

PH ITEM 3B

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Irish Cottage of Franklin, LLC Applicant/Agent: Attorney Todd Terry
Address: 26450 Kendra Lane Date petition filed: 2-2-2022 Hearing Date: 3-1-2022
Waterford, WI 53185 Municipality: Waterford
Phone (Hm) (Wk) Zoning district(s): B-6

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 allow a concrete patio and associated tiki bar to remain in non conforming locations

at site address 8330 Fox River Rd., Section 3, T 4 N, R 19 E
Lot(s) 18 & 19 Blk - Subd/CSM Raabs Subdivision Parcel Id.# 0160419030500.00
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 concrete patio and associated tiki bar have insufficient shore yard setbacks

Applicant is subject to: Art. VI, Div. 21 B-6 Water oriented Business District; Sec. 20-10 Compliance, Sec. 20-11 Violations; Sec. 20-61 Required permits; Sec. 20-1017 Reduction or joint use and Sec. 20-1045 Shoreland setbacks and exempt structures
Sec 20-191 Substandard nonconforming lots

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 the Fox River
Project is all/partially located in the shoreland area of the Fox River
Property is all/partially located in the floodplain area of the Fox River
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.
2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure.
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.
4) Explain how the request is not based on economic gain or loss and is not self-imposed.

Owner/Applicant's Signature Date

Fee paid: \$450.00 Check # 3624 (Payable to Racine County Planning) *Please attach required documentation

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: IRISH COTTAGE OF FRANKLIN, LLC

Applicant/Agent: ATTORNEY TODD A. TERRY

Address: 8330 FOX RIVER RD. 26456 Kendra Ln.

Date petition filed: 02/02/22

Hearing Date: 03/01/2022

WATERFORD, WI 53185

Municipality: TOWN OF WATERFORD

Phone (Hm) 414-559-3302

(Wk) SAME

Zoning district(s): B-6

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: Applicant received a Notice of Violation for constructing/maintaining a structure (concrete patio and tiki bar) within Shoreland setback. Applicant seeks this after-the-fact Variance as the same were constructed to replace a prior patio and structure that were in a dangerous condition. Applicant contacted WI DNR and was advised no permits were necessary. Applicant then rebuilt the prior consistent with modern building practices for longevity and safety.

at site address 8330 FOX RIVER RD., TOWN OF WATERFORD, Section 3, T 4 N, R 19 E

Lot(s) 18, 19 Blk -- Subd/CSM Raab's Subdivision Parcel Id.# 016041903050000

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: after-the-fact Variance request.

Applicant is subject to: Section 20-145, Shoreland setbacks and within B-6 Zone.

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 FOX RIVER
X Project is all/partially located in the shoreland area of FOX RIVER
X Property is all/partially located in the floodplain area of FOX RIVER
- 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. Applicant has been updating and remodeling a licensed tavern at the location (Bobbers). As part of said remodel, Applicant removed dilapidated warf, failing patio and tiki bar that was in danger of collapse. The reconstruction resulted in an impervious feature (stamped concrete patio) within the setback area. The tavern has historically had this outdoor area and the safest way to repair/replace it was with the stamped concrete surface. The structure is 64 feet from the ordinary high water mark. Removal and replacement would result in unsafe/unstable features for customer usage.

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. There has always been the surface patio and Tiki Bar structure located where the newly constructed portions are. The old features were so old and out of repair that they were dangerous. The new structures are in the same location; however, the quality of building material to make it safe sturdy for customer use is no impervious. There are other existing areas of impervious features and non-green space that could be used to 'replace' the constructed features and make the property more useful and water friendly.

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. Please see the response to No. 2. By removing several horse shoe pits between the current structure and the OHW mark, it will improve the water holding and transmission rates and beautify the property.

4) Explain how the request is not based on economic gain or loss and is not self-imposed. The applicant solely intended to replace what was previously existing. The replacment structure and surface is substatially more safe for customers, but unfortunately given the construction materials, is now a non-conforming structure.

Owner/Applicant's Signature

[Handwritten Signature]



Date 02/01/22

Fee pd: \$ 450.00

Ck # 3074

(Payable to Racine County Development Services)

Attach required documentation

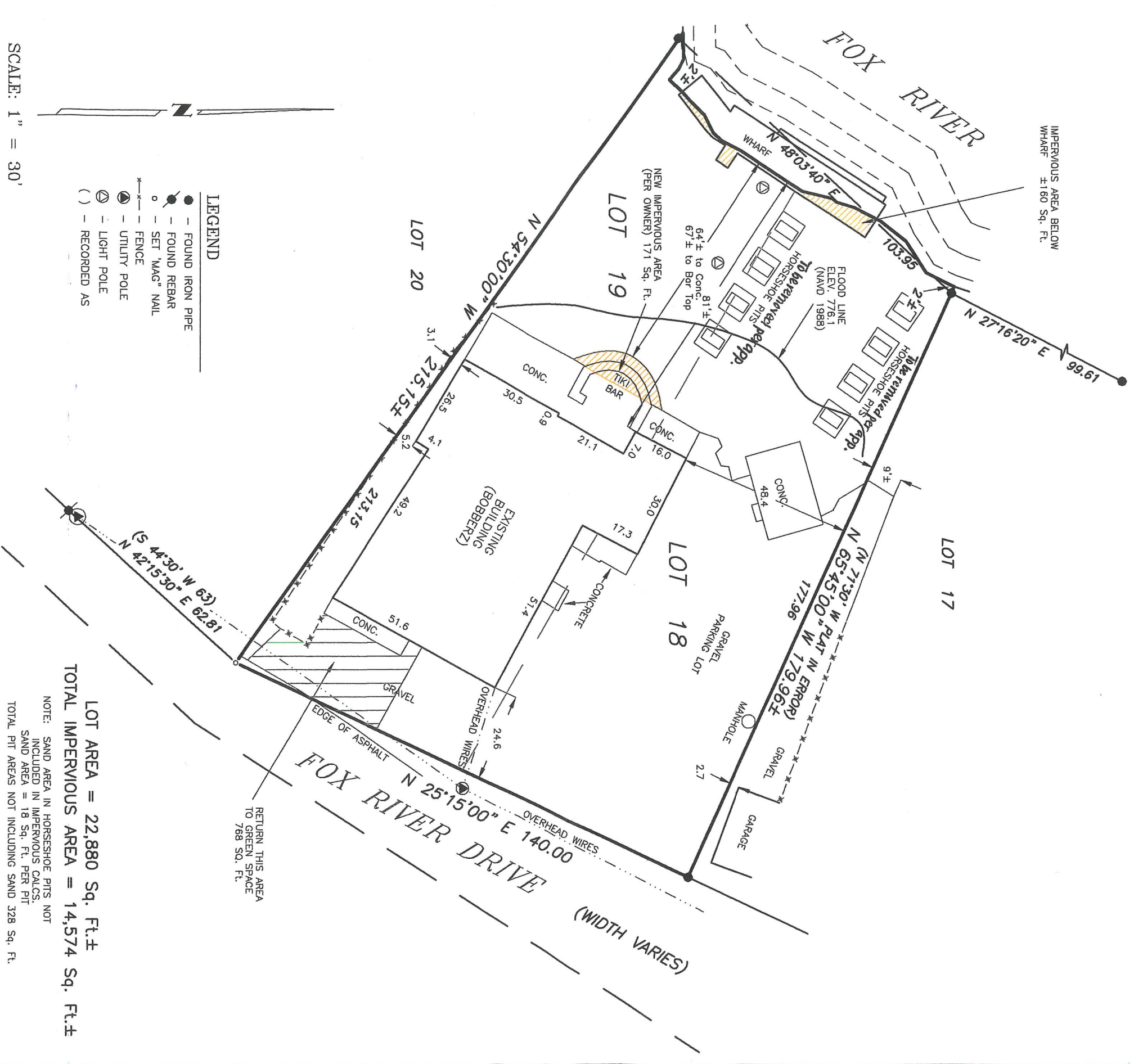
DEGEN - FOAT SURVEYING, INC.
 100 SOUTH SECOND STREET
 WATERFORD, WISCONSIN 53185
 (262)534-5404 (FAX)534-2022

215030
 215030S1.DWG

LOTS 18 AND 19 OF RAAB'S SUBDIVISION, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWN 4 NORTH, RANGE 19 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

* REFER TO A CURRENT TITLE REPORT FOR EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD THAT MAY AFFECT THIS LAND. *

PLAT OF SURVEY



- LEGEND**
- - FOUND IRON PIPE
 - - FOUND REBAR
 - - SET "MAG" NAIL
 - - FENCE
 - - UTILITY POLE
 - - LIGHT POLE
 - () - RECORDED AS

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

LOT AREA = 22,880 Sq. Ft.±
 TOTAL IMPERVIOUS AREA = 14,574 Sq. Ft.±

NOTE: SAND AREA IN HORSESHOE PITS NOT INCLUDED IN IMPERVIOUS CALCS.
 SAND AREA = 18 Sq. Ft. PER PIT
 TOTAL PIT AREAS NOT INCLUDING SAND 328 Sq. Ft.

CONCRETE AREA ADJOINING BUILDING ON RIVER SIDE = 1,095 Sq. Ft.

SURVEY PREPARED FOR: IRISH COTTAGE OF FRANKLIN, LLC
 26450 KENDRA LANE
 WATERFORD, WI 53185

RECEIVED
 FEB 03 2022
 RACINE COUNTY



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

THIS SURVEY IS MADE FOR THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE OR GUARANTEE THE TITLE HERETO WITHIN (1) YEAR FROM THE DATE HEREOF.

DATED AT WATERFORD, WI THIS 17 DAY OF JUNE 2021 LOCATE CHINA UNDER WHARF
 REVISSED: FEBRUARY 3, 2022
 ADJUSTED CALCS.