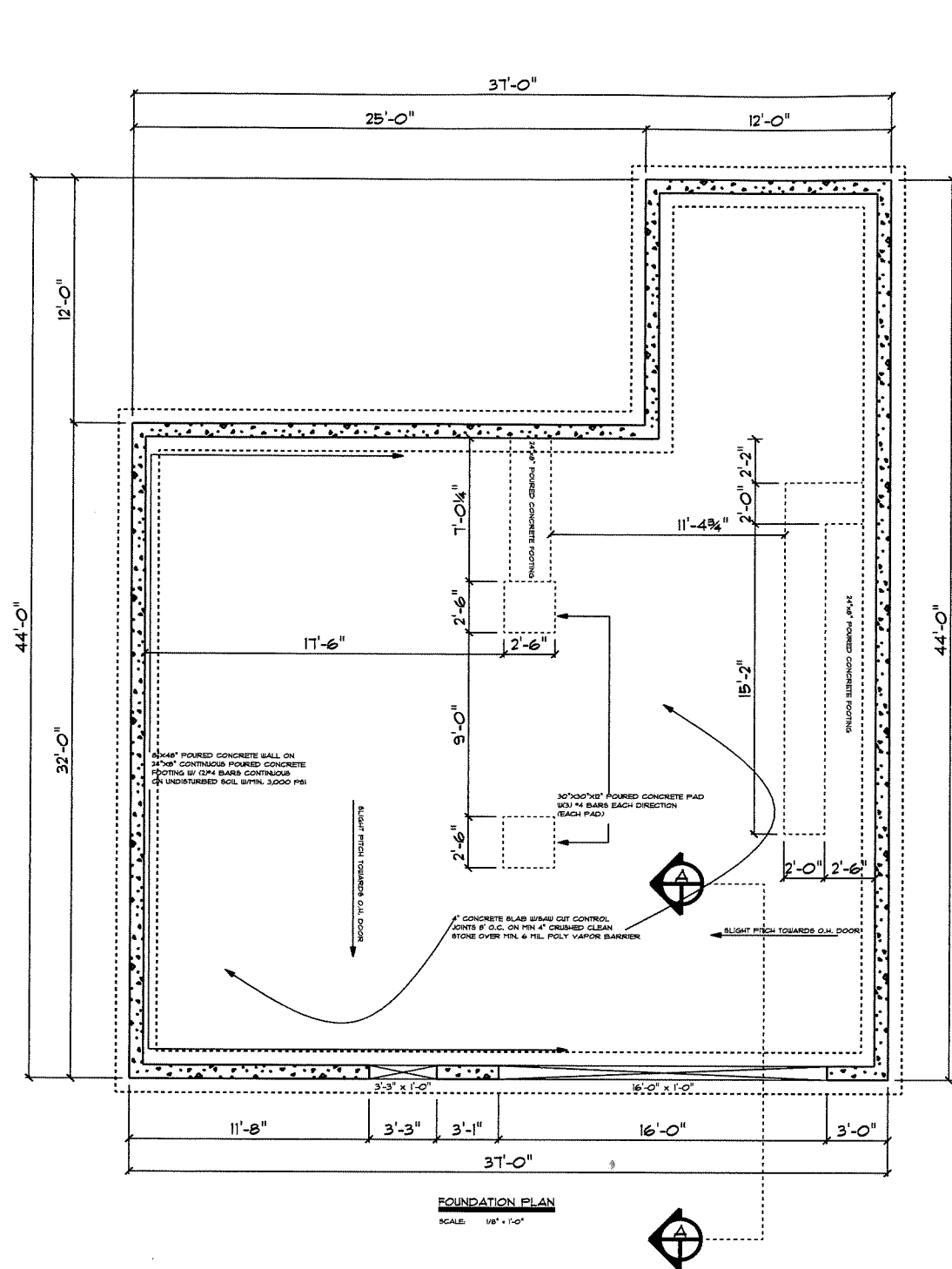


Project Location  
 7038 N. Tichigan  
 Waterford  
 WI  
 53185

PHONE:  
 FAX:

 <p>SECTION LETTER</p> <p>PAGE NUMBERS</p>	<b>Quality Restorations of Wisconsin, LLC</b> 4935 Buena Park Road Waterford WI 53185		PHONE: 1 262 939 9100 FAX: quality53177@gmail.com
	DRAWN BY:		PAGE: 2 / 4
	SCALE: 1/4" = 1'-0"		
DATE: Tuesday, January 5, 2021			





**SQUARE FOOTAGE**  
1341 SQ. FT. GROUND LEVEL  
1246 SQ. FT. SECOND LEVEL  
2587 SQ. FT. TOTAL

**Project Location**  
7038 N. Tichigan  
Waterford  
WI  
53185

**PHONE:**  
**FAX:**

**SECTION LETTER**  
A

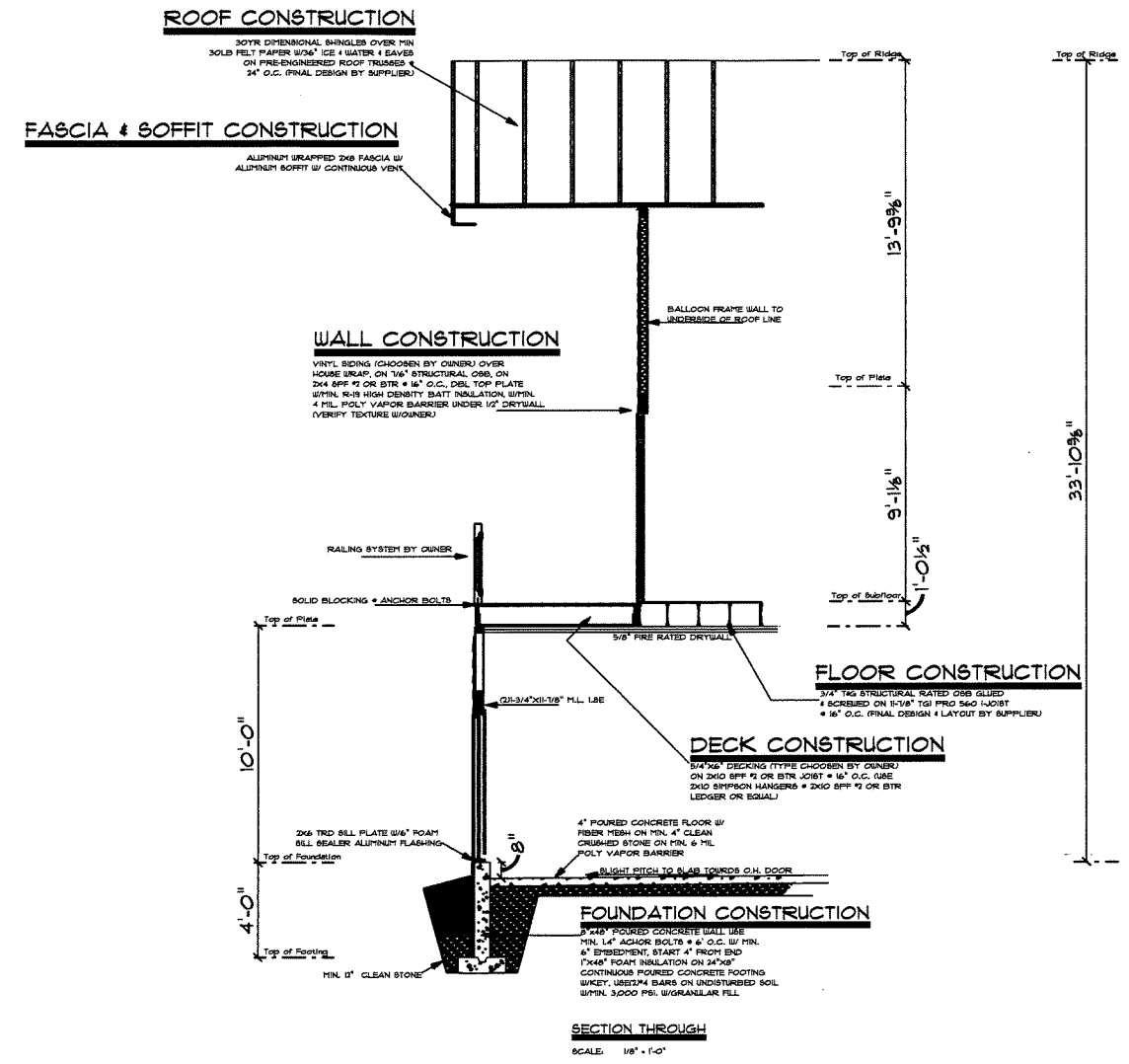
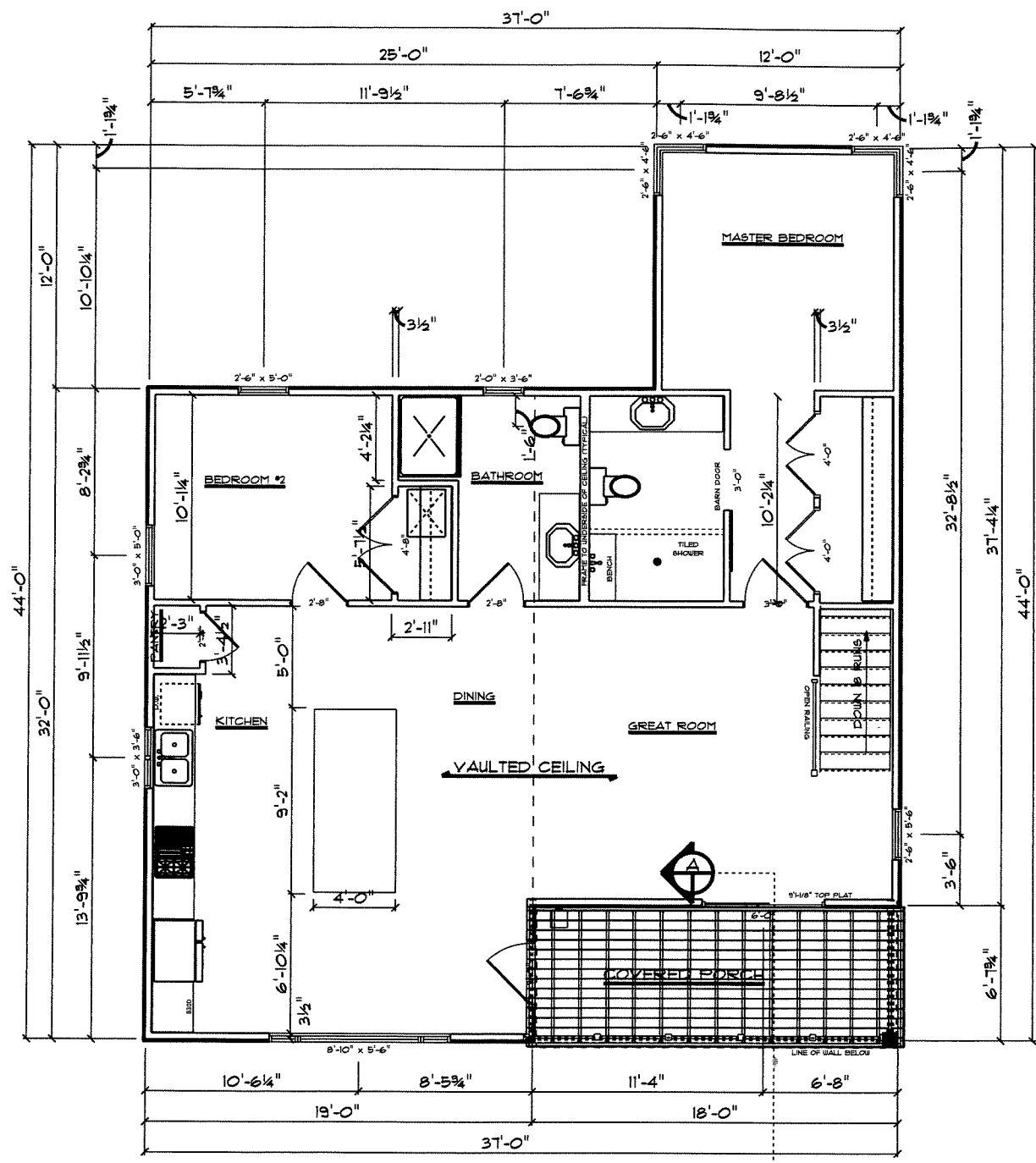
**PAGE NUMBERS**  
1 | 1

**Quality Restorations of Wisconsin, LLC**  
4935 Buena Park Road  
Waterford  
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quality53177@gmail.com

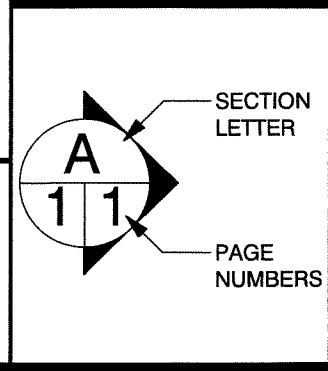
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**DATE:** Thursday, January 7, 2021

**PAGE:** 3 / 4



**Project Location**  
7038 N. Tichigan  
Waterford  
WI  
53185

**PHONE:**  
**FAX:**



**Quality Restorations of Wisconsin, LLC**  
4935 Buena Park Road  
Waterford  
WI  
53185

**PHONE:** 1 262 939 9100  
**FAX:**  
quality53177@gmail.com

**DRAWN BY:**  
**SCALE:** 1/4" = 1'-0"  
**DATE:** Tuesday, January 5, 2021

**PAGE:** 4 / 4

Racine County  
Zoning Board of Adjustment Meeting  
**Tuesday, February 2, 2021 - 9:00 a.m.**

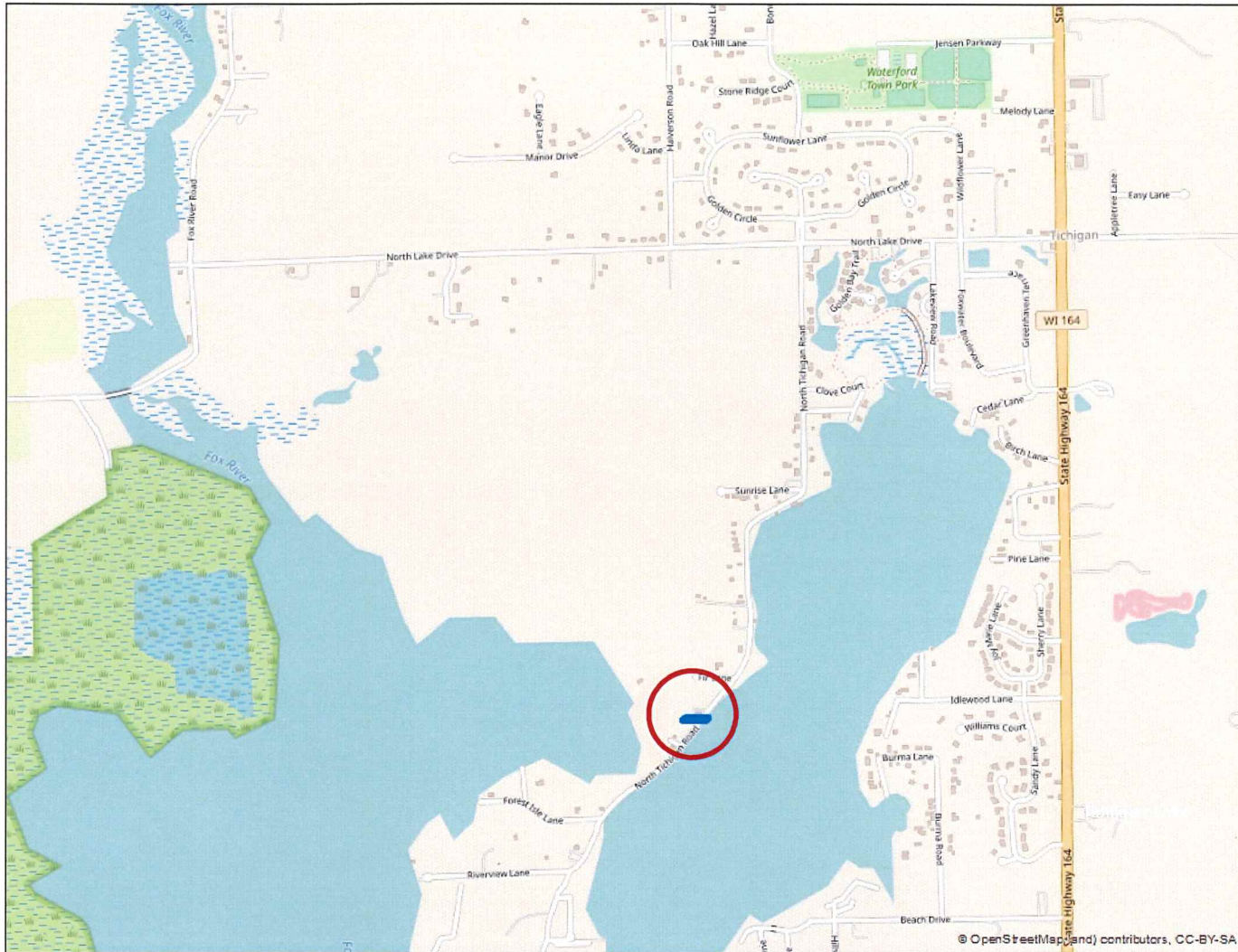
Ives Grove Office Complex Auditorium



JRP Properties LLC, Owners  
Jerry Jenks, Agent  
Site Address: 7038 Tichigan Road

## Location Map

Request R-3A shoreland conditional use approval and variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage.



SEC 11 – T4N – R19E

Town of Waterford





**Zoning Map**

JRP Properties LLC, Owners

Jerry Jenks, Agent

Site Address: 7038 Tichigan Road

Request R-3A shoreland conditional use approval and variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage.



SEC 11 – T4N – R19E

Town of Waterford





JRP Properties LLC, Owners

Jerry Jenks, Agent

Site Address: 7038 Tichigan Road

**Request R-3A shoreland conditional use approval and variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage.**

**2020 Aerial & Floodplain**



SEC 11 – T4N – R19E

Town of Waterford



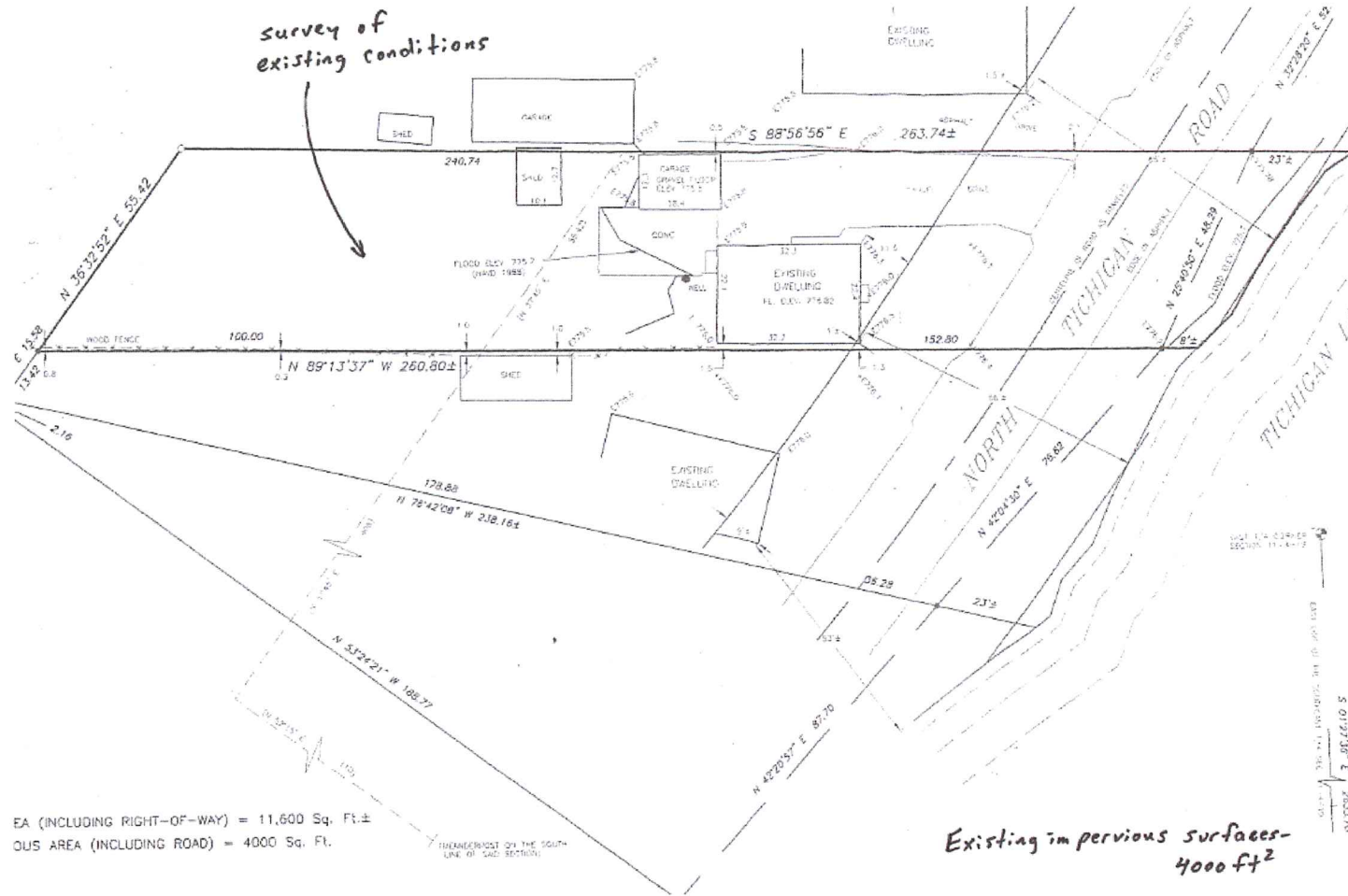
JRP Properties LLC, Owners

Jerry Jenks, Agent

Site Address: 7038 Tichigan Road

Request R-3A shoreland conditional use approval and variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage.

**Existing Site Plan**



EA (INCLUDING RIGHT-OF-WAY) = 11,600 Sq. Ft. ±  
OUS AREA (INCLUDING ROAD) = 4000 Sq. Ft.

SEC 11 – T4N – R19E

Town of Waterford







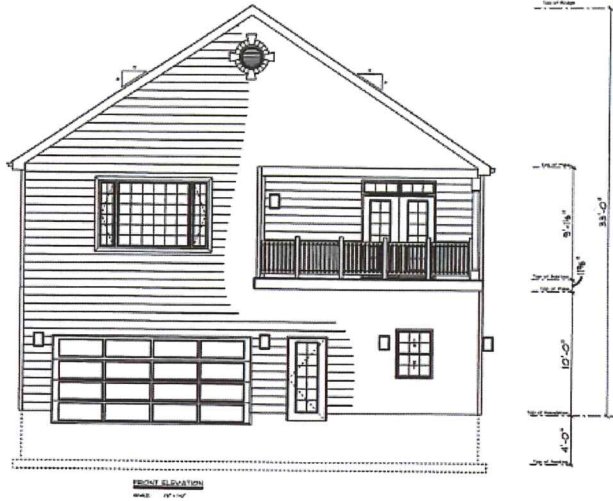


**Building Elevations**

JRP Properties LLC, Owners  
Jerry Jenks, Agent

Site Address: 7038 Tichigan Road

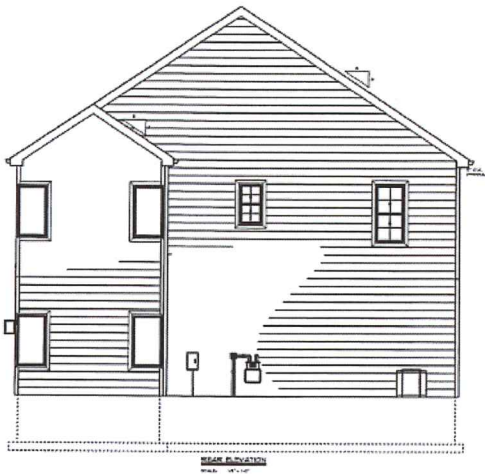
Request R-3A shoreland conditional use approval and variance to raze the existing residence, detached garage and shed and construct a single-family residence with attached garage.



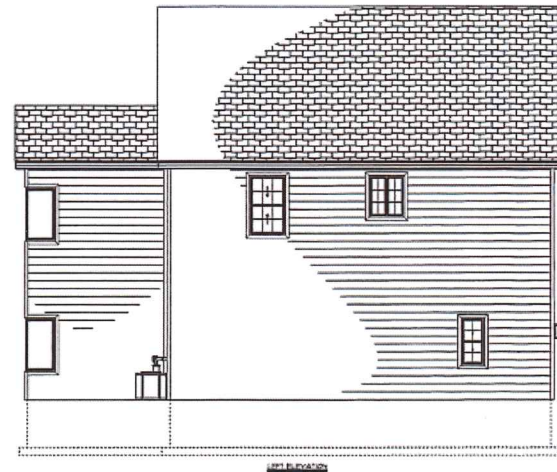
Front



Right



Rear



Left

SEC 11 – T4N – R19E

Town of Waterford

