

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Jennifer Delgado Applicant/Agent: Trevor Olive
Address: 25812 Malcine Road Date petition filed: 4.8.2021 Hearing Date: 5.4.2021
Waterford, WI 53185 Municipality: Town of Norway
Phone (Hm) (262)501-5270 (Wk) (262)409-4610 Zoning district(s): A-2

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 a 40' x 72' pole barn

at site address 25812 Malcine Road, Section 21, T 04 N, R 20 E
Lot(s) - Blk - Subd/CSM N/A Parcel Id.# 010.04.20.21.014.000

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 proposed pole barn will have insufficient street yard setback and the exterior building materials are not the same as or in harmony with the principal structure on the lot

Applicant is subject to: ARTICLE VI, DIVISION 24, A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II; SECTION 20-1017 REDUCTION OR JOINT USE; and SECTION 20-1115 ACCESSORY REGULATIONS

of the Racine County Zoning Ordinance.

Check applicable below: (Underline or circle the word "all" or "partially" below, as needed)

- N/A Property is all/partially located in the shoreland area of
N/A Project is all/partially located in the shoreland area of
X Property is all (partially) located in the floodplain area of an unnamed canal
N/A Project is all/partially located in the floodplain area of
X 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 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 Jennifer Delgado Date 4-2-2021

Fee pd: \$450.00 Ck # 00172084 Payable to Racine County Development Services) Attach required documentation

VARIANCE APPLICATION
Attachment

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

The Ordinance requires a 75 foot set back from the road right of way of Malchine Road. Because much of the property is designated as isolated natural resource area in the land use plan, consisting of either delineated wetland or mature forest, the actual area available for construction of the proposed building is limited to the area on the southern portion of the parcel adjacent to Malchine Road. There is not sufficient area to construct the proposed building in that southern portion with out relief the setback requirements.

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

Much of the parcel is delineated wetland and therefore not suitable for the construction of the proposed building. Much of the remainder of the parcel, is not suitable for construction of the building because it would require removal of significant number of mature trees and would likely require construction of an access drive which infringes upon the delineated wetland. Finally the topography of the parcel is such that there is a steep grade when proceeding from Malchine Road North to the area where the existing home is located. This relatively steep grade makes it difficult to use that existing drive for operation of the applicants recreational vehicle which is intended to stored in the building to be constructed.

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 requested variance would be to reduce the set back from Malchine Road by 35 feet from 75 feet to 40 feet. That setback will not significantly impact the owners of adjacent properties nor would it materially impair or be contrary to the purpose and spirit of the zoning ordinance or public interest as the proposed building would still be screened from the public right of way by an existing tree line. The requested setback would not be such that it would impair sight lines for traffic using Malchine Road. The nearest adjacent residence to the site of the proposed building is several hundred feet away. The construction of the proposed building will create inside storage and eliminate the need for outside storage of certain items currently employed by the owner. Construction at the proposed location would preserve areas designated as isolated natural resource area on the land use plan.

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

The requested variance has no economic impact on the property owner. The owner currently owns the parcel and uses it for purely residential purposes. The proposed building will be for storage of personal property only. It will not be used in connection with any commercial operation. The requested variance is necessary due to the topographic and other existing conditions on the property, primarily the delineated wetland and the existence of significant numbers of mature trees. The property owner has not taken any steps which would have reduced the available building areas on the property but instead is attempting to make use of the limited building areas which are currently present.

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

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER Jennifer Delgado
 Mailing _____
 Address 25812 Malchine Road

APPLICANT Trevor Olive
 Mailing _____
 Address 25812 Malchine Road

Waterford, WI 53185
 City State Zip

Waterford, WI 53185
 City State Zip

Phone (H) (262) 501-5270 (W) (262) 409-4610

Phone (H) (414) 418-8550 (W) _____

Parcel Id. # 010.04.20.21.014.000

Site Address 25812 Malchine Road, Waterford, WI

Municipality Town of Norway Section(s) 21, Town 04 North, Range 20 East

Lot - Block - Subdivision Name NIA CSM # _____

Proposed Construction/Use Pole Barn - for personal use only

New	Principal Bldg.	Size (<u>40'</u> x <u>72'</u>) (_____ x _____) (_____ x _____)
Addition	Accessory <u>X</u>	Area (sq ft) (<u>2,880sqft.</u>) (_____) (_____)
Alteration	Deck	# of Units/Stories <u>1 / 1</u> Building Ht.-Avg. (ft.) <u>17.88'</u>
Conversion	Sign	Peak Ht. (ft.) <u>21'5"</u> 100-Yr. Floodplain Elev. <u>NIA</u>
Temporary	Other	Eave Ht. (ft.) <u>14'4"</u> Flood Protection Elev. <u>NIA</u>

Contractor applicant Est. Value w/Labor \$ 24,000.00 ZONING DISTRICT A-2

Existing Nonconforming?	N/A <u>X</u>	* Yes _____ No _____	Yard Setbacks	Proposed	OK?
*Structure's Fair Mkt Value \$	_____	Cumulative % _____	Street-1 st	<u>40'</u>	_____
*>50% of Fair Market Value?	N/A <u>X</u>	Yes _____ No _____	Street-2 nd	<u>N/A</u>	_____
Structure in Shoreland? (per map)	_____	Yes _____ No <u>X</u>	Side-1 st	<u>98'</u>	<u>YES</u>
Structure in Floodplain? (per map)	_____	Yes _____ No <u>X</u>	Side-2 nd	<u>100'</u>	<u>YES</u>
Structure in Wetland? (per map)	_____	Yes _____ No <u>X</u>	Rear	<u>±1000'</u>	<u>YES</u>
Substandard Lot?	_____	Yes _____ No <u>X</u>	Shore	_____	_____
Abutting Lot-Same Owner/Closely Related?	_____	Yes _____ No <u>X</u>	Total Acc. Structures	<u>< allowable ft²</u>	_____
BOA Variance Needed?	_____	Yes <u>X</u> No _____	--Date of Approval	_____	_____
Conditional Use/Site Plan Needed?	_____	Yes _____ No <u>X</u>	--Date of Approval	_____	_____
Shoreland Contract Needed?	_____	Yes _____ No <u>X</u>	--Date of Approval	_____	_____

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes X 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: \$ 45000 Jennifer Delgado 4-2-2021
 Cash/Check # 100172084 Signature of Individual/Corporation Pres. or Sec./Partner - Date

Shoreland Contract Fee Pd: \$ _____ Jennifer Delgado
 Cash/Check # _____ Print Name(s)

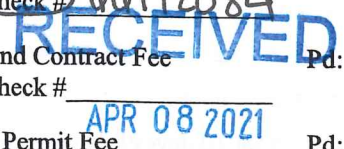
Zoning Permit Fee Pd: \$ 17500
 Cash/Check # _____ Notes (revisions, extensions, etc.)

Other: RACINE COUNTY Pd: \$ _____ Jc

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 0100420-21-014000



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

1) Sanitary Permit # _____ Date issued 1980 Year installed 1980 Failing? No per APT

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 Comm 83.25 (2) (d) to verify system can be used.

4) Will construction interfere with the setback requirements to the POWTS per Comm 83.43 (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 No plumbing fixtures in proposed Pole Barn & midiana req'd
 POWTS Inspector's Signature: [Signature] Date: POWTS setbacks exceeded per owner

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 six (6) months (Village of Caledonia) or nine (9) months (Racine County), 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)

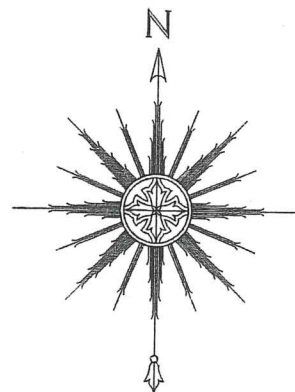
- Proposed structure is for personal use only. No business, commercial or industrial use is allowed.
- All disturbed soils must be reseeded and mulched, or sodded immediately upon completion of project.
- Must install the following within 14 days of completion of roof: gutters and downspouts which outlet 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 ≥ _____'

RECEIVED

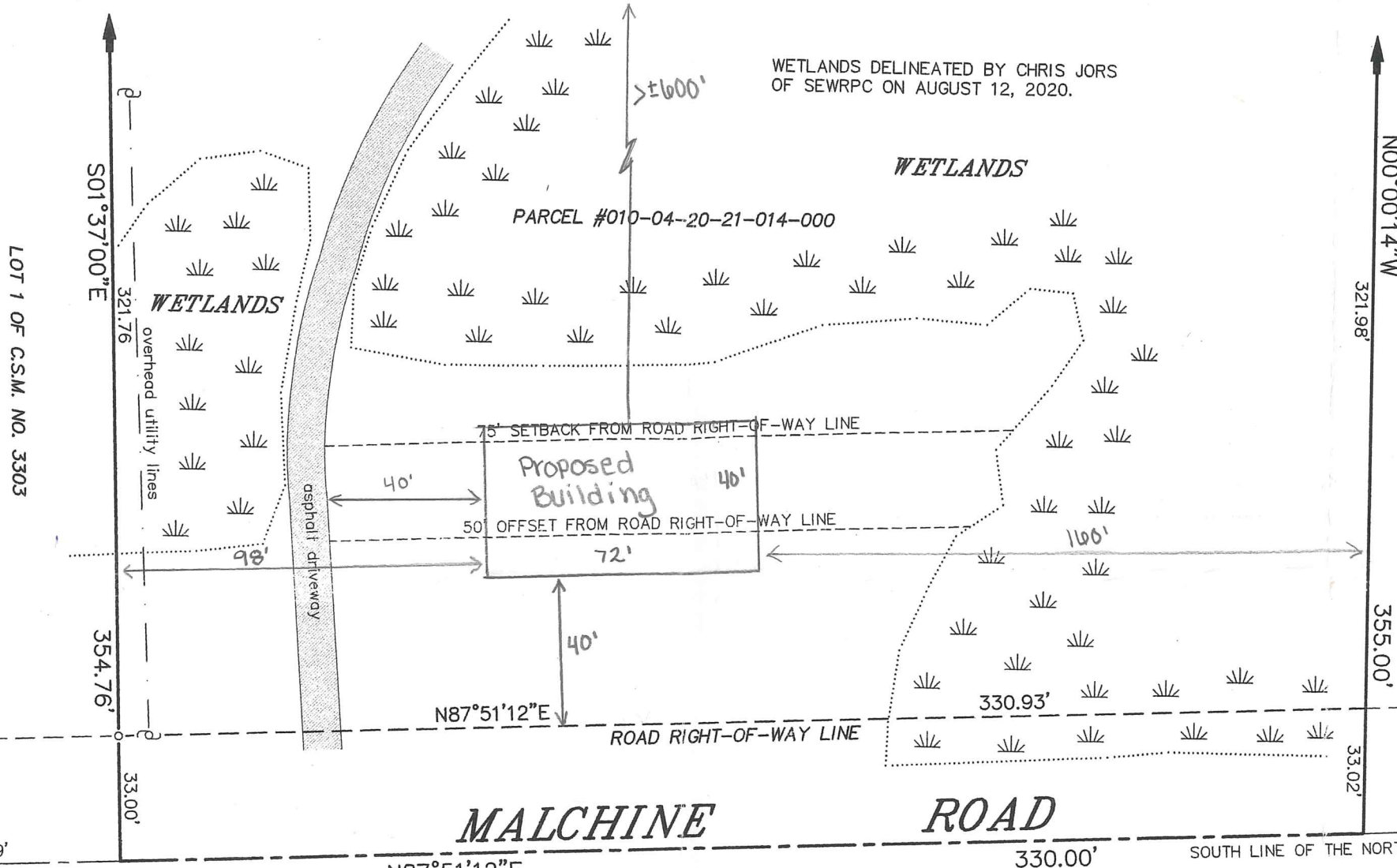
APR 08 2021

RACINE COUNTY

BEARINGS HEREON RELATE GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-1927). ASSUMED BEARING OF NORTH 87°51'12" EAST ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 21-4-20.



0 20' 40' 80'
SCALE: 1" = 40'



LEGEND

- ◆ FOUND BRASS CAPPED CAST IRON MONUMENT
- FOUND 1" O.D. IRON PIPE
- ⊕ UTILITY POLE

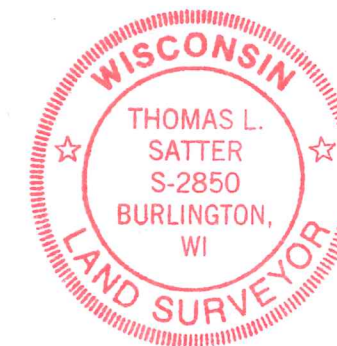
NOTE: REFER TO A CURRENT TITLE REPORT FOR EASEMENTS, RESTRICTIONS OR COVENANTS WHICH MAY AFFECT THIS PROPERTY.

SITE MAP -OF-

PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, TOWN 4 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN, TOWNSHIP OF NORWAY, COUNTY OF RACINE, STATE OF WISCONSIN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21, THENCE NORTH 00°00'14" WEST, 355.00 FEET ALONG THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 87°51'12" WEST, 142.50 FEET, PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION TO THE PLACE OF BEGINNING OF PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 87°51'12" WEST, 142.50 FEET; THENCE NORTH 00°00'14" WEST 213.84 FEET; THENCE SOUTH 87°51'12" WEST 55.00 FEET; THENCE NORTH 00°00'14" WEST 67.00 FEET; THENCE SOUTH 00°00'14" EAST 280.84 FEET TO THE PLACE OF BEGINNING. SAID LAND BEING IN THE TOWN OF NORWAY, COUNTY OF RACINE AND STATE OF WISCONSIN.

-ALSO-

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWN 4 NORTH, RANGE 20 EAST, DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE RUNNING EAST ALONG THE 1/4 LINE, 660.00 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION; THENCE NORTH ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION, 355.00 FEET TO A POINT; THENCE WEST PARALLEL TO THE EAST AND WEST 1/4 LINE OF SECTION, 285.00 FEET TO A POINT, SAID POINT MARKS THE PLACE OF BEGINNING OF PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUNNING WEST, PARALLEL TO EAST AND WEST 1/4 LINE OF SECTION, 55.00 FEET TO A POINT; THENCE NORTH PARALLEL TO EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION, 213.84 FEET TO A POINT; THENCE EAST PARALLEL TO EAST AND WEST 1/4 LINE OF SECTION, 55.00 FEET TO A POINT; THENCE SOUTH, PARALLEL TO EAST LINE OF SAID WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION, 213.84 FEET TO THE PLACE OF BEGINNING. SAID LAND LYING AND BEING IN THE TOWN OF NORWAY, COUNTY OF RACINE AND STATE OF WISCONSIN.



THIS IS NOT AN ORIGINAL PRINT UNLESS THIS SEAL IS RED.

Thomas L. Satter
THOMAS L. SATTER S-2850

OCTOBER 20, 2020
DATE

092013
JOB NUMBER

WEST 1/4 CORNER SECTION 21-4-20

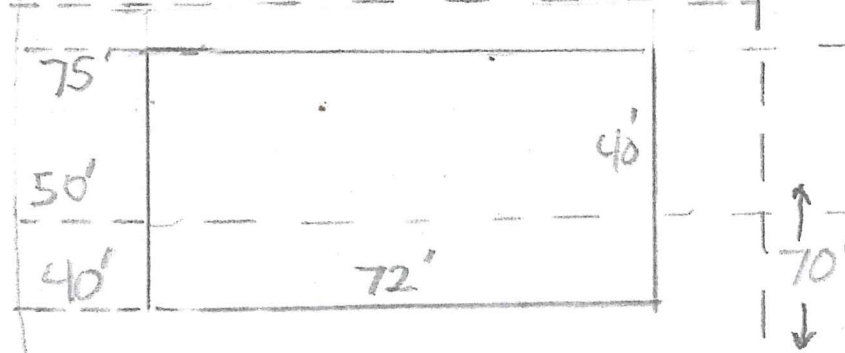
PREPARED FOR: JENNIFER DELGADO
SITE ADDRESS: 25812 MALCHINE ROAD WATERFORD, WI 53185

SATTER SURVEYING, LLC
LAND SURVEYS, MAPPING AND PLANNING
272 ORIGEN STREET
BURLINGTON, WI 53105
262-661-4239

Building site

wet lands

Trees



← 125' →

Trees

Road right of way

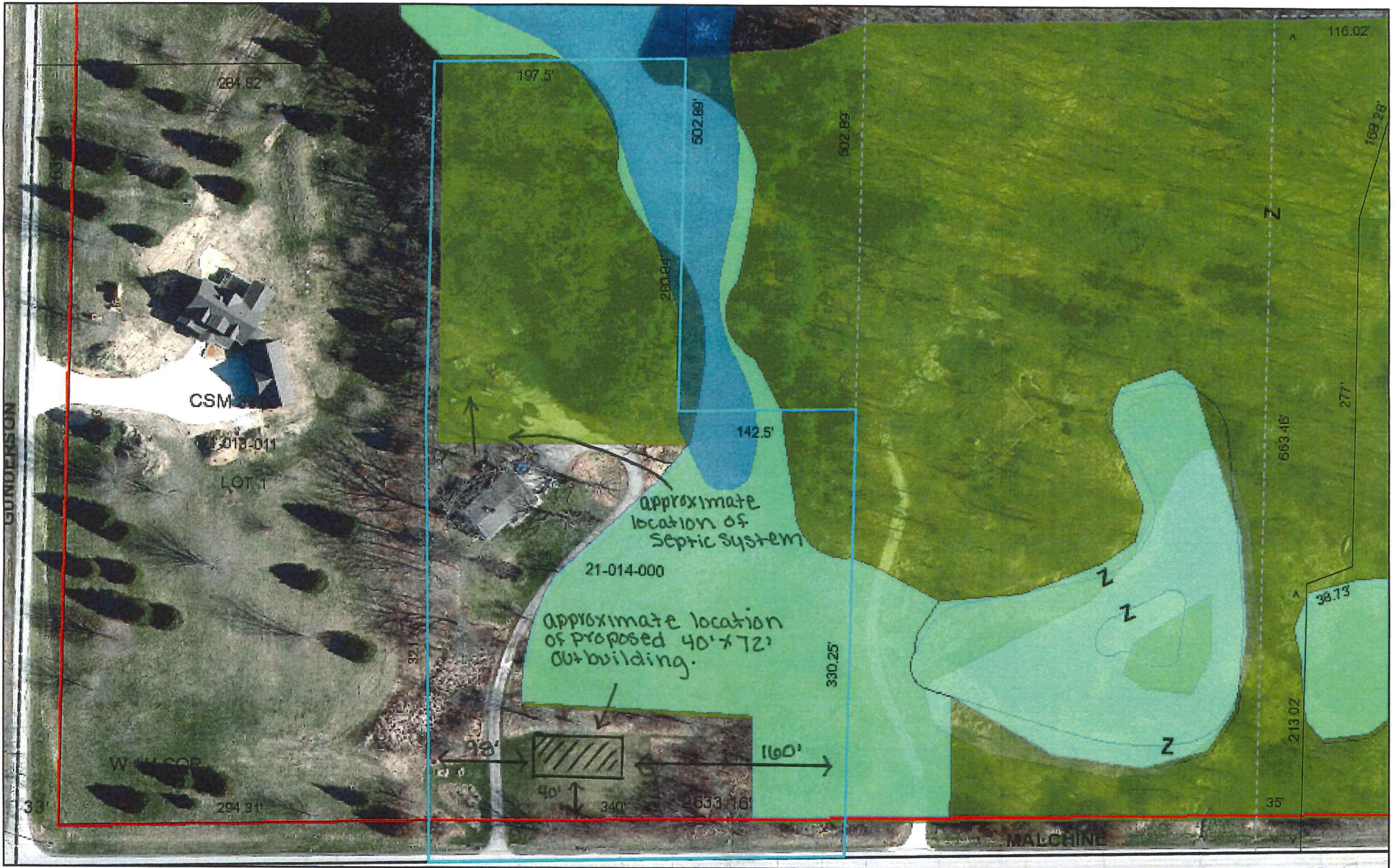
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APR 08 2021

RACINE COUNTY

Malchine Road

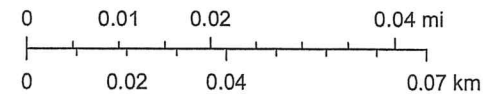
Jennifer Delgado - 25812 Malchine Rd



April 9, 2021

- | | | | | | | | |
|--|-------------------------|--|----------------------|--|--------------------|--|------------------------------|
| | Quarter Quarter Section | | Tax Parcels | | Road Right of Ways | | Fema FloodPlain |
| | Quarter Section | | Parcel Tie Lines | | Water lines | | 2010 DNR Wetland Survey |
| | Sections | | Municipal Boundaries | | Waterbody | | 2010 Environmental Corridors |

1:1,800



Racine County, Racine County, SEWRPC, Southeastern Wisconsin Regional

NOT TO SCALE

ArcGIS WebApp Builder

25812 Malchine Road



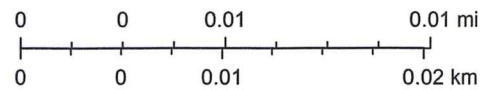
DELGADO - 25812 MALCHINE RD



April 14, 2021

1:485 1" = 30'

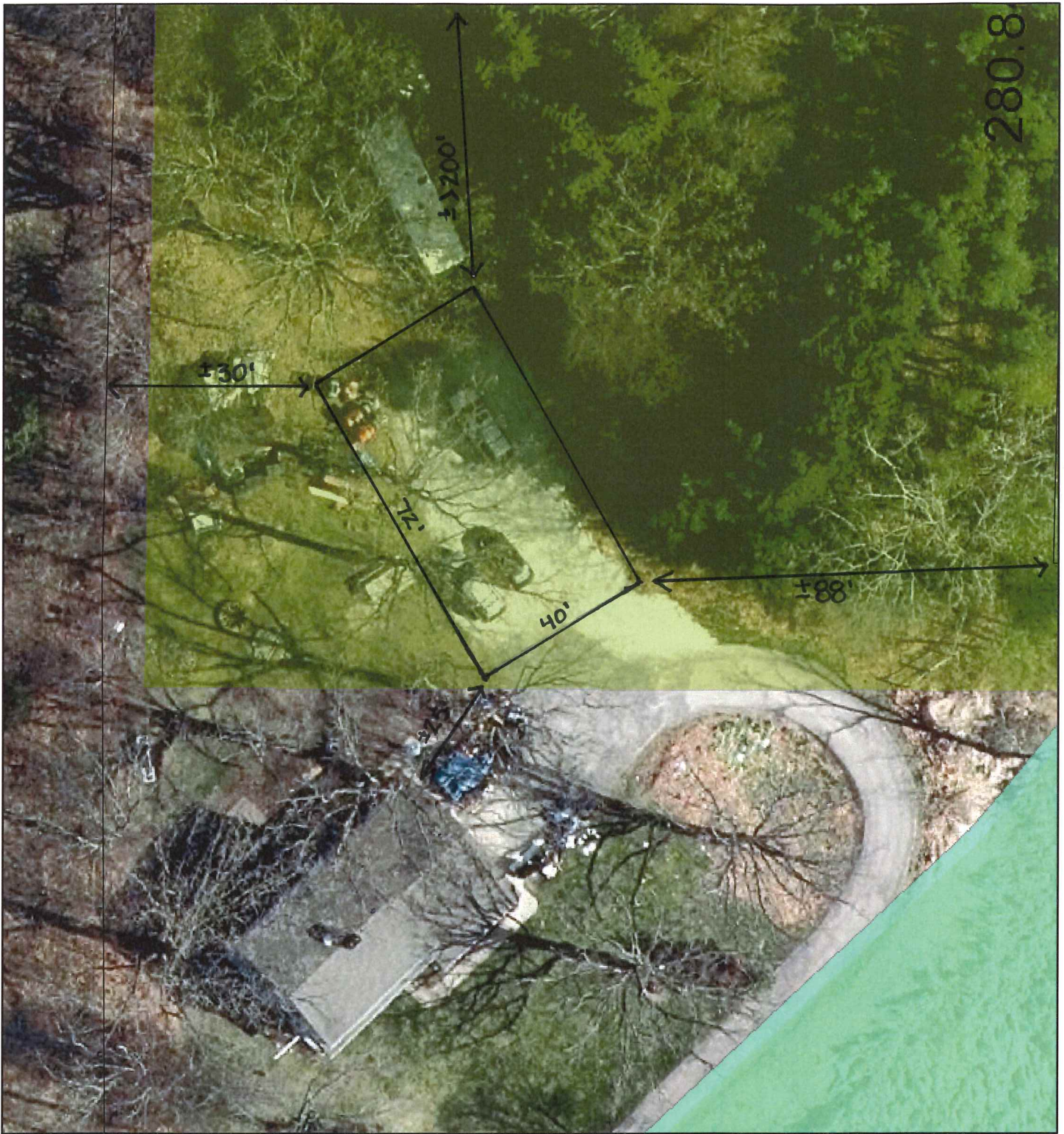
- Quarter Quarter Section
- Quarter Section
- Sections
- Tax Parcels
- Municipal Boundaries
- 2010 DNR Wetland Survey
- 2010 Environmental Corridors
- 2020 Spring Aerial
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



Racine County, SEWRPC, Southeastern Wisconsin Regional Planning Commission, Wisconsin DNR, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Southeastern







Web AppBuilder for ArcGIS

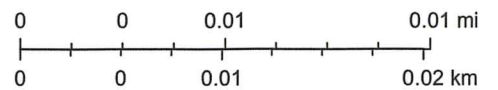
DELGADO - 25812 MALCHINE RD



April 14, 2021

~~1:485~~ 1" = 30'

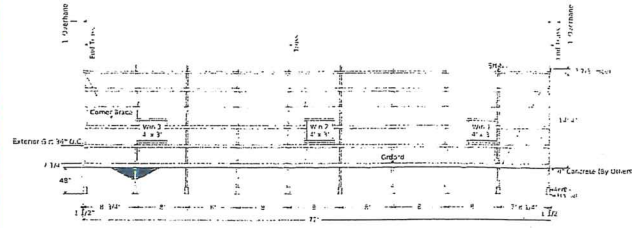
-  Quarter Quarter Section
-  Quarter Section
-  Sections
-  Tax Parcels
-  Municipal Boundaries
-  2010 DNR Wetland Survey
-  2010 Environmental Corridors
- 2020 Spring Aerial
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



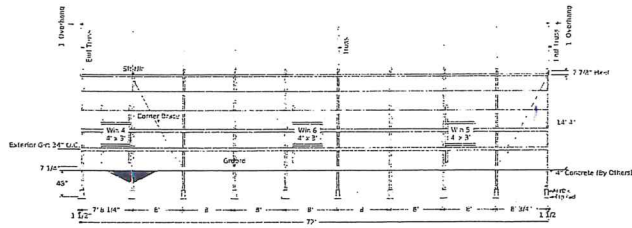
Racine County, SEWRPC, Southeastern Wisconsin Regional Planning Commission, Wisconsin DNR, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Southeastern

Web AppBuilder for ArcGIS

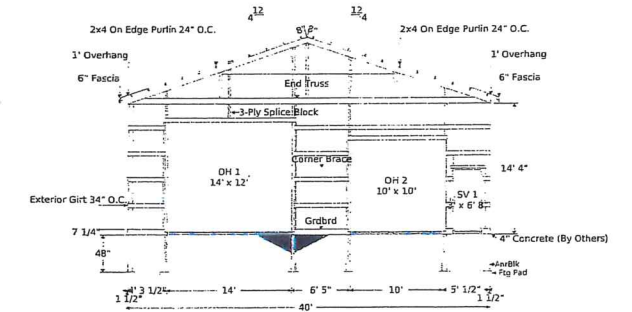
TREVOR OLIVE WATERFORD, WI



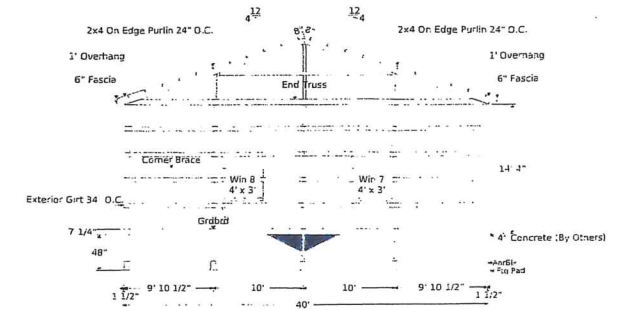
WALL 1-B FRAMING



WALL 1-C FRAMING



WALL 1-D FRAMING



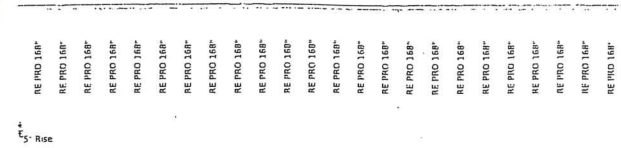
WALL 1-B STEEL



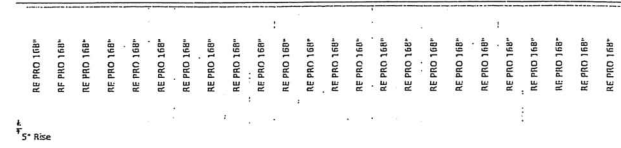
WALL 1-C STEEL



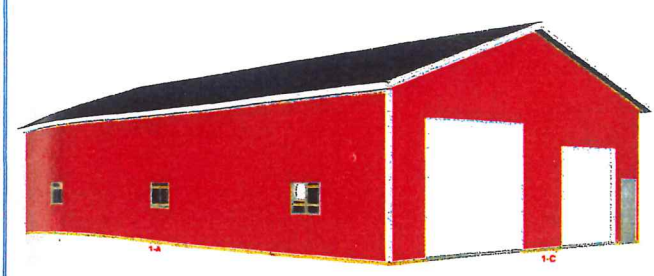
WALL 1-D STEEL



ROOF COVERING



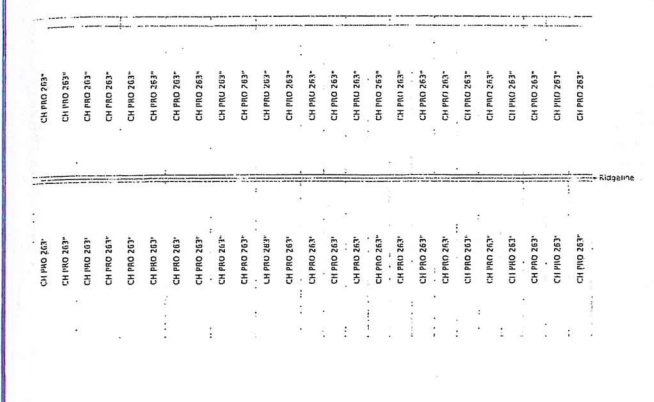
ROOF FRAMING



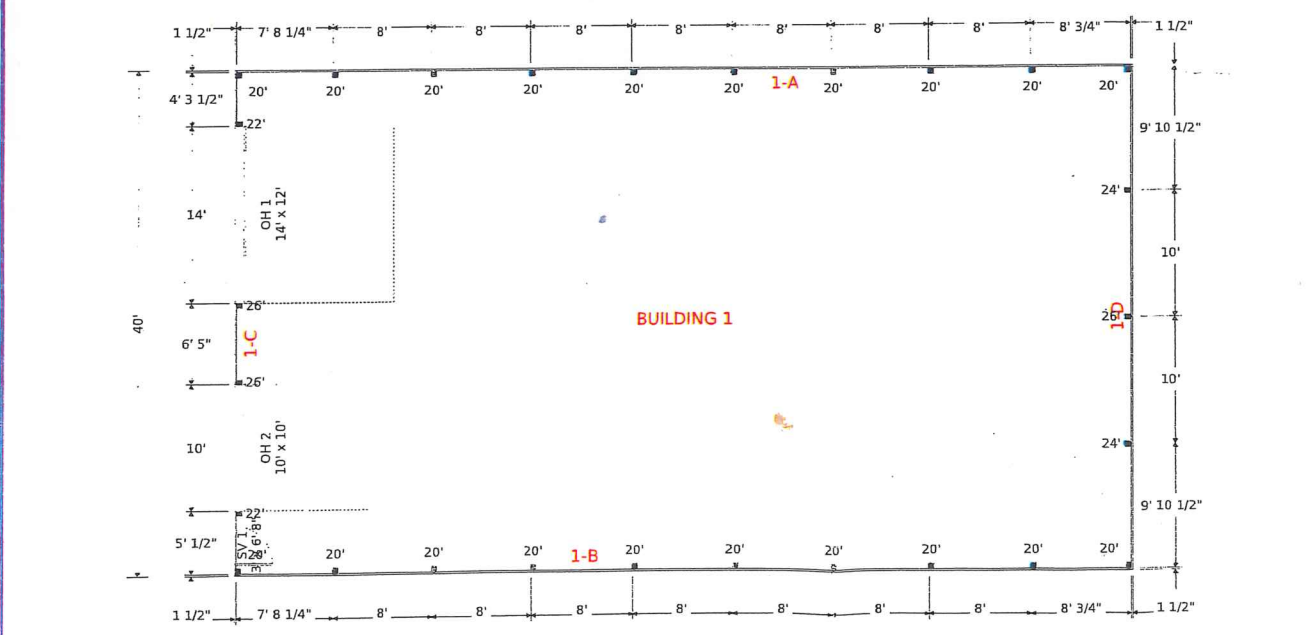
Service doors and windows shown for representation only. Please confirm exact locations at time of construction.



Service doors and windows shown for representation only. Please confirm exact locations at time of construction.



FLOOR PLAN



MIDWEST
MINI PRINT

DIMENSIONS
Material views, steel views, and floor plan are not to scale.
ERRORS AND OMISSIONS
MENARD INC. is unable to accept liability for any errors or omissions in excess of the original purchase price for these plans. Consequently, builders must carefully check all details and information in these drawings including dimensioning, material quantities and availability of the products specified. Any errors or omissions found should be reported immediately to Midwest Manufacturing, 5311 Kane Road, Eau Claire, WI 54703

ADAPTATION AND UTILIZATION OF THIS PLAN
These plans have been professionally prepared to conform to most generally accepted construction requirements throughout North America, however due to local codes, regulations, and building practices and/or because of specific site conditions, these drawings may not be suitable or legal for use in the construction of this building in all localities. Consequently, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability or until the drawings have been brought into conformity with all local requirements.

RECEIVED
APR 08 2021
ONE COUNTY