

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Michael Weygard  
Address: 3535 Peninsula Dr.  
Burlington, WI 53105  
Phone (Hm) 262-206-6859 (Wk) —

Applicant/Agent: Attorney Richard Scholze  
Date petition filed: 8-19-22 Hearing Date: 10-4-22  
Municipality: Burlington  
Zoning district(s): R-3/PUD

**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: shoreland conditional use and a Variance to construct a 758 square-foot attached garage addition to the existing residence

at site address 3535 Peninsula Dr., Section 34, T 3 N, R 19 E  
Lot(s) 1 Blk — Subd/CSM Weygards Peninsula Condo Parcel Id.# 002031934020010

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 existing principal structure is less than thirty-five (35) feet from the ordinary high-water mark the proposed addition will have insufficient shore yard setback and will exceed 200 square feet

Applicant is subject to: Art. VI Div. 5 R-3 Suburban Residential District (Sewered); Art. VI Div. 39 PUD Mixed Use Development Overlay District; Art. VII Div. 3 Shoreland; Art. VIII Div. 8 Shoreland Use; c. 20-188.1 Expansion of nonconforming principal structure within the shoreland setback; c. 20-191 Substandard nonconforming lots; and Sec. 20-1017 Reduction or Joint Use, 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 Browns Lake
- Project is all/partially located in the shoreland area of Browns Lake
- Property is all/partially located in the floodplain area of Browns 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 \_\_\_\_\_ Date \_\_\_\_\_

Fee pd: \$ 600.00 Ck # 44665 (Payable to Racine County Development Services) Attach required documentation

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 applicable provision of the Racine County Zoning Ordinance create a hardship for the applicant because they prevent the applicant from improving his property by the erection of an attached two car garage to the existing residence on the parcel. The construction of an attached garage is permitted within the zoning district and is not inconsistent with the current use of the property as a residence, nor is it consistent with the use of adjoining properties which also are used as residences.

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

The applicant's condominium unit is located on a peninsula which extends into Browns Lake. In the area where the applicant's condominium unit is located, the peninsula does not extend significantly more than 150 feet in width. Because of this unique characteristic of the parcel, there is no location on which the applicant can construct an attached garage to the existing residence and meet or even come close to meeting the required shore yard setback. The applicant's property is significantly different in this respect from many other properties around the lake, since they do not effectively have lake on both sides of the property.

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 applicant's property is currently used for residential purposes, as are adjoining properties. The current structure located on the applicant's property and the structures located on adjoining properties do not comply with the setback requirements because of the physical impossibility of doing so. They applicant's proposed construction of an attached garage would not impair sight lines of adjoining property owners or otherwise create any hazardous condition. The proposed garage construction is consistent with the current zoning of the property, for residential purposes under a PUD. The proposed structure will not infringe upon the 75 foot setback to any greater degree than the existing home on the property which has been in place as a structure prior to the adoption of the county zoning code.

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

The proposed attached two car garage will be used by the applicant for storage of his personal vehicles and other personal property. There is no proposed commercial use or economic gain to the applicant in connection with the proposed attached garage. The hardship experienced by the applicant is not self-imposed. The hardship is due to the unique configuration of the parcel in that the applicant's condominium unit has boundaries on Browns Lake on both the east and west sides.

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Michael W. Weygand

Applicant/Agent: Michael W. Weygand

Address: 3535 Peninsula Dr

Date petition filed: Hearing Date:

Burlington, WI 53105

Municipality: Town of Burlington

Phone (Hm) 262-206-6859 (wk)

Zoning district(s): PUD R-3

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: Construction of an attached two car garage.

at site address 3535 Peninsula Drive, Section 34, T 3 N, R 19 E Lot(s) Blk Subd/CSM Parcel Id.# 002-03-19-34-020-010 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: required shoreland setback.

Applicant is subject to: Code section 20-969(b) establishing a 75 foot setback from navigable waters.

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 Browns Lake
Project is all/partially located in the shoreland area of
Property is all/partially located in the floodplain area of
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 Michael W. Weygand Date 8/17/2022

Fee paid: \$600.00 Check # 44665 (Payable to Racine County Planning) \*Please attach required documentation



**RECEIVED**  
AUG 19 2022  
RACINE COUNTY

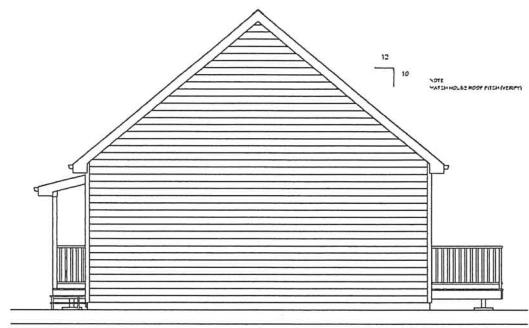


**RECEIVED**  
AUG 19 2022  
RACINE COUNTY

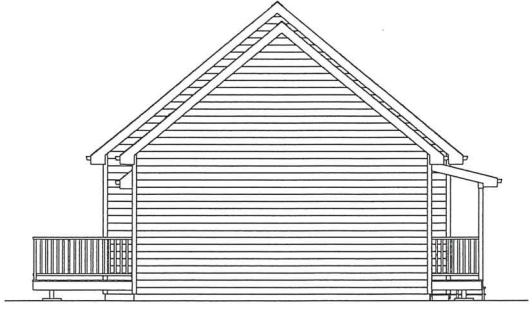
RECEIVED  
 AUG 19 2022  
 RACINE COUNTY



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

NOTE: THIS DRAWING IN NO WAY REPRESENTS AN ENGINEER DESIGN AND IS ONLY TO BE USED AS A GUIDELINE. THE OWNER/BUILDER OF THE PROJECT MUST ASSUME RESPONSIBILITY FOR THE INTEGRITY AND ENGINEERING OF THIS PROJECT. THE ARCHITECT/BUILDER OF THIS PROJECT IS RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS ON THE PLAN.

PROJECT:  
 BREEZENAY AND ATTACHED GARAGE FOR:  
 MIKE MEYER/GAND  
 9895 PENNSULA DR.  
 BURLINGTON, WI 53105

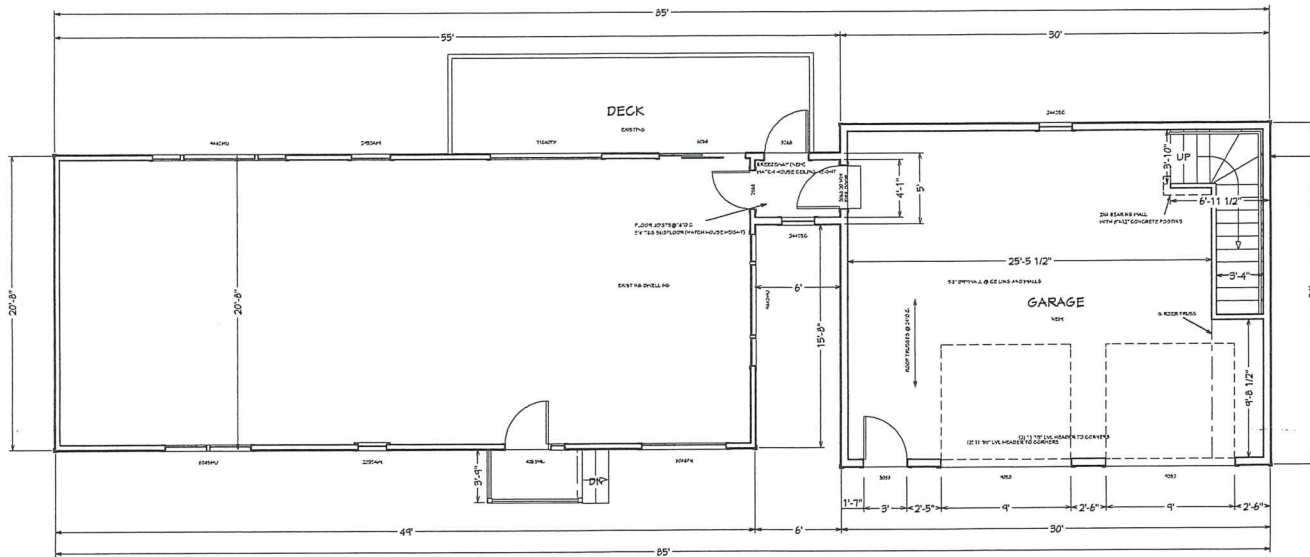
mielaps@gmail.com  
 (262)210-5409  
 MIELAPSON  
 ARCHITECTURE & DESIGN, LLC  
 1000 W. WISCONSIN ST.  
 MILWAUKEE, WI 53233

DATE:  
 8/7/17  
 SCALE:  
 1/4"=1'  
 SHEET:  
 P-1

**RECEIVED**  
**AUG 19 2022**  
**RACINE COUNTY**



REAR ELEVATION



FLOOR PLAN

NOTE: THIS DRAWING IN NO WAY REPRESENTS AN ENGINEER DESIGN AND IS ONLY TO BE USED AS A GUIDELINE. THE OWNER/BUILDER OF THE PROJECT MUST ASSUME RESPONSIBILITY FOR THE INTEGRITY AND ENGINEERING OF THIS PROJECT. THE BUILDER OF THIS PROJECT IS RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS ON THE PLAN.

PROJECT:  
 BREEZEPY AND ATTACHED GARAGE FOR  
 MIKE MEYLAND  
 9555 PENINSULA DR.  
 BURLINGTON, WI 53105

mikepije@gmail.com  
 (262)210-3403  
 ARCHITECTURE CONSULTING & DESIGN, LLC

DATE:  
 8/7/17  
 SCALE:  
 1/4"=1'  
 SHEET:  
 P-2

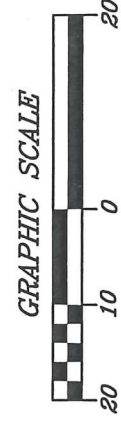
# PLAT OF SURVEY -OF-

UNIT 1 OF WEYGAND PENINSULA CONDOMINIUM, LOCATED IN PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

SURVEY FOR: MIKE WEYGAND  
 SURVEY LOCATION: 3535 PENINSULA DRIVE  
 PROPOSED SLAB ELEVATION: 773.9

NOTE: PROPOSED ELEVATIONS AS SHOWN PER BUILDER.

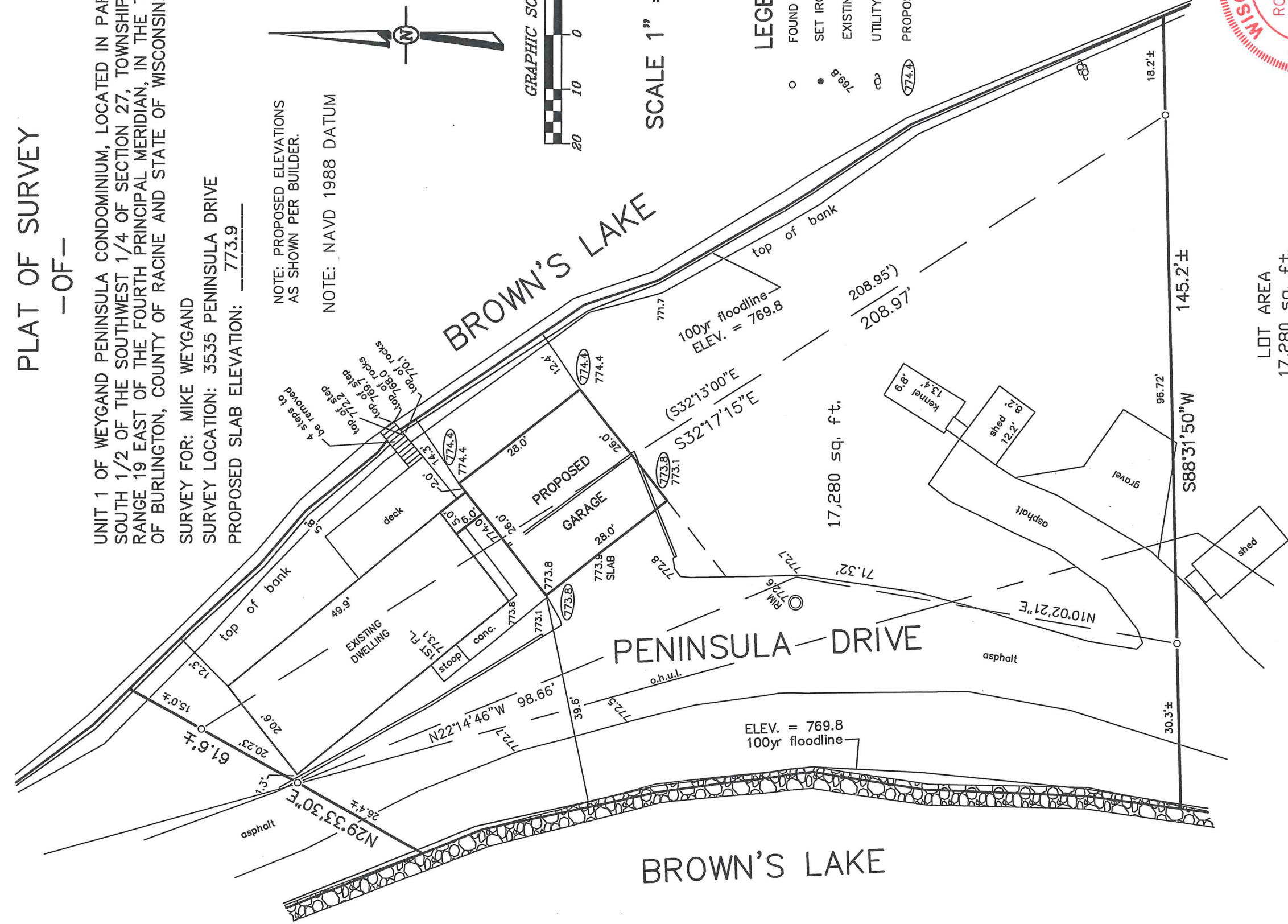
NOTE: NAVD 1988 DATUM



SCALE 1" = 20'

## LEGEND

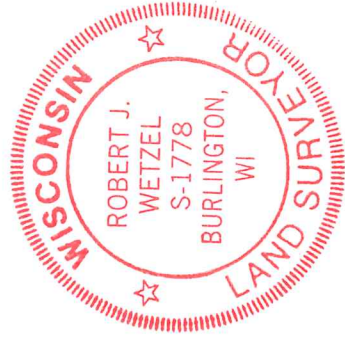
- FOUND IRON PIPE
- SET IRON PIPE
- EXISTING ELEVATION
- UTILITY POLE
- PROPOSED ELEVATION



LOT AREA  
 17,280 sq. ft.  
 30% = 5,184

EXISTING IMPERVIOUS SURFACE  
 6,534 sq. ft.

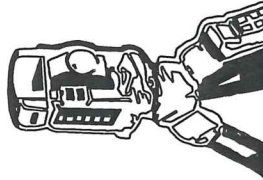
PROPOSED ADDITIONAL IMPERVIOUS SURFACE  
 547 sq. ft.



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

REVISED: JULY 7, 2022  
 REVISED: JUNE 30, 2022  
 REVISED: JUNE 24, 2022

*Robert J. Wetzel*  
 ROBERT J. WETZEL  
 REVISED: APRIL 6, 2022  
 JANUARY 15, 2018  
 DATE

9533  
 JOB NUMBER