

Racine County
Zoning Board of Adjustment Meeting
Tuesday, July 2, 2024 - 9:00 a.m.

Ives Grove Office Complex Auditorium

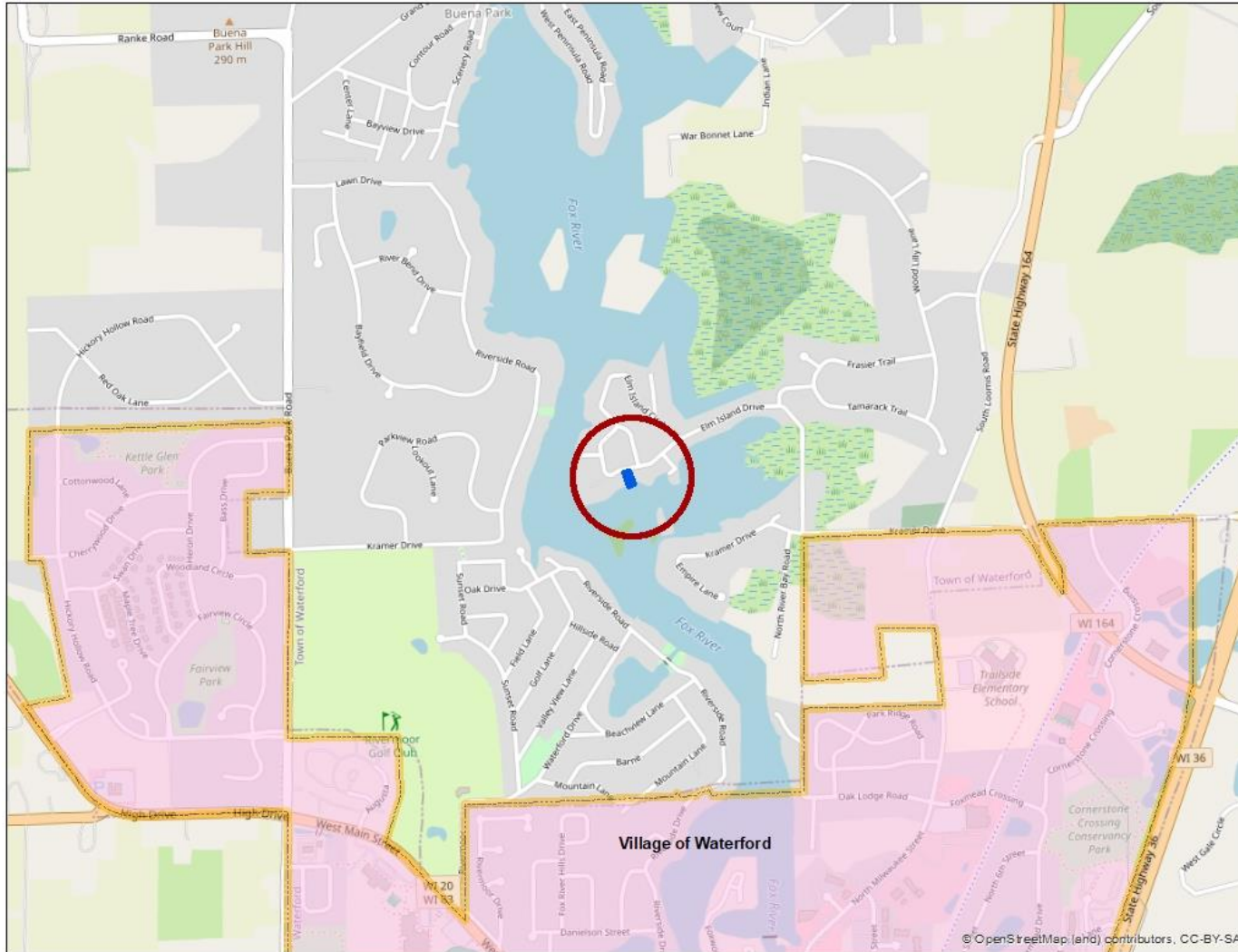


Kurt Lekschas, Owner

Site Address: 29209 Elm Island Drive

Request a R-3A Variance to raze & reconstruct a 13.4' x 21.4' detached garage (proposed detached garage will have an insufficient setback to the principal structure & an insufficient side yard setback)

Location Map



SEC 26 – T4N – R19E

Town of Waterford



Kurt Lekschas, Owner

Site Address: 29209 Elm Island Drive

Request a R-3A Variance to raze & reconstruct a 13.4' x 21.4' detached garage (*proposed detached garage will have an insufficient setback to the principal structure & an insufficient side yard setback*)

Zoning Map



SEC 26 – T4N – R19E

Town of Waterford



Kurt Lekschas, Owner
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Request a R-3A Variance to raze & reconstruct a 13.4' x 21.4' detached garage (*proposed detached garage will have an insufficient setback to the principal structure & an insufficient side yard setback*)

**2022 Aerial Photo
Floodplain**



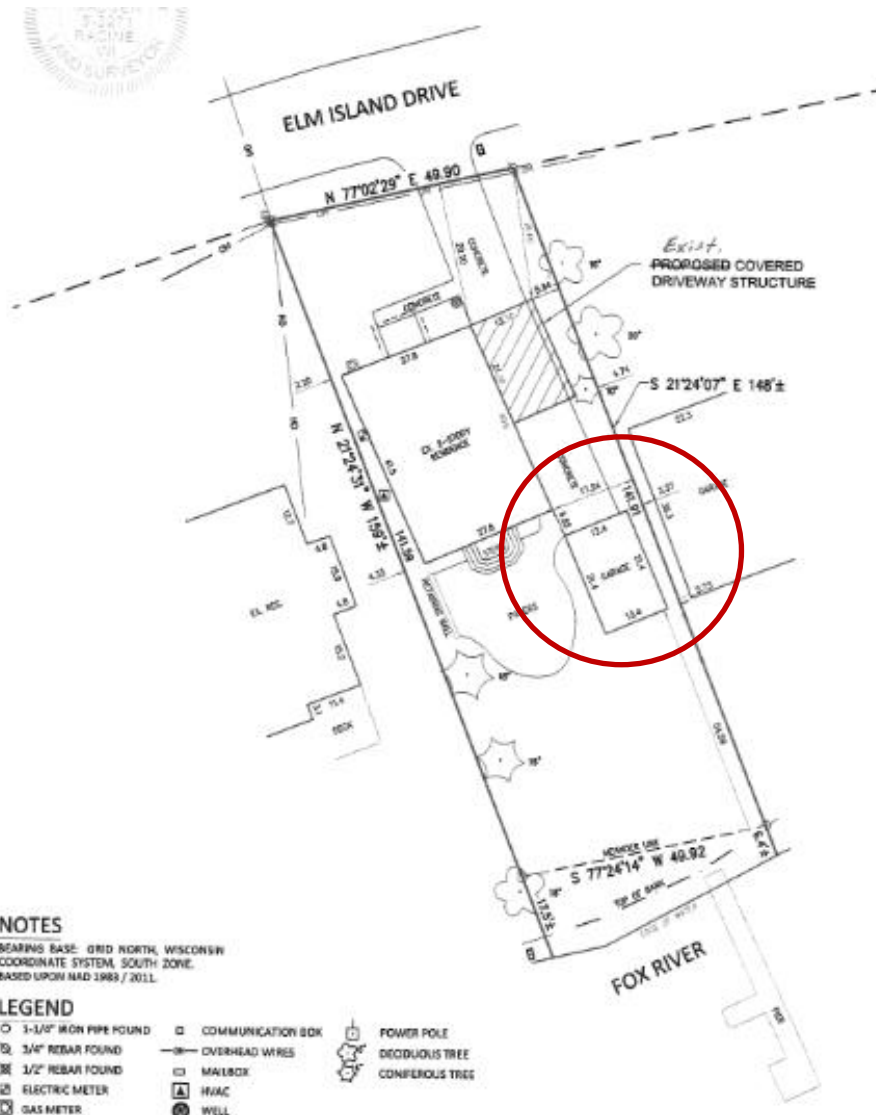
SEC 26 – T4N – R19E

Town of Waterford



Kurt Lekschas, Owner
 Site Address: 29209 Elm Island Drive

Proposed



NOTES

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

LEGEND

- | | | |
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| | | |
| | | |
| | | |



Nielsen Madsen + Barber
 CIVIL ENGINEERS AND LAND SURVEYORS
 245B Horizon Blvd, Suite 200, Racine, WI, 53406
 Tele: (262)654-5388 Website: www.nmbac.net



FIELD WORK 5-16-2023 BY JHP/KWJ
 DRAWN 5-18-2023 BY SCB
 SCALE 1" = 20'
 SHEET 1 OF 1 SHEETS
 JOB NO. 2022.0083.01



SEC 26 – T4N – R19E

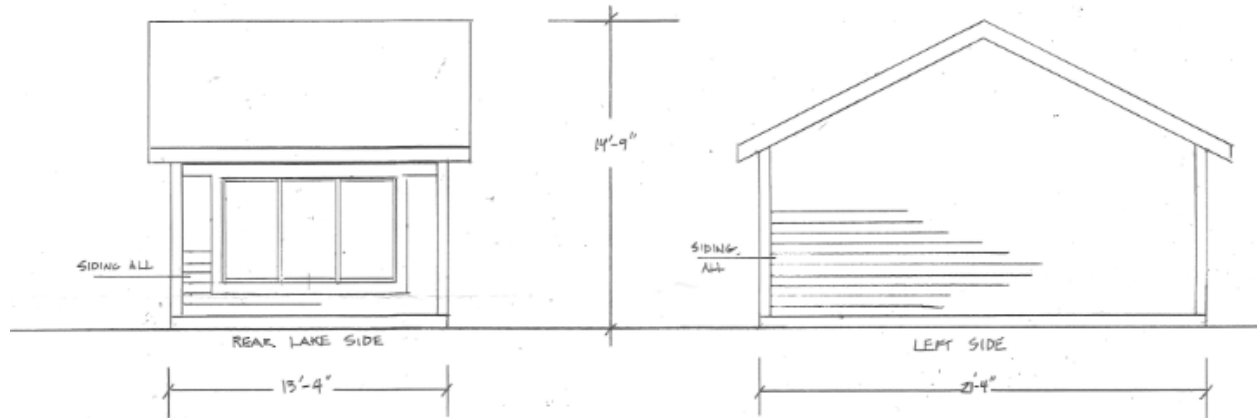
Town of Waterford

Kurt Lekschas, Owner
Site Address: 29209 Elm Island Drive

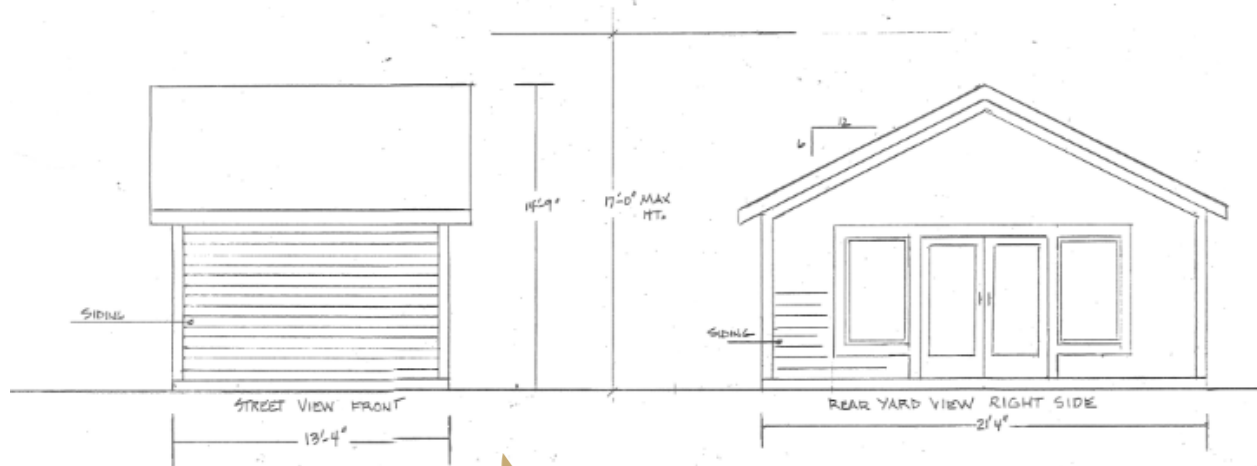
**Building
Elevations**

LEKSCHAS REAR GARAGE/STORAGE REMODEL

29209 ELM ISLAND DRIVE



STRUCTURE TO USE EXISTING FOUNDATION



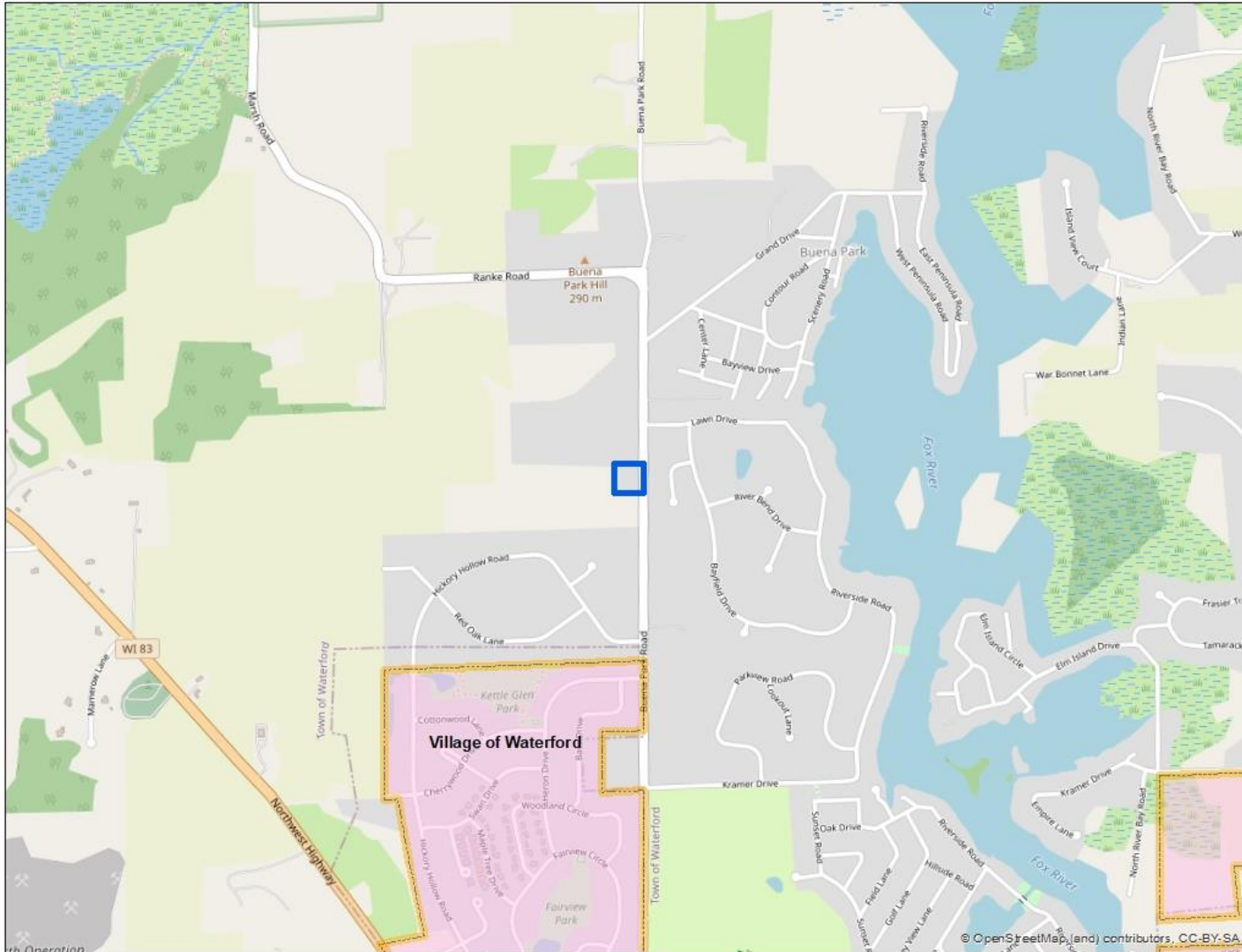
SEC 26 – T4N – R19E
Town of Waterford



Mark & Rachel Farchione, Owners
Site Address: 5202 Buena Park Road

Location Map

Request a A-2 Variance to construct a 6' x 25' covered porch with stairs addition to the existing residence (the proposed covered porch with stair addition will have an insufficient street yard setback)



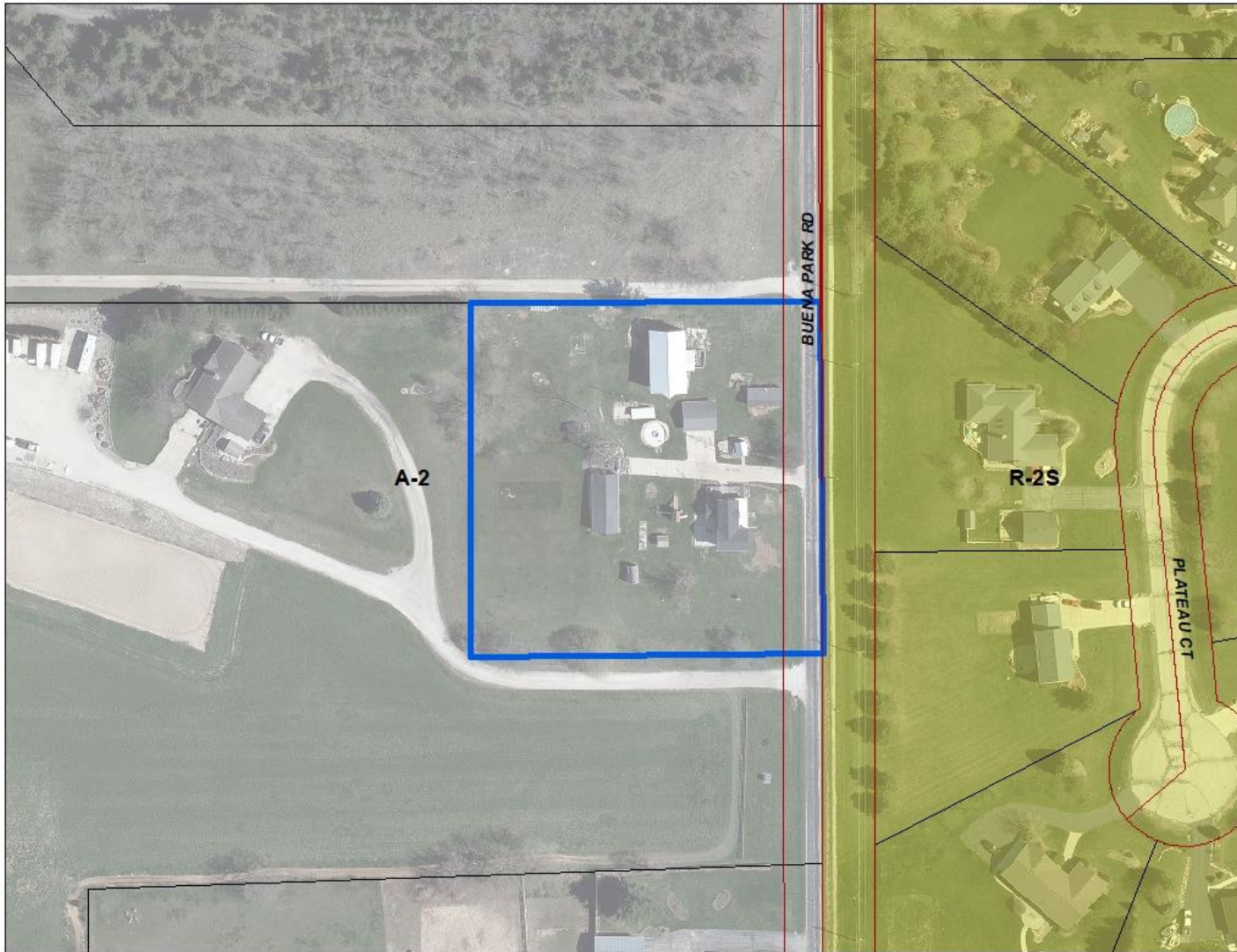
SEC 22 – T4N – R19E

Town of Waterford



Mark & Rachel Farchione, Owners
Site Address: 5202 Buena Park Road

Request a A-2 Variance to construct a 6' x 25' covered porch with stairs addition to the existing residence (the proposed covered porch with stair addition will have an insufficient street yard setback)



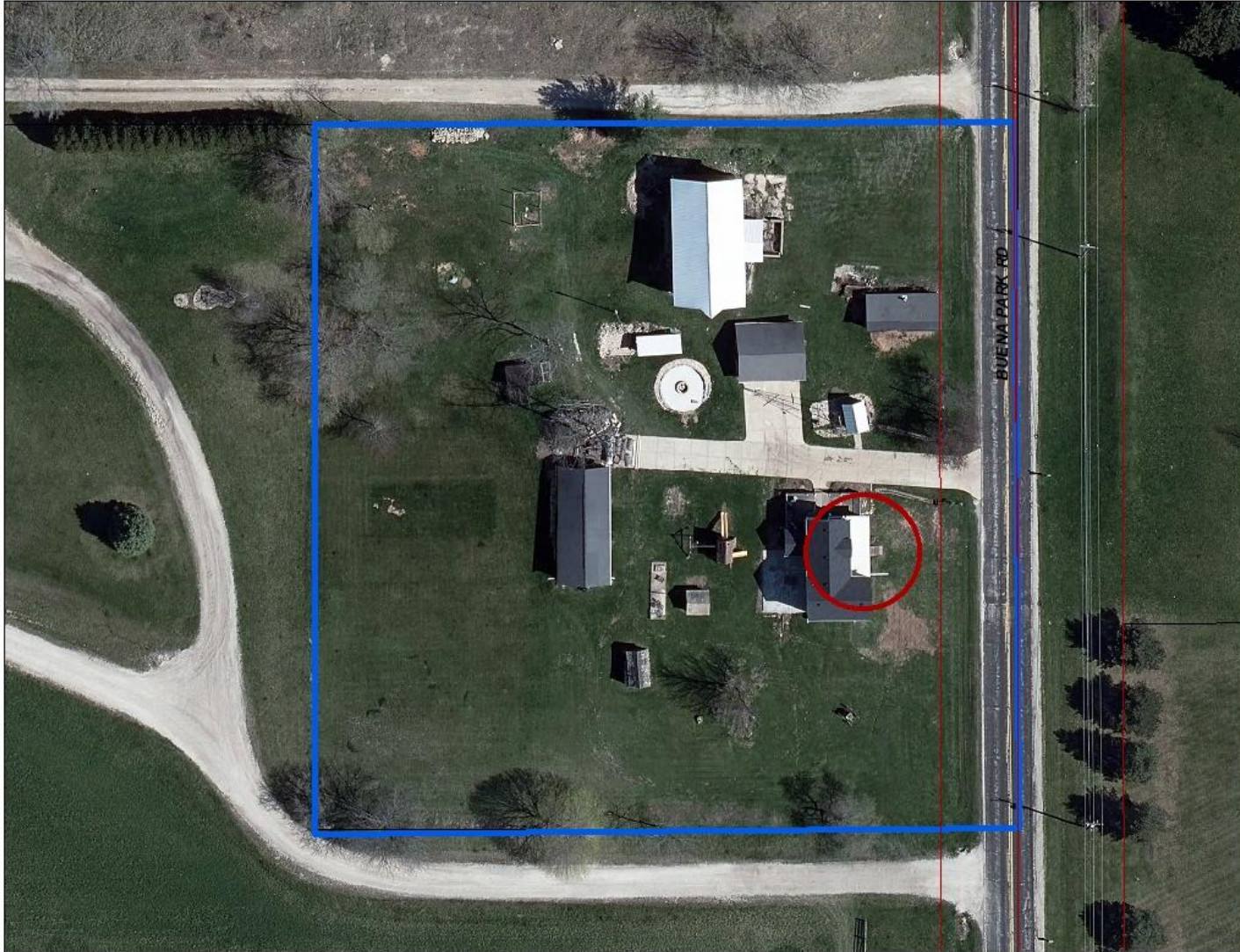
SEC 22 – T4N – R19E

Town of Waterford

Mark & Rachel Farchione, Owners
Site Address: 5202 Buena Park Road

2022 Aerial Photo

Request a A-2 Variance to construct a 6' x 25' covered porch with stairs addition to the existing residence (the proposed covered porch with stair addition will have an insufficient street yard setback)



SEC 22 – T4N – R19E

Town of Waterford



Mark & Rachel Farchione, Owners
 Site Address: 5202 Buena Park Road

Proposed

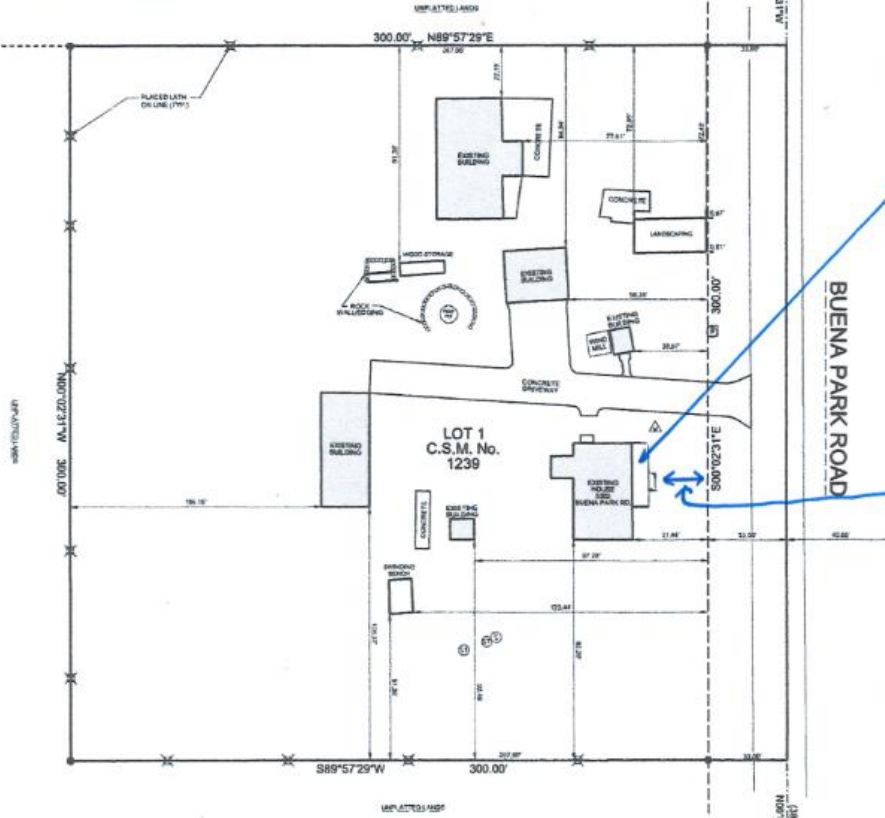
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PLAT OF SURVEY

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 18 EAST, TOWN OF WATERFORD, RACINE COUNTY, WISCONSIN.

LEGEND:

100.00'	RECORDED DISTANCE
100.00'	UNADJUSTED DISTANCE
●	1" FOUND IRON PIPES UNLESS NOTED
●	2" x 1" IRON PIPES SET 1.13 IN.A.P.
⊕	WELL
⊕	SEPTIC TANK
⊕	SEPTIC VENT
⊕	LIGHT POLE
⊕	ELECTRIC TRANSFORMER
⊕	ELECTRIC PEDESTAL
⊕	TELEPHONE PEDESTAL
⊕	CABLE TV PEDESTAL



Proposed 6' x 25' covered porch with stairs Addition to the existing Residence

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

RECEIVED
 RACINE COUNTY
 PLANNING DEPARTMENT

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 HEREOF.

I, MICHAEL A. GREENSPAN, P.L.L.C., HEREBY CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS CHAPTER A.T.I. FOR THE STATE OF WISCONSIN AND THAT I AM A LICENSED SURVEYOR IN RACINE COUNTY, WISCONSIN, AND IS CONTRACT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARK FARCHIONE
 5202 BUENA PARK ROAD
 WATERFORD, WI 53185

V2G
 GREENSPAN, LLC
 SURVEYING, LLC
 1000 W. WISCONSIN AVE. SUITE 100
 WATERFORD, WI 53185
 (262) 221-1881

SEC 22 – T4N – R19E

Town of Waterford



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

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

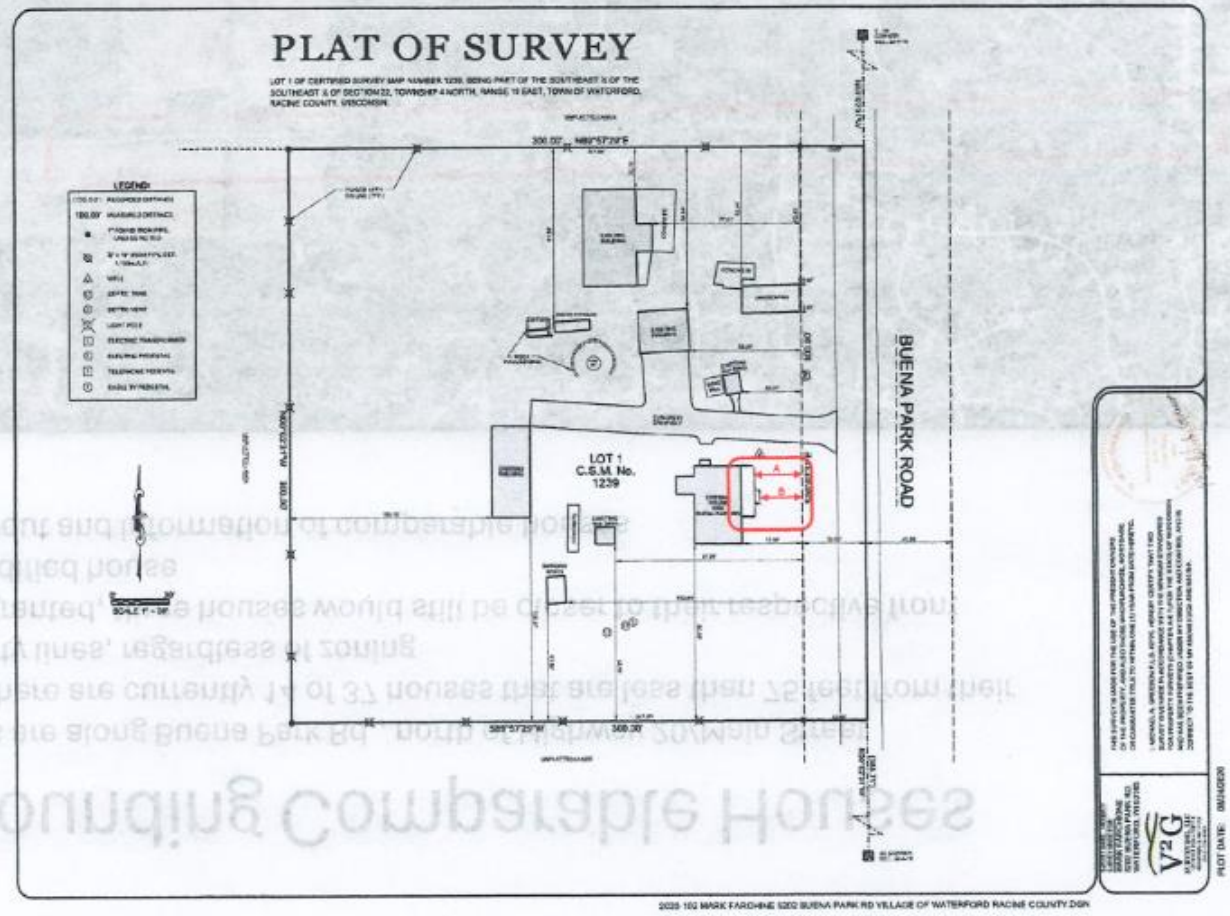


SKETCH OF PROPOSED MODIFICATIONS



Updated Plat of Survey

- Dimension A = 24.44 feet
- Distance from front edge of roof to property line
- Dimension B = 21.44 feet
- Distance from front edge of bottom step to property line



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

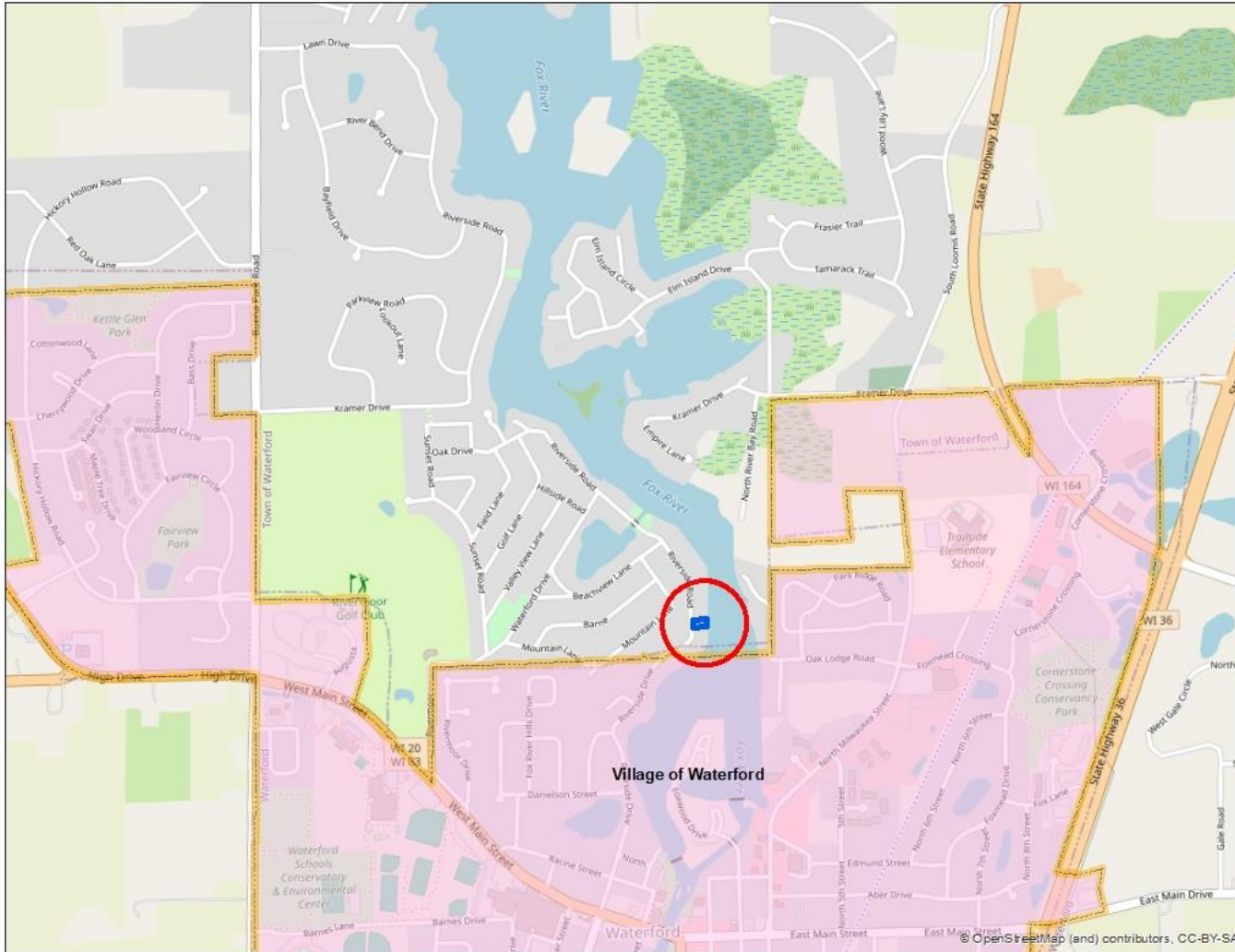


Mohsin & Zarina Dawoodbhai, Owners
Turn Key Homes, Agent

Site Address: 4133 Riverside Road

Request an appeal to a decision by the Development services office relative to zoning permit 2024-016-019. *(the applicants' position is that a first-floor shore yard uncovered wood deck can be replaced with an enclosed living space addition within the footprint of the wood deck)*

Location Map



SEC 26 – T4N – R19E

Town of Waterford



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Zoning Map



SEC 26 – T4N – R19E

Town of Waterford

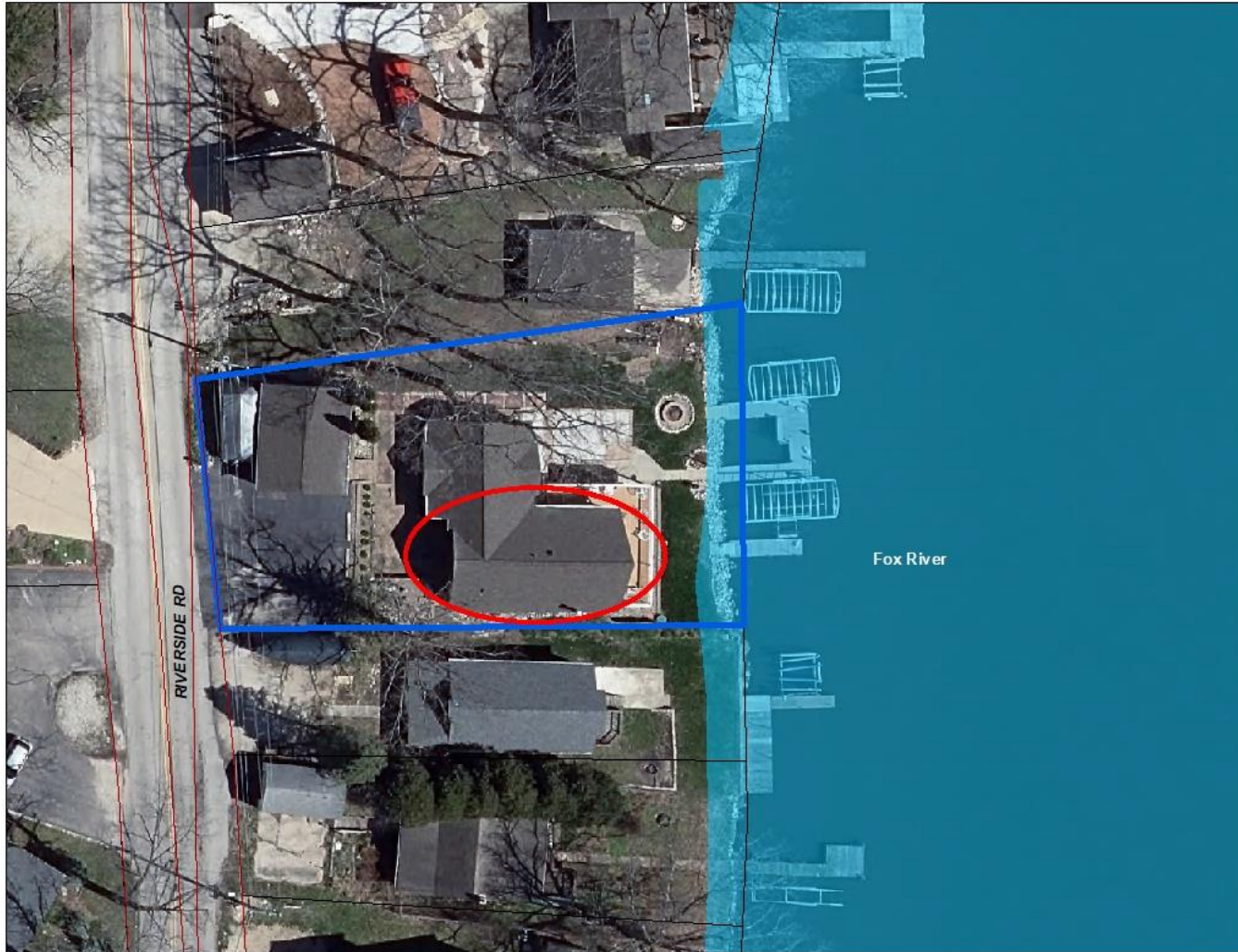


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2022 Aerial Photo Floodplain



SEC 26 – T4N – R19E

Town of Waterford



APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Mohsin & Zarina Dawoodbhai Applicant/Agent: Judy Kruger TurnKeyHomes.com
Address: 822 Comanche Ln Waukesha, WI 53188
Date petition filed: Hearing Date:
Municipality: TOWN OF WATERFORD
Zoning district(s): R3A

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: We were granted a Zoning and Building Permit for a Second Story Addition and some First Floor Remodeling. Remodeling work started and for unknown reasons it was PULLED.

at site address 4133 Riverside Rd., Section 26, T 4, N, R 19 (E)
Lot(s) 63 & 64 Blk 14 Subd/CSM Parcel Id# 016-04-19-26-680-000
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: SECTION 20-115 (E) SECTION 59.692 (1)(C)

Applicant is subject to: Not sure, plans were submitted clearly showing what was planned. Zoning Permit was issued as well as a Building Permit. Work started and now is in limbo

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 Tichigan Lake / Fox River
Property 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. Project was started based on the zoning and building permits that were issued.
2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. None that I am aware of. The addition and remodeling on an existing home does not increase the home footprint or increase impervious surface nor does it change the setback to the water.
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. None, home is down the hill from the road and even after adding a second story to the road side of the home it's at most a one story looking from the road.
4) Explain how the request is not based on economic gain or loss and is not self-imposed. A significant loss is not likely as the project was started based on the zoning and building permits that were issued.

Owner/Applicant's Signature Judy Kruger (TurnKeyHomes.com) Date 6-6-2024
Fee pd: \$600.00 Ck # 43317 (Payable to Racine County Development Services) Attach required documentation

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Mohsin and Zarina Dawoodbhai Applicant/Agent: Turn Key Homes
Address: 4133 Riverside Rd. Date petition filed: 6-6-2024 Hearing Date: 7-2-2024
Waterford, WI 53185 Municipality: Waterford
Phone (toll) 262-720-2536 (w/v) 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: Request an appeal to a decision by the Development Services office relative to zoning permit 2024-016-019

at site address 4133 Riverside Rd., Section 26, T 4, N, R 19 (E)
Lot(s) 63 & 64 Blk 14 Subd/CSM Parcel Id# 016-04-19-26-680-000
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: A variance is requested of an appeal

of a determination made by the Development Services department. The applicant's position is that a first floor side yard uncovered wood deck can be replaced Applicant is subject to: with an enclosed living space addition within the footprint of the wood deck Art. VI Div. 6, R-3A Suburban Residential District (Sewered); Sec. 20-35 Powers; Sec. 20-188 Continuation of Preexisting non-conforming structure; Sec. 20-1017 Reduction of Joint use and Sec. 20-115 Accessory Regulations

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
Property 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.

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4) Explain how the request is not based on economic gain or loss and is not self-imposed. A significant loss is not likely as the project was started based on the zoning and building permits that were issued.

Owner/Applicant's Signature Date
Fee paid: \$600.00 Check # 43317 (Payable to Racine County Planning) Please attach required documentation

APPLICATION FOR ZONING PERMIT **COPY** PERMIT NO. 2024-016-017
 RACINE COUNTY, WISCONSIN (Rev. 02/23) DATE PERMIT ISSUED 3-28-2024

OWNER Mohsin & Zarina Dawoodbhai APPLICANT Judy Kruger
 Mailing Address 822 S. Comanche Ln. Mailing Address 7312 Big Bend Rd.
Waukesha WI 53188 Waukesha WI 53188
 City State Zip City State Zip

Phone 262-720-2536 Phone 262-662-5570
 Email mohsin.dawoodbhai@gmail.com Email judy.kruger@TurnKeyHomes.com

Parcel Id. # 016-04-19-26-680-000 Site Address 4133 Riverside Rd.

Municipality Town of Watertown Section(s) 26 Town 4 North, Range 19 East
 Lot 63x64 Block 14 Subdivision Name Waterford Woods CSM # -

Proposed Construction/Use Second Story Vertical Expansion on existing single-family residence

New	Principal Bldg.	<input checked="" type="checkbox"/>	Size	<u>(25'4" x 46')</u>	(- x -)	(- x -)
Addition	Accessory	<input checked="" type="checkbox"/>	Area (sq ft)	<u>(1165.18)</u>	(-)	(-)
Alteration	Deck	<input type="checkbox"/>	Peak Ht. (ft.)	<u>28.6</u>	100-Yr. Floodplain Elev.	<u>725.5</u>
Conversion	Sign	<input type="checkbox"/>	Eave Ht. (ft.)	<u>18</u>	Flood Protection Elev.	<u>-</u>
Temporary	Other	<input type="checkbox"/>	Building Ht.-Avg. (ft.)	<u>23.3'</u>		

Contractor TurnKeyHomes.com Est. Value w/Labor \$ 247,338 ZONING DISTRICT R-3A

Existing Nonconforming? N/A Yes No Yard Setbacks Proposed OK?

Structure in Shoreland? (per map) Yes No Street-1st Existing

Mitigation or Buffer Needed? Yes No Street-2nd Existing

Structure in Floodplain? (per map) *Yes No Side-1st Existing

*Structure's Fair Market Value \$ N/A Cumulative % Side-2nd No Change

*>50% of Fair Market Value? N/A Yes No Shore

Structure in Wetland? (per map) Yes No Rear

Substandard Lot? Yes No Total Acc. Structures

BOA Variance Needed? Yes No Date of Approval

Conditional Use/Site Plan Needed? Yes No Date of Approval

Shoreland Contract Needed? Yes No 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: \$ _____ Signature of Owner / Applicant / Agent Judy Kruger Date 3-27-2024
 CC Date/Check#/Cash _____

Shoreland Contract Fee Pd: \$ _____ Print Name(s) JUDY KRUGER TurnKeyHomes.com
 CC Date/Check#/Cash _____

Zoning Permit Fee Pd: \$ 200.00 Notes (revisions, extensions, etc.) STM
 CC Date/Check#/Cash 3-28-2024 _____

Other: Pd: \$ _____ (Staff Initials)

if shoreland erosion review fee is included above Zoning Administrator

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

SCANNED

PRINT 0160419-26-680000

Mc/0315 J.K.



with 1/2 of Section 35, Township 4 North, Range 12 West, of record in the Office of the Register of Deeds of Racine County, Wisconsin, and also an undivided interest in the out-lots shown on Plat of WATERFORD WOODS and the Plat of CONTINUATION OF WATERFORD WOODS, said out-lots designated by numerals to be used as private rights of way and for no other purpose, and said out-lots designated by letter and also LOTS 1, 2, 3, 4, 5, 6, 7, 8, and 9, and LOTS 53, 54, 55, 56, 57, and 58, in BLOCK 13; and LOT 19, BLOCK 6, to be used for recreation purposes and no other purpose. Said land being in the Town of Waterford, Racine County, Wisconsin.

Located at 4133 Riverside Drive **COPY**

Owners: Jeffrey P. & Linda M. Gratz



Proposed 2nd Story Vertical Expansion of Residence

- NOTE:
- 1) ELEVATIONS IN RED TAKEN BY MATT WEST ON APRIL 3RD 1993. (LIC# S-1864)
 - 2) ELEVATIONS ARE REFERENCED TO MEAN SEA LEVEL.

SCALE 1" = 20'

LANDMARK SURVEYING CO.

PHONE
461-3730

I, Richard J. Lammi, 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 all visible structures thereon, fences, apparent easements, roadways and visible encroachments.

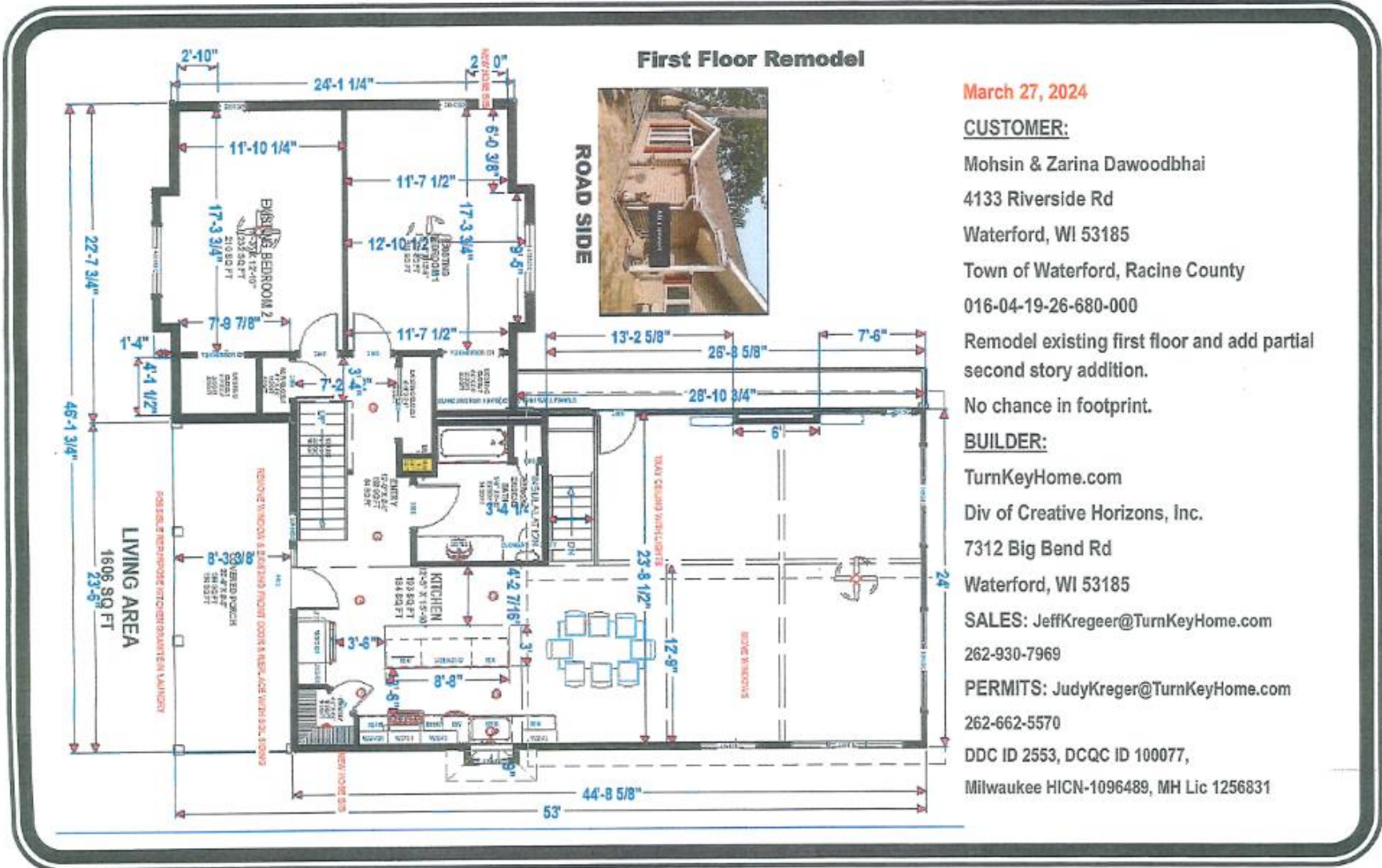


FOUND IRON PIPE
6 - SET IRON PIPE
8522 West Lisbon Avenue
Milwaukee, Wisconsin 53222
SURVEYED FOR



SEC 26 – T4N – R19E

Town of Waterford



First Floor Remodel

March 27, 2024

CUSTOMER:

Mohsin & Zarina Dawoodbhai
4133 Riverside Rd
Waterford, WI 53185

Town of Waterford, Racine County
016-04-19-26-680-000

Remodel existing first floor and add partial second story addition.

No change in footprint.

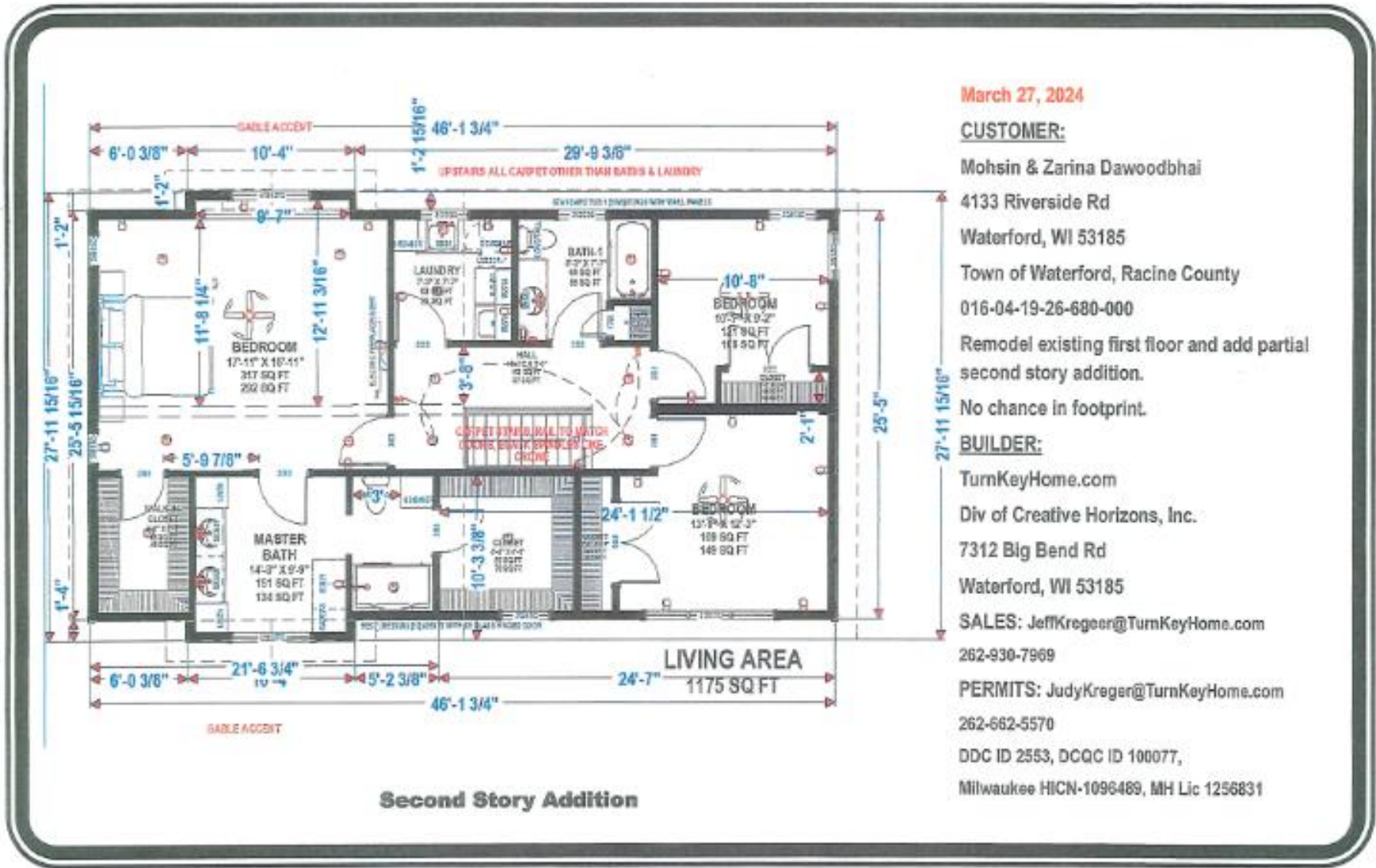
BUILDER:

TurnKeyHome.com
Div of Creative Horizons, Inc.
7312 Big Bend Rd
Waterford, WI 53185

SALES: JeffKregeer@TurnKeyHome.com
262-930-7969

PERMITS: JudyKreger@TurnKeyHome.com
262-662-5570

DDC ID 2553, DCQC ID 100077,
Milwaukee HICN-1096489, MH Lic 1256831



March 27, 2024

CUSTOMER:

Mohsin & Zarina Dawoodbhai

4133 Riverside Rd

Waterford, WI 53185

Town of Waterford, Racine County

016-04-19-26-680-000

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