

January 3, 2022

We would like an extension on our variance permit. We have had a hard time getting a contractor.

Thank you,

Ken & Michele Nikolai  
242 497-7186

location of variance is 25404 S. Wind Lake Rd, Wind Lake  
WI  
53185

RECEIVED  
JAN 04 2022  
RACINE COUNTY

pd. in full \$75 check # 7753 for 9 month extension request - JCC



**Public Works & Development Services**

14200 Washington Avenue  
Sturtevant, WI 53177  
262-886-8440  
fax: 262-886-8480

April 7, 2021

Kenneth and Michele Nikolai  
2137 Neptune Circle  
Racine, WI 53404

Re: Variance Request  
Across the street from 25404 S. Wind Lake Rd., Town of Norway  
Parcel Id. No. 010042016024000

Dear Mr. and Mrs. Nikolai:

The Racine County Zoning Board of Adjustment, at their meeting on April 6, 2021, approved your variance request to construct a 22' x 44' detached garage, located across the street from 25404 S. Wind Lake Road, Section 16, Town 4 North, Range 20 East, in the Town of Norway.

The Board approved this variance request as:

1. The Racine County Public Works and Development Services Director had no objection pursuant to her correspondence dated March 30, 2021.
2. Submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owner's belongings from the effects of the outdoor environment and the need to preserve the substantial property rights of the owners that are also enjoyed by others in this area.
3. The variance does not appear to be contrary to the purpose and spirit of the ordinance, as the proposed detached garage is consistent with the existing development in this area, the location should not impair visibility for traffic, and it will not impact residential density.
4. The Zoning Ordinance creates a hardship for the property owners, as they are unable to utilize their vacant parcel for construction of a detached garage, even though the legal description links it to a lot across the street with a home.
5. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted by this request.
6. The waters of the state will be protected by implementing required erosion-control measures and shoreland conditions through the shoreland/floodplain conditional use process.
7. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions:

1. **Before beginning this project, the applicant must obtain a zoning permit card from this office after paying the required fee of \$85.00 (detached garage).** 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.
2. A deed restriction stating that the lot on the south side of South Wind Lake Road cannot be sold separately from the owners' parcel across the street, unless done in a manner that complies with the Racine County Zoning Ordinance, must be recorded at the Racine County Register of Deeds Department in a manner to permit its existence by reference to the parcel in perpetuity. This must be accomplished prior to the issuance of the zoning permit for the detached garage. A copy of the deed restriction and proof of recording must be submitted to the Racine County Development Services office.
3. The accessory structure must not be used for human habitation, it is restricted to only code-compliant uses for the property owners, with no business, commercial, or industrial use, and no rental of space within this structure.
4. Increased flood insurance premiums and risk of life and property may result from the granting of this variance.
5. Racine County shoreland/floodplain conditional use approval for placement of fill within the FFO Urban Floodplain Fringe Overlay District must be obtained prior to the issuance of the zoning permit. Note that the application must include the proposed slab elevation and limits of fill for this project and cross-sectional diagrams illustrating that the filling meets the Zoning Ordinance requirements.
6. In conjunction with the submittal for the shoreland/floodplain conditional use the plat of survey must be updated to include the proposed driveway and also impervious surface calculations which illustrate the square footage of impervious surfaces and the total square footage of the lot.
7. Stormwater drainage plan review, approval and regulation are the Town's responsibility. The Town of Norway must review and approve a stormwater drainage plan for the project prior to zoning permit issuance.
8. There must be no storage of materials that are buoyant, flammable, explosive or injurious to human, animal or plant life, nor electrical outlets/switches installed at an elevation below 774.9 above mean sea level datum (MSLD 1988 datum)
9. The slab grade must be  $\geq 772.9$  mean sea level datum (MSLD 1988 datum)
10. The slab must be firmly anchored to prevent floating away in a flood event.

KENNETH AND MICHELE NIKOLAI

APRIL 7, 2021

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11. This variance approval will expire on January 6, 2022, 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.
12. The proposed 22' x 44' detached garage shall be located and sized as shown on the submitted survey received by the Racine County Development Services office on March 2, 2021.
13. The applicants 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.
14. The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations.
15. 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.
16. 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.

Your accepting this variance approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Kenneth and Michele Nikolai, and their heirs, successors, and assigns are responsible for full compliance with the above conditions. It is the property owners' responsibility to inform any subsequent owner or operator of these conditions.

**THIS DECISION LETTER WAS FILED APRIL 7, 2021, AT THE RACINE COUNTY PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT, WHICH IS USED AS THE RACINE COUNTY ZONING BOARD OF ADJUSTMENT OFFICE. Any person, jointly or severally, aggrieved by any decision of the Board of Adjustment; any taxpayer; or any officer, department, board, or bureau of the County may present an appeal of such decision of the Board of Adjustment within 30 days of the filing, pursuant to Sec. 59.694(10) of the Wisconsin Statutes. If you have any questions or comments, please contact the Racine County Development Services Office at (262) 886-8440.**

Sincerely,



Jarmen Czuta  
Development Services Zoning Administrator

c: P. Campbell, Town Clerk, J. Jacobson, Town Chairperson,  
T. Kramer, Town Administrator & Dist. #13 Supervisor, File