

APPLICATION FOR A VARIANCE/APPEAL

PH ITEM 3A

Racine County, Wisconsin

Owner: Kurt Lekschas

Applicant/Agent: OWNER

Address: 29209 Elm Island Drive
Waterford, WI 53185

Date petition filed: 8-10-2023 Hearing Date: 9-5-2023

Municipality: Waterford

Phone (Hm) 847-417-8870 (Wk)

Zoning district(s): R-3A

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 13.5' x 21.5' carport addition to the existing residence

at site address 29209 Elm Island Drive, Section 26, T 4 N, R 19 E Lot(s) 42 Blk - Subd/CSM Elm Island unrec. Parcel Id.#016-04-19-26-169-000

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: Permit was denied and a variance is requested as the proposed addition will have insufficient side yard setback.

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

- X Property is all/partially located in the shoreland area of the Fox River Impoundment
X Project is all/partially located in the shoreland area of the Fox River Impoundment
X Property is all/partially located in the floodplain area of the Fox River Impoundment
Project is all/partially located in the floodplain area of
Project 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 8/9/2023

Fee pd: \$ 450.00 Ck # 2051 (Payable to Racine County Development Services) Attach required documentation

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

PERMIT NO. _____
 DATE PERM. ISSUED _____

OWNER Kurt Lekschas
Mailing Address 29209 Elm Island Dr.
Waterford WI 53185
 City State Zip

APPLICANT OWNER
Mailing Address _____

 City State Zip

Phone 847-417-8870
Email klekschas@yahoo.com

Phone _____
Email _____

Parcel Id. # 016041926169000 Site Address 29209 Elm Island Dr.
 Municipality Waterford Section(s) Z6 Town 4 North, Range 19 East
 Lot 42 Block — Subdivision Name Elm Island Unrec. CSM # —

Proposed Construction/Use 13.5' x 21.5' carport addition to the existing residence. *No change in impervious surfaces as proposed carport is over existing concrete driveway

New	<input checked="" type="checkbox"/>	Principal Bldg.	<input checked="" type="checkbox"/>	Size (<u>13.5' x 21.5'</u>) (<u>—</u> x <u>—</u>) (<u>—</u> x <u>—</u>)
Addition	<input checked="" type="checkbox"/>	Accessory	<input type="checkbox"/>	Area (sq ft) (<u>290.25</u>) (<u>—</u>) (<u>—</u>)
Alteration	<input type="checkbox"/>	Deck	<input type="checkbox"/>	Peak Ht. (ft.) <u>15'</u> 100-Yr. Floodplain Elev. <u>775.7</u>
Conversion	<input type="checkbox"/>	Sign	<input type="checkbox"/>	Eave Ht. (ft.) <u>9'</u> Flood Protection Elev. <u>777.7</u>
Temporary	<input type="checkbox"/>	Other	<input type="checkbox"/>	Building Ht.-Avg. (ft.) <u>12'</u>

Contractor <u>Salerno Homes</u>	Est. Value w/Labor \$ <u>12,500</u>	ZONING DISTRICT <u>R-3A</u>
Existing Nonconforming? <u>N/A</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yard Setbacks
Structure in Shoreland? (per map) <u>—</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Street-1 st <u>26.6'</u> <u>yes</u>
Mitigation or Buffer Needed? <u>—</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Street-2 nd <u>N/A</u> <u>—</u>
Structure in Floodplain? (per map) <u>—</u>	*Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Side-1 st <u>4.74'</u>
*Structure's Fair Market Value \$ <u>—</u>	Cumulative % <u>—</u>	Side-2 nd <u>2.20'</u> <u>yes</u>
*>50% of Fair Market Value? <u>N/A</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Shore <u>± 76'</u> <u>yes</u>
Structure in Wetland? (per map) <u>—</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Rear <u>N/A</u> <u>—</u>
Substandard Lot? <u>—</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Total Acc. Structures <u>—</u>
BOA Variance Needed? <u>—</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Date of Approval _____
Conditional Use/Site Plan Needed? <u>—</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Approval _____
Shoreland Contract Needed? <u>—</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Approval _____

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes 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: \$ 450.00 [Signature] 8-10-23
 CC Date/Check#/Cash 2051 **Signature of Owner /Applicant/Agent** **Date**

Shoreland Contract Fee Pd: \$ _____ Kurt Lekschas
 CC Date/Check#/Cash _____ **Print Name(s)**

Zoning Permit Fee Pd: \$ 200.00
 CC Date/Check#/Cash _____ Notes (revisions, extensions, etc.)

Other: _____ Pd: \$ _____ JC

if shoreland erosion review fee is included above Zoning Administrator (Staff Initials)

PIN 0160419-26-169000

Staff Use Only

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

- 1) Sanitary Permit # _____ Date issued _____ Year installed _____ Failing? _____
- 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 SPS 383.25 (2) (d) to verify system can be used.
- 4) Will construction interfere with the setback requirements to the POWTS per SPS 383.43 (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 _____

POWTS Inspector's Signature: _____ Date: _____

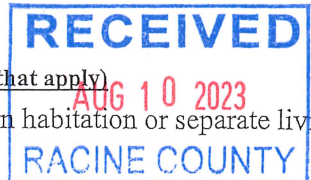
ZONING PERMIT REQUIREMENTS

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin illustrating new principal structure's location 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. 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 nine (9) months 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 owner residential use only and not to be used for human habitation or separate living quarters.
- 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 ≥ _____'

Application For Area Variance Supplemental

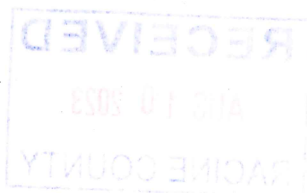
Kurt Lekschas
29209 Elm Island Drive
Waterford, WI 53185

- 1) The proposed carport will provide a covered structure used to offer protection from rain, snow, and adjacent trees for our primary mode of transportation to/from work.

- 2) This lot is exceptionally shaped, by being both narrow in width by not being square in shape. The existing home was constructed long ago and was not constructed parallel to the property line on the West elevation creating a pinching effect on the East property line as the house extends back.

- 3) The variance will not create substantial detriment to adjacent property and poses no harm to public interests as there will be no walls constructed to the ground that would alter sight of vehicular or pedestrian traffic on the road, it will not alter any current ground water drainage patterns, and it will not alter the character of the neighborhood.

- 4) This request would allow for the typical use of a home and afford shelter/protection to primary means of transportation. The home was not constructed by us and has been existing for many years in its current form.



Plat of a survey for SALERNO HOMES, LLC and KURT LEKSCHAS of that part of the Northeast One-quarter (1/4) of Section Twenty-six (26), in Township Four (4) North, Range Nineteen (19) East, bounded as follows: Beginning at a concrete monument located at the Southwest corner of Lot 68, of the unrecorded plat of Elm Island Subdivision; run thence South 12° 52' East 50 feet to a point thence North 77° 08' East 6 feet to a point; said point marks the place of beginning of the parcel of land hereinafter described; thence North 77° 08' East 49.9 feet to a point; thence South 21° 38' East 142.9 feet more or less, to the water's edge; thence West along the water's edge to a point that is South 21° 38' East 157.6 feet, more or less, from the place of beginning; thence North 21° 38' West 157.8 feet more or less; to the place of beginning. Said land being in the Town of Waterford, County of Racine and State of Wisconsin.

Certificate

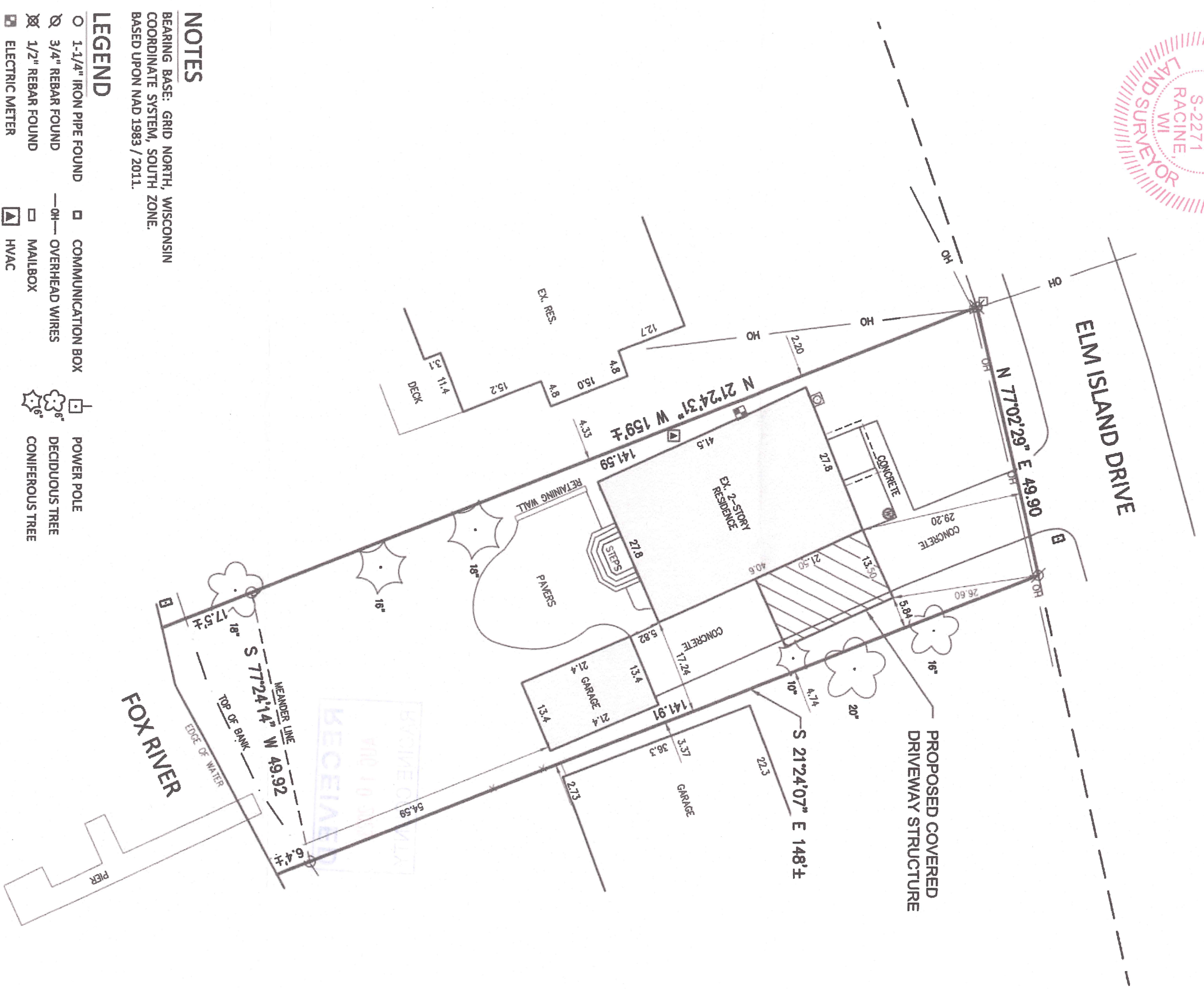
The above-described property has been surveyed under my direction and the map hereon drawn is a correct representation thereof to the best of my knowledge and belief.

No title commitment or results of a title search were provided to this office pertaining to this survey. This Plat of Survey may not reflect easements of record, encumbrances, restrictions, ownership, title evidence, or other facts that a current and accurate title search may disclose.

05/19/2023
Revised 07/27/2023



Mark R. Madsen

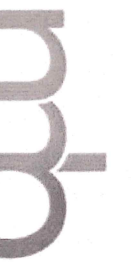
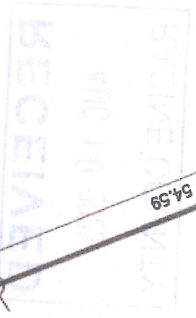


NOTES

BEARING BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE.
BASED UPON NAD 1983 / 2011.

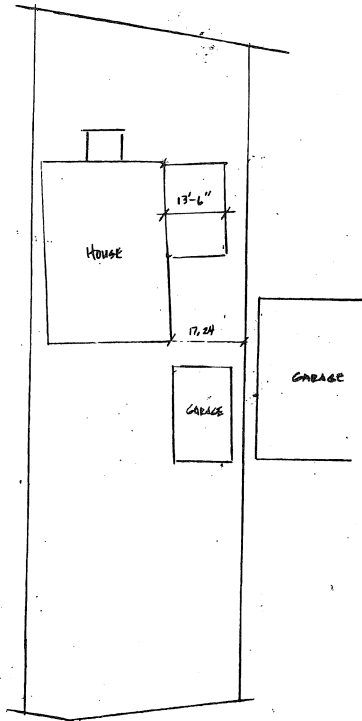
LEGEND

- 1-1/4" IRON PIPE FOUND
- 3/4" REBAR FOUND
- 1/2" REBAR FOUND
- ELECTRIC METER
- GAS METER
- COMMUNICATION BOX
- OVERHEAD WIRES
- MAILBOX
- HVAC
- WELL
- POWER POLE
- DECIDUOUS TREE
- CONIFEROUS TREE



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd, Suite 200, Racine, WI, 53406

29209
ELM ISLAND DRIVE



PROPOSED COVERED DRIVEWAY

LEKSCHASE RESIDENCE
29209 ELM ISLAND DRIVE

