

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Dirk & Heather Mlachnik Applicant/Agent: OWNER
 Address: 5420 W. Peninsula Rd Date petition filed: 5/8/24 Hearing Date: 6/14/24
Waterford, WI 53185 Municipality: Waterford
 Phone (Hm) 414.745.6445 (Wk) 414.499.1763 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 24' x 28' detached garage

at site address 5420 W. Peninsula Dr., Section 23, T 4 N, R 19 E
 Lot(s) 29, 30 & 31 Blk - Subd/CSM Buena Park Parcel Id.# 016041923085000

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 proposed detached garage will have insufficient street yard setback and will exceed the maximum aggregate total footprint area

Applicant is subject to: Article VI, Division 6, R-3A Suburban Residential District (Sewered), Section 20-1017 Reduction or Joint Use and Sec. 20-1115 Accessory regulations

_____, 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 Impoundment
- Project is all/partially located in the shoreland area of The Fox River Impoundment
- Property is all/partially located in the floodplain area of The Fox River Impoundment
- 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. The current lot size does not allow us to meet current setback requirements due to the depth of the lot. For aesthetics, we would match the setback from the street to the current house setbacks.

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. The current attached one stall garage does not allow for adequate vehicle parking or storage of watercraft and lakefront items. Current storage of these items outdoors is unsightly.

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 current home sits on a triple lot and with the garage addition we still maintain substantial greenspace as well as planned adds of rain barrels at the corners of the house & new garage. The neighbor to the north would not be affected as their is no line of _____.

4) Explain how the request is not based on economic gain or loss and is not self-imposed. The garage will cost us money to build and will be used to park vehicles and watercraft to protect from the elements & keep them out of sight.

Owner/Applicant's Signature Heather R. N Date 5/8/24

Fee paid: \$ 450.00 Check # 4211 (Payable to Racine County Planning) •Please attach required documentation

3. sight to the garage. The neighbor to the south does not occupy the house full time & the plans still allow for over 10 feet to the property line. The neighbors across the street are separated by their own garages as well as open lots.

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MAY 09 2024
RACINE COUNTY

APPLICATION FOR ZONING PERMIT

RACINE COUNTY, WISCONSIN (Rev. 07/22)

PERMIT NO. _____

DATE PERMIT ISSUED _____

OWNER Dirk and Heather Mlachnik

APPLICANT OWNERS

Mailing Address 5420 W. Peninsula Dr.

Mailing Address _____

Waterford WI 53185

City State Zip

Phone 414-745-6445

Phone _____

Email dirk.mlachnik@hubinternational.com

Email _____

Parcel Id. # 016041923085000

Site Address 5420 W. Peninsula Dr.

Municipality Waterford Section(s) 23 Town 4 North, Range 19 East

Lot 29, 30 + 31 Block — Subdivision Name Buena Park Sub. CSM # —

Proposed Construction/Use Detached garage - For personal use only

| | | | | | | |
|------------|-------------------------------------|-----------------|-------------------------|-------------------------------|--------------------------|-------------------------|
| New | <input checked="" type="checkbox"/> | Principal Bldg. | Size | (<u>24'</u> x <u>28'</u>) | (<u>—</u> x <u>—</u>) | (<u>—</u> x <u>—</u>) |
| Addition | <input type="checkbox"/> | Accessory | Area (sq ft) | (<u>672 ft²</u>) | (<u>—</u>) | (<u>—</u>) |
| Alteration | <input type="checkbox"/> | Deck | Peak Ht. (ft.) | <u>14'</u> | 100-Yr. Floodplain Elev. | <u>776.0</u> |
| Conversion | <input type="checkbox"/> | Sign | Eave Ht. (ft.) | <u>8'</u> | Flood Protection Elev. | <u>778.0</u> |
| Temporary | <input type="checkbox"/> | Other | Building Ht.-Avg. (ft.) | <u>11'</u> | | |

| | | | | | |
|--|---|-----------------------|-------------------------------------|-----------------|-------------------------------------|
| Contractor | _____ | Est. Value w/Labor \$ | _____ | ZONING DISTRICT | <u>R-3A</u> |
| Existing Nonconforming? | N/A <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Structure in Shoreland? (per map) | <input checked="" type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Mitigation or Buffer Needed? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Structure in Floodplain? (per map) | <input type="checkbox"/> | *Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| *Structure's Fair Market Value \$ | _____ | Cumulative % | _____ | | |
| *>50% of Fair Market Value? | N/A <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Structure in Wetland? (per map) | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Substandard Lot? (Depth) | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| BOA Variance Needed? | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Conditional Use/Site Plan Needed? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Shoreland Contract Needed? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Additional Zoning Permit Stipulations Listed on Back of this Form? | <input checked="" type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | 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 5/9/24

CC Date/Check#/Cash 4211 Signature of Owner /Applicant/Agent Date

Shoreland Contract Fee Pd: \$ _____ DIRK MLACHNIK

CC Date/Check#/Cash _____ Print Name(s)

Zoning Permit Fee Pd: \$ 85.00 _____

CC Date/Check#/Cash _____ Notes (revisions, extensions, etc.)

Other: _____ Pd: \$ _____ Jc

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

Make checks payable to "Racine County Development Services" - Note: ALL FEES ARE NONREFUNDABLE (OVER)

PIN 0160419-23-085000

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.

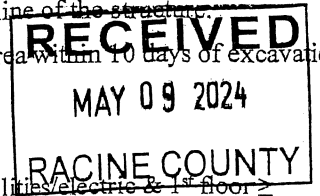
All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from 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/electricty & 1st floor > _____



GENERAL NOTES

This plan was designed and drafted BY Advanced Designs Inc. to meet average conditions and codes in the State of Nebraska at the time it was designed. This plan was also designed for seismic zone 1. Because codes and requirements can change and may vary from jurisdiction to jurisdiction, careful warrant compliance with any specific code or regulation. Consult your local building official to determine the suitability of this plan for your specific site and application. This plan can be adapted to your local building codes and requirements, however, it is the responsibility of the purchaser and/or builder of this plan to see that the structure is built in strict compliance with all governing municipal codes (city, county, state and federal). The purchaser and/or builder of this plan releases the designer from any claims or lawsuits that may arise during the construction of this structure or anytime thereafter.

* If the contractor or sub-contractor, in the course of their work finds any discrepancies between the plan and the physical conditions of the site or structure, or any errors in the plans or specifications, it shall be their responsibility to immediately inform ADI, who will promptly verify and if necessary correct the working drawings. Any work done after such discovery will be done at the contractor's expense.

DESIGN LOADS:

- * Floor: 40 psf. live, 15 psf. dead
- * Roof: 30 psf. live, 10 psf. dead
- * Ceiling: 10 psf. live, 10 psf. dead
- * Soil bearing Capacity - 1500 psf.

* Live loads, dead loads, wind loads, snow loads, lateral loads, seismic zoning and any speciality loading conditions will need to be confirmed before construction and adjustments to plans made accordingly. See your local building officials for verification of your specific load data, zoning restrictions and site conditions.

CONCRETE AND FOUNDATIONS:

- * All foundation walls and slabs on grade shall be 3500 PSI (28-day compressive strength concrete), unless noted otherwise.
- * All interior slabs on grade shall bear on 4" compacted granular fill with 6 mil. polyethylene vapor barrier underneath.
- * Provide proper expansion and control joints as per local requirements.
- * All 36" x 36" x 18" concrete pads to have (3) #5 rods each way.
- * All 48" x 48" x 24" concrete pads to have (4) #5 rods each way.
- * Foundation walls are not to be backfilled until properly braced.
- * Verify depth of frost footings with your local codes.
- * Provide termite protection as required by HUD minimum property standards.
- * Foundation bolts must be anchored to sill plate with 5/8" bolts embedded 15" in concrete walls.

STEEL:

- * All structural steel for beams and plates shall comply with ASTM specification A-36.
- * All structural steel for steel columns shall comply with ASTM specification A-53 Grade B or A-501.
- * All reinforcing steel for concrete shall comply with ASTM specification A-615 Grade 60.
- * Provide steel shims in all beam pockets.
- * Steel columns are to be 3" I.D. (inside diameter) unless noted otherwise.

FRAMING MEMBERS:

- * Unless noted otherwise, all framing lumber shall be SPF #2 or better and have the following characteristics:
 - Fb = 1,000 psi
 - Fv = 75 psi
 - E = 1,400,000 psi
- * Contractor to confirm the size, spacing and stress characteristics of all framing and structural members to meet your local code requirements.
- * Hole sizes and locations in Glulam or Laminated Veneered Lumber (L.V.L.) members are to be confirmed by a professional engineer.
- * Any structural or framing members not indicated on the plan are to be sized by contractor.
- * Double floor joists under all partition walls, unless noted otherwise.
- * All subflooring is assumed to be 3/4" thick, glued & nailed.
- * All exterior walls are dimensioned to outside of 1/2" sheathing. Calculated dimensions take precedence over scaled dimensions.
- * All angled walls on floor plans are at 45 degree angle, unless otherwise noted.
- * Any wall 12' or higher shall be 2x6 and balloon framed. Unless noted otherwise, above all openings that are:
 - (1) Load bearing and less than or equal to 3 ft.use 4x6 with 1/2" Plywood between.
 - (2) Load bearing and more than 3 ft.use (2) 2x12 with 1/2" Plywood between.
 - (3) Non-load bearing and less than or equal to 6 ft.use 4x6 with 1/2" Plywood between.
 - (4) Non-load bearing and more than 6 ft.use (2) 2x12 with 1/2" Plywood between.
 - (5) All exterior openings use (2) 2x12 with 1/2" Plywood between.
- * All trusses to be engineered by truss manufacturer according to the loading indicated on this plan.
- * All exterior corners shall be braced in each direction with let-in diagonal bracing or plywood.
- * Place (1) row of 1" x 3" cross-bridging on all spans over 8'-0" and (2) rows of 1" x 3" cross-bridging on all spans over 16'-0".
- * Collar ties are to be spaced 4'-0" o.c.
- * All purlins and kickers are to be 2x6's, unless noted otherwise.
- * Any hip or valley rafters over a 28'-0" span are to be Laminated Veneer Lumber (L.V.L.).

MISC. NOTES:

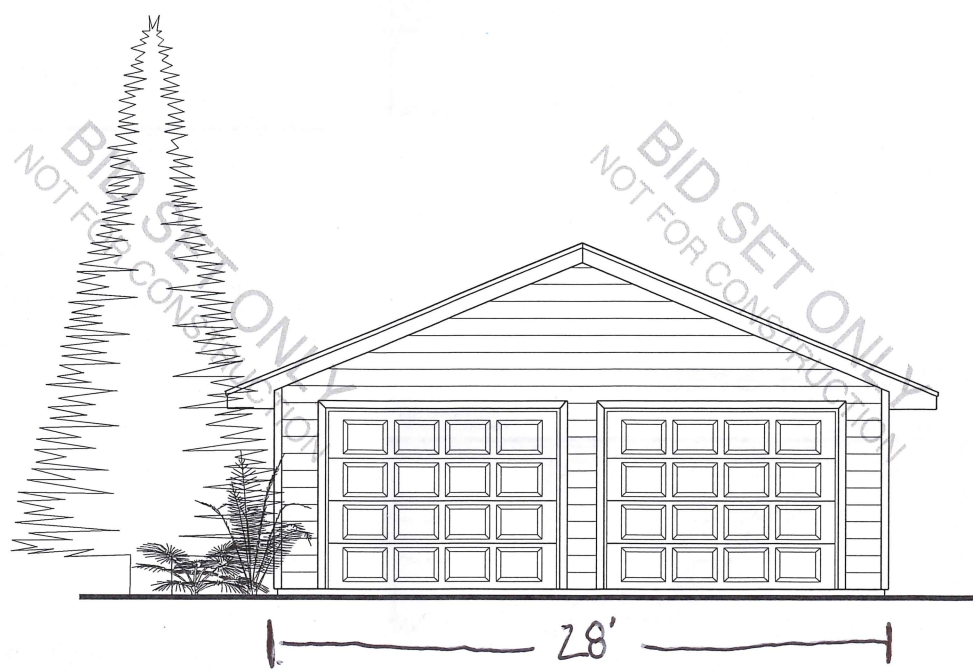
- * Prefabricated fireplaces and flues are to be U.L. approved and installed as per manufacturer's specifications.
- * All materials, supplies and equipment to be installed as per manufacturer's specifications and per local codes and requirements.
- * Provide proper insulation for all plumbing.
- * 1/2" water-resistant drywall around showers, tubs and whirlpools.
- * 1/2" drywall on interior walls and ceilings.
- * 5/8" type "X" fire code drywall on garage walls and ceilings.
- * When no brand is specified Windows are called out by glass size only.
- * Windows, if not noted, are assumed to be casements.
- * Header heights are labeled to bottom of arched transoms.
- * Confirm window opening for your local egress requirements and minimum light and ventilation requirements.
- * Headroom at stairs shall have a minimum clearance of 6'-8" high.
- * Provide proper handrails as per local codes.
- * The mechanical and electrical layouts are suggested only. Consult your mechanical and electrical contractors for exact specifications, locations and sizes.
- * Jog legs to rear of ridge as necessary.
- * Provide proper wiring for all electrical appliances, mechanical equipment and whirlpools per manufacturer's specifications.
- * Air conditioner locations may vary depending on restrictive covenants and codes.

Garage Example



HOMEOWNER/BUILDER/CONTRACTOR MUST REFER ALL DIMENSIONS AND STRUCTURAL TO THESE PLANS PRIOR TO BUILDING. THEY WILL BE AS ADVANCED DESIGNS INC.'S FINAL DESIGN THAT MAY CHANGE DURING OR THEREAFTER THE BUILDING PROCESS.

MENARDS
ALL STRUCTURE IS
DESIGNED BY MENARDS
LUMBERYARD
DESIGN-IT-CENTER. AHP IS
NOT LIABLE FOR ANY
STRUCTURE.
HOMEOWNER/CONTRACTOR
TO VERIFY ALL
STRUCTURE BEFORE
CONSTRUCTION.



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advanced houseplans

Garage Example

2015

XXXXX

1

IF THIS IS NOT RED - DO NOT COPY

DEGEN-FOAT SURVEYING, INC.

100 SOUTH SECOND STREET
 WATERFORD, WISCONSIN 53185
 (262)534-5404 (FAX)534-2022

248022
 24802251.DWG

PLAT OF SURVEY

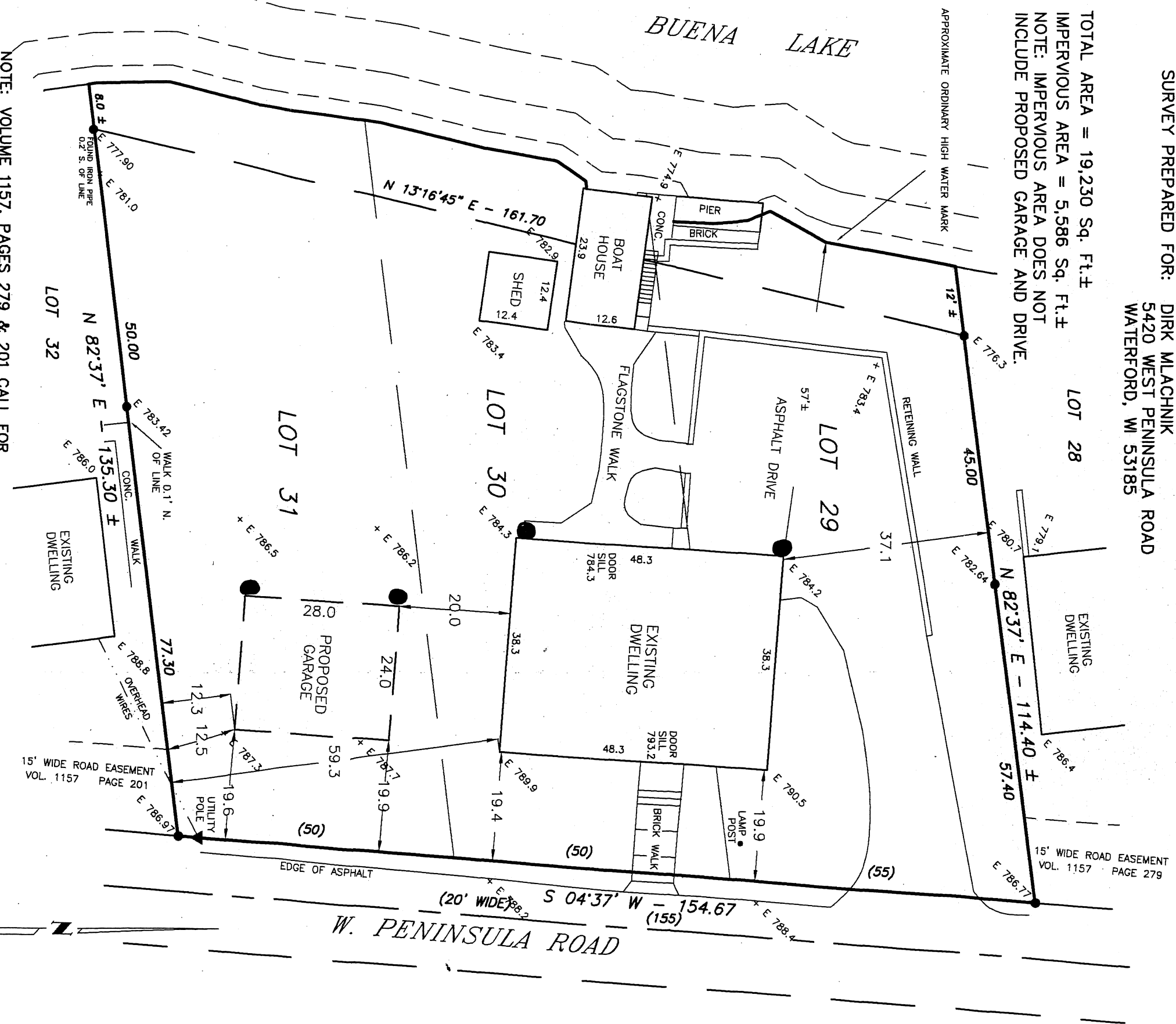
LOTS 29, 30 AND 31, BUENA PARK, A SUBDIVISION LOCATED IN SECTION 23,
 TOWN 4 NORTH, RANGE 19 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

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

SURVEY PREPARED FOR: DIRK MLACHNIK
 5420 WEST PENINSULA ROAD
 WATERFORD, WI 53185

TOTAL AREA = 19,230 Sq. Ft.±
 IMPERVIOUS AREA = 5,586 Sq. Ft.±
 NOTE: IMPERVIOUS AREA DOES NOT
 INCLUDE PROPOSED GARAGE AND DRIVE.

NOTE: VOLUME 1157, PAGES 279 & 201 CALL FOR
 AN ADDITIONAL 15' ROAD ROAD EASEMENT ON
 ADJOINING LOTS 28 & 32. NO RECORD FOUND
 OF EASEMENT OVER LOTS 29 THRU 31.



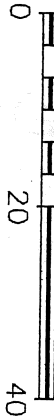
LEGEND

- ⊕ - FOUND CONCRETE MONUMENT
- - FOUND IRON PIPE
- () - RECORDED AS
- E = ELEVATIONS BASED ON MEAN SEA LEVEL DATUM (NGVD 1988)

RAIN BARRELS

SCALE: 1" = 20'

BEARING BASE: AS RECORDED AS.



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 THERETO WITHIN (1) YEAR FROM THE DATE HEREOF.

DATED AT WATERFORD, WI THIS 28th DAY OF JULY 20 17 REVISED: OCT. 26, 2017
 RECORDED: APRIL 29, 2024