

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Mark Farchione *and Rachel*

Applicant/Agent: Mark Farchione (OWNER)

Address: 5202 Buena Park Road

Date petition filed: _____ Hearing Date: _____

Waterford, WI 53185

Municipality: Town of Waterford

Phone (Hm) (414)702-2121 (Wk) (414)465-6148

Zoning district(s): A-2

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 6'x25' covered porch with stairs addition to the existing residence

at site address 5202 Buena Park Road, Waterford, WI 53185, Section 22, T 4 N, R 19 E Lot(s) 1 Blk — Subd/CSM 1239 Parcel Id.# 016-04-19-22-021-005

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 covered porch with stairs addition will have insufficient street yard setback

Applicant is subject to: Article VI, Division 24, A-2 General Farming and Residential District II and Section 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 _____

____ 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. The ordinance, as currently written, prevents needed improvements to the house in order to bring it up to code, make it safer, and make it more secure. Since the house was built prior to the creation of the Ordinance, there is no way to adhere to the written word of it while maintaining a safe entryway.

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. The manner in which the house is constructed on the eastern (front elevation), it is impossible to install exterior lighting and a hand rail near the entrance door. The lack of mounted light presents safety issues for not only visitors, but also creates security issues for occupants when an unknown visitor arrives at the door at night. The lack of a sturdy hand rail for the front steps leading to the door also present safety issues. The lack of lighting at the front entrance of the home is a violation of Section 18-393 of the Racine County Code of Ordinances, as well as 2023 NEC Section 210.70 (2). The lack of a sturdy hand rail is a violation of Town of Waterford Municipal Code of Ordinances, Chapter 7, Section 7.05, Subsection V, Part 5.

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. There would be no detriment to adjacent properties

due to the fact that the structure would not adversely affect the appearance of the adjacent properties, does not present any adverse effects to road visibility, and actually brings the existing house up to code while improving the aesthetic.

4) Explain how the request is not based on **economic gain or loss** and is not **self-imposed**. There is no money to be gained or lost, since this is a private property. This hardship is not self-imposed in that the house was constructed in 1890, and was not built nor modified in any way by the property owner.

Owner/Applicant's Signature



Date 6-5-24

Fee pd: \$ 450.00
documentation

Ck # 1466

(Payable to Racine County Development Services) · Attach required

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RECEIVED
JUN 02 2024
RACINE COUNTY

APPLICATION FOR ZONING PERMIT

RACINE COUNTY, WISCONSIN (Rev. 07/22)

PERMIT NO. _____

DATE PERMIT ISSUED _____

OWNER Mark and Rachel Farchione

APPLICANT OWNER

Mailing Address 5202 Buena Park Rd.

Mailing Address _____

Waterford WI 53185

City State Zip

Phone 414-702-2121

Phone _____

Email MARK.FARCHIONE@YAHOO.COM

Email _____

Parcel Id. # 016041922 021005

Site Address 5202 Buena Park Rd.

Municipality Waterford Section(s) 22 Town 4 North, Range 19 East

Lot 1 Block _____ Subdivision Name _____ CSM # 1239

Proposed Construction/Use Covered Porch with stairs addition to the existing residence

(covered porch) (stairs)

| | | | | | | | |
|------------|-------------------------------------|-----------------|-------------------------------------|-------------------------|-------------------------------|------------------------------|-------------------------------------|
| New | <input checked="" type="checkbox"/> | Principal Bldg. | <input checked="" type="checkbox"/> | Size | (<u>6' x 25'</u>) | (<u>3' x 4'</u>) | (<u> </u> x <u> </u>) |
| Addition | <input checked="" type="checkbox"/> | Accessory | <input type="checkbox"/> | Area (sq ft) | (<u>150 ft²</u>) | (<u>12 ft²</u>) | (<u>162 ft² Total</u>) |
| Alteration | <input type="checkbox"/> | Deck | <input type="checkbox"/> | Peak Ht. (ft.) | <u>12'</u> | 100-Yr. Floodplain Elev. | <u> </u> |
| Conversion | <input type="checkbox"/> | Sign | <input type="checkbox"/> | Eave Ht. (ft.) | <u>8'</u> | Flood Protection Elev. | <u> </u> |
| Temporary | <input type="checkbox"/> | Other | <input type="checkbox"/> | Building Ht.-Avg. (ft.) | <u>10'</u> | | |

Contractor OWNER Est. Value w/Labor \$ 11,000 ZONING DISTRICT A-2

| | | | | | | | | |
|------------------------------------|------------|--------------|-------------------------------------|----|-------------------------------------|------------------------|---------------|------------|
| Existing Nonconforming? | N/A | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yard Setbacks | Proposed | OK? |
| Structure in Shoreland? (per map) | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Street-1 st | <u>21.44'</u> | <u> </u> |
| Mitigation or Buffer Needed? | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Street-2 nd | <u>N/A</u> | <u> </u> |
| Structure in Floodplain? (per map) | | *Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Side-1 st | <u>92.29'</u> | <u>yes</u> |
| *Structure's Fair Market Value \$ | <u> </u> | Cumulative % | <u> </u> | | | Side-2 nd | <u>7100'</u> | <u>yes</u> |
| *>50% of Fair Market Value? | N/A | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Rear | <u>7100'</u> | <u>yes</u> |
| Structure in Wetland? (per map) | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Shore | <u>N/A</u> | <u> </u> |
| Substandard Lot? | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Total Acc. Structures | <u>N/A</u> | <u> </u> |
| BOA Variance Needed? | | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Date of Approval | <u> </u> | <u> </u> |
| Conditional Use/Site Plan Needed? | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Date of Approval | <u> </u> | <u> </u> |
| Shoreland Contract Needed? | | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | Date of Approval | <u> </u> | <u> </u> |

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 _____ 6-5-24
Signature of Owner /Applicant/Agent Date

Shoreland Contract Fee Pd: \$ _____ MARK FARCHIONE
CC Date/Check#/Cash 1966 Print Name(s)

Zoning Permit Fee Pd: \$ 150.00 _____
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 - 22 - 021005

3-26-96 Final

Staff Use Only

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

- 1) Sanitary Permit # 259542 Date issued 12-15-95 Year installed Failing? No *owner*
- 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 Proposed covered porch with stairs Addition will not impact POWTS

POWTS Inspector's Signature: J.C. [Signature] Date: 6-5-2024

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.

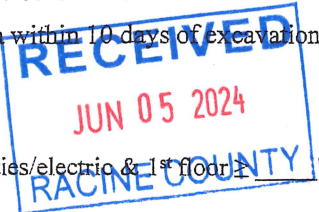
All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from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



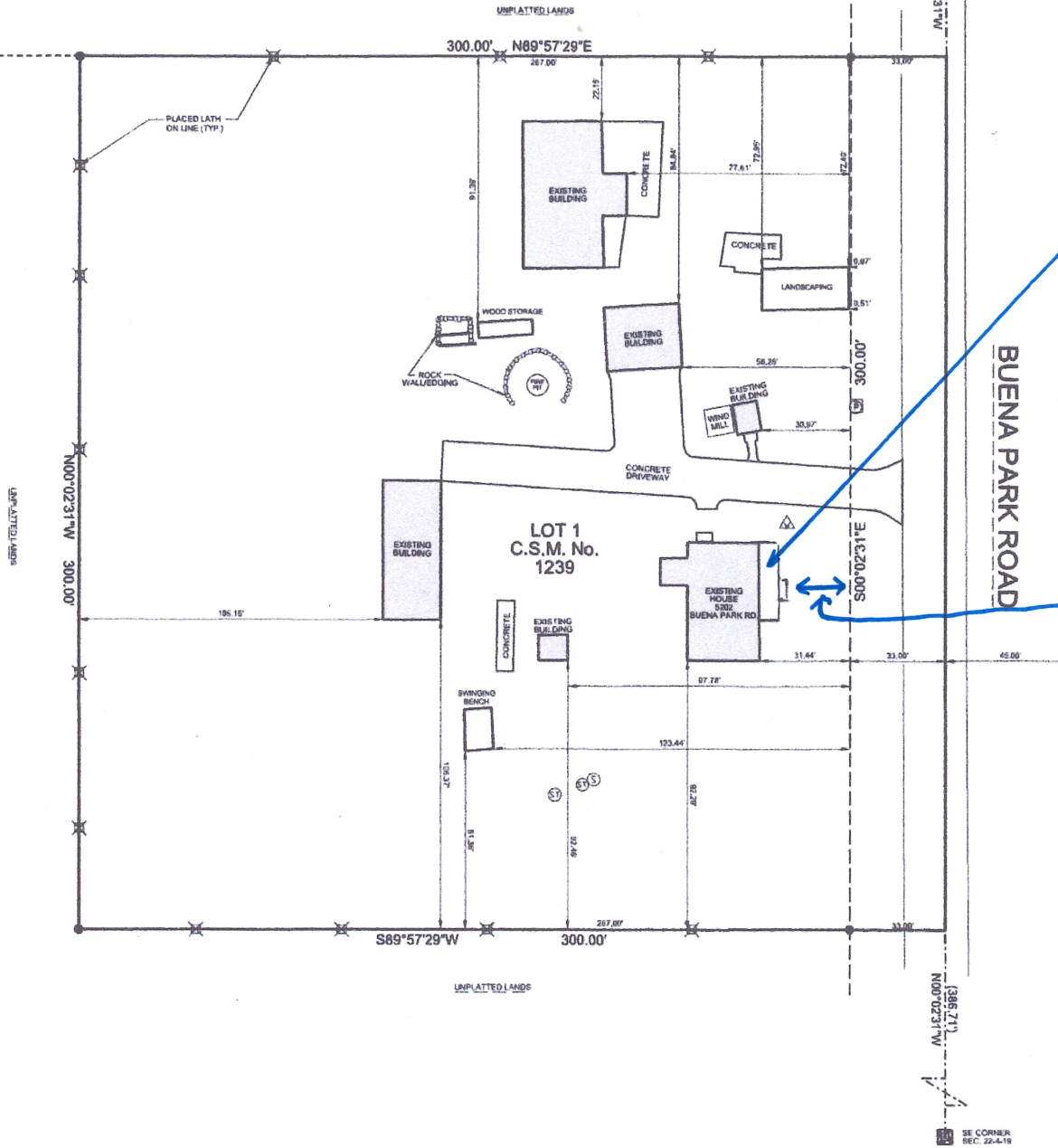
PLAT OF SURVEY

LOT 1 OF CERTIFIED SURVEY MAP NUMBER 1239, BEING PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 19 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

LEGEND:

| | |
|---------|--|
| 100.00' | RECORDED DISTANCE |
| 100.00' | MEASURED DISTANCE |
| ● | 1" FOUND IRON PIPE, UNLESS NOTED |
| ⊗ | ¾" x 18" IRON PIPE SET, 1.13 DIA. I.P. |
| ⊕ | WELL |
| ⊙ | SEPTIC TANK |
| ⊖ | SEPTIC VENT |
| ⊗ | LIGHT POLE |
| ⊕ | ELECTRIC TRANSFORMER |
| ⊕ | ELECTRIC PEDESTAL |
| ⊕ | TELEPHONE PEDESTAL |
| ⊕ | CABLE TV PEDESTAL |

SCALE 1" = 30'



Proposed 6'x25' covered porch with stairs Addition to the existing Residence

21.44' proposed setback to Road R.O.W.

RECEIVED

10/10/2018

RACINE COUNTY

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

I, MICHAEL A. GREGSON P.L.S. #2770, HEREBY CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS (CHAPTER A.E.7) FOR THE STATE OF WISCONSIN AND HAS BEEN PREPARED UNDER MY DIRECTION AND CONTROL AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK FARCHINE FOR
 MARK FARCHINE
 5202 BUENA PARK RD.
 WATERFORD, WI 53185

V2G
 SURVEYING, LLC
 121001 FARM - SUITE 4
 WAUKESHA, WI 53186-9277

Property Overview

- House built in 1890
- Formerly an 80 acre working farm within the Town of Waterford
- Zoned A-2
- Working diligently to make the property cleaner, safer, and up to date, while maintaining its charm
- NOTE: recently lost one of the buildings due to Zoning ordinance, which was originally planned to be restored and used (lower left in photo)



Property circa 1960

Variance Hardship Overview

Handrail

- Due to layout of front elevation, there is currently nowhere to place a handrail at the steps leading up to the exterior door (see upper right)
- This lack of handrail presents safety issues
- Current layout violates current building codes related to lighting and handrail requirements
 - Town of Waterford Municipal Code of Ordinances, Chapter 7, Section 7.05, Subsection V, Part 5 states:
 - “All exit stairways of 3 risers or more shall have a handrail at a measured height of 30”-38” above the nosing gripping area. Open stairways shall have a handrail on both sides of the stairway.”
- The only feasible way to have necessary handrails would be to install a front porch with necessary structure to properly secure a handrail
 - Space around front door is 5 inches on each side, and 6 inches overhead, therefore mounting any handrail would not allow for the storm door to properly swing open, nor would the railings be sturdy due to lack of anchor point on the wall.
- Currently, due to Racine County Code of Ordinances, all buildings must be at least 75 feet away from front (road) property line, unless grandfathered
 - Grandfathered buildings cannot be modified unless hardship is presented
- Hardship outlined above is not of current property owners own making, as the house was bought in this condition, and not modified in this area



Variance Hardship Overview

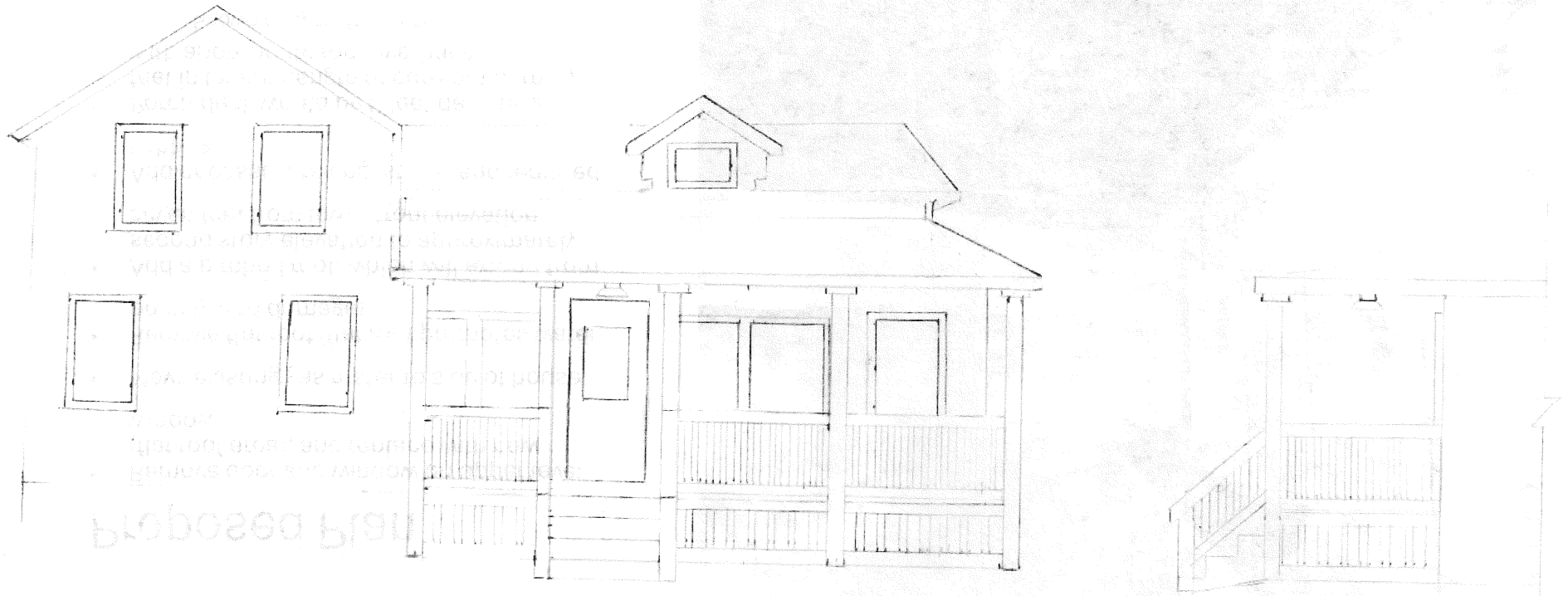
Lighting

- Due to layout of front elevation, there is currently nowhere to place a light near the exterior door
- This lack of light presents major safety and security issues (see lower right)
 - Cannot see the front of the house at night if using that door
 - Cannot see visitors that approach the front door of the house
- Current layout violates current building codes related to lighting requirements
 - Section 18-393 of the Racine County Code of Ordinances states:
 - **Any electrical service must be installed per the National Electric Code**
 - 2023 NEC Section 210.70 (2) states:
 - **Each exterior door shall be equipped with at least one lighting outlet and wall-mounted control device**
- The only feasible way to properly illuminate this entranceway would be to install a covered front porch with necessary structure for a ceiling-mounted light source
 - Space around front door is 5 inches on each side, and 6 inches overhead, therefore mounting any light would not allow for the storm door to properly function
 - Space around door is all claimed by door/window framing, which negates the ability to properly wire a light
- Currently, due to Racine County Code of Ordinances, all buildings must be at least 75 feet away from front (road) property line, unless grandfathered
 - Grandfathered buildings cannot be modified unless hardship is presented
- Hardship illustrated above is not of current property owners own making, as the house was bought in this condition, and not modified in this area



Front of house at night

SKETCH OF PROPOSED MODIFICATIONS



Map of Surrounding Comparable Houses

- All comparable houses are along Buena Park Rd., north of Highway 20/Main Street
- On Buena Park Road, there are currently 14 of 37 houses that are less than 75 feet from their respective front property lines, regardless of zoning
- If variance were to be granted, three houses would still be closer to their respective front property lines than modified house
- Refer to Annex A for layout and information of comparable houses

