



Zoning Board of Adjustment Agenda
Kenosha County Center, Conference Room A
January 7, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, January 7, 2016 at 6:00p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. TABLED REQUEST OF JASON T. & TAMI PAUTZ - VARIANCE APPLICATION - TOWN OF BRIGHTON

TABLED REQUEST OF JASON T. & TAMI L. PAUTZ, 5021 Four Mile Rd., Racine WI 53402 (Owner), requesting a variance (Section IV. A. 12.27-6(c): that all accessory buildings shall be located in the side or rear yard only and that there shall be a maximum of two large detached accessory buildings limited to a total of 1,800 square feet in area and shall not exceed 20 feet in height in the in the C-2 Upland Resource Conservancy Dist.) to construct in the street yard (required side or rear yard only) one large 60' x 64' pole barn totaling 3,840 sq. ft. in area (required 1,800 sq. ft. in total area) to be 25' high (required 20' high) on Tax Parcel #30-4-220-064-0300, SE 1/4 Section 6, T2 N, R20 E, Town of Brighton. FYI – N side of CTH "BB" (7th St.) appx. 3/4 miles W of intersection with CTH "B" (288th Avenue).

Documents: [SUBMITTED APPLICATION.PDF](#), [EXHIBIT MAP.PDF](#)

2. BRIAN P. ERNST & NICOLE M. ONYSIO - VARIANCE APPLICATION - TOWN OF SALEM

BRIAN P. ERNST & NICOLE M. ONYSIO, 8806 226th Ct., Salem WI 53168 (Owner), requesting a variance (Section III. K. 12.17-5: that all swimming pools shall only be installed in the rear yard of a premise and Section IV. C. 12.21-3(g)1: that all structures shall be constructed not less than 65 feet from the right-of-way of any county trunk highway in the R-3 Urban Single-Family Residential Dist.) to construct a 34' x 18' in-ground pool and associated patio in the street yard (required rear yard placement) to be located 45' (required setback 65') from the right-of-way of CTH "AH" (Salem Rd.) on Tax Parcel #65-4-120-132-1001, NE 1/4 Section 32, T1 N, R20 E, Town of Salem. FYI – SW corner of 88th St. & CTH "AH".

Documents: [SUBMITTED APPLICATION.PDF](#), [EXHIBIT MAP.PDF](#)

3. ROBERT A. & JEAN M. FOX - VARIANCE APPLICATION - TOWN OF BRIGHTON

ROBERT A. & JEAN M. FOX, 3013 269th Ave., Burlington WI 53105 (Owner), requesting a variance (Section V. A. 12.27-6(c): that all detached accessory buildings shall be located in the side or rear yard only in the R-1 Rural Residential Dist.) to construct a 36' x 48' detached accessory structure in the street yard (required side or rear yard placement) on Tax Parcel #30-4-220-194-0110, SE 1/4 Section 19, T2 N, R20 E, Town of Brighton. FYI – NW corner of CTH JB (31st St.) & 269th Ave..

Documents: [SUBMITTED APPLICATION.PDF](#), [EXHIBIT MAP.PDF](#)

4. CITIZEN COMMENTS

5. APPROVAL OF MINUTES

6. OTHER BUSINESS ALLOWED BY LAW

(A) DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE REQUESTS

Discussion and Possible Action regarding future requests for the Wisconsin Department of Natural Resources to provide input and information relative to variance applications made with the shoreland zoning jurisdiction.

7. ADJOURNMENT

NOTICE TO PETITIONERS

The petitioners: Jason T. & Tami L. Pautz, Brian P. Ernst & Nicole M. Onysio and Robert A. & Jean M. Fox shall be present at the hearing on Thursday, January 7, 2016 at 6:00p.m. at the Kenosha County Center, Conference Room A, 19600 75th Street, Bristol, Wisconsin. You should also meet with your Town Planning Commission and/or Town Board before the date of this hearing. Petitioners in the Town of Somers will meet with the Town Board of Appeals.

NOTICE TO TOWNS

The Towns Brighton and Salem are requested to be represented at the hearing on Thursday, January 7, 2016 at 6:00p.m. at the Kenosha County Center, Conference Room A, 19600 75th Street, Bristol, Wisconsin. You are requested to either attend or send in your recommendation to the Board.



COUNTY OF KENOSHA

December 2012

Department of Planning and Development

VARIANCE APPLICATION

RECEIVED

NOV 9 2015

Kenosha County
Planning and Development

Owner: Jason T. & Tami Pautz

Mailing Address: 5021 4 Mile Road
Racine WI 53402

Phone Number(s): 414-793-5023

To the Kenosha County Board of Adjustment:

Please take notice that the undersigned was refused a Zoning Permit by the Kenosha County Department of Planning and Development for lands described below for the reason that the application failed to comply with the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 30-4-220-064-0300 Zoning District: C-2

Property Address: 30150 7th Street Shoreland: No

Subdivision: - Lot(s): - Block: -

Current Use: Single-Family Residence (under construction)

Proposal: To construct a 60' x 64' pole barn in the street yard.

REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: <u>V.A.12.27-6(c)</u> - Detached accessory buildings in the C-2 Upland Resource Conservancy District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 10 feet from any side or rear lot line. There shall be a maximum of three detached	<u>Street-Yard Placement</u>
Section: _____ - accessory buildings, excluding gazebos and pool houses not more than 150 square feet in area and 15 feet in height. One accessory building shall be limited to a maximum of 150 square feet in area and a maximum of 15 feet in height. The other two buildings shall be limited to a total of 1,800	One detached accessory building of 3,840 sq. ft.
Section: _____ - square feet in area and shall not exceed 20 feet in height. There shall be a minimum separation of 10 feet between accessory buildings.	25 feet tall

An Area Variance is authorization by the Kenosha County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.

The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

VARIANCE APPLICATION

Yes. The zoning code regulations for detached accessory buildings unfairly limit me to 1,800 sq. ft. of outbuilding space despite the fact my property is almost 20 acres in area.

It is my understanding that Kenosha County is currently writing new detached accessory building codes that will change the restrictions to provide an amount of outbuilding area based on the size of the property.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

The property contains a lot of uneven terrain, wetlands and wooded area. Building to the north of the residence is impossible due to the larger wetland complex. The proposed building is located on one of only three level areas on the property.

(4) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated.

These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, and fire safety and building code requirements.

The structure will not be visible from the road and all the required horizontal setback dimension from neighboring property lines will be respected.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Owners Signature: Jan Paul

Agent: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____



COUNTY OF KENOSHA

VARIANCE APPLICATION

Department of Planning and Development

ZONING PERMIT APPLICATION

Owner _____ Date _____

Mailing Address _____ Phone # _____

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT TO DO THE WORK HEREIN DESCRIBED, AND AS SHOWN ON THE REQUIRED SITE PLAN FORM OR ATTACHED REGISTERED SURVEY HEREOF, AND HEREBY AGREES THAT ALL WORK WILL BE DONE IN ACCORDANCE WITH ALL THE LAWS OF THE STATE OF WISCONSIN AND ALL THE ORDINANCES OF THE COUNTY OF KENOSHA, APPLICABLE TO THE FOLLOWING DESCRIBED PREMISES:

Parcel No. _____ Zoning District(s) _____

Property Address _____

Subdivision Name _____ CSM # _____ Lot _____ Block _____ Unit _____

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES

Contractor _____

Address _____

Phone # _____

Agent _____

Address _____

Phone # _____

For Office Use Only	
Permit No.	_____
Foundation Survey Due Date	_____
Waiver of Liability Due Date	_____
Board Of Adjustments Approval Date	_____
Conditional Use Permit Approval Date	_____
Sanitation Approval	_____
Receipt # _____	Check # _____
Amount	_____

THIS ZONING PERMIT IS ISSUED SUBJECT TO:

1. ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS.
2. EACH APPLICANT FOR A ZONING PERMIT IS CHARGED WITH KNOWLEDGE OF THE COUNTY ZONING ORDINANCE. COPIES OF THE TEXT OF THIS OR PORTIONS THEREOF AND COPIES OF THE OFFICIAL ZONING MAPS ARE AVAILABLE FOR SALE, COPYING OR INSPECTION UPON REQUEST. ANY STATEMENT MADE, SITE PLAN SUBMITTED, ASSURANCE GIVEN OR PERMIT ERRONEOUSLY ISSUED CONTRARY TO THIS ORDINANCE IS NULL AND VOID.
3. THIS PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM DATE OF ISSUANCE.

4. REMARKS: _____

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 <http://dnr.wi.gov/wetlands/locating.html> OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER (262) 884-2300.

Date Permit Issued _____

THE UNDERSIGNED HEREBY ATTESTS THAT THE ABOVE INFORMATION IS TRUE, ACCURATE AND HAS RECEIVED THE ABOVE NOTICE.

Director of Planning Operations _____

Owner/Agent _____ Date _____

BOARD OF ADJUSTMENTS SCHEDULE FOR 2015 PUBLIC HEARINGS

*First and Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin*

HEARING DATES

<u>JANUARY 1</u>	Filing Date: Published:	December 1 Dec. 19 & Dec. 24	<u>JULY 2</u>	Filing Date: Published:	June 2 June 19 & June 24
<u>JANUARY 15</u>	Filing Date: Published:	December 15 Jan. 2 & Jan. 7	<u>JULY 16</u>	Filing Date: Published:	June 16 July 3 & July 8
<u>FEBRUARY 5</u>	Filing Date: Published:	January 5 Jan. 23 & Jan. 28	<u>AUGUST 6</u>	Filing Date: Published:	July 6 July 24 & July 29
<u>FEBRUARY 19</u>	Filing Date: Published:	January 19 Feb. 6 & Feb. 11	<u>AUGUST 20</u>	Filing Date: Published:	July 20 Aug. 7 & Aug. 12
<u>MARCH 5</u>	Filing Date: Published:	February 5 Feb. 20 & Feb. 25	<u>SEPTEMBER 3</u>	Filing Date: Published:	August 3 Aug. 21 & Aug. 26
<u>MARCH 19</u>	Filing Date: Published:	February 19 March 6 & March 11	<u>SEPTEMBER 17</u>	Filing Date: Published:	August 17 Sept. 4 & Sept. 9
<u>APRIL 2</u>	Filing Date: Published:	March 2 March 20 & March 25	<u>OCTOBER 1</u>	Filing Date: Published:	September 1 Sept. 18 & Sept. 23
<u>APRIL 16</u>	Filing Date: Published:	March 16 April 3 & April 8	<u>OCTOBER 15</u>	Filing Date: Published:	September 15 Oct. 2 & Oct. 7
<u>MAY 7</u>	Filing Date: Published:	April 7 April 24 & April 29	<u>NOVEMBER 5</u>	Filing Date: Published:	October 5 Oct. 23 & Oct. 28
<u>MAY 21</u>	Filing Date: Published:	April 21 May 8 & May 13	<u>NOVEMBER 19</u>	Filing Date: Published:	October 19 Nov. 6 & Nov. 11
<u>JUNE 4</u>	Filing Date: Published:	May 4 May 22 & May 27	<u>DECEMBER 3</u>	Filing Date: Published:	November 3 Nov. 20 & Nov. 25
<u>JUNE 18</u>	Filing Date: Published:	May 18 June 5 & June 10	<u>DECEMBER 17</u>	Filing Date: Published:	November 17 Dec. 4 & Dec. 9
			<u>JANUARY 7</u>	Filing Date: Published:	December 7 Dec. 24 & Dec. 30

THERE SHALL BE NO EXCEPTIONS TO DEADLINES AS STATED HEREIN

CHAPTER 12, KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE STATES:

12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS: Any petition or other matter requiring the publication of a legal notice must be submitted at least one month prior to the requested hearing date as scheduled by the Planning, Development & Extension Education Committee or Board of Adjustments. For purposes on this section, "one month prior to the requested hearing date" shall be defined to mean not later than 4:30 p.m. on the same calendar date of the month preceding the scheduled hearing, or the last day county offices are open prior to the aforementioned deadline. For purposes of the Open Meetings Law, the Director of the Department of Planning and Development shall be delegated the responsibility of informing the County Clerk of both scheduled open and closed meetings so that proper notices may be given.



COUNTY OF KENOSHA

Department of Planning and Development

VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

- 1. Contact the Department of Planning & Development and set an appointment. Bring the following for your pre-application meeting.
- 2. Complete a Zoning Permit Application at the Department of Planning & Development.
- 3. Complete a Variance Application.
 - A. A copy of your Tax Bill or a copy of the recorded Deed of Transfer if you have owned the property for less than a month. (This is to provide proof of ownership) If you are in the process of purchasing the property you need to provide a signed and accepted purchase agreement or if you are a realtor or contractor, a letter from the current owner granting you agent status to act on their behalf.
 - B. A Survey of the property with the following information provided. **NOTE:** The Board of Adjustments strongly advises that for any new residential construction an area for a detached or attached garage should be shown for present or future construction.
 - ❖ Size and location of all existing structures on the property and their distances from property lines -- (street yard setback should be taken from the edge of the road right of way).
 - ❖ Location and dimensions of the proposed structure(s) or where the addition is to be placed on an existing structure.
 - ❖ Show what the resulting setbacks will be for proposed structure.
 - ❖ Location of the well and on-site waste disposal system -- (septic systems must show both the septic tank size and dimensions of the field).
 - C. A filing fee of \$550 (non-refundable) is required at application time to cover the costs of publishing.
- 4. Submit the above information by the filing deadline (see Board of Adjustment Schedule handout) with the Department of Planning and Development.
- 5. Submit the above information to your local Township for placement on the agenda of the Town Planning Commission and/or the Town Board.
- 6. Your first meeting will be with the Town Planning Commission, except for the Town of Wheatland. The Town of Somers has a Board of Appeals. **NOTE:** You must attend or the Commission/Board will not be able to act on your request.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- 7. Your second meeting will be with the Town Board. **NOTE:** You must attend or the Board will not be able to act on your request.

- 8. Your third meeting will be with the County Board of Adjustments. **NOTE:** You must attend or the Board of Adjustments will not be able to act on your request. At this meeting you will be asked to brief the Board on your request for a variance and state your reasons for hardship (see Public Hearing Variance Standards handout).

- 9. If the Board of Adjustments grants your variance request you may obtain your Zoning Permit from the Office of Planning and Development the day after the meeting. The permit will be issued if all requirements from this office have been addressed, including sanitation, if you are the current owner of the property, and subject to signing the Statement of Appeal Process (see attached handout). If you do not sign the Statement of Appeal Process you will need to wait 30 days from the date of approval before the zoning permit can be issued. PLEASE NOTE, THAT ACCORDING TO SECTION VII.B.12.36-15(c) VARIANCES GRANTED BY THE B.O.A. SHALL EXPIRE WITHIN SIX (6) MONTHS FROM THE DATE OF APPROVAL, UNLESS A ZONING PERMIT HAS BEEN ISSUED AND “SUBSTANTIAL CONSTRUCTION” – THE VALUE OF SUCH WORK THAT HAS COMMENDED EQUIVALENT TO 25% OF THE PROJECTED COST OF THE PROJECT AS NOTED ON THE APPLICATION FOR THE ZONING PERMIT, HAS COMMENCED.

- 10. Follow the Permitting Process for New Construction or for Additions to Existing Structures, Accessory Structures, Decks, Pools, and/or Fences (see handout).

- 11. If the Board of Adjustments denies your variance you have thirty (30) days to file an appeal with circuit court (see Statement of Appeal Process handout).

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center	
Department of Planning & Development	
19600 - 75 th Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of.....	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

PUBLIC HEARING VARIANCE STANDARDS

- ❑ YOUR PUBLIC HEARING WILL BE BASED ON THE FOLLOWING STANDARDS FROM THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE.

CHAPTER 12.36-1 INTENT

- ❑ It is the intent of this section of the Ordinance to recognize that under certain conditions and circumstances, it may be necessary to obtain a variance from the terms of this Ordinance so long as said variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship or practical difficulties and where the granting of such variance will uphold the spirit of this Ordinance and contribute to the justice of the particular case in question. Any variance granted under the terms of this ordinance shall, however, relate only to area requirements and not to use. Furthermore, it is the intent of this section to establish a Board of Adjustments for the purpose of reviewing applications for variances as well as reviewing orders and decisions made by the Office of Planning and Development.

CHAPTER 12.36-13 STANDARDS AND GUIDELINES

- ❑ In determining whether a variance is to be granted, the following standards and guidelines must be met in view of the evidence presented and in making its decision, these standards and guidelines shall be addressed by the board of adjustment:
 1. The existence of special conditions or exceptional circumstances on the land in question.
 2. The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.
 3. That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.
 4. That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.
 5. That the limitation on the use of the land does not apply generally to other properties in the district.
 6. That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.
 7. That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.
 8. That the use of the parcel in question presently does conform to the ordinance.

9. That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.
10. That with respect to those areas located within the floodland districts, a variance would not permit filling and development contrary to the purpose and intent of the Camp Lake/Center Lake FWO Floodway Overlay District; would not permit a change in the boundaries of the FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay district or the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District; would not permit a lower degree of flood protection in the floodland districts than the residential, commercial, institutional, or park basement or crawlway to be located below the 100-year recurrence interval flood elevation; would not allow a change or alteration of an historic structure, including its use, which would result in the structure; further, that the variance for the proposed action would not require amendment to the floodplain zoning ordinance' and furthermore, that the variance would not have the effect of granting or increasing a use property which is prohibited in the floodland districts or any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code.

- Variances may be granted for example for reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of this ordinance except for existing structures.
- The Board of Adjustments in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance but shall base their decision solely upon the equities of the situation involved.
- Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.

Statutory Standards

- The applicant for a variance must clearly show the Board of Adjustments that three statutory standards that govern granting a variance will be met. These three standards require the existence of an unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.
- Unnecessary Hardship
 - ❖ A situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome.
 - ❖ The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- ❑ Unique Property Limitation
 - ❖ Unique physical characteristics of the property must prevent the applicant from developing in compliance with the zoning ordinance.

- ❑ Protection of the Public Interest
 - ❖ Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners.
 - ❖ Conditions may be attached to a variance to protect adjoining properties and to preserve the essential character of the neighborhood.
 - ❖ A variance should include only the minimum relief necessary to allow reasonable use of a property.

NOTES

VARIANCE WORKSHEET

YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

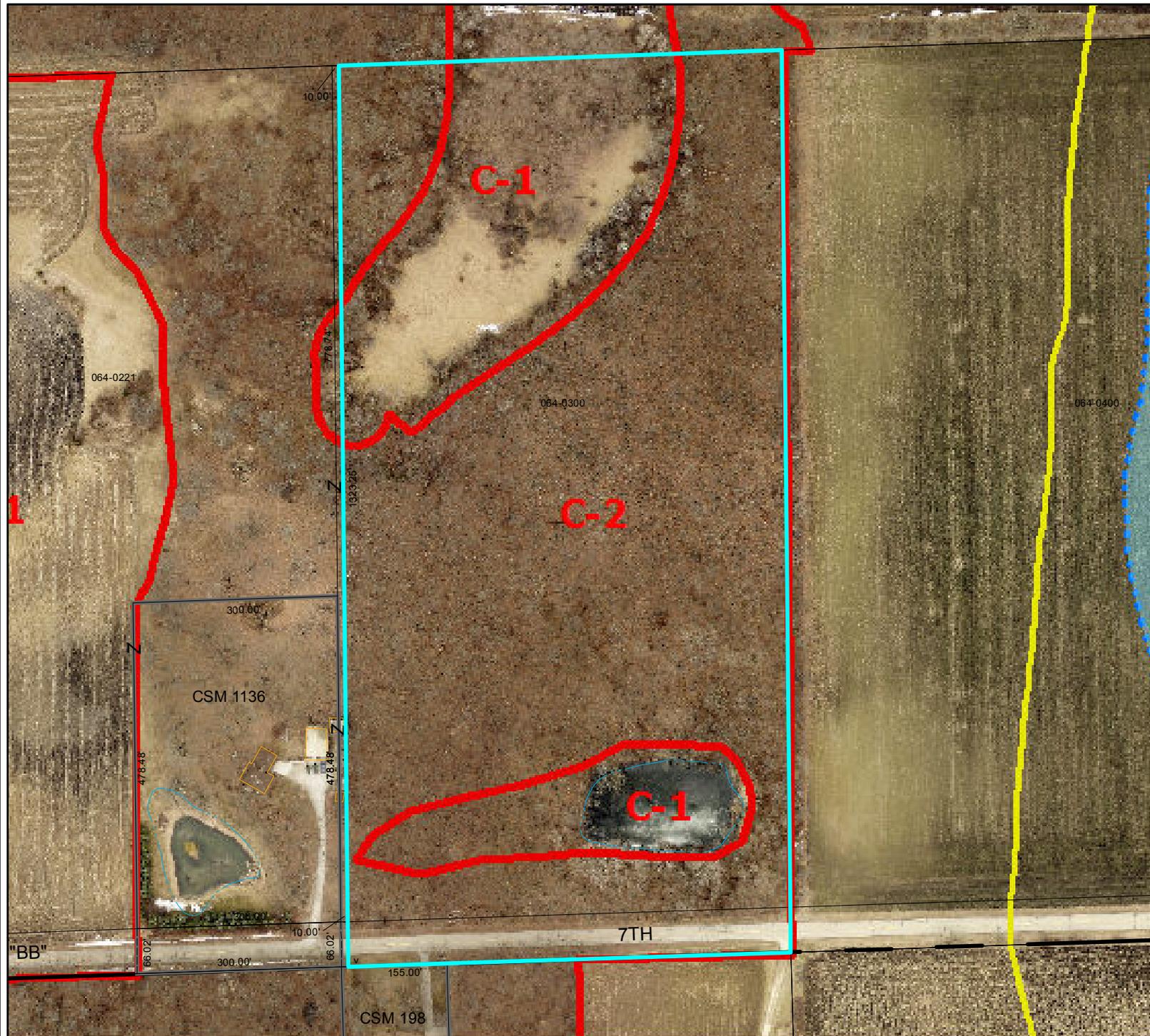
PROTECTION OF THE PUBLIC INTEREST -

Kenosha County



1 inch = 200 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



N88°02'54"E

650.66'

PLAT OF SURVEY
-OF-

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN. SAID LAND BEING IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN.
EXCEPTING THEREFROM: PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 20 EAST, TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE NORTH 88°05'48" EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION, 659.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°37'44" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SOUTHEAST 1/4 SECTION, 1323.24 FEET; THENCE NORTH 88°02'44" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SOUTHEAST 1/4 SECTION, 10.00 FEET; THENCE SOUTH 00°37'44" EAST PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SOUTHEAST 1/4 SECTION, 1323.25 FEET TO THE SOUTH LINE OF SAID 1/4 SECTION; THENCE SOUTH 88°05'48" WEST ALONG SAID SOUTH LINE, 10.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO RIGHTS OF THE PUBLIC OVER THE SOUTH SIDE THEREOF FOR HIGHWAY PURPOSES.

SURVEY FOR: JASON PAUTZ
PROPOSED ADDRESS: _____ C.T.H. BB

LEGEND

FOUND COUNTY MONUMENT
CONCRETE WITH CAP



SCALE: 1" = 50'

BEARINGS HEREON RELATE TO GRID
NORTH OF THE WISCONSIN STATE PLANE
COORDINATE SYSTEM (SOUTH ZONE).

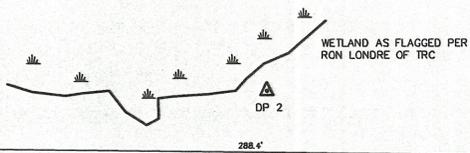
MONUMENTATION BY WRITTEN AGREEMENT
WITH THE ABOVE NAMED CLIENT HAS BEEN
WAIVED IN ACCORDANCE WITH A-E 7.01(2)
OF THE WISCONSIN ADMINISTRATIVE CODE.

1323.25'

N00°37'44"W

S00°35'44"E

1323.81'



WETLAND AS FLAGGED PER
RON LONDRE OF TRC

DP 2

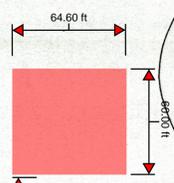
288.4'

Proposed single-family residence
(under construction)

PROPOSED DWELLING
& ATTACHED GARAGE

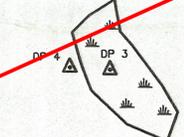
NOTE: PROPOSED DWELLING
AND GARAGE TO BE FIELD
STAKED BY OTHERS.

Proposed 60' x 64'
Pole Barn



64.60 ft

60.00 ft



WETLAND AS FLAGGED PER
RON LONDRE OF TRC

DP 1

DP 3

DP 4

482.31 ft

WETLAND AS FLAGGED PER
RON LONDRE OF TRC

DP 7

DP 6

SOUTH 1/4 CORNER
SECTION 6-2-20
S88°05'48"W 659.87'

C.T.H.

S88°05'48"W

SOUTH LINE SOUTHEAST 1/4 SECTION 6-2-20

649.87'

BB

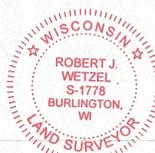
I hereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the size and location of the property, and its exterior boundaries.

This survey is made for the use of the present owners of the property, and those who purchase, mortgage, or guarantee the title thereto within one year from date hereof.



B.W. SURVEYING, INC.

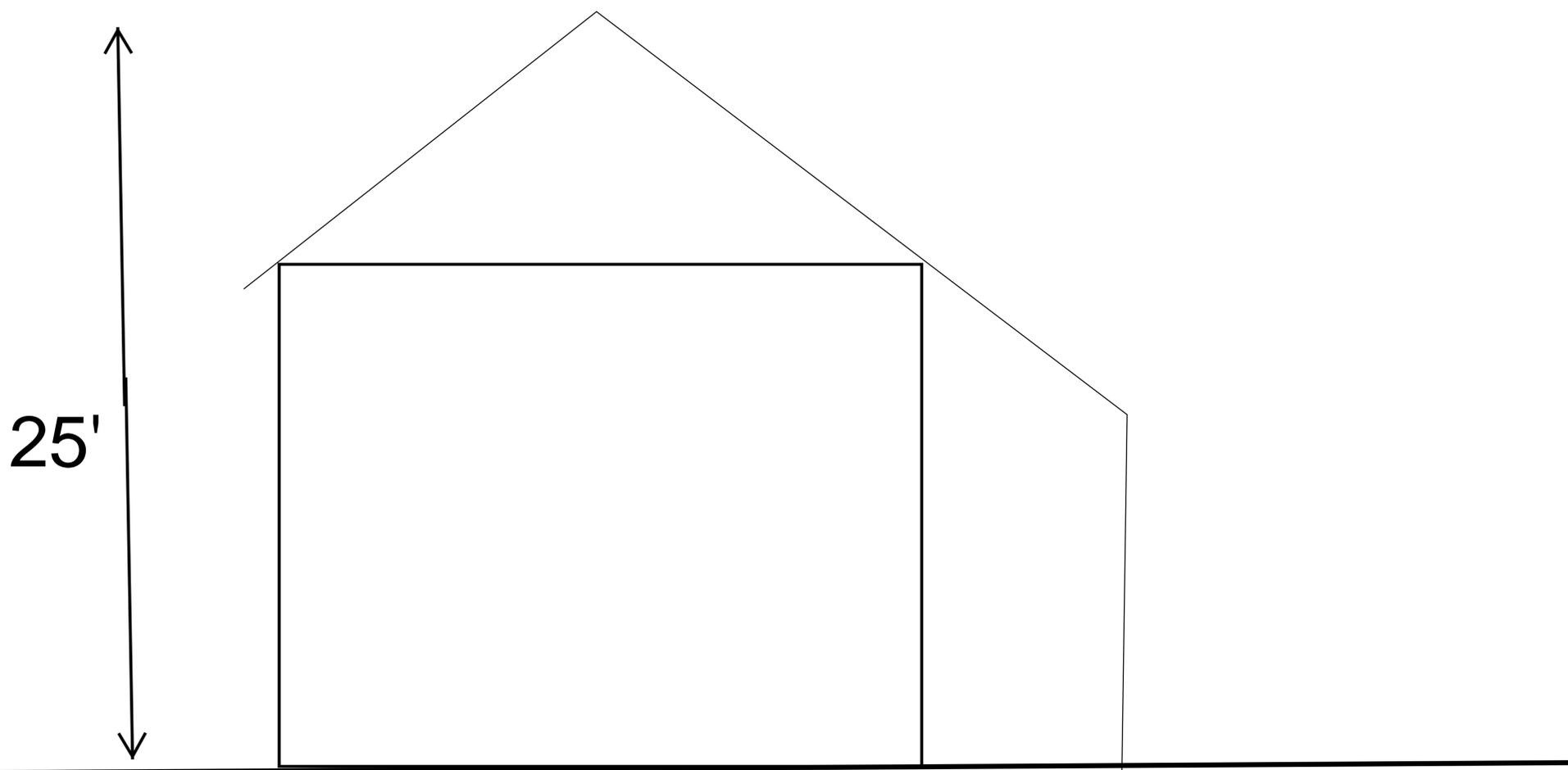
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225

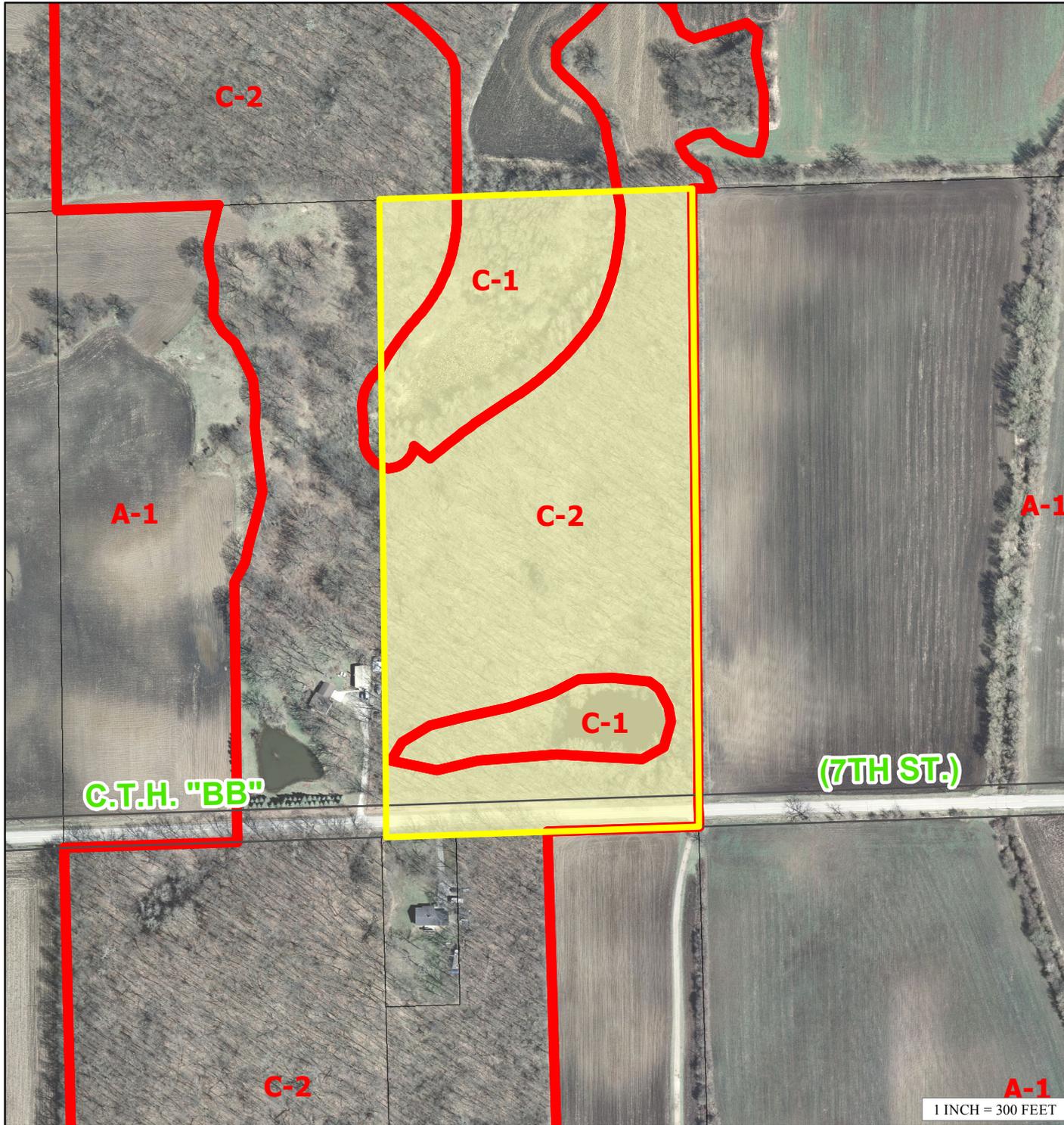


THIS IS NOT AN ORIGINAL PRINT
UNLESS THIS SEAL IS RED.
Robert J. Wetzel
ROBERT J. WETZEL S-1778

DRAWN BY:	bw	DATE:	OCTOBER 8, 2015
CHECKED BY:	rw/dw	DRAWING NO.:	9009d1
JOB NO.:	9009	SHEET	1 OF 1

ATTACH BUILDING PLANS





VARIANCE SITE MAP

PETITIONER(S):

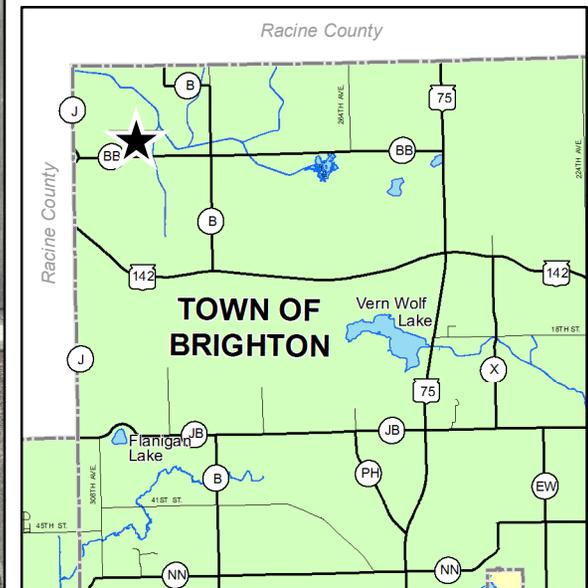
Jason T. & Tami L. Pautz (Owner),

LOCATION: SE 1/4 of Section 6,
Town of Brighton

TAX PARCEL(S): #30-4-220-064-0300

REQUEST:

Requesting a variance (Section IV. A. 12.27-6(c): that all accessory buildings shall be located in the side or rear yard only and that there shall be a maximum of two large detached accessory buildings limited to a total of 1,800 square feet in area and shall not exceed 20 feet in height in the in the C-2 Upland Resource Conservancy Dist.) to construct in the street yard (required side or rear yard only) one large 60' x 64' pole barn totaling 3,840 sq. ft. in area (required 1,800 sq. ft. in total area) to be 25' high (required 20' high)



1 INCH = 300 FEET



COUNTY OF KENOSHA

December 2012

Department of Planning and Development

VARIANCE APPLICATION

RECEIVED

NOV 30 2015

Kenosha County
Planning and Development

Owner: Brian P Ernst & Nicole M Onysio

Mailing Address: 8806 226th Court
Salem WI 53168

Phone Number(s): 262-843-2431 / cell 262-914-0541

To the Kenosha County Board of Adjustment:

Please take notice that the undersigned was refused a Zoning Permit by the Kenosha County Department of Planning and Development for lands described below for the reason that the application failed to comply with the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 65-4-120-132-1001 Zoning District: R-3

Property Address: 8806 226th Ct. Salem WI 53168 Shoreland: No

Subdivision: Echo Lane Lot(s): 1 Block: -

Current Use: Residential Home

Proposal: To construct an inground pool in the rear yard of the residence with the northeast section of the pool exceeding the building set back established by the plat of survey file on November 21, 1995 for the Echo Lane Subdivision

REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: <u>III.K.12.17-5</u> - <u>Swimming pools shall only be installed in the rear yard of a premise.</u>	<u>Street Yard Pacement</u>
Section: <u>IV.C.12.21-3(g)</u> - <u>No structure shall be located less than 65 feet from the right-of-way of any County</u>	<u>45' from CTH "AH"</u>
Section: _____ - <u>Trunk Highway.</u>	_____

An Area Variance is authorization by the Kenosha County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.

The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

The first alternative was to place the pool at an angle along the building set back line(see attachment).

- 1) Safety issue for our small children, pets, and guests
- 2) Safety issue created as corner of waters edge will be within 4 feet of the patio steps and seating wall.
- 3) Pool set at an angle that is not architecturally appealing as it appears crooked with residential structure

Second alternative was to move the pool closer to the residence in a parallel fashion.

- 1) Safety issue created as the edge of the pool would be within 4 feet of the patio steps and seating wall.
- 2) Entire pool structure will be in closer proximity to the residence

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

Alternatives considered that would require a lesser variance was to shift the pool structure to the west along the building set back line.

- 1) Pumps for the pool would be further than 50 feet from the structure which is the maximum distance the mechanics can be from the pool.
- 2) Northwest portion of our backyard has sloped (hill) portion that would create drainage issues if the pool was placed in this area.
- 3) Fence / landscaping would protrude into the west portion of our backyard that is utilized for temporary storage of our camper during the camping season.
- 4) Privacy issues for our family will come into play as the structure will be visible from 226h Court.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

The hardships that are created are in regards to the safety of our children, guests, and family pets.

Additionally with trying to comply with the building setback and shifting of the pool to the west privacy concerns, drainage issues, and the ability to utilize our yard as we have in the past for the temporary storage of our camper will be affected. Had the residence been constructed in a different fashion the building set back would not be of concern, however since the residence was constructed on an angle, the installation of the pool along the building set back brings the pool structure in close proximity to the structure.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

The residential structure was built on an angle in association with the building set back which is causing an issue with placement of the pool. Approximately 15% of the pool will exceed the building set back that runs through the middle of the rear yard. We are seeking permission to have the pool constructed in a parallel fashion 17' 3" from rear of the residence instead of 10' 10" in order to create a safe walkway between the seating wall and steps off of the patio.

(4) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated.

These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, and fire safety and building code requirements.

Should the variance be granted the neighborhood and public interest will not be affected in any way. The pool would not be visable from the roadway as our yard is surrounded on the north and east by a solid tree line and berm. The tree line and berm also provide safety from traffic on CTH AH. Only a small portion of the pool structure will exceed the building set back line that runs at an angle through the middle of the backyard. The only possibility that any individual would know that a portion of the pool exceeds the building set back would through a survey.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Owners Signature: BPE Nicole M. Ernst

Agent: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____



COUNTY OF KENOSHA

Department of Public Works & Development Services

19600 - 75th Street, Suite 185-3
Bristol, Wisconsin 53104
Telephone: (262) 857-1895
Facsimile: (262) 857-1920

ZONING PERMIT APPLICATION

Owner Brian and Nicole Ernst Date _____
Mailing Address 8806 226th Court Phone # 262-843-2431 / cell 262-914-0541
Salem WI 53168

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT TO DO THE WORK HEREIN DESCRIBED, AND AS SHOWN ON THE REQUIRED SITE PLAN FORM OR ATTACHED REGISTERED SURVEY HEREOF, AND HEREBY AGREES THAT ALL WORK WILL BE DONE IN ACCORDANCE WITH ALL THE LAWS OF THE STATE OF WISCONSIN AND ALL THE ORDINANCES OF THE COUNTY OF KENOSHA, APPLICABLE TO THE FOLLOWING DESCRIBED PREMISES:

Parcel No. 65-4-120-132-1001 Zoning District(s) R-2
Property Address 8806 226th Ct Salem WI 53168
Subdivision Name Echo Lane CSM # _____ Lot 1 Block _____ Unit _____

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES
Pool <input type="checkbox"/>	Steel Frame <input type="checkbox"/>		34 x 18	612	inground	

Contractor Russo's Pools
Address 223 East North Ave
Northlake IL 60164
Phone # 708-344-1166
Agent _____
Address _____
Phone # _____

For Office Use Only

Permit No. _____

Foundation Survey Due Date _____

Waiver of Liability Due Date _____

Board Of Adjustments Approval Date _____

Conditional Use Permit Approval Date _____

Sanitation Approval _____

Receipt # _____ Check # _____

Amount _____

- THIS ZONING PERMIT IS ISSUED SUBJECT TO:
1. ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS.
 2. EACH APPLICANT FOR A ZONING PERMIT IS CHARGED WITH KNOWLEDGE OF THE COUNTY ZONING ORDINANCE. COPIES OF THE TEXT OF THIS OR PORTIONS THEREOF AND COPIES OF THE OFFICIAL ZONING MAPS ARE AVAILABLE FOR SALE, COPYING OR INSPECTION UPON REQUEST. ANY STATEMENT MADE, SITE PLAN SUBMITTED, ASSURANCE GIVEN OR PERMIT ERRONEOUSLY ISSUED CONTRARY TO THIS ORDINANCE IS NULL AND VOID.
 3. THIS PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM DATE OF ISSUANCE.
 4. REMARKS: _____

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 <http://dnr.wi.gov/topic/wetlands/locating.html> OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER (262) 884-2300.

Date Permit Issued _____

Director of Planning Operations

THE UNDERSIGNED HEREBY ATTESTS THAT THE ABOVE INFORMATION IS TRUE, ACCURATE AND HAS RECEIVED THE ABOVE NOTICE.
NO SIGNATURE NEEDED ON APPLICATION - APPLICANT WILL SIGN ISSUED PERMIT
Owner/Agent _____ Date _____

BOARD OF ADJUSTMENTS SCHEDULE FOR 2015 PUBLIC HEARINGS

*First and Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin*

HEARING DATES

<u>JANUARY 1</u>	Filing Date: Published:	December 1 Dec. 19 & Dec. 24	<u>JULY 2</u>	Filing Date: Published:	June 2 June 19 & June 24
<u>JANUARY 15</u>	Filing Date: Published:	December 15 Jan. 2 & Jan. 7	<u>JULY 16</u>	Filing Date: Published:	June 16 July 3 & July 8
<u>FEBRUARY 5</u>	Filing Date: Published:	January 5 Jan. 23 & Jan. 28	<u>AUGUST 6</u>	Filing Date: Published:	July 6 July 24 & July 29
<u>FEBRUARY 19</u>	Filing Date: Published:	January 19 Feb. 6 & Feb. 11	<u>AUGUST 20</u>	Filing Date: Published:	July 20 Aug. 7 & Aug. 12
<u>MARCH 5</u>	Filing Date: Published:	February 5 Feb. 20 & Feb. 25	<u>SEPTEMBER 3</u>	Filing Date: Published:	August 3 Aug. 21 & Aug. 26
<u>MARCH 19</u>	Filing Date: Published:	February 19 March 6 & March 11	<u>SEPTEMBER 17</u>	Filing Date: Published:	August 17 Sept. 4 & Sept. 9
<u>APRIL 2</u>	Filing Date: Published:	March 2 March 20 & March 25	<u>OCTOBER 1</u>	Filing Date: Published:	September 1 Sept. 18 & Sept. 23
<u>APRIL 16</u>	Filing Date: Published:	March 16 April 3 & April 8	<u>OCTOBER 15</u>	Filing Date: Published:	September 15 Oct. 2 & Oct. 7
<u>MAY 7</u>	Filing Date: Published:	April 7 April 24 & April 29	<u>NOVEMBER 5</u>	Filing Date: Published:	October 5 Oct. 23 & Oct. 28
<u>MAY 21</u>	Filing Date: Published:	April 21 May 8 & May 13	<u>NOVEMBER 19</u>	Filing Date: Published:	October 19 Nov. 6 & Nov. 11
<u>JUNE 4</u>	Filing Date: Published:	May 4 May 22 & May 27	<u>DECEMBER 3</u>	Filing Date: Published:	November 3 Nov. 20 & Nov. 25
<u>JUNE 18</u>	Filing Date: Published:	May 18 June 5 & June 10	<u>DECEMBER 17</u>	Filing Date: Published:	November 17 Dec. 4 & Dec. 9
			<u>JANUARY 7</u>	Filing Date: Published:	December 7 Dec. 24 & Dec. 30

THERE SHALL BE NO EXCEPTIONS TO DEADLINES AS STATED HEREIN

CHAPTER 12, KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE STATES:

12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS: Any petition or other matter requiring the publication of a legal notice must be submitted at least one month prior to the requested hearing date as scheduled by the Planning, Development & Extension Education Committee or Board of Adjustments. For purposes on this section, "one month prior to the requested hearing date" shall be defined to mean not later than 4:30 p.m. on the same calendar date of the month preceding the scheduled hearing, or the last day county offices are open prior to the aforementioned deadline. For purposes of the Open Meetings Law, the Director of the Department of Planning and Development shall be delegated the responsibility of informing the County Clerk of both scheduled open and closed meetings so that proper notices may be given.



COUNTY OF KENOSHA

Department of Planning and Development

VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

- 1. Contact the Department of Planning & Development and set an appointment. Bring the following for your pre-application meeting.
- 2. Complete a Zoning Permit Application at the Department of Planning & Development.
- 3. Complete a Variance Application.
 - A. A copy of your Tax Bill or a copy of the recorded Deed of Transfer if you have owned the property for less than a month. (This is to provide proof of ownership) If you are in the process of purchasing the property you need to provide a signed and accepted purchase agreement or if you are a realtor or contractor, a letter from the current owner granting you agent status to act on their behalf.
 - B. A Survey of the property with the following information provided. **NOTE:** The Board of Adjustments strongly advises that for any new residential construction an area for a detached or attached garage should be shown for present or future construction.
 - ❖ Size and location of all existing structures on the property and their distances from property lines -- (street yard setback should be taken from the edge of the road right of way).
 - ❖ Location and dimensions of the proposed structure(s) or where the addition is to be placed on an existing structure.
 - ❖ Show what the resulting setbacks will be for proposed structure.
 - ❖ Location of the well and on-site waste disposal system -- (septic systems must show both the septic tank size and dimensions of the field).
 - C. A filing fee of \$550 (non-refundable) is required at application time to cover the costs of publishing.
- 4. Submit the above information by the filing deadline (see Board of Adjustment Schedule handout) with the Department of Planning and Development.
- 5. Submit the above information to your local Township for placement on the agenda of the Town Planning Commission and/or the Town Board.
- 6. Your first meeting will be with the Town Planning Commission, except for the Town of Wheatland. The Town of Somers has a Board of Appeals. **NOTE:** You must attend or the Commission/Board will not be able to act on your request.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- 7. Your second meeting will be with the Town Board. **NOTE:** You must attend or the Board will not be able to act on your request.

- 8. Your third meeting will be with the County Board of Adjustments. **NOTE:** You must attend or the Board of Adjustments will not be able to act on your request. At this meeting you will be asked to brief the Board on your request for a variance and state your reasons for hardship (see Public Hearing Variance Standards handout).

- 9. If the Board of Adjustments grants your variance request you may obtain your Zoning Permit from the Office of Planning and Development the day after the meeting. The permit will be issued if all requirements from this office have been addressed, including sanitation, if you are the current owner of the property, and subject to signing the Statement of Appeal Process (see attached handout). If you do not sign the Statement of Appeal Process you will need to wait 30 days from the date of approval before the zoning permit can be issued. PLEASE NOTE, THAT ACCORDING TO SECTION VII.B.12.36-15(c) VARIANCES GRANTED BY THE B.O.A. SHALL EXPIRE WITHIN SIX (6) MONTHS FROM THE DATE OF APPROVAL, UNLESS A ZONING PERMIT HAS BEEN ISSUED AND "SUBSTANTIAL CONSTRUCTION" – THE VALUE OF SUCH WORK THAT HAS COMMENDED EQUIVALENT TO 25% OF THE PROJECTED COST OF THE PROJECT AS NOTED ON THE APPLICATION FOR THE ZONING PERMIT, HAS COMMENCED.

- 10. Follow the Permitting Process for New Construction or for Additions to Existing Structures, Accessory Structures, Decks, Pools, and/or Fences (see handout).

- 11. If the Board of Adjustments denies your variance you have thirty (30) days to file an appeal with circuit court (see Statement of Appeal Process handout).

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center	
Department of Planning & Development	
19600 - 75 th Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of.....	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

PUBLIC HEARING VARIANCE STANDARDS

- YOUR PUBLIC HEARING WILL BE BASED ON THE FOLLOWING STANDARDS FROM THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE.

CHAPTER 12.36-1 **INTENT**

- It is the intent of this section of the Ordinance to recognize that under certain conditions and circumstances, it may be necessary to obtain a variance from the terms of this Ordinance so long as said variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship or practical difficulties and where the granting of such variance will uphold the spirit of this Ordinance and contribute to the justice of the particular case in question. Any variance granted under the terms of this ordinance shall, however, relate only to area requirements and not to use. Furthermore, it is the intent of this section to establish a Board of Adjustments for the purpose of reviewing applications for variances as well as reviewing orders and decisions made by the Office of Planning and Development.

CHAPTER 12.36-13 **STANDARDS AND GUIDELINES**

- In determining whether a variance is to be granted, the following standards and guidelines must be met in view of the evidence presented and in making its decision, these standards and guidelines shall be addressed by the board of adjustment:
 1. The existence of special conditions or exceptional circumstances on the land in question.
 2. The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.
 3. That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.
 4. That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.
 5. That the limitation on the use of the land does not apply generally to other properties in the district.
 6. That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.
 7. That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.
 8. That the use of the parcel in question presently does conform to the ordinance.

9. That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.
 10. That with respect to those areas located within the floodland districts, a variance would not permit filling and development contrary to the purpose and intent of the Camp Lake/Center Lake FWO Floodway Overlay District; would not permit a change in the boundaries of the FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay district or the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District; would not permit a lower degree of flood protection in the floodland districts than the residential, commercial, institutional, or park basement or crawlway to be located below the 100-year recurrence interval flood elevation; would not allow a change or alteration of an historic structure, including its use, which would result in the structure; further, that the variance for the proposed action would not require amendment to the floodplain zoning ordinance' and furthermore, that the variance would not have the effect of granting or increasing a use property which is prohibited in the floodland districts or any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code.
- Variances may be granted for example for reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of this ordinance except for existing structures.
 - The Board of Adjustments in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance but shall base their decision solely upon the equities of the situation involved.
 - Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.
-

Statutory Standards

- The applicant for a variance must clearly show the Board of Adjustments that three statutory standards that govern granting a variance will be met. These three standards require the existence of an unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.
- Unnecessary Hardship
 - ❖ A situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome.
 - ❖ The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- Unique Property Limitation
 - ❖ Unique physical characteristics of the property must prevent the applicant from developing in compliance with the zoning ordinance.

- Protection of the Public Interest
 - ❖ Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners.
 - ❖ Conditions may be attached to a variance to protect adjoining properties and to preserve the essential character of the neighborhood.
 - ❖ A variance should include only the minimum relief necessary to allow reasonable use of a property.

NOTES

VARIANCE WORKSHEET

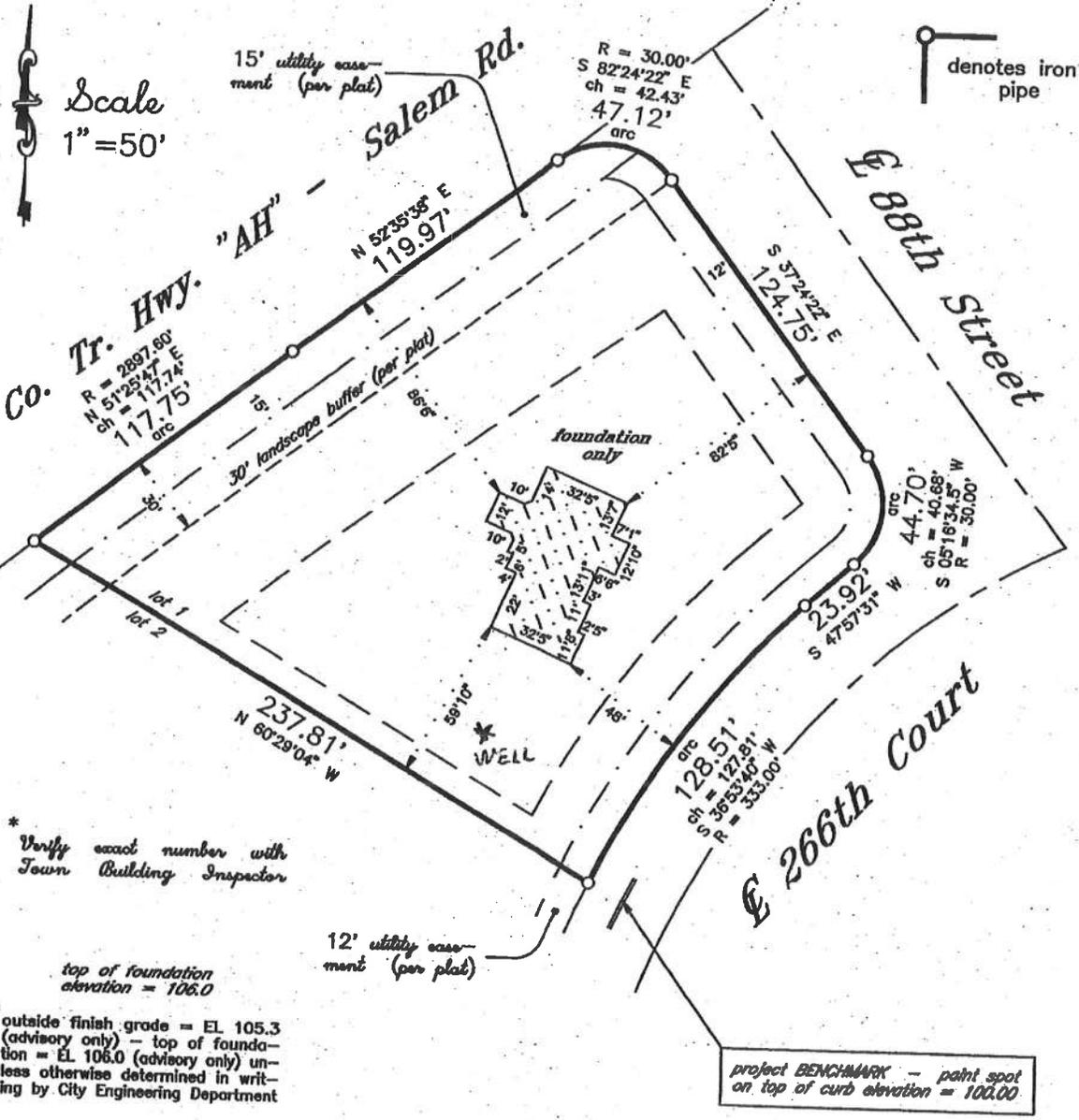
YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

PROTECTION OF THE PUBLIC INTEREST -

65-4-120-132-1001



Proposed building field staked true size. Contractor to verify all dimensions before building by same and adhere to drainage plan in effect for this subdivision. Refer to a current title report for easements or restrictions which may affect the use of this site that are not shown on the recorded subdivision plat.

J.K.R. SURVEYING, INC.
6100 75TH STREET SUITE 3
KENOSHA, WI 53142



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof.

Jeffrey K. Rampart
Reg. Land Surveyor
February 8, 2001
Revised 3/6/01
Revised 4/19/01

Plat of Survey of
LOT 1 IN
ECHO LANE
in NW1/4 Section 13-1-20
TOWN OF SALEM
KENOSHA COUNTY, WIS.
-for-
Gustaveson Homes



Ernst
Anthony Russo
Russo's Pool Installation & Service Inc.

This was one of the first drawings with the pool in the desired location.





These four photos show the desired location of the pool within the backyard in which a portion of the pool exceeds the building set back. An estimate would be about half of the truck in a diagonal fashion would be exceeding the established building set back. Please look at the distance between the residence / deck in the first two photos which show a safer distance between the water's edge and the proposed patio seating wall. In addition, plenty of space remains between the existing rock wall and the corner of the pool that will exceed the set back.



If we keep the pool within the buildable zone and parallel with the house it needs to be pushed inwards and will be too close to the house.



These two photos show the pool in a parallel fashion at 10' 10" from the residence with the cone on the rear driver side of the pickup being the corner of the pool. The cones in both photos are the placement of the pool corners.

This is how the pool would look should we try to stay within the building setback and the pool is angled at the house. Due to the angle the corner of the pools edge will be 10' 10" from the dinette exterior wall / foundation.



Ernst
Anthony Russo
Russo's Pool Installation & Service Inc.





The four photos show different views of the pool layout while following the building set back which would make it look like the pool was installed crooked. The rear of the pickup truck shows the close proximity of the water's edge to both the residence and the current deck which will be replaced with a brick patio / seating wall.



Cones designate where the slope of the hill in the northwest portion of the rear yard ends which would cause drainage issues if the pool is shifted to the west.



83th ST



226th CT

Photos are overview of the property which show that the pool will not be visible from CTH AH, 88th Street, and 226th Ct.



88th ST





88th ST / CTH A4



CTU AH



CTU AM



40 ft OFF AH



25ft OFF AH





Onto Property
off AH

PREPARED FOR:
ELLEN GRAFF

PLAT OF SURVEY

- OF -

LOT 1, OF ECHO LANE, BEING OUTLOTS A AND B, PART OF VACATED GLENVIEW TERRACE AND PART OF THE VACATED PUBLIC PARK, MONTGOMERY HIGHLANDS UNIT 2, LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 1 NORTH, RANGE 20 EAST, TOWN OF SALEM, COUNTY OF KENOSHA, AND STATE OF WISCONSIN.

PATHFINDER SURVEYING, INC.
W2888 KRUEGER ROAD UNIT "D"
LAKE GENEVA, WI 53147
(262) 248-3697

COUNTY TRUNK HIGHWAY "AH"
(A.K.A. SALEM ROAD, 80' WIDE)

R=30.00' L=47.49'
LC=42.68' LCB=S 82°14'13" E
(R=33.00' L=47.12'
LC=42.43' LCB=S 82°24'22" E)

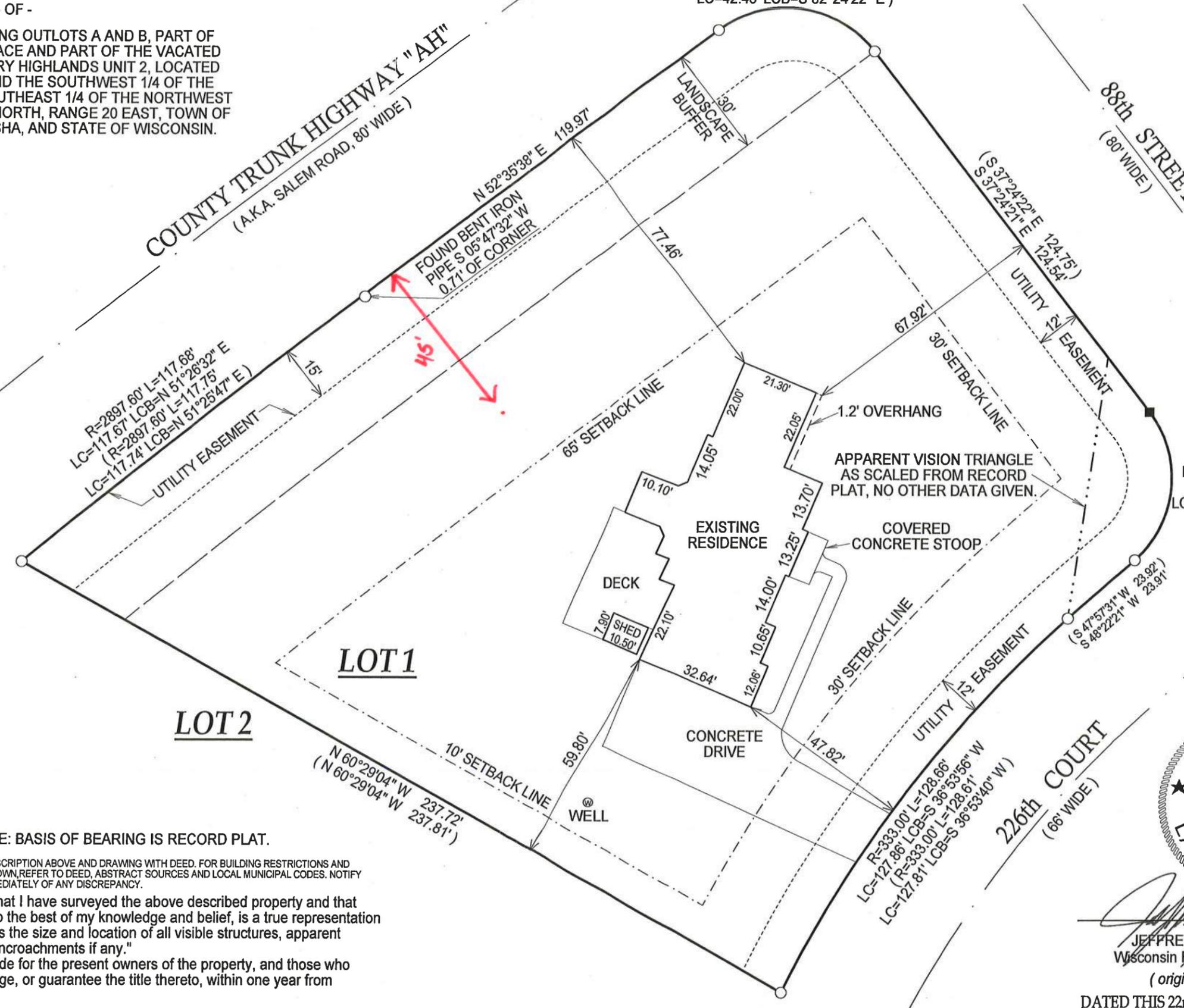
88th STREET
(80' WIDE)

R=2897.60' L=117.68'
LC=117.67' LCB=N 51°26'32" E
(R=2897.60' L=117.75'
LC=117.74' LCB=N 51°25'47" E)

FOUND BENT IRON
PIPE S 05°47'32" W
0.71' OF CORNER

(S 37°24'21" E 124.75'
S 37°24'21" E 124.54')

R=30.00' L=44.70'
LC=40.68' LCB=S 05°17'17" W
(R=30.00' L=44.70'
LC=40.68' LCB=S 05°16'34.5" W)



- () = RECORDED AS
- = FOUND IRON BAR
- = FOUND IRON PIPE
- = SET IRON BAR
- = SET IRON PIPE

SCALE: 1" = 30'
JOB #: 07-051
TAX ID #: 65-4-120-132-1001

NOTE: BASIS OF BEARING IS RECORD PLAT.
COMPARE LEGAL DESCRIPTION ABOVE AND DRAWING WITH DEED. FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN, REFER TO DEED, ABSTRACT SOURCES AND LOCAL MUNICIPAL CODES. NOTIFY THE SURVEYOR IMMEDIATELY OF ANY DISCREPANCY.

"I hereby certify that I have surveyed the above described property and that the above map, to the best of my knowledge and belief, is a true representation thereof and shows the size and location of all visible structures, apparent easements and encroachments if any."
This survey is made for the present owners of the property, and those who purchase, mortgage, or guarantee the title thereto, within one year from the date hereof.



JEFFREY L. KIMPS S-2436
Wisconsin Registered Land Surveyor
(original if signed in red)

DATED THIS 22nd DAY OF FEBRUARY, 2007.

VARIANCE SITE MAP

PETITIONER(S):

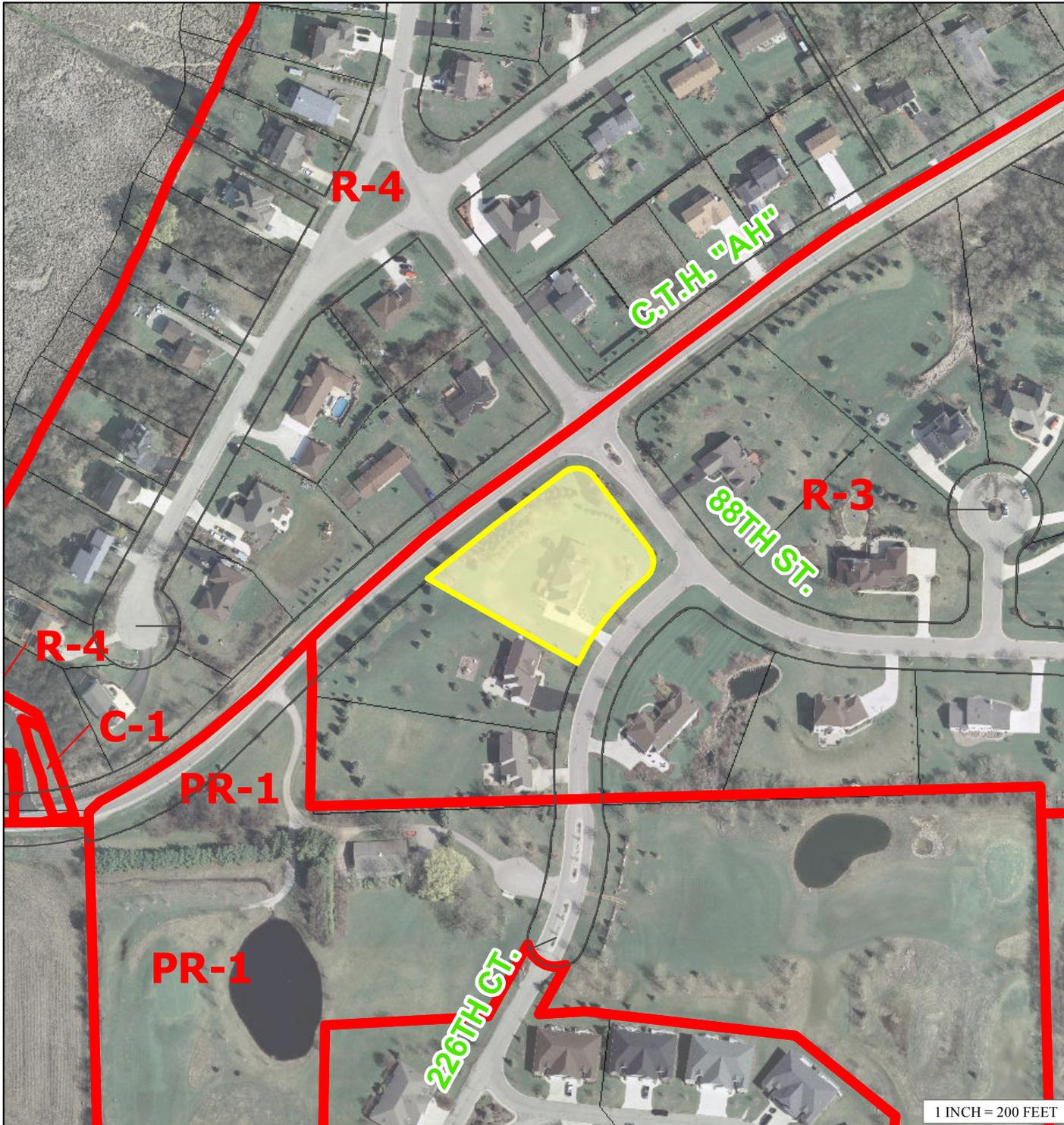
Brian P. Ernst &
Nicole M. Onysio (Owner)

LOCATION: NE 1/4 of Section 32,
Town of Salem

TAX PARCEL(S): #65-4-120-132-1001

REQUEST:

Requesting a variance (Section III. K. 12.17-5: that all swimming pools shall only be installed in the rear yard of a premise and Section IV. C. 12.21-3(g)1: that all structures shall be constructed not less than 65 feet from the right-of-way of any county trunk highway in the R-3 Urban Single-Family Residential Dist.) to construct a 34' x 18' in-ground pool and associated patio in the street yard (required rear yard placement) to be located 45' (required setback 65') from the right-of-way of CTH "AH" (Salem Rd.)



1 INCH = 200 FEET

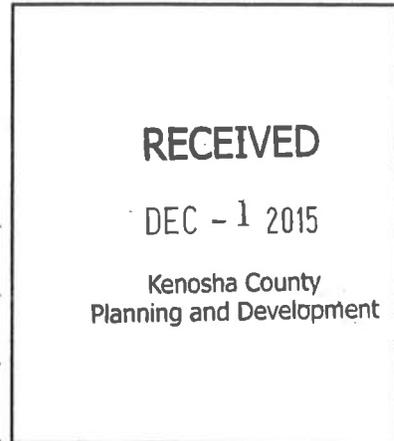


COUNTY OF KENOSHA

December 2012

Department of Planning and Development

VARIANCE APPLICATION



Owner: Robert A. & Jean M. Fox

Mailing Address: 3013 296th Avenue

Burlington WI 53105

Phone Number(s): 262-960-6514

To the Kenosha County Board of Adjustment:

Please take notice that the undersigned was refused a Zoning Permit by the Kenosha County Department of Planning and Development for lands described below for the reason that the application failed to comply with the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. The owner or assigned agent herewith appeals said refusal and seeks a variance.

Parcel Number: 30-4-220-194-0110 Zoning District: R-1

Property Address: 3013 296th Avenue Shoreland: No

Subdivision: CSM #2393 Lot(s): 1 Block: -

Current Use: Single-Family Residence

Proposal: To construct a detached accessory structure in the street yard of 296th Avenue.

REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: <u>V.A.12.27-6(c)</u> - <u>All detached accessory buildings shall be located in the side or rear</u>	<u>Street-Yard Placement</u>
Section: _____ - <u>yard only.</u>	_____
Section: _____ - _____	_____

An Area Variance is authorization by the Kenosha County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.

The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.

(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:

(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.

(1) Place the structure in the backyard of the property along the western property line. The property has a slope from the roadway(296th Ave) which is about 4 feet lower than the roadway. The western edge of the property frequently floods during periods of heavy rain or after the winter thaw.

(2) Place the structure on the rear of the property. I believe this presents safety concerns for people using the building and the physical security of the building and its contents due to its remoteness. In addition the property behind the home is currently being used for agricultural purposes which preserves the rural character of the area. This would disrupt that. (3) Place the structure directly behind the home. This would be visually unappealing and would negatively affect the value of the property.

(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

None.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.

An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.

Due to the way "street yard" is defined by the ordinance, and the depth of the property, it unreasonably removes a significant portion of the property from being usable to site the structure. In addition, 296th Avenue is a town road which has no outlet, and is largely used for the benefit of agricultural use.

Siting the building at the rear of the property would pose safety concerns for people using the building and the physical security of the building and its contents due to its remoteness away from the residence.

(3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

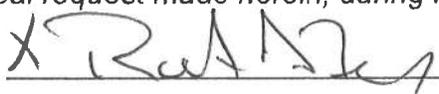
The property has a slope from the roadway(296th Ave) which is about 3-4 feet lower than the roadway. The western edge of the property frequently floods during periods of heavy rain or after the winter thaw. This makes the western border of the property unsuitable for building.

(4) What would be the effect on this property, the community or neighborhood and the public interest if the variance was granted? How can these impacts be mitigated.

These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, and fire safety and building code requirements.

I don't believe there is a negative impact to the community or neighborhood. The structure would be in fitting with the rural character of the area, much like other structures in the surround area. 296th Avenue is a (gravel) town road which dead ends into Bong Recreational area. There is one home at the North end of the roadway. The road is primarily used for agricultural traffic such as access by tractors to farm fields. The land use plan for the foreseeable future for the surrounding area is agricultural.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the Appeal request made herein, during reasonable daylight hours.

Owners Signature: X 

Agent: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____



COUNTY OF KENOSHA

VARIANCE APPLICATION

Department of Planning and Development

ZONING PERMIT APPLICATION

Owner Robert A. & Jean M. Fox Date _____

Mailing Address 3013 296th Avenue Phone # 262-960-6514
Burlington WI 53105

THE UNDERSIGNED HEREBY APPLIES FOR A PERMIT TO DO THE WORK HEREBIN DESCRIBED, AND AS SHOWN ON THE REQUIRED SITE PLAN FORM OR ATTACHED REGISTERED SURVEY HEREOF, AND HEREBY AGREES THAT ALL WORK WILL BE DONE IN ACCORDANCE WITH ALL THE LAWS OF THE STATE OF WISCONSIN AND ALL THE ORDINANCES OF THE COUNTY OF KENOSHA, APPLICABLE TO THE FOLLOWING DESCRIBED PREMISES:

Parcel No. 30-4-220-194-0110 Zoning District(s) R-1

Property Address 3013 296th Avenue

Subdivision Name CSM #2393 CSM # 2393 Lot 1 Block - Unit _____

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES
Pole Barn	Pole		36 x 48	1,728	17.5	1

Contractor _____

Address _____

Phone # _____

Agent _____

Address _____

Phone # _____

For Office Use Only

Permit No. _____

Foundation Survey Due Date _____

Waiver of Liability Due Date _____

Board Of Adjustments Approval Date _____

Conditional Use Permit Approval Date _____

Sanitation Approval _____

Receipt # _____ Check # _____

Amount _____

THIS ZONING PERMIT IS ISSUED SUBJECT TO:

1. ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS
2. EACH APPLICANT FOR A ZONING PERMIT IS CHARGED WITH KNOWLEDGE OF THE COUNTY ZONING ORDINANCE. COPIES OF THE TEXT OF THIS OR PORTIONS THEREOF AND COPIES OF THE OFFICIAL ZONING MAPS ARE AVAILABLE FOR SALE, COPYING OR INSPECTION UPON REQUEST. ANY STATEMENT MADE, SITE PLAN SUBMITTED, ASSURANCE GIVEN OR PERMIT ERRONEOUSLY ISSUED CONTRARY TO THIS ORDINANCE IS NULL AND VOID.
3. THIS PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM DATE OF ISSUANCE.

4. REMARKS: _____

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 <http://dnr.wi.gov/wetlands/locating.html> OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER (262) 884-2300.

Date Permit Issued _____

THE UNDERSIGNED HEREBY ATTESTS THAT THE ABOVE INFORMATION IS TRUE, ACCURATE AND HAS RECEIVED THE ABOVE NOTICE.

Director of Planning Operations _____

Owner/Agent _____ Date _____

BOARD OF ADJUSTMENTS SCHEDULE FOR 2015 PUBLIC HEARINGS

*First and Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin*

HEARING DATES

<u>JANUARY 1</u>	Filing Date: December 1 Published: Dec. 19 & Dec. 24	<u>JULY 2</u>	Filing Date: June 2 Published: June 19 & June 24
<u>JANUARY 15</u>	Filing Date: December 15 Published: Jan. 2 & Jan. 7	<u>JULY 16</u>	Filing Date: June 16 Published: July 3 & July 8
<u>FEBRUARY 5</u>	Filing Date: January 5 Published: Jan. 23 & Jan. 28	<u>AUGUST 6</u>	Filing Date: July 6 Published: July 24 & July 29
<u>FEBRUARY 19</u>	Filing Date: January 19 Published: Feb. 6 & Feb. 11	<u>AUGUST 20</u>	Filing Date: July 20 Published: Aug. 7 & Aug. 12
<u>MARCH 5</u>	Filing Date: February 5 Published: Feb. 20 & Feb. 25	<u>SEPTEMBER 3</u>	Filing Date: August 3 Published: Aug. 21 & Aug. 26
<u>MARCH 19</u>	Filing Date: February 19 Published: March 6 & March 11	<u>SEPTEMBER 17</u>	Filing Date: August 17 Published: Sept. 4 & Sept. 9
<u>APRIL 2</u>	Filing Date: March 2 Published: March 20 & March 25	<u>OCTOBER 1</u>	Filing Date: September 1 Published: Sept. 18 & Sept. 23
<u>APRIL 16</u>	Filing Date: March 16 Published: April 3 & April 8	<u>OCTOBER 15</u>	Filing Date: September 15 Published: Oct. 2 & Oct. 7
<u>MAY 7</u>	Filing Date: April 7 Published: April 24 & April 29	<u>NOVEMBER 5</u>	Filing Date: October 5 Published: Oct. 23 & Oct. 28
<u>MAY 21</u>	Filing Date: April 21 Published: May 8 & May 13	<u>NOVEMBER 19</u>	Filing Date: October 19 Published: Nov. 6 & Nov. 11
<u>JUNE 4</u>	Filing Date: May 4 Published: May 22 & May 27	<u>DECEMBER 3</u>	Filing Date: November 3 Published: Nov. 20 & Nov. 25
<u>JUNE 18</u>	Filing Date: May 18 Published: June 5 & June 10	<u>DECEMBER 17</u>	Filing Date: November 17 Published: Dec. 4 & Dec. 9
		<u>JANUARY 7</u>	Filing Date: December 7 Published: Dec. 24 & Dec. 30

THERE SHALL BE NO EXCEPTIONS TO DEADLINES AS STATED HEREIN

CHAPTER 12, KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE STATES:

12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS: Any petition or other matter requiring the publication of a legal notice must be submitted at least one month prior to the requested hearing date as scheduled by the Planning, Development & Extension Education Committee or Board of Adjustments. For purposes on this section, "one month prior to the requested hearing date" shall be defined to mean not later than 4:30 p.m. on the same calendar date of the month preceding the scheduled hearing, or the last day county offices are open prior to the aforementioned deadline. For purposes of the Open Meetings Law, the Director of the Department of Planning and Development shall be delegated the responsibility of informing the County Clerk of both scheduled open and closed meetings so that proper notices may be given.



COUNTY OF KENOSHA

Department of Planning and Development

VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

-
- 1. Contact the Department of Planning & Development and set an appointment. Bring the following for your pre-application meeting.
 - 2. Complete a Zoning Permit Application at the Department of Planning & Development.
 - 3. Complete a Variance Application.
 - A. A copy of your Tax Bill or a copy of the recorded Deed of Transfer if you have owned the property for less than a month. (This is to provide proof of ownership) If you are in the process of purchasing the property you need to provide a signed and accepted purchase agreement or if you are a realtor or contractor, a letter from the current owner granting you agent status to act on their behalf.
 - B. A Survey of the property with the following information provided. **NOTE:** The Board of Adjustments strongly advises that for any new residential construction an area for a detached or attached garage should be shown for present or future construction.
 - ❖ Size and location of all existing structures on the property and their distances from property lines -- (street yard setback should be taken from the edge of the road right of way).
 - ❖ Location and dimensions of the proposed structure(s) or where the addition is to be placed on an existing structure.
 - ❖ Show what the resulting setbacks will be for proposed structure.
 - ❖ Location of the well and on-site waste disposal system -- (septic systems must show both the septic tank size and dimensions of the field).
 - C. A filing fee of \$550 (non-refundable) is required at application time to cover the costs of publishing.
 - 4. Submit the above information by the filing deadline (see Board of Adjustment Schedule handout) with the Department of Planning and Development.
 - 5. Submit the above information to your local Township for placement on the agenda of the Town Planning Commission and/or the Town Board.
 - 6. Your first meeting will be with the Town Planning Commission, except for the Town of Wheatland. The Town of Somers has a Board of Appeals. **NOTE:** You must attend or the Commission/Board will not be able to act on your request.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- 7. Your second meeting will be with the Town Board. **NOTE:** You must attend or the Board will not be able to act on your request.

- 8. Your third meeting will be with the County Board of Adjustments. **NOTE:** You must attend or the Board of Adjustments will not be able to act on your request. At this meeting you will be asked to brief the Board on your request for a variance and state your reasons for hardship (see Public Hearing Variance Standards handout).

- 9. If the Board of Adjustments grants your variance request you may obtain your Zoning Permit from the Office of Planning and Development the day after the meeting. The permit will be issued if all requirements from this office have been addressed, including sanitation, if you are the current owner of the property, and subject to signing the Statement of Appeal Process (see attached handout). If you do not sign the Statement of Appeal Process you will need to wait 30 days from the date of approval before the zoning permit can be issued. PLEASE NOTE, THAT ACCORDING TO SECTION VII.B.12.36-15(c) VARIANCES GRANTED BY THE B.O.A. SHALL EXPIRE WITHIN SIX (6) MONTHS FROM THE DATE OF APPROVAL, UNLESS A ZONING PERMIT HAS BEEN ISSUED AND "SUBSTANTIAL CONSTRUCTION" – THE VALUE OF SUCH WORK THAT HAS COMMENDED EQUIVALENT TO 25% OF THE PROJECTED COST OF THE PROJECT AS NOTED ON THE APPLICATION FOR THE ZONING PERMIT, HAS COMMENCED.

- 10. Follow the Permitting Process for New Construction or for Additions to Existing Structures, Accessory Structures, Decks, Pools, and/or Fences (see handout).

- 11. If the Board of Adjustments denies your variance you have thirty (30) days to file an appeal with circuit court (see Statement of Appeal Process handout).

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center	
Department of Planning & Development	
19600 - 75 th Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of.....	878-2218
Paris, Town of.....	859-3006
Randall, Town of.....	877-2165
Salem, Town of.....	843-2313
Utility District	862-2371
Somers Town of.....	859-2822
Wheatland, Town of.....	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office.....	884-2300
Wisconsin Department of Transportation - Waukesha Office.....	548-8722

PUBLIC HEARING VARIANCE STANDARDS

- YOUR PUBLIC HEARING WILL BE BASED ON THE FOLLOWING STANDARDS FROM THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE.

CHAPTER 12.36-1 INTENT

- It is the intent of this section of the Ordinance to recognize that under certain conditions and circumstances, it may be necessary to obtain a variance from the terms of this Ordinance so long as said variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship or practical difficulties and where the granting of such variance will uphold the spirit of this Ordinance and contribute to the justice of the particular case in question. Any variance granted under the terms of this ordinance shall, however, relate only to area requirements and not to use. Furthermore, it is the intent of this section to establish a Board of Adjustments for the purpose of reviewing applications for variances as well as reviewing orders and decisions made by the Office of Planning and Development.

CHAPTER 12.36-13 STANDARDS AND GUIDELINES

- In determining whether a variance is to be granted, the following standards and guidelines must be met in view of the evidence presented and in making its decision, these standards and guidelines shall be addressed by the board of adjustment:
 1. The existence of special conditions or exceptional circumstances on the land in question.
 2. The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.
 3. That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.
 4. That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.
 5. That the limitation on the use of the land does not apply generally to other properties in the district.
 6. That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.
 7. That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.
 8. That the use of the parcel in question presently does conform to the ordinance.

9. That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.
 10. That with respect to those areas located within the floodland districts, a variance would not permit filling and development contrary to the purpose and intent of the Camp Lake/Center Lake FWO Floodway Overlay District; would not permit a change in the boundaries of the FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay district or the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District; would not permit a lower degree of flood protection in the floodland districts than the residential, commercial, institutional, or park basement or crawlway to be located below the 100-year recurrence interval flood elevation; would not allow a change or alteration of an historic structure, including its use, which would result in the structure; further, that the variance for the proposed action would not require amendment to the floodplain zoning ordinance' and furthermore, that the variance would not have the effect of granting or increasing a use property which is prohibited in the floodland districts or any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code.
- Variances may be granted for example for reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of this ordinance except for existing structures.
 - The Board of Adjustments in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance but shall base their decision solely upon the equities of the situation involved.
 - Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.
-

Statutory Standards

- The applicant for a variance must clearly show the Board of Adjustments that three statutory standards that govern granting a variance will be met. These three standards require the existence of an unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest.
- Unnecessary Hardship
 - ❖ A situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome.
 - ❖ The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly.

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

- ❑ Unique Property Limitation
 - ❖ Unique physical characteristics of the property must prevent the applicant from developing in compliance with the zoning ordinance.

- ❑ Protection of the Public Interest
 - ❖ Granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The public interest includes the interests of the public at large, not just that of nearby property owners.
 - ❖ Conditions may be attached to a variance to protect adjoining properties and to preserve the essential character of the neighborhood.
 - ❖ A variance should include only the minimum relief necessary to allow reasonable use of a property.

NOTES

VARIANCE WORKSHEET

YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF
ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

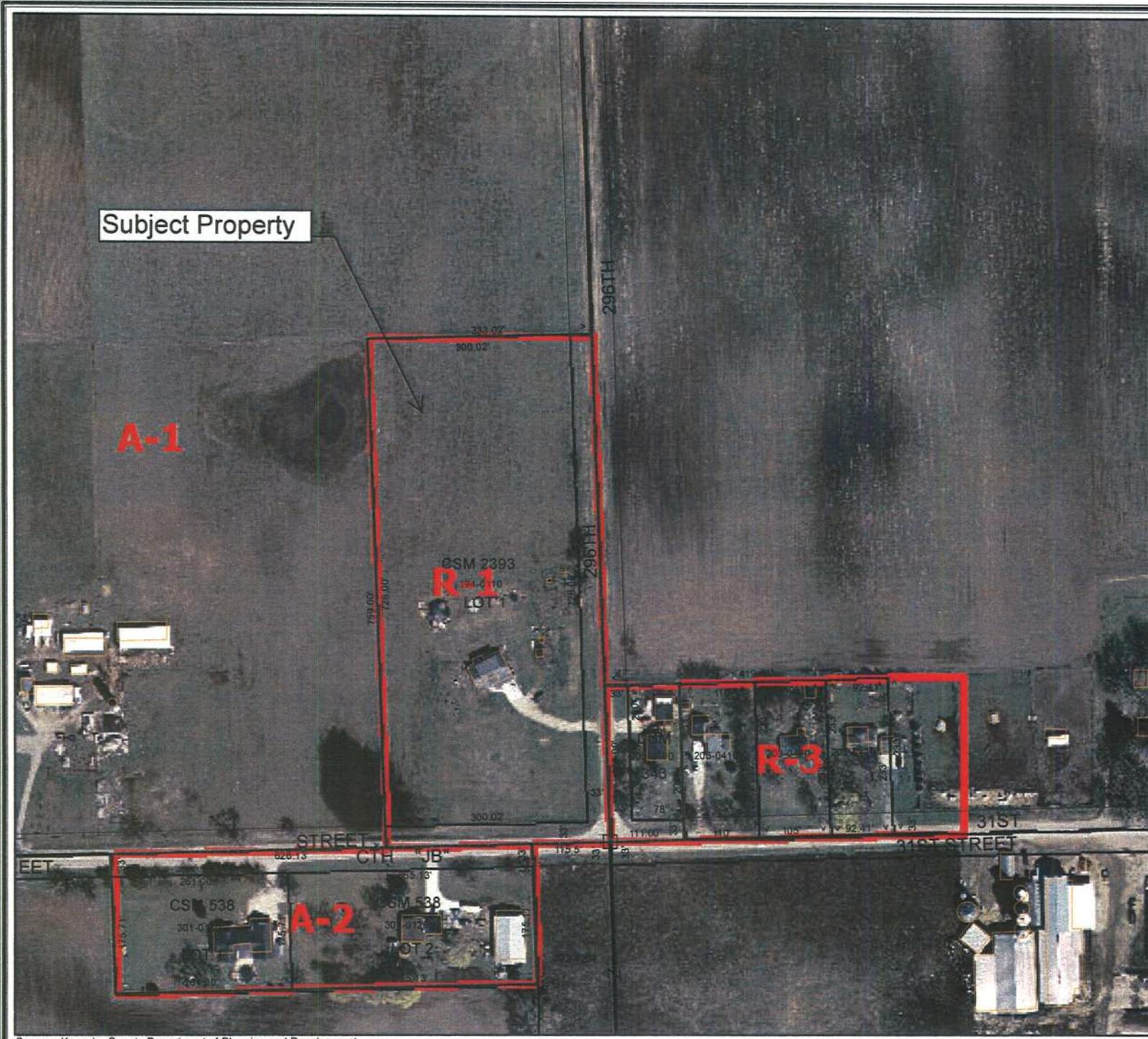
PROTECTION OF THE PUBLIC INTEREST -

Kenosha County



1 inch = 200 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



Subject Property

A-1

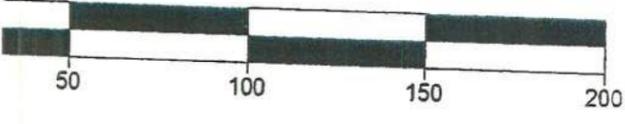
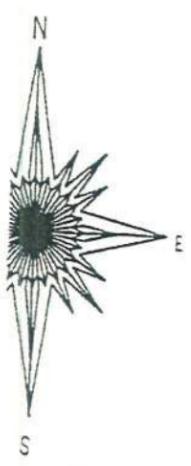
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R-1
LOT 1

R-3

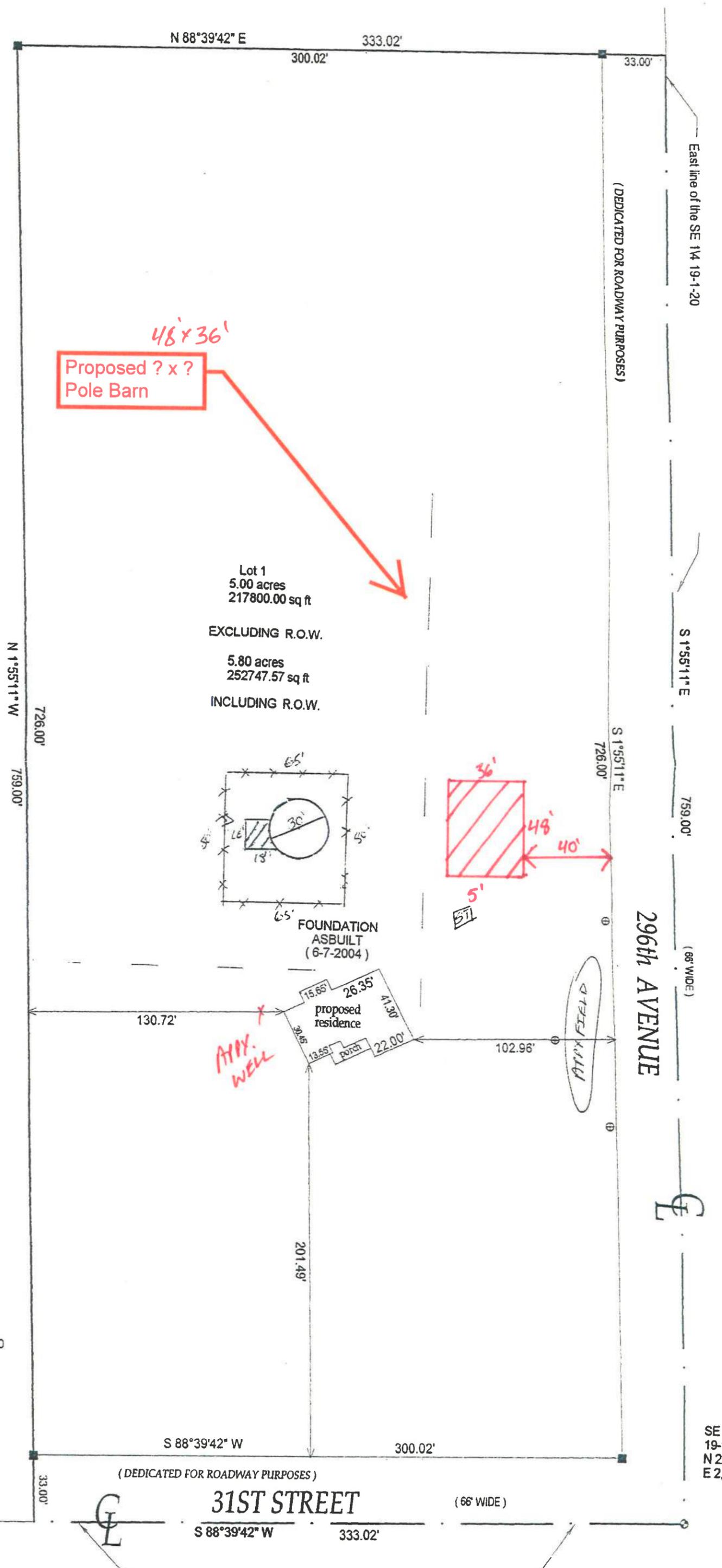
A-2

GSM 538

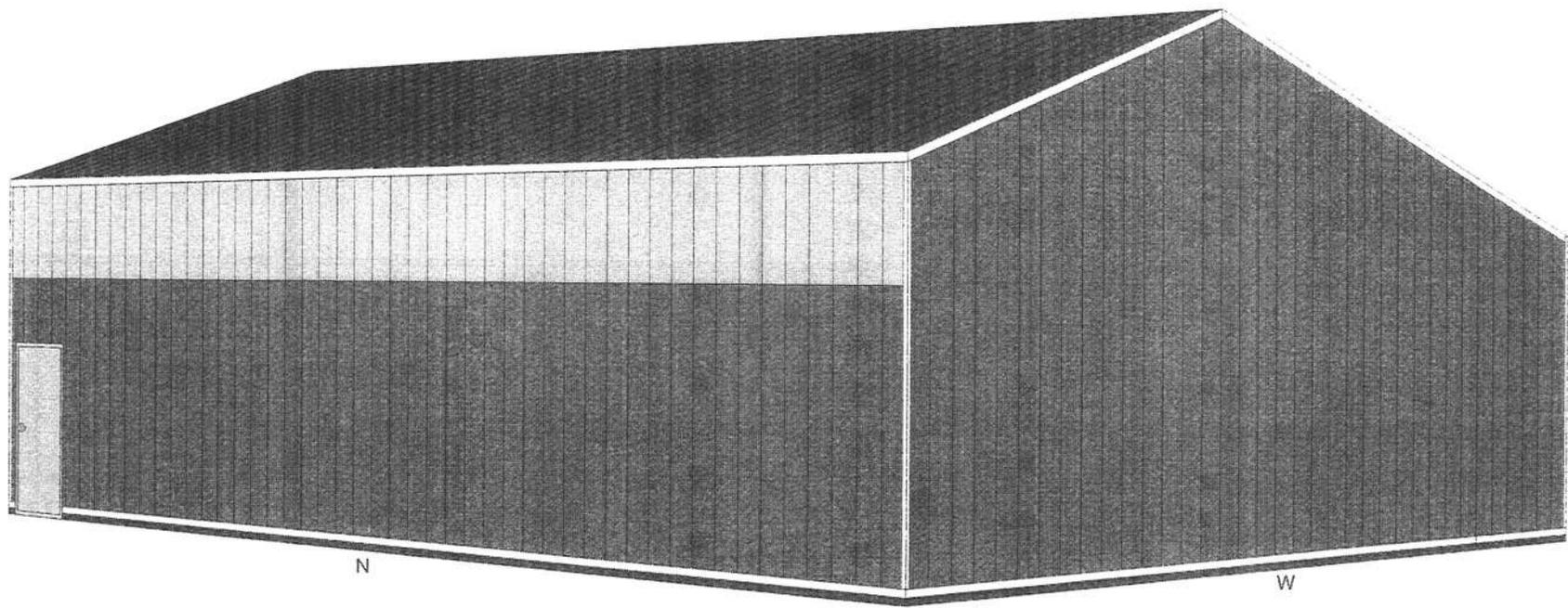
GSM 538
LOT 2

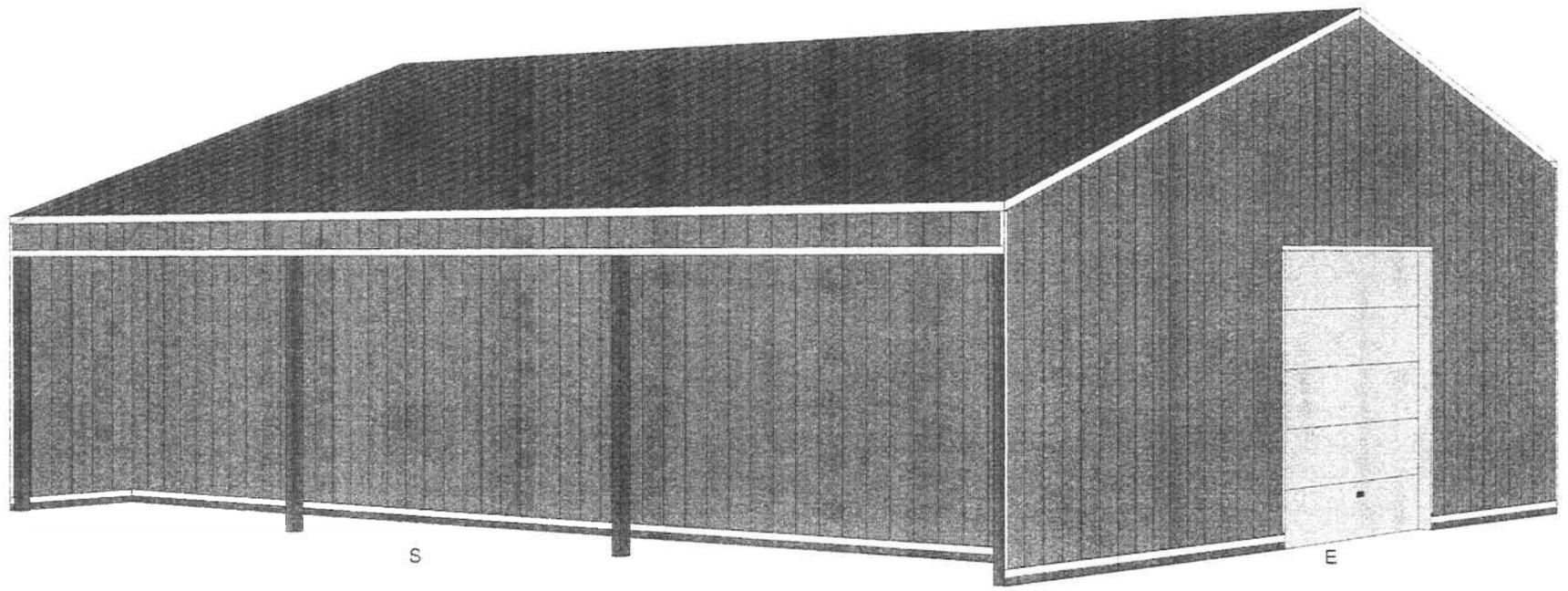


1" = 30'

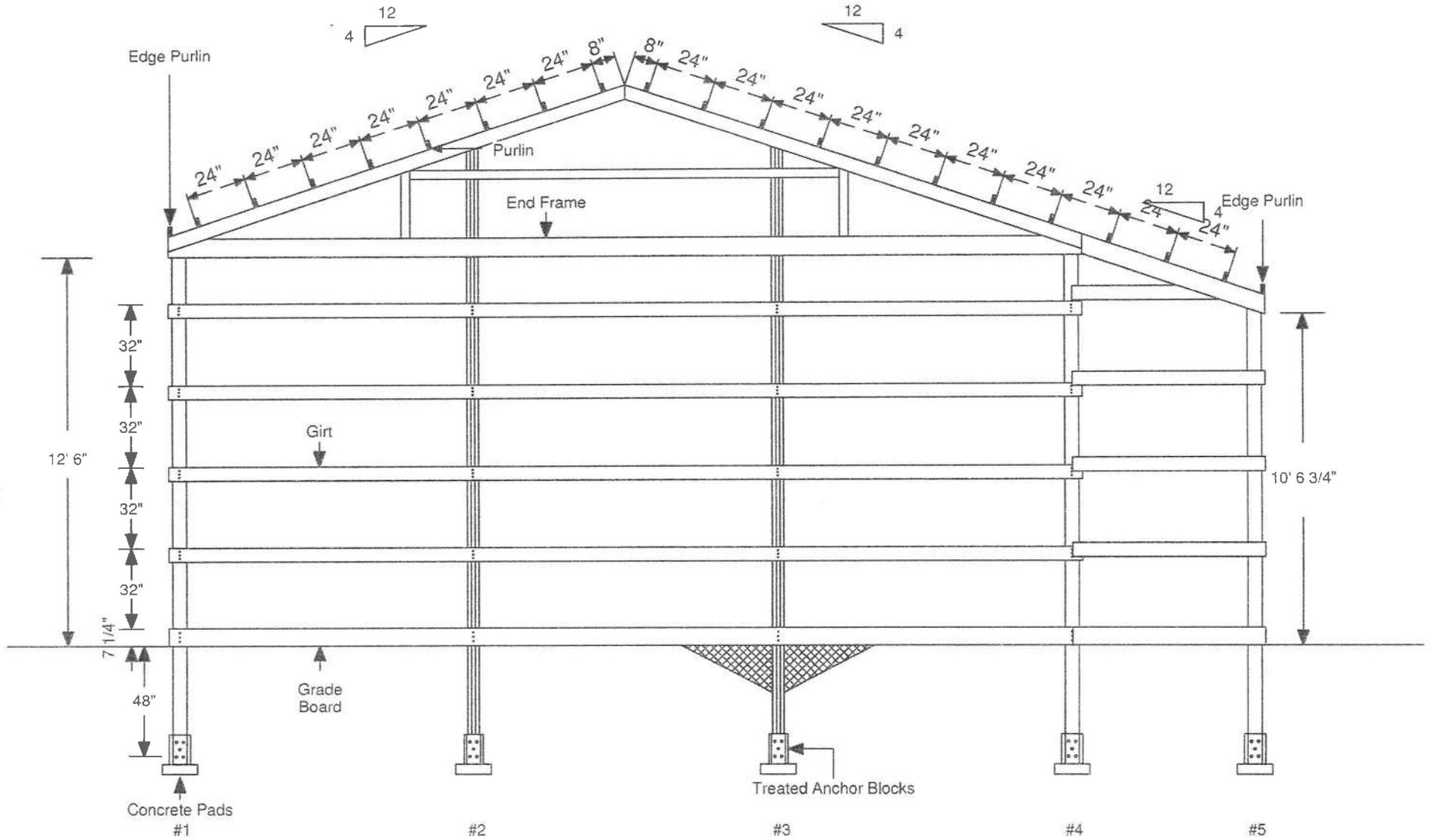


SE 1/4 19-1-20

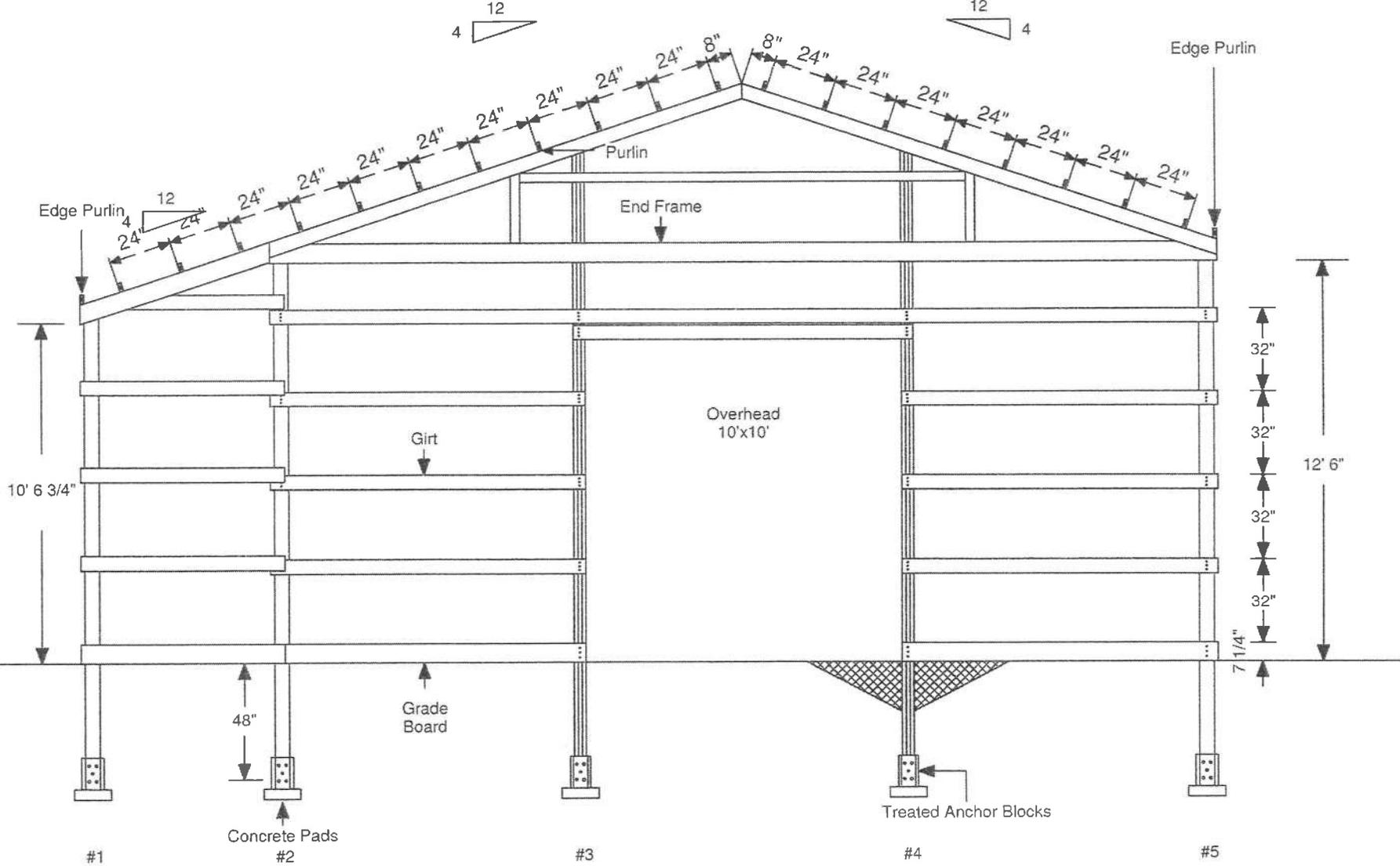




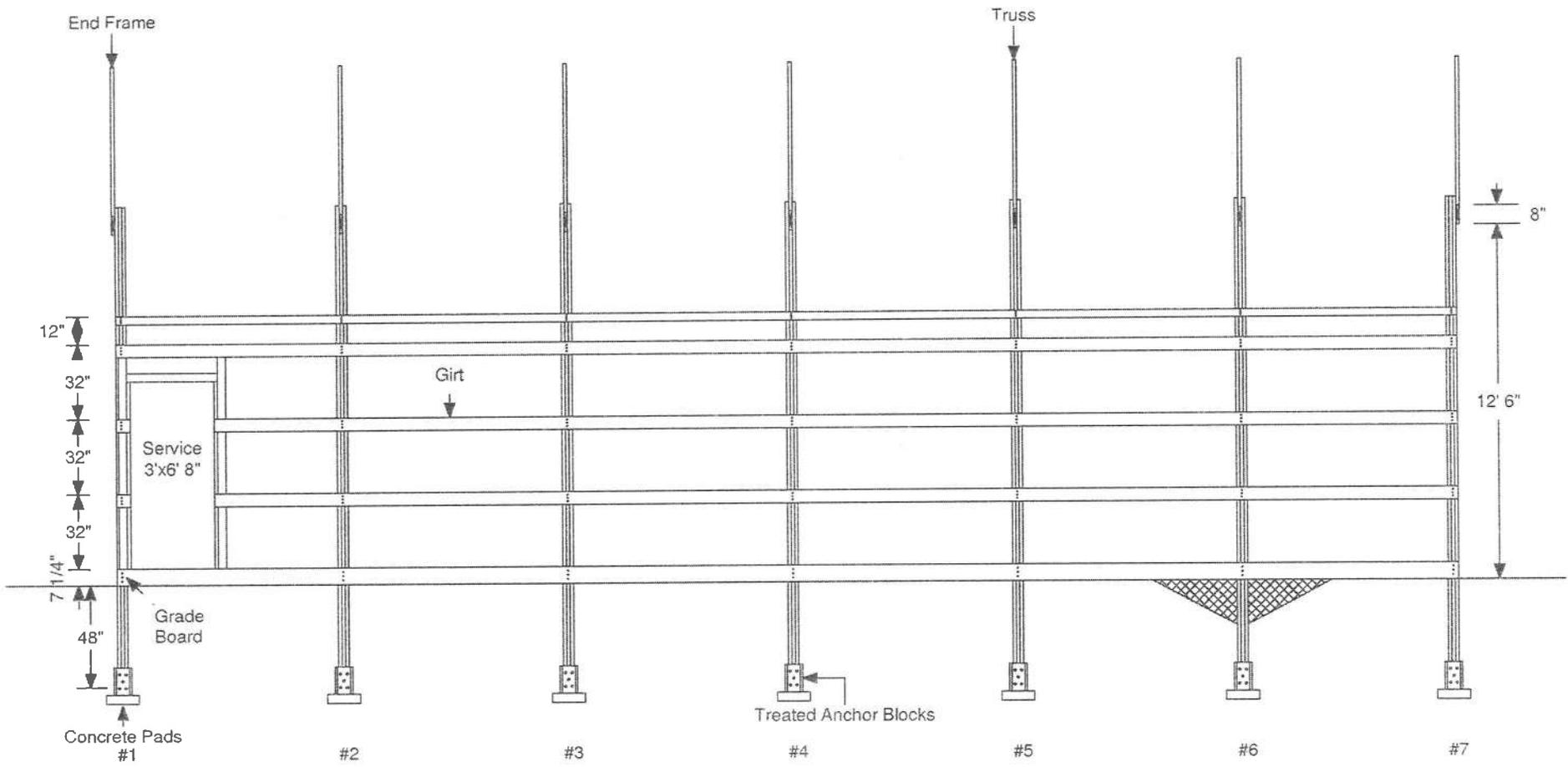
WEST FRAMING



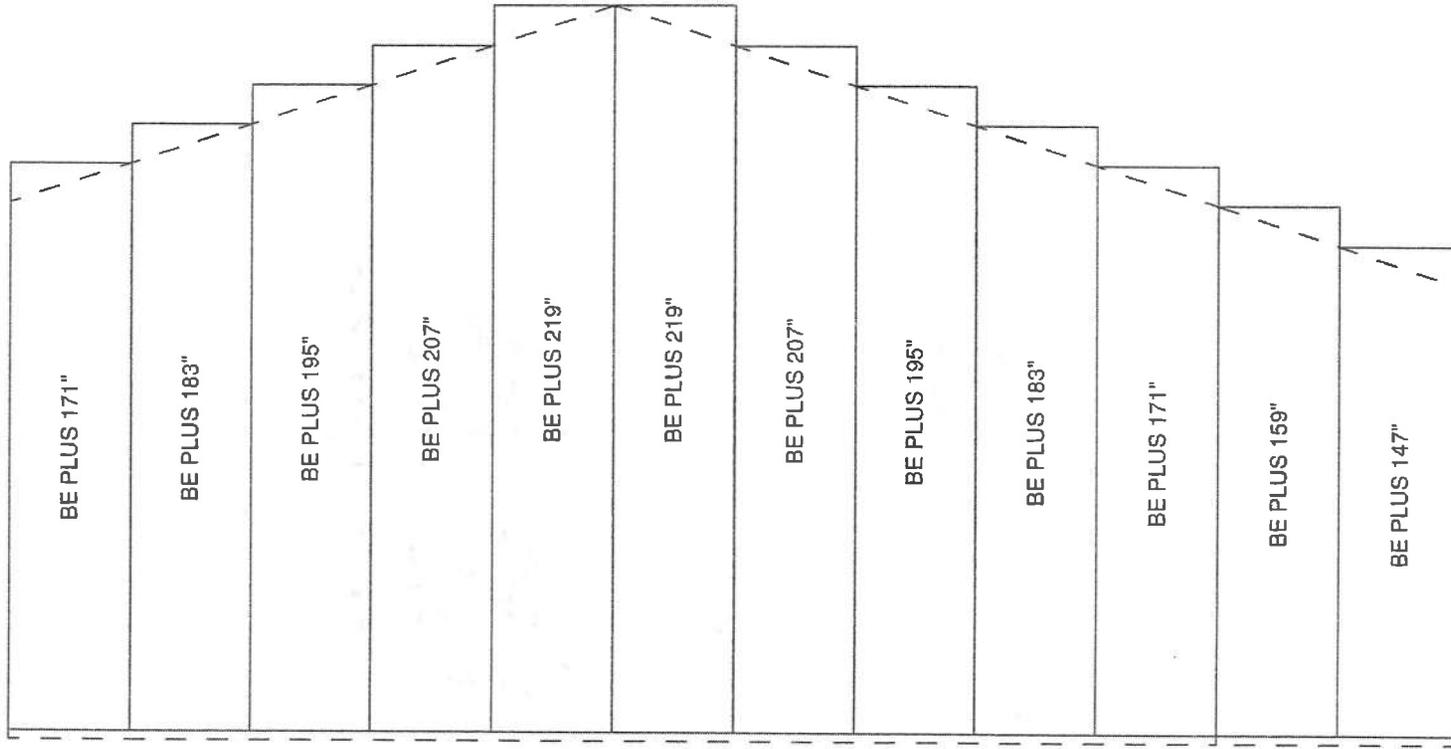
EAST FRAMING



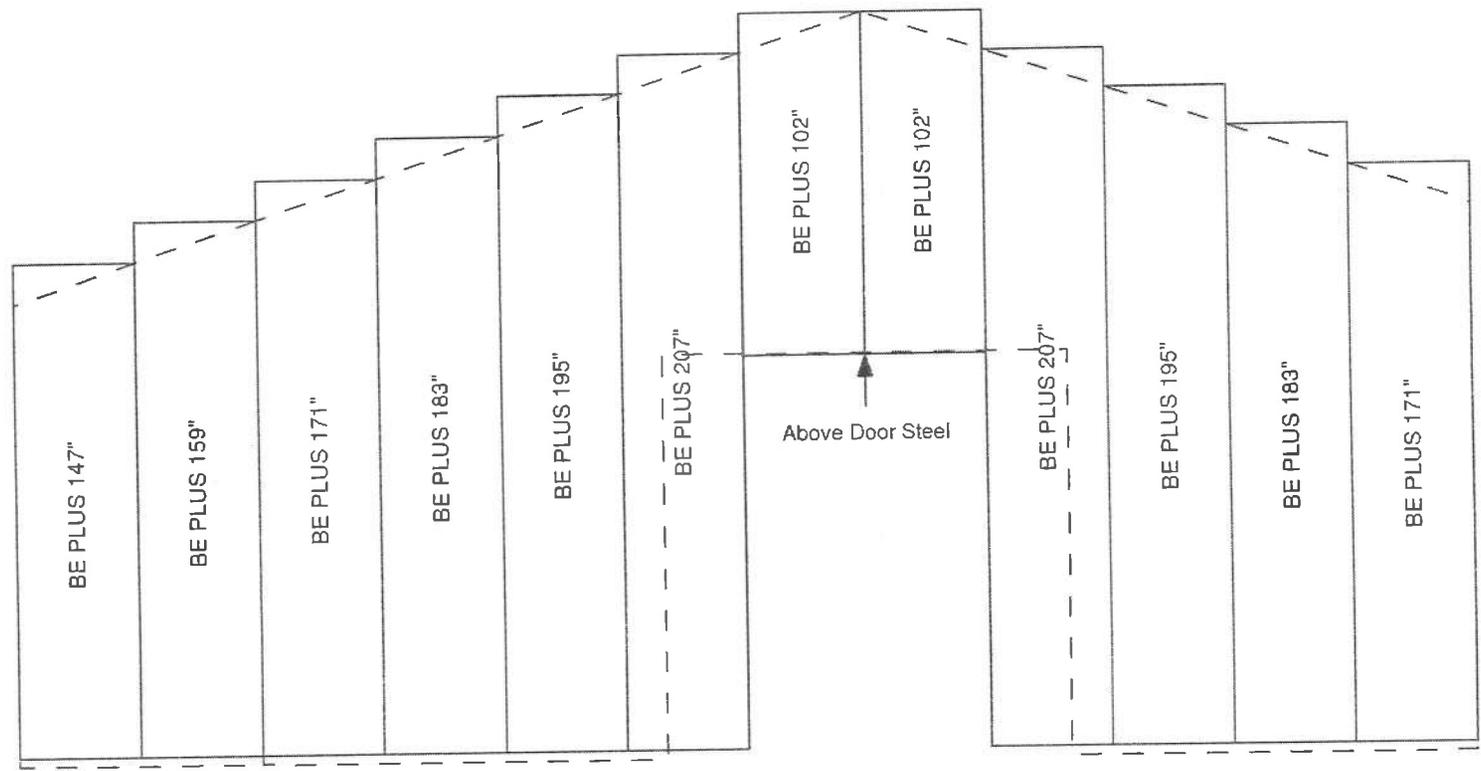
NORTH FRAMING



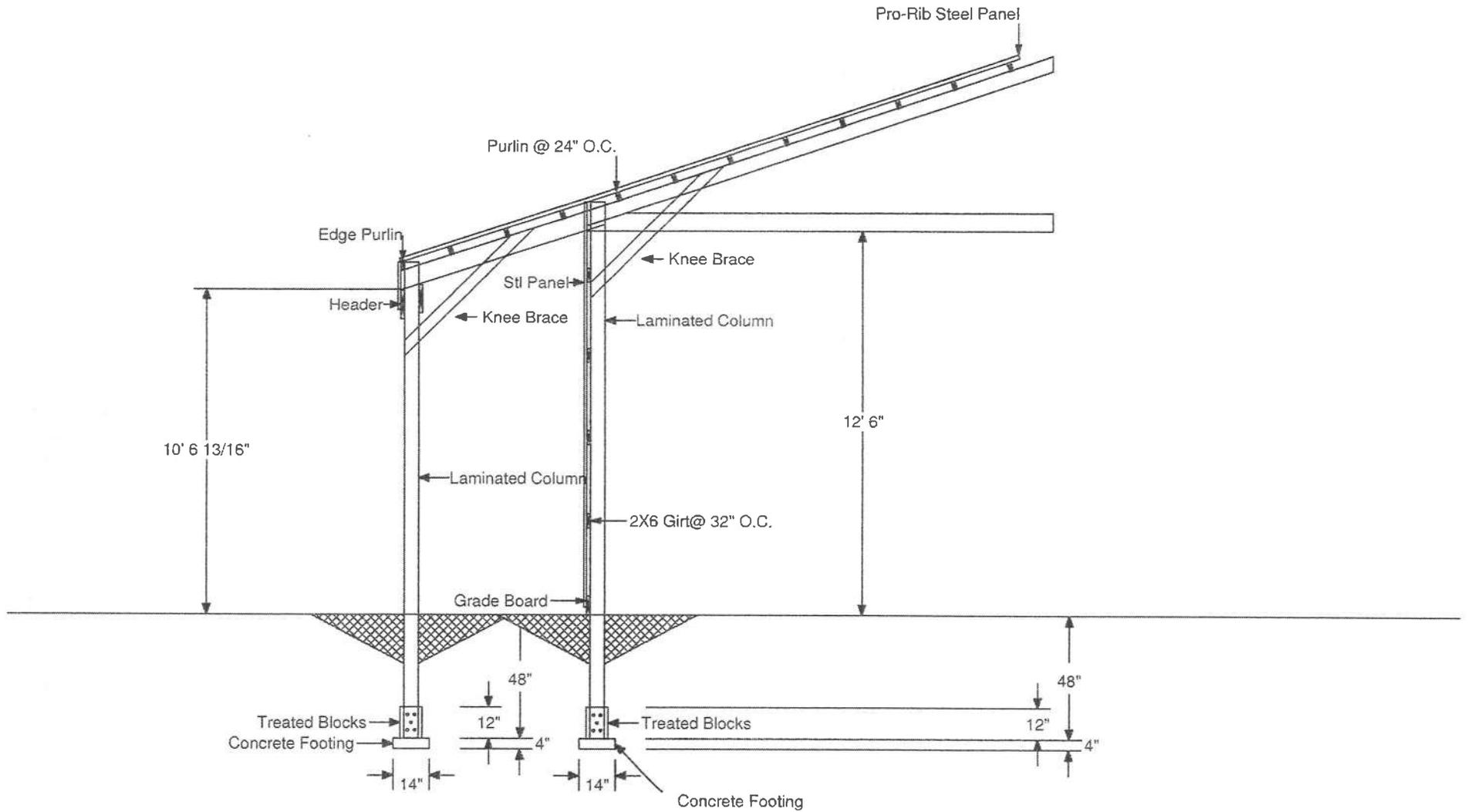
WEST STEEL



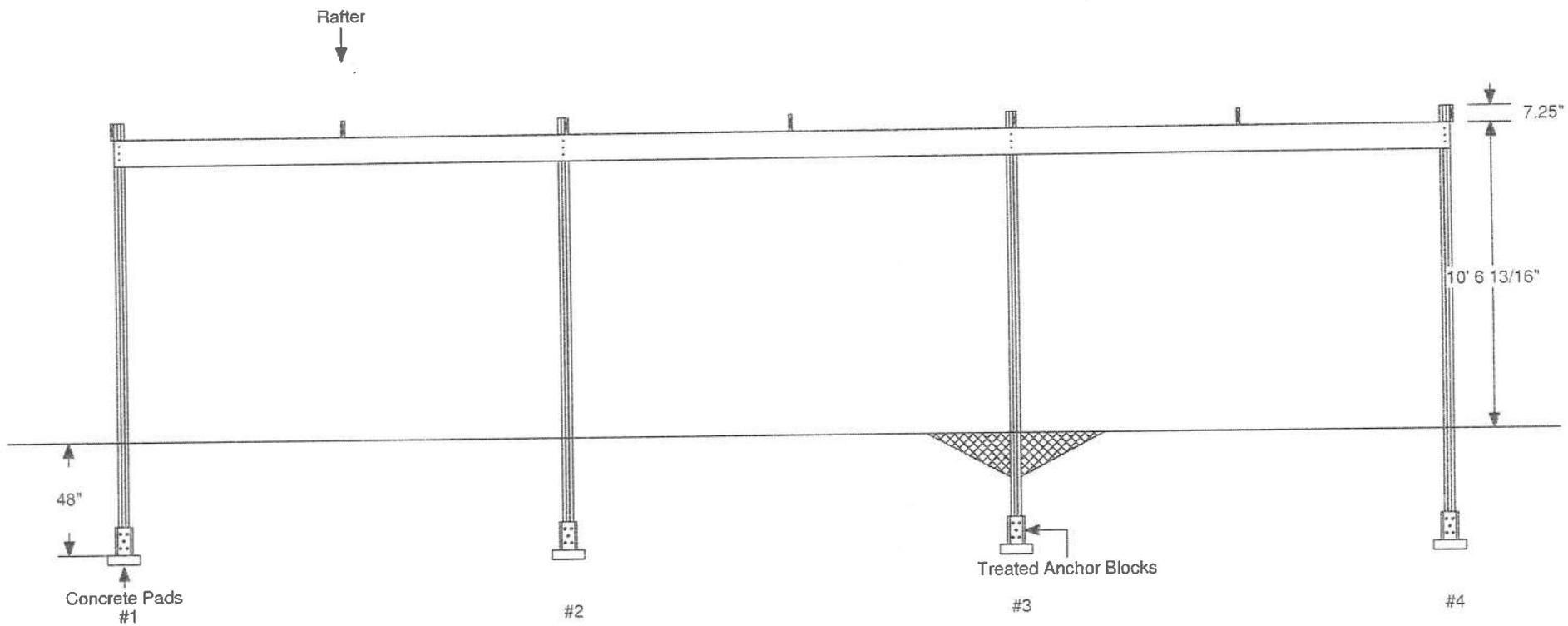
EAST STEEL



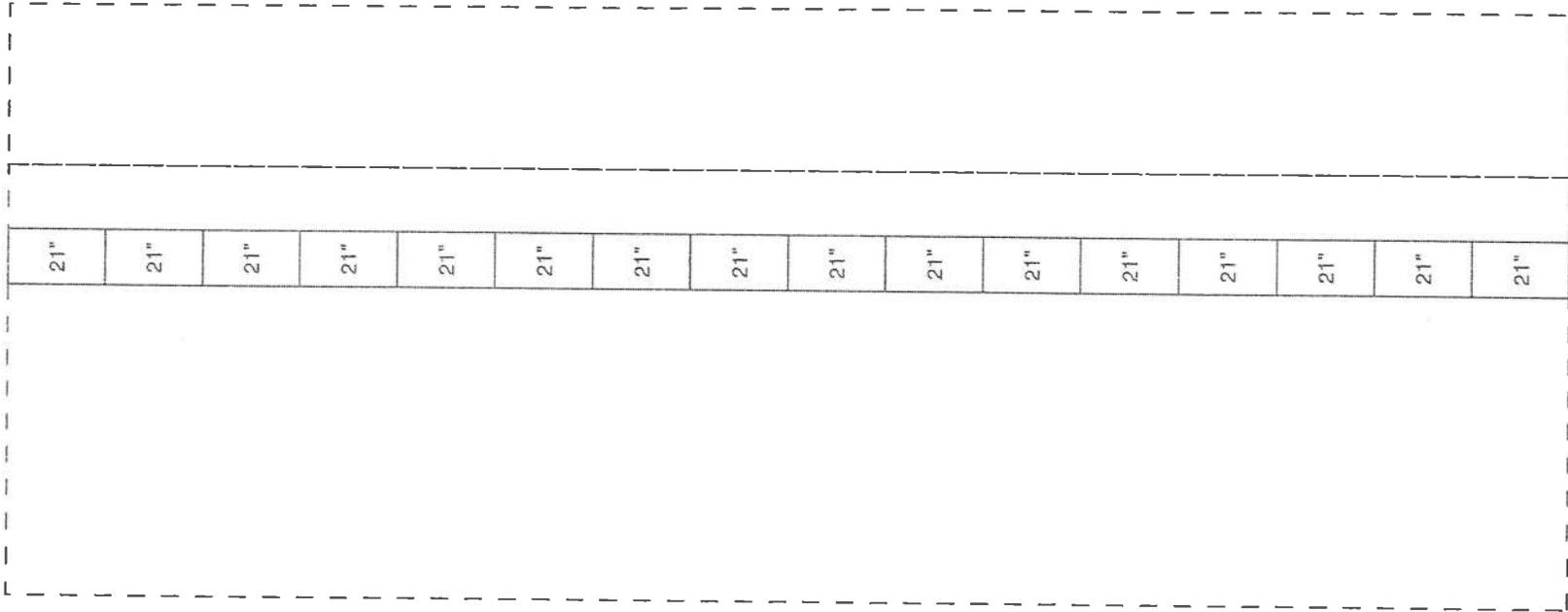
SOUTH SIDE WALL CROSS-SECTION

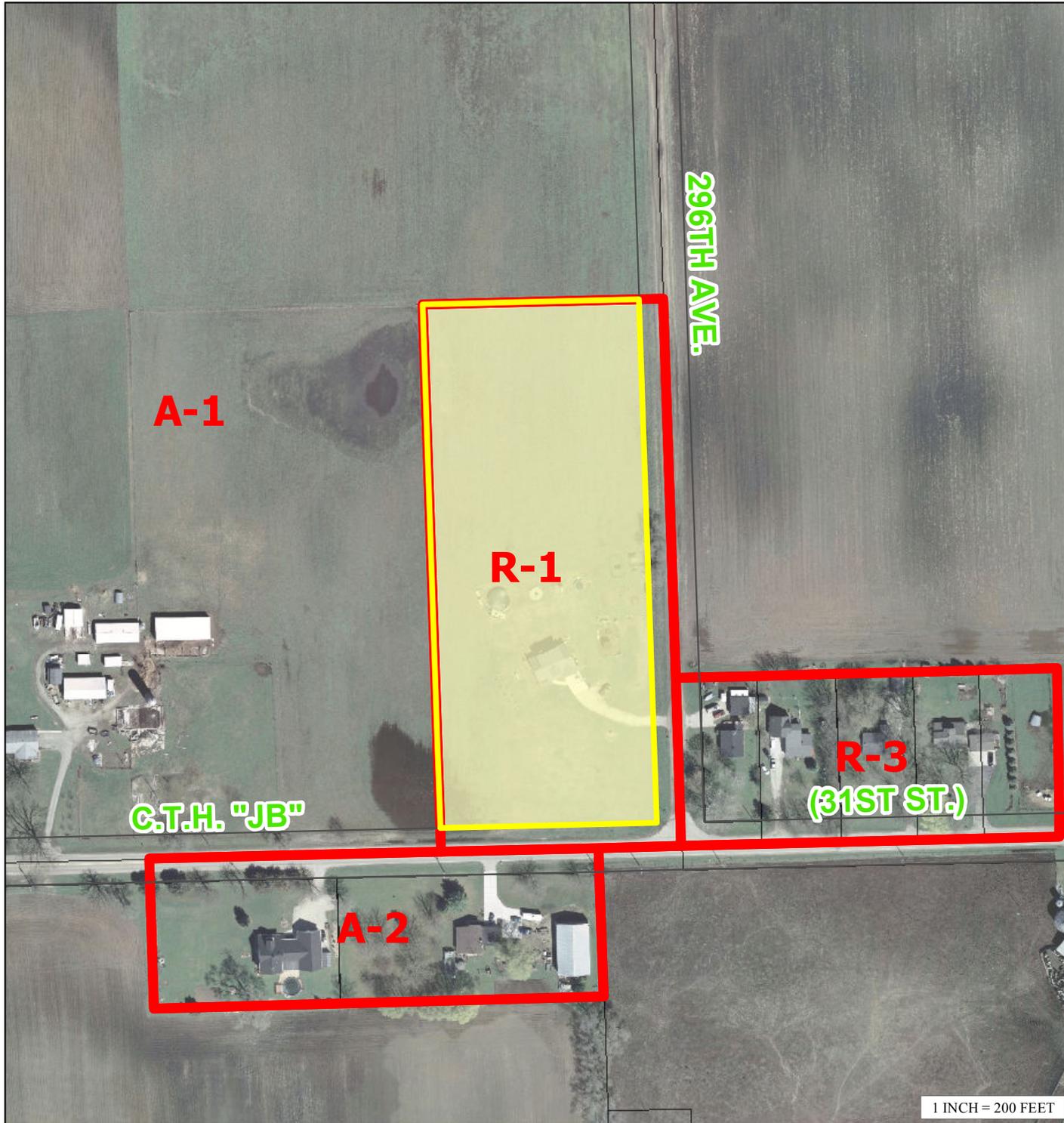


SOUTH LEAN-TO FRAMING



SOUTH LEAN-TO STEEL





VARIANCE SITE MAP

PETITIONER(S):

Robert A. & Jean M. Fox (Owner)

LOCATION: SE 1/4 of Section 19,
Town of Brighton

TAX PARCEL(S): #30-4-220-194-0110

REQUEST:

Requesting a variance (Section V. A. 12.27-6(c): that all detached accessory buildings shall be located in the side or rear yard only in the R-1 Rural Residential District) to construct a 36' x 48' detached accessory structure in the street yard (required side or rear yard placement)



1 INCH = 200 FEET