

11970 West Morgan Ave
West Allis, WI 53228
APPLICATION FOR A VARIANCE/APPEAL
And Linda Lutz

Racine County, Wisconsin

Owner: MARK S. LUTZ Applicant/Agent: SAME
Address: 7124 PETERSON COURT Date petition filed: 5/31/23 Hearing Date: 7/15/23
WATERFORD, WI 53185 Municipality: TOWN OF WATERFORD
Phone (Hm) 262-617-3276 SAME Zoning district(s): R-3A SUBURBAN RES.

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 paver patio/fire pit, stone wall and paver walk to remain in nonconforming locations

at site address 7124 PETERSON COURT, Section 12, T 4 N, R 19 E
Lot(s) — Blk — Subd/CSM — Parcel Id.# 016041912045000
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 paver patio/fire pit, stone wall and paver walk have insufficient shore yard setbacks

Applicant is subject to: Article VI, Division 6, R-3A Suburban Residential District (Severed); Section 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

_____, 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 Michigan Lake
Project is all/partially located in the shoreland area of Michigan Lake
 Property is all/partially located in the floodplain area of Michigan 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 5/29/23

Fee paid: \$ 450.00 Check # 5825 (Payable to Racine County Planning) •Please attach required documentation

APPLICATION FOR ZONING PERMIT
 RACINE COUNTY, WISCONSIN (Rev. 02/22)

PERMIT NO _____
 DATE PERMITTED ISSUED _____

OWNER Mark + Linda Lutz
Mailing Address 11970 West Morgan Ave
West Allis WI 53228
 City State Zip

APPLICANT Owner
Mailing Address _____

 City State Zip

Phone 262-617-3276
Email mlutz12368@gmail.com

Phone _____
Email _____

Parcel Id. # 016041912045000 Site Address 7124 Peterson Ct
 Municipality Waterford Section(s) 12 Town 04 North, Range 19 East
 Lot _____ Block _____ Subdivision Name _____ CSM # _____
 Proposed Construction/Use Paver patio / fire pit, stone wall and paver walk

New <input checked="" type="checkbox"/>	Principal Bldg. _____	Size (<u>Per x Submitted plans</u>) (_____ x _____)
Addition _____	Accessory _____	Area (sq ft) (<u>Per Submitted plans</u>) (_____)
Alteration _____	Deck _____	Peak Ht. (ft.) <u>N/A</u> 100-Yr. Floodplain Elev. <u>775.7</u>
Conversion _____	Sign _____	Eave Ht. (ft.) <u>N/A</u> Flood Protection Elev. <u>777.7</u>
Temporary _____	<input checked="" type="checkbox"/> Other _____	Building Ht.-Avg. (ft.) <u>N/A</u>

Contractor _____	Est. Value w/Labor \$ _____	ZONING DISTRICT <u>R-3A</u>
Existing Nonconforming? N/A <input checked="" type="checkbox"/>	Yes _____ No _____	Yard Setbacks Proposed <u>OK?</u>
Structure in Shoreland? (per map) _____	Yes <input checked="" type="checkbox"/> No _____	Street-1 st _____
Mitigation or Buffer Needed? _____	Yes _____ No <input checked="" type="checkbox"/>	Street-2 nd <u>Per Submitted plans</u>
Structure in Floodplain? (per map) _____	*Yes _____ No <input checked="" type="checkbox"/>	Side-1 st _____
*Structure's Fair Market Value \$ <u>N/A</u>	Cumulative % _____	Side-2 nd _____
*>50% of Fair Market Value? N/A <input checked="" type="checkbox"/>	Yes _____ No _____	Shore _____
Structure in Wetland? (per map) _____	Yes _____ No <input checked="" type="checkbox"/>	Rear _____
Substandard Lot? _____	Yes _____ No <input checked="" type="checkbox"/>	Total Acc. Structures _____
BOA Variance Needed? _____	Yes <input checked="" type="checkbox"/> No _____	Date of Approval _____
Conditional Use/Site Plan Needed? _____	Yes _____ No <input checked="" type="checkbox"/>	Date of Approval _____
Shoreland Contract Needed? _____	Yes _____ No <input checked="" type="checkbox"/>	Date of Approval _____
Additional Zoning Permit Stipulations Listed on Back of this Form? Yes _____ No <input checked="" type="checkbox"/> (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: \$ 450.00 [Signature] 5/31/23
 CC Date/Check#/Cash 5825 **Signature of Owner /Applicant/Agent** **Date**
 Shoreland Contract Fee Pd: \$ _____ MARK S. LUTZ
 CC Date/Check#/Cash _____ **Print Name(s)**
 * Quadruple fee
 Zoning Permit Fee Pd: \$ 600.00
 CC Date/Check#/Cash _____
 Other: _____ Pd: \$ _____ JPL
 if shoreland erosion review fee is included above Zoning Administrator (Staff Initials)

PIN 0160419 - 12 - 045000

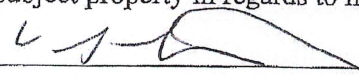
ZONING BOARD OF ADJUSTMENT/APPEALS
VARIANCE/APPEAL APPLICATION REQUIREMENTS

Submit the following to the Racine County Development Services office, 14200 Washington Ave., by the filing date:

1. Completed Zoning Permit & Variance/Appeal Applications. Note that Development Services has blank forms.
2. A letter signed by the owner granting permission for an agent to apply or act on the owners behalf, if applicable.
3. Names & complete mailing addresses of all property owners within 100' of property & across the street.
4. Twelve copies of a plat of survey or scaled plan ← *Terra Firma's Plan* that identifies all property lot lines with dimensions.
 - a. Show dimensions and location of all existing and proposed structures on the lot (include overhangs, decks, stoops, stairs, retaining walls, etc.) and their closest distance from the property lines, road right-of-way and ordinary high water mark of any abutting navigable body of water. Closest shore and street yard setback distances should also be shown for structures on abutting lots when needed for averaging these setbacks.
 - b. Lots located in a shoreland or floodplain area require the 1st floor and slab elevations of structures. Also show existing and proposed yard grades at the corners of the proposed structure, at the limits of any proposed backfill and at the lot corners. Delineate the location and label the elevation of nearby 100-year floodplain and show the extent of any wetlands. Elevations are to be tied into mean sea level datum. Also, see "c" below.
 - c. Attach a Conditional Use form along with required plans for parking, lighting, landscaping, private sewage system, etc. for any conditional use. See the Conditional Use Application Requirements form for details.
 - d. **Plans must be specific!** Conditions of approval will not allow for additions, deletions or changes.
5. Hearing & publication fees are due at the time of filing, are nonrefundable and do not guarantee approval of the variance/appeal request. Fees are as follows: **Variance/Appeal - \$450; Variance w/shoreland conditional use - \$600; Variance w/conditional use - \$600.** Checks should be made payable to **Racine County**.

To avoid invalidating your hearing, **refrain from contacting or directing correspondence to Board members** prior to the public hearing, including at any on-site visits. Any questions/correspondence can be directed to Development Services (886-8440). Additional data may be requested of you and **the following also applies** to this variance/appeal request:

- Stake or flag any proposed construction at the site and clearly post the address on the lot.
- Contact the municipal Clerk to see if you need to attend a local meeting for their review and recommendations. **(NOTE: Approval/Denial authority by County Board of Adjustment ONLY).**
- The owner, agent, or attorney must be present at the public hearing to provide testimony and show that the provisions of the Zoning Ordinance will be met including that the project is not contrary to the public interest, there is a unique property limitation, and an unnecessary hardship will exist without approval.
- Approval may require **obtaining a zoning permit and doing substantial work within 9 months**. No permit can be secured until the approval letter is generated, which can take up to **10 working days**. The applicant may be at risk if construction begins **within 30 days** of filing of the decision as an aggrieved party has appeal rights.
- By signing below the applicant acknowledges that the above information has been read and is understood, and that the owner has given permission to Racine County staff, Municipal staff, and the Board of Adjustment/Appeal members to enter onto the subject property in regards to investigating this variance/appeal petition.

Owner/Applicant Signature: 

Date: 5/29/23

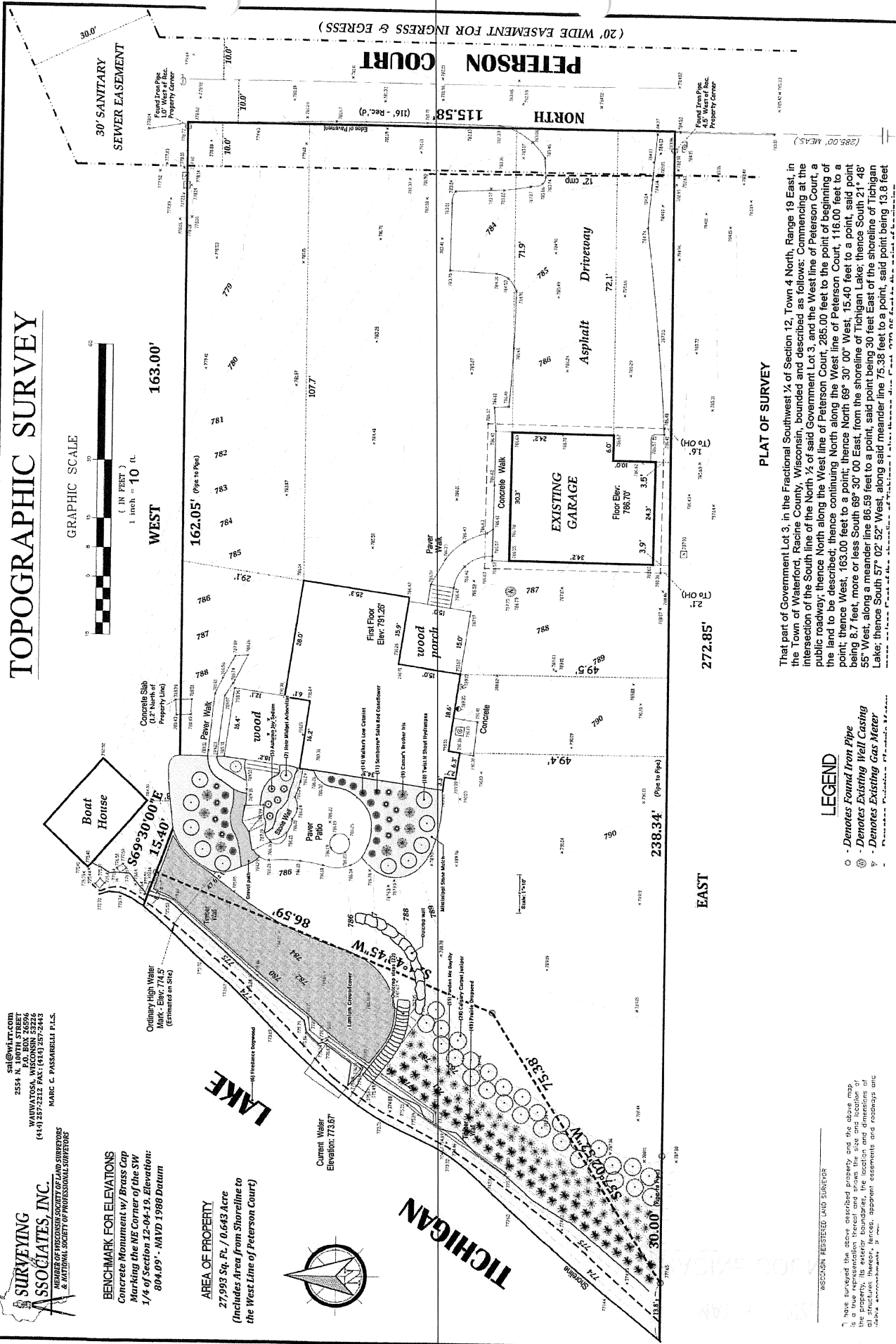
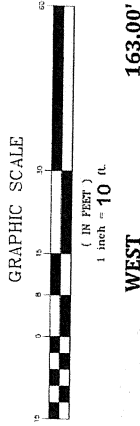
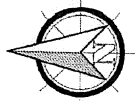
TOPOGRAPHIC SURVEY

sa@warr.com
2534 N. 10TH STREET
WAUKATOSA, WISCONSIN 53226
(414) 257-2312 FAX: (414) 257-2443
MARC C. PASSARELLI P.L.S.

SURVEYING ASSOCIATES, INC.
MEMBER OF WISCONSIN SOCIETY OF LAND SURVEYORS & NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

BENCHMARK FOR ELEVATIONS
Concrete Monument w/ Brass Cap
Marking the NE Corner of the SW
1/4 of Section 12-04-19. Elevation:
804.09' - NAVD 1988 Datum

AREA OF PROPERTY
27,993 Sq. Ft. / 0.643 Acre
(Includes Area from Shoreline to
the West Line of Peterson Court)



PLAT OF SURVEY

That part of Government Lot 3, in the Fractional Southwest 1/4 of Section 12, Town 4 North, Range 19 East, in the Town of Watertown, Racine County, Wisconsin, bounded and described as follows: Commencing at the intersection of the South line of the North 1/4 of said Government Lot 3, and the West line of Peterson Court, a public roadway; thence North along the West line of Peterson Court, 285.00 feet to the point of beginning of the land to be described; thence continuing North along the West line of Peterson Court, 116.00 feet to a point; thence West, 163.00 feet to a point; thence North 69° 30' 00" West, 15.40 feet to a point, said point being 8.7 feet, more or less South 69° 30' 00" East, from the shoreline of Tichigan Lake, thence South 21° 48' 55" West, along a meander line 86.59 feet to a point, said point being 30 feet East of the shoreline of Tichigan Lake; thence South 57° 02' 52" West, along said meander line 75.38 feet to a point, said point being 13.8 feet

LEGEND

- - Denotes Found Iron Pipe
- ⊗ - Denotes Existing Well Casing
- ⚡ - Denotes Existing Gas Meter

WISCONSIN REGISTERED LAND SURVEYOR
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, its exterior boundaries, the location and dimensions of the improvements thereon, and the location and dimensions of the public easements and roadways and

Application for Variance Supporting Data.

Names and complete mailing addresses of all property owners:

- Joy Nilsen, 7108 Peterson Court, Waterford, WI 53185
- Mr and Mrs Steve Larry, 7114 Peterson Court, Waterford, WI 53185
- Mr and Mrs Tim Doherty, 7118 Peterson Court, Waterford, WI 53185
- Mr and Mrs Kedrowicz, 7132 Peterson Court, Waterford, WI 53185
- Mr and Mrs James Imme, 7129 Peterson Court, Waterford, WI 53185

The names above include all residents on Peterson Court except for an additional rental cabin owned by 7129.

Answer to questions on the Application for a Variance/Appeal

1. Explain how the Ordinance creates an unnecessary hardship...?
 - a. There is no critically significant hardship other than a quality of life and ease of walking down the hill from the deck to the yard and lake. Having natural outcropping stones that form steps makes it easy to descend from the deck for older less agile family members.
 - b. The small retainer wall made from outcropping stones minimizes erosion, retains mulch in flower beds, and is easier to maintain when compared to cutting grass on a hill.
 - c. Please see picture below depicting outcropping stones for walkway from deck and soil retention. Please note stone width of steps is no greater than 60 inches wide.



2. Describe exceptional, extraordinary, or unusual circumstances...?

- a. The elevation of the deck and entrance to the house in combination with the exposed windows in the first level create the need for the grade to have high and low spots thus having steps that descend is critical as well as the need for erosion resistance.
- b. Please note that all outcropping stones used for steps and walls are natural without cement and or binders. They are not attached to the structure and or are not a structural feature. Stones are natural and provide beauty to the landscape.
- c. In addition, the grade was not modified at all, the patio and steps were constructed on the existing grade. The existing grade was developed as a result of the house renovation process and deck building which was properly permitted and approved. It should be noted, and I have attached a document dated September 29th, 2020 from Kapur & Assoc stating that all grading was performed in accordance with the town of Waterford and approved by Greg Governatori P.E. at the request of the Town of Waterford.

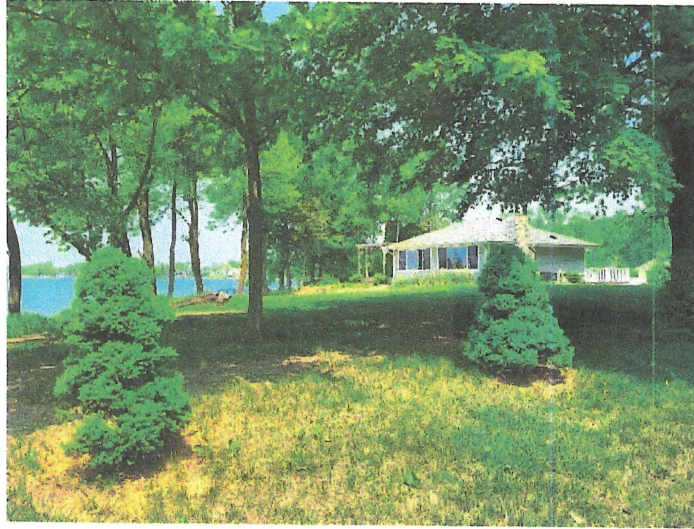




3. Describe how the approval would not create substantial detriment to adjacent property...?
- a. The neighbor located at 7129 Peterson Court would experience absolutely no negative impact. They are located across the street and have no view or visual of the patio or lake side elevation of my property what so ever.
 - b. The neighbor located at 7132 also can not view the patio from the lot line as shown in the below pic.



- c. The neighbor located at 7118 has a partial view of steps and wall see pic below If you look very close.



- d. The neighbor located at 7114 has minimal to no view at all of anything with respect to the patio or wall features ads depicted by pic below.



- e. The neighbor located at 7108 has no view of my property at all.

- f. The view from the lakeshore also has little to no exposure to the patio, wall, or steps.

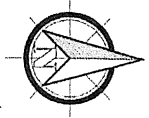


4. Explain how the request is not based on economic gain or loss...?
- a. There was no economic gain, only an investment on behalf of the property itself, neighborhood, and overall benefit too the shoreline with respect to erosion. Again, the natural stone used to build the steps, wall and patio where constructed in a fashion has to not require any change in the grade, in no way affected drainage, and was made with permeable products to avoid any drainage issues. I was merely improving the landscape with natural stone and meant no harm at all. This was not a financial decision it was done from a perspective of landscape beauty and personal enjoyment.

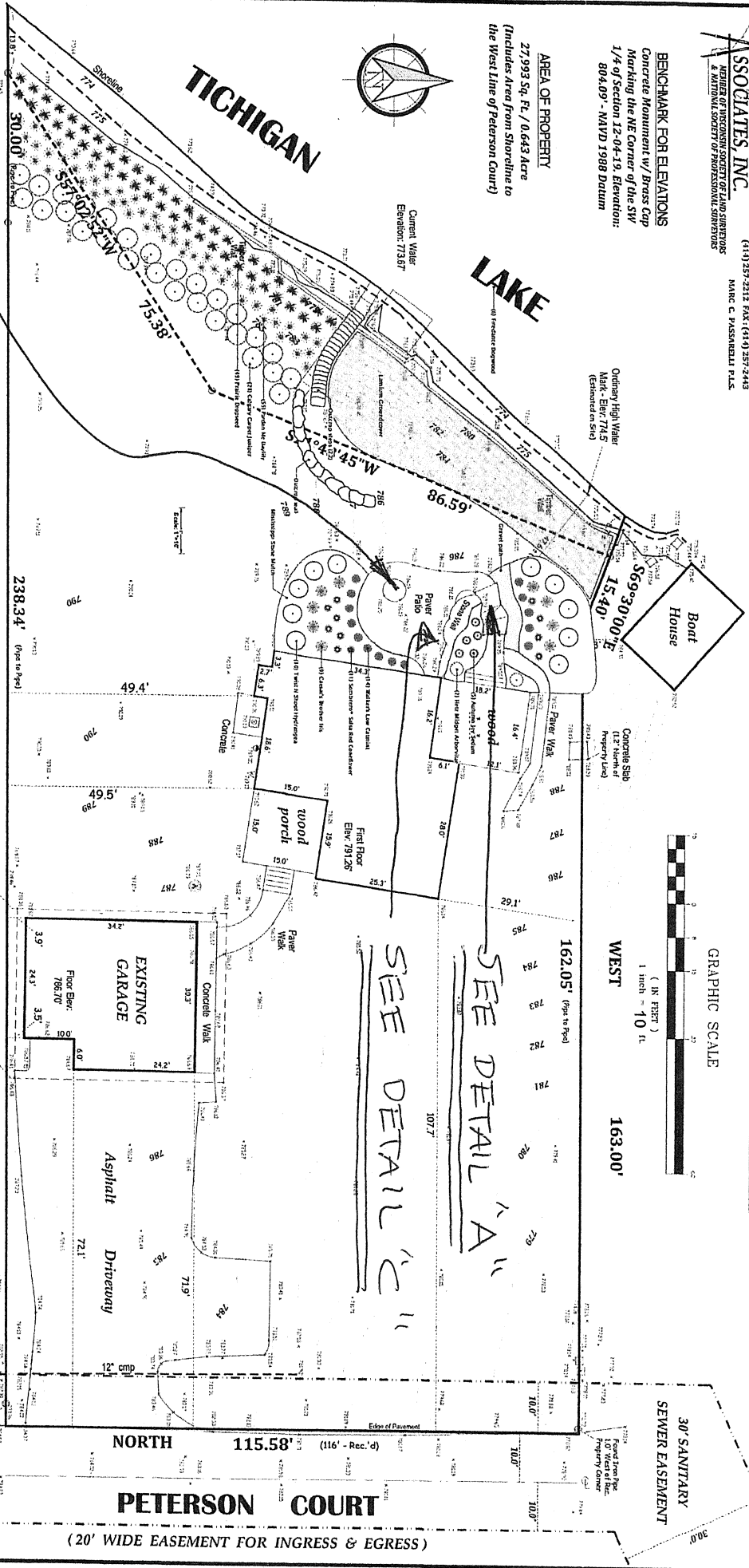
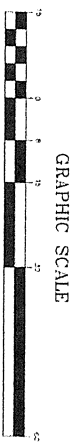
SURVEYING ASSOCIATES, INC.
 MEMBER OF WISCONSIN SOCIETY OF LAND SURVEYORS & NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
 2554 N. 100TH STREET
 WAUKESHA, WI 53186
 (414) 257-2412 FAX: (414) 257-2449
 MARC C. PASMARELLI P.L.S.

BENCHMARK FOR ELEVATIONS
 Concrete Monument w/ Brass Cap
 Marking the NE Corner of the SW
 1/4 of Section 12-04-19. Elevation:
 804.09' - NAVD 1988 Datum

AREA OF PROPERTY
 27,993 Sq. Ft. / 0.643 Acre
 (Includes Area From Shoreline to
 the West Line of Peterson Court)



TOPOGRAPHIC SURVEY



SEE DETAIL "B"

SEE DETAIL "A"
 SEE DETAIL "C"

LEGEND

- - Denotes Found Iron Pipe
- ⊙ - Denotes Existing Well Casing
- ⊕ - Denotes Existing Gas Meter

PLAT OF SURVEY

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1. I have surveyed the above described property and the above map.
 2. A true representation thereof and means the size and location of all included parcels, fences, adjacent easements, and roadways, etc. within the environment of the land.
 WISCONSIN REGISTERED LAND SURVEYOR

Detail "A" Outcropping Stone Steps to Deck



Picture of Outcropping Stone Steps

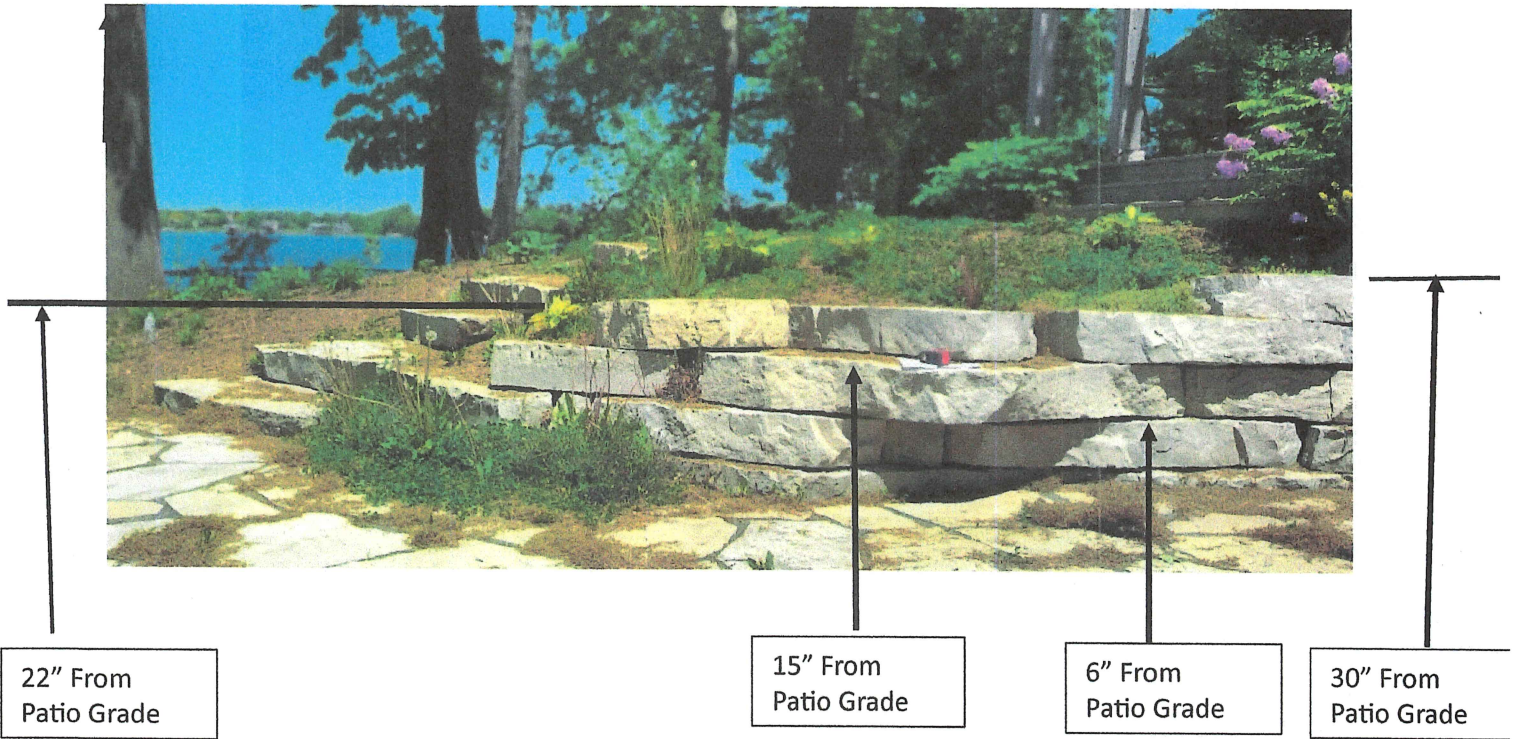
Overall, Height from the patio flagstone surface to the top of the steps is 33"

Detail "B" Flagstone Patio



The Patio is constructed from flagstone with no grade change. Patio has the basic shape of a circle with a few transitional areas. The patio is not connected to the house and is free floating.

Detail "C" Outcropping Stone Wall



The Soil Retention wall is constructed from outcropping stone (approximately 7" thick) without any interlocking joints, glues and mortars. The overall Length is approximately 15 feet with a maximum height of 30 inches. Note the hill and grade was present prior to the wall.

September 29th, 2020

Heather Stratton, Treasurer & Deputy Clerk
Town of Waterford
415 N. Milwaukee Street
Waterford, WI 53185

RE: Storm Water Drainage and Grading Certification of 7124 Peterson Court.

I hereby approve to the best of my knowledge, information and belief the final grading for the referenced project in accordance with the Town of Waterford Grading Ordinance and permit requirements. Final grading has been completed substantially in conformance with the submitted plans and project description which includes: Completion of all drainage devices, location and inclination of all manufactured slopes, location of all structures, downspout locations, construction of earthen berms and positive drainage away from all building structures. This certification is based on a visual site assessment and if issues occur as a result of improper grading or landscaping it is the responsibility of the owner to correct.

If you have any questions, please contact me direct at 262-758-6010.

Sincerely,

Kapur & Associates, Inc.



Greg Governatori, P.E.

Town of Waterford Engineer

cc. Mr. Lee Greivell, Building Inspector (via email)
Mr. Tom Hincz, Town Board Chair (via email)
Ms. Tina Mayer, Town Clerk (via email)

Jacob

