



Zoning Board of Adjustment Agenda  
Kenosha County Center, Conference Room A  
January 21, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, January 21, 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. ¾ miles W of intersection with CTH "B" (288th Avenue).

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

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

TABLED REQUEST OF 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. LAWRENCE C. & BARBARA WELDON - VARIANCE APPLICATION - TOWN OF SALEM**

LAWRENCE C. & BARBARA WELDON, 65 E. Monroe, Unit 4414, Chicago IL 60603 (Owner), Jerry Sjoberg, Home Design Mfg., Po Box 527, Fontana WI 53125 (Agent), requesting a variance (Section IV. C. 12.21-4(f): that all residential dwellings shall have a roof pitch of not less than 5/12 and an eave extension of at least twelve inches, Section IV. C. 12.21-4(g)1: that all structures shall be constructed not less than 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)2: that all structures shall be constructed not less than 75 feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential Dist.) to construct a 51' 8" x 37' single-family residence to have a flat roof pitch (minimum 5/12 required) and zero foot eave extensions (minimum twelve inches required) and to be located 20' (required setback 30')

from the right-of-way of 117th St. and to be located 40' (required setback 75') from the ordinary high water mark of Lake Shangri-La and with associated decks to be located 16' (required setback 30') from the right-of-way of 117th St. and 36' (required setback 75') from the ordinary high water mark of Lake Shangri-La on Tax Parcel #67-4-120-361-2205, NE 1/4 Section 36, T1 N, R20 E, Town of Salem. FYI – S side of 117th St. appx. 233 ft. E of intersection with 221st Ave..

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

4. **CITIZEN COMMENTS**
5. **APPROVAL OF MINUTES**
6. **OTHER BUSINESS ALLOWED BY LAW**
7. **ADJOURNMENT**

#### NOTICE TO PETITIONERS

The petitioners: Jason T. & Tammy L. Pautz, Brian P. Ernst & Nicole M. Onysio and Lawrence C. & Barbara Weldon shall be present at the hearing on Thursday, January 21, 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 of Brighton & Salem are requested to be represented at the hearing on Thursday, January 21, 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.

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

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(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.*

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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.

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*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): \_\_\_\_\_

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# 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 # \_\_\_\_\_

<b>For Office Use Only</b>	
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*

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### HEARING DATES

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

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### **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

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## Department of Planning and Development

### VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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- 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).

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**IMPORTANT TELEPHONE NUMBERS**

Kenosha County Center	
Department of Planning & Development	
19600 - 75 <sup>th</sup> Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation) .....	<b>857-1895</b>
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

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- ❑ 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.

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### **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 -

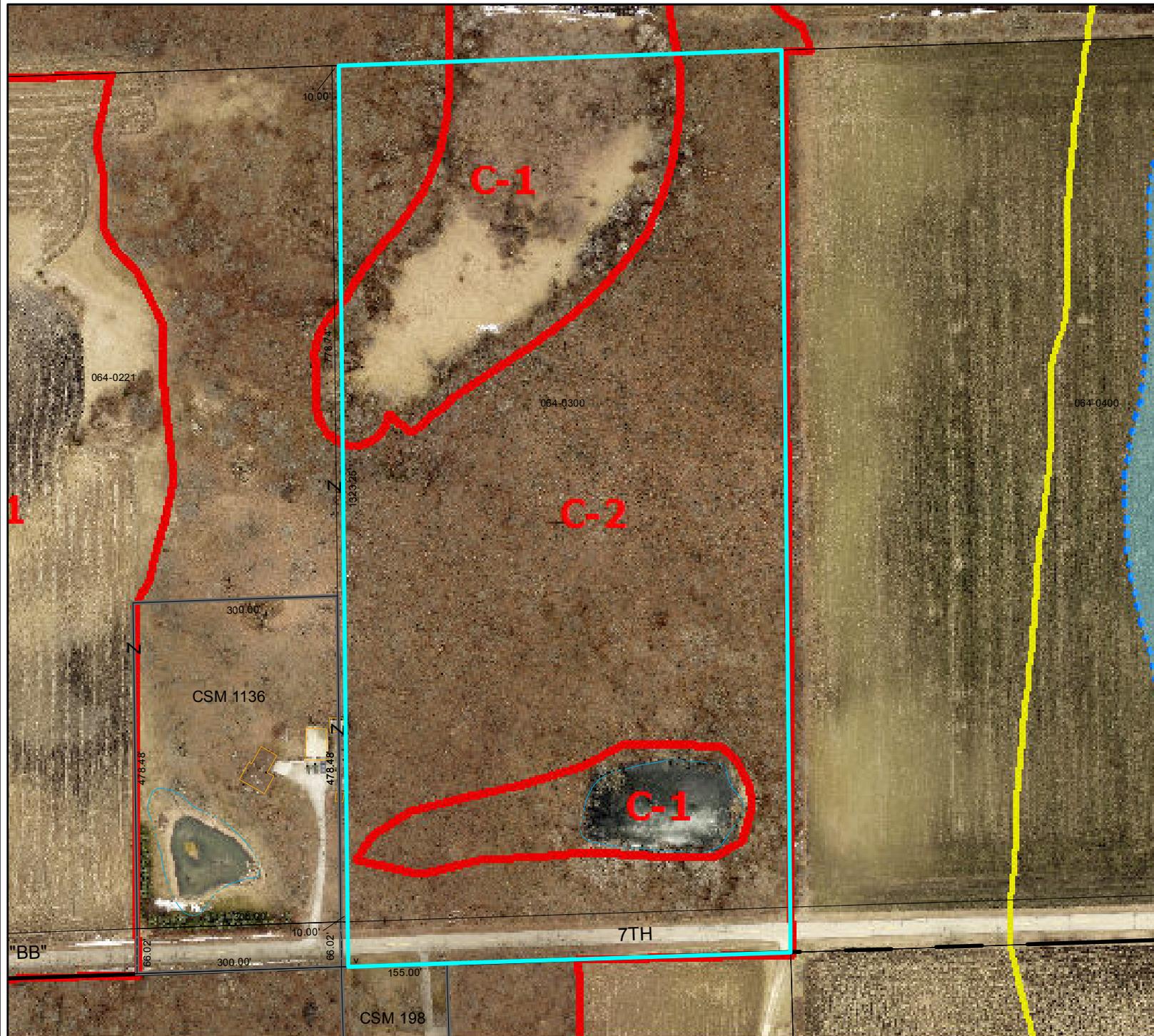
PROTECTION OF THE PUBLIC INTEREST -

# 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).

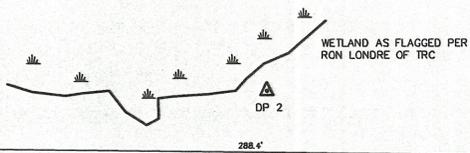
MONUMENTATION BY WRITTEN AGREEMENT  
WITH THE ABOVE NAMED CLIENT HAS BEEN  
WAIVED IN ACCORDANCE WITH A-E 7.01(2)  
OF THE WISCONSIN ADMINISTRATIVE CODE.

1323.25'

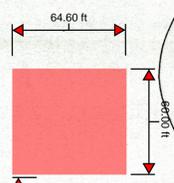
N00°37'44"W

S00°35'44"E

1323.81'



Proposed single-family residence (under construction)



Proposed 60' x 64' Pole Barn

PROPOSED DWELLING & ATTACHED GARAGE

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

WETLAND AS FLAGGED PER RON LONDRE OF TRC

WETLAND AS FLAGGED PER RON LONDRE OF TRC

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

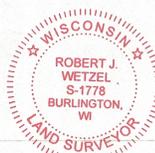
I hereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the size and location of the property, and its exterior boundaries.

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.

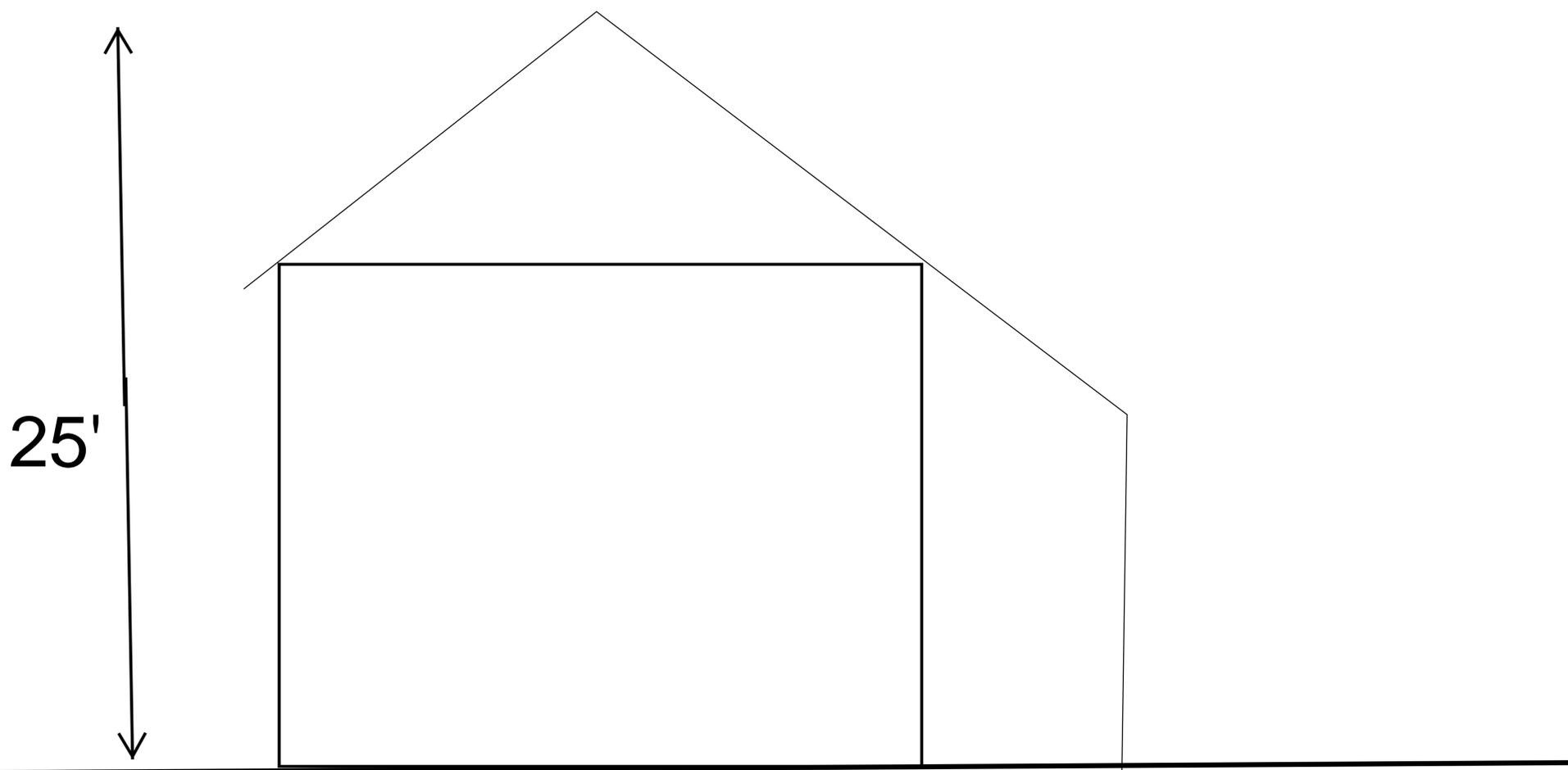
412 N. PINE STREET  
BURLINGTON, WI 53105  
(262)-767-0225

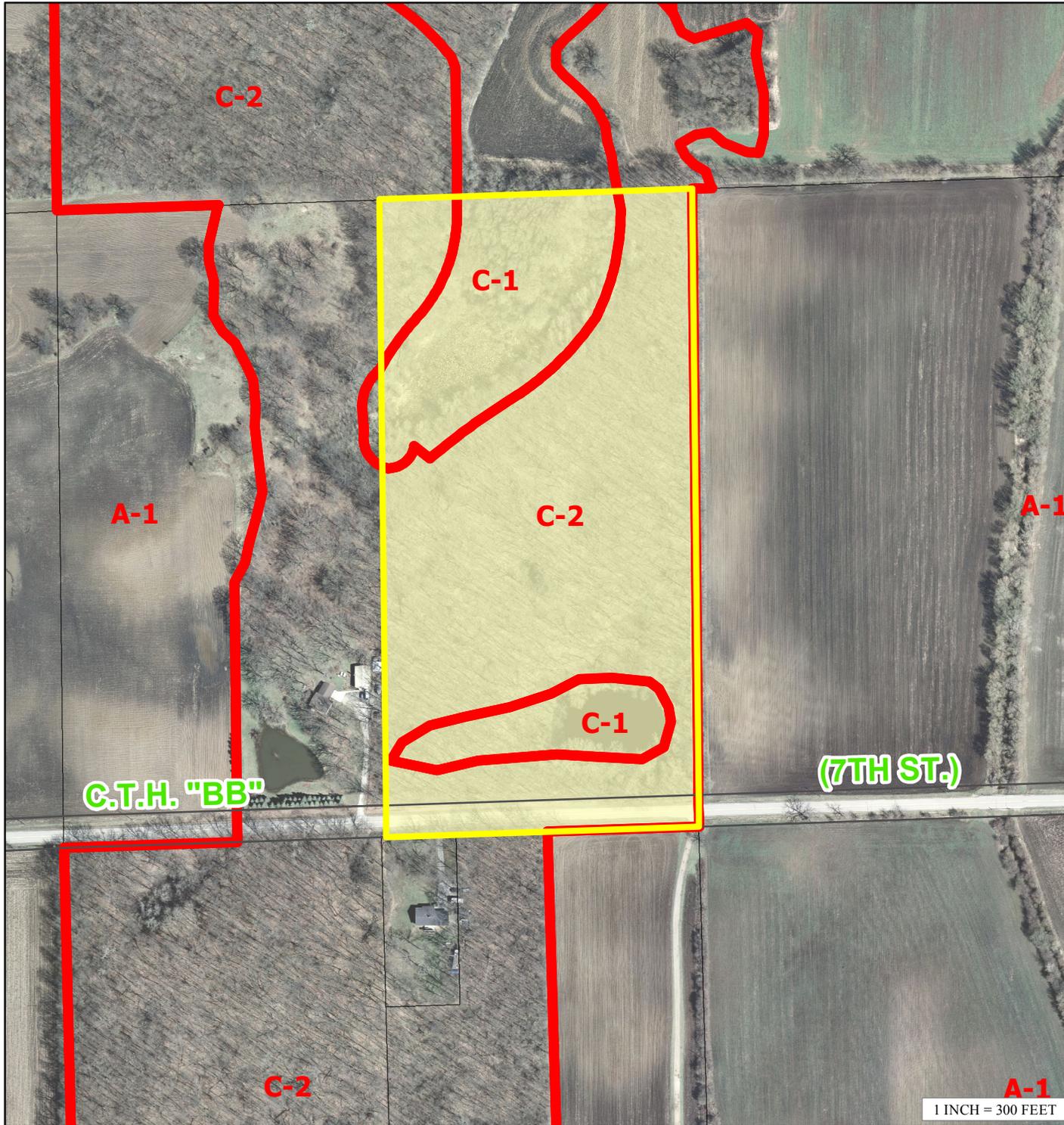


THIS IS NOT AN ORIGINAL PRINT UNLESS THIS SEAL IS RED.  
*Robert J. Wetzel*  
ROBERT J. WETZEL S-1778

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):

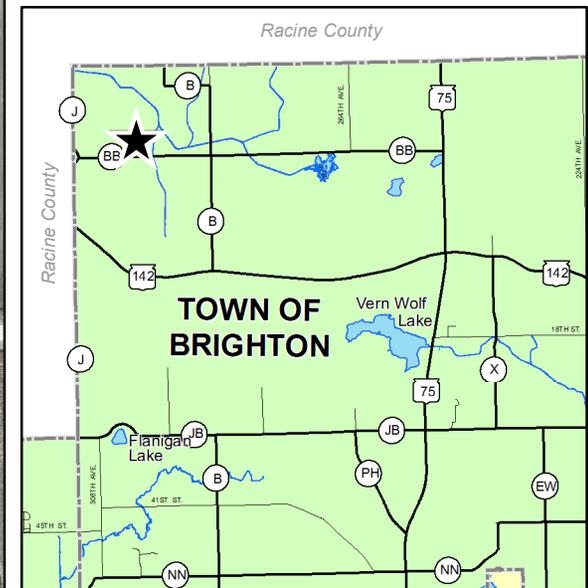
Jason T. & Tami L. Pautz (Owner),

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

Section: III.K.12.17-5 - Swimming pools shall only be installed in the rear yard of a premise.

Section: IV.C.12.21-3(g) - No structure shall be located less than 65 feet from the right-of-way of any County

Section: \_\_\_\_\_ - Trunk Highway.

#### VARIANCE REQUESTED

Street Yard Pacement

45' from CTH "AH"

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.





# 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:
- ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS.
  - 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.
  - THIS PERMIT SHALL EXPIRE EIGHTEEN (18) MONTHS FROM DATE OF ISSUANCE.
  - 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

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## Department of Planning and Development

### VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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- 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 <sup>th</sup> 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**

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- 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

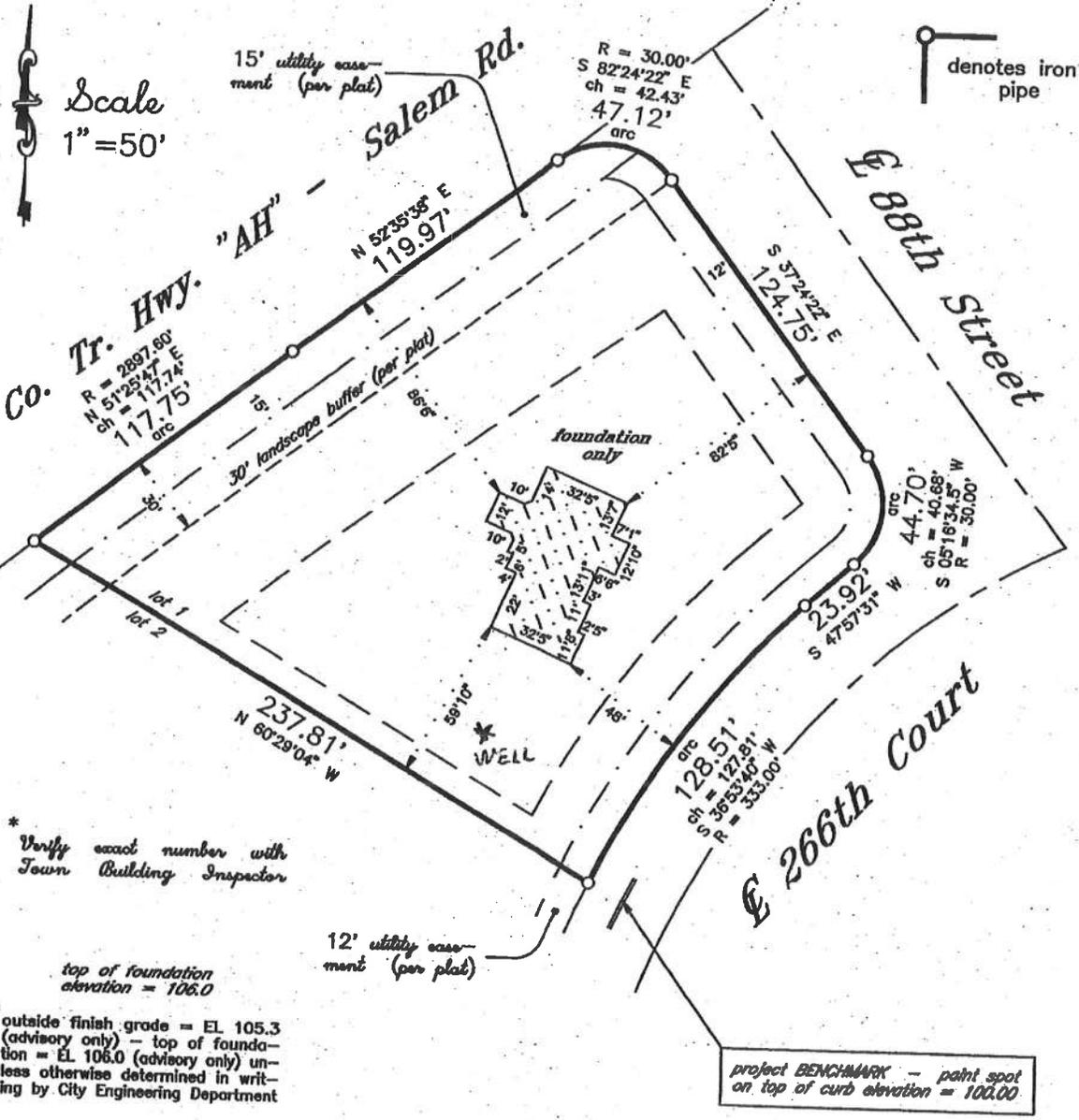
YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF  
ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

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



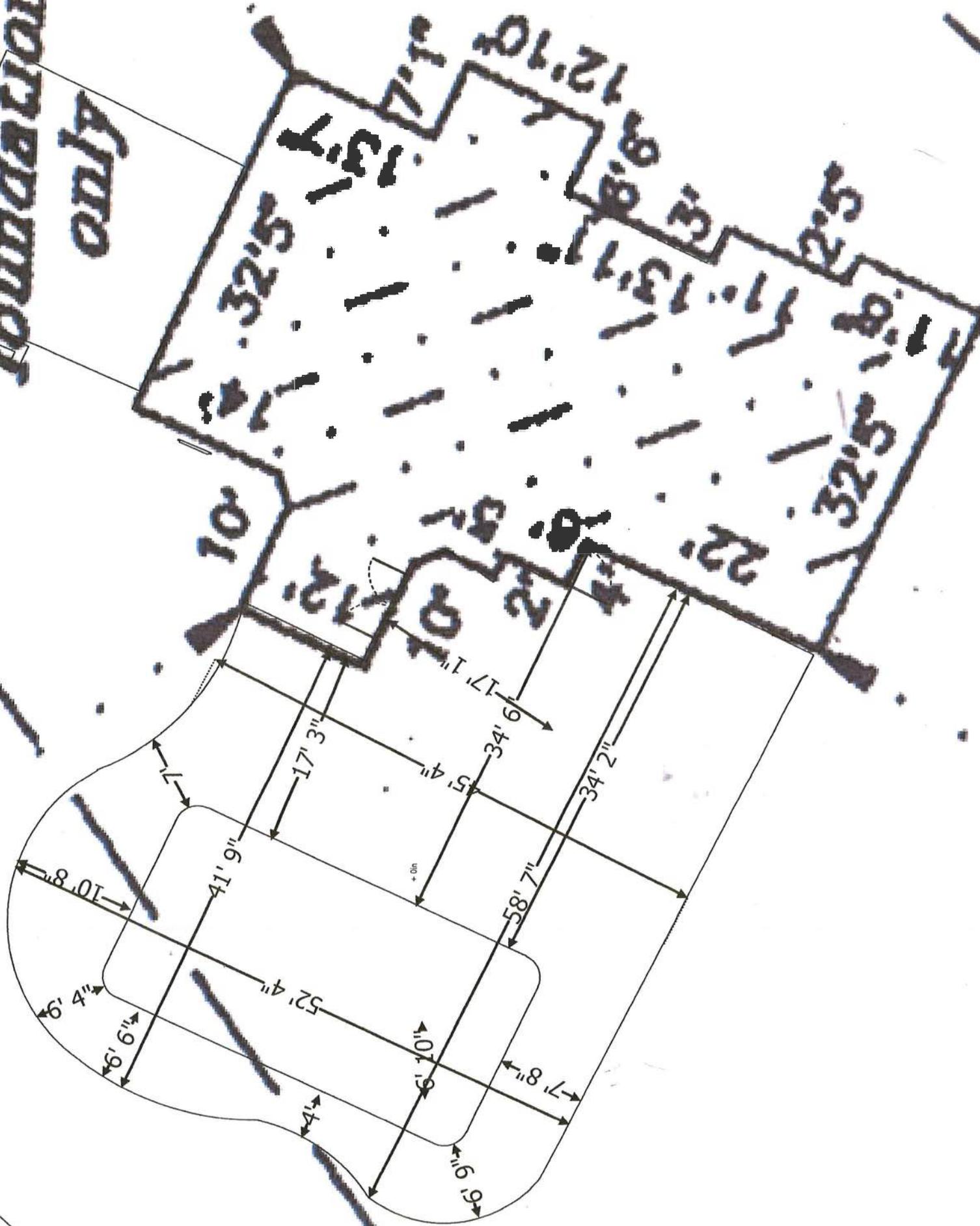
I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof.

*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



**Foundation  
only**





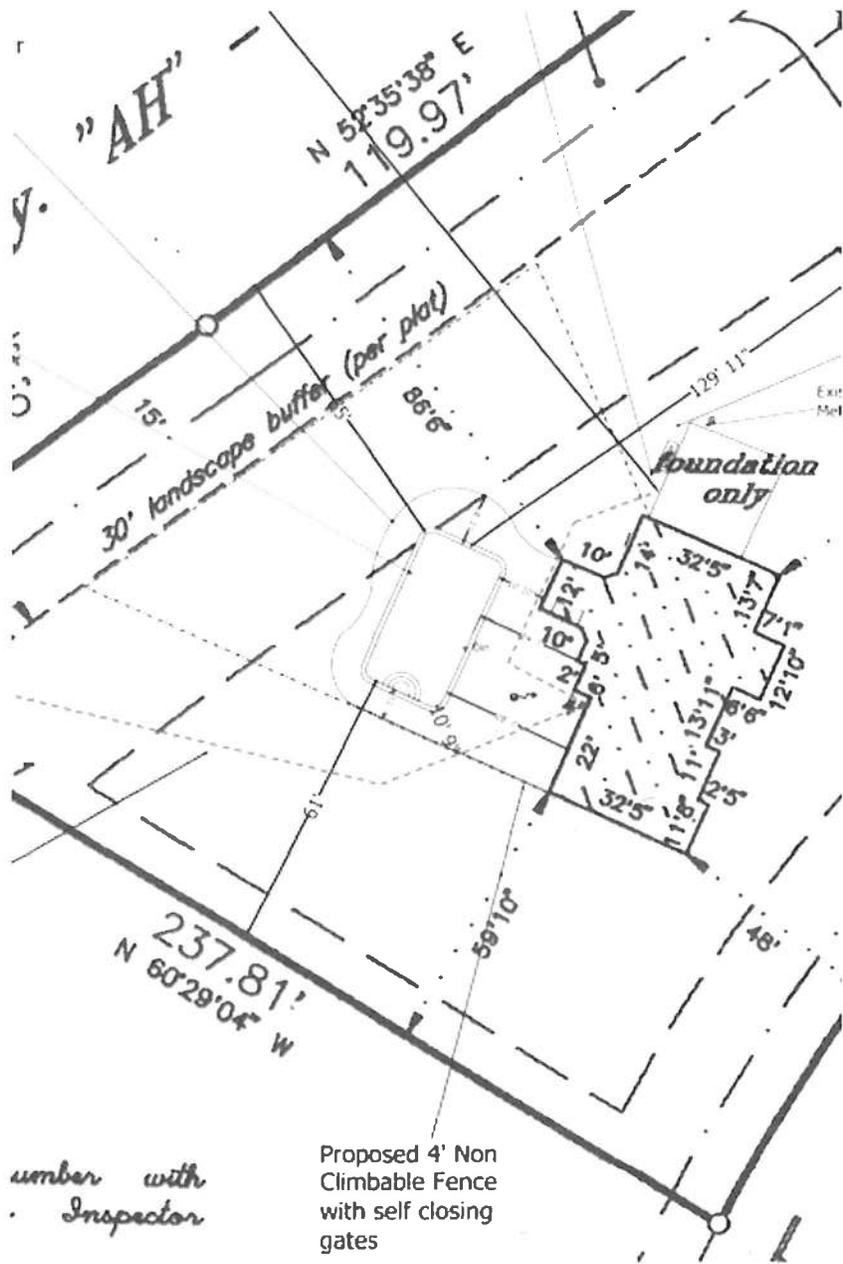
Ernst  
Anthony Russo  
Russo's Pool Installation & Service Inc.

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.



umber with  
Inspector

Proposed 4' Non  
Climbable Fence  
with self closing  
gates

Plat showing the dimensions with the pool landing 10' 10" to the rear dinette wall.



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

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.







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.**



83<sup>th</sup> ST



226<sup>th</sup> CT

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



88<sup>th</sup> ST





88<sup>th</sup> 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

45'

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

UTILITY EASEMENT

1.2' OVERHANG

APPARENT VISION TRIANGLE  
AS SCALED FROM RECORD  
PLAT, NO OTHER DATA GIVEN.

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)

EXISTING RESIDENCE

COVERED  
CONCRETE STOOP

DECK

7.90'  
10.50'  
SHED

CONCRETE DRIVE

WELL

UTILITY EASEMENT

226th COURT  
(66' WIDE)

LOT 1

LOT 2

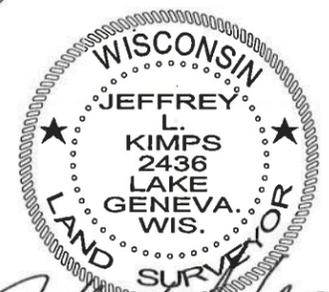
- ( ) = RECORDED AS
- = FOUND IRON BAR
- = FOUND IRON PIPE
- = SET IRON BAR
- = SET IRON PIPE

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*  
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):

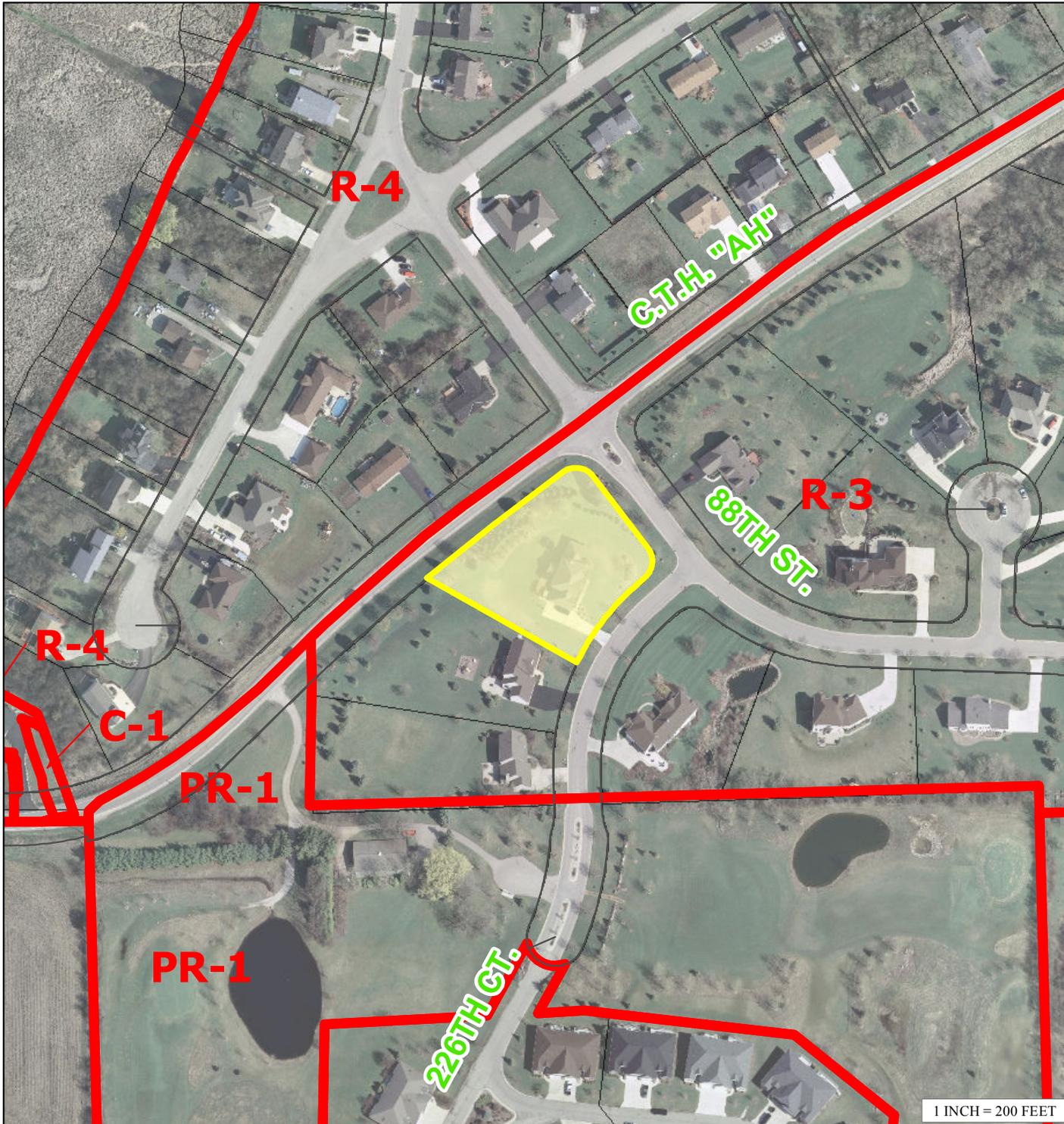
Brian P. Ernst &  
Nicole M. Onysio (Owner)

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.)





# COUNTY OF KENOSHA

December 2012

## Department of Planning and Development

### VARIANCE APPLICATION

RECEIVED

NOV 16 2015

Kenosha County  
Planning and Development

Owner: Lawrence C. & Barbara Weldon

Mailing Address: 65 E. Monroe Unit 4414

Chicago IL 60603-5739

Phone Number(s): 847-894-7011

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: 67-4-120-361-2205

Zoning District: R-4

Property Address: 117th Street

Shoreland: Yes

Subdivision: Lake Shangri-La Woodlands Subdivision

Lot(s): 2

Block: 15

Current Use: Vacant

Proposal: To construct a single-family residence w/ attached garage and decks.

#### REQUIRED BY ORDINANCE

#### VARIANCE REQUESTED

Section: IV.C.12.21-4(f) - Minimum 5/12 roof pitch required on single-family residences and an eave extension of at least 12 inches

flat / none

Section: IV.C.12.21-4(g)1 - All buildings shall be constructed not less than 30 feet from the right-of-way of all other roads.

20' residence to ROW  
16' cant. deck to ROW

Section: IV.C.12.21-4(g)2 - All buildings shall be constructed not less than 75 feet from the ordinary high water mark of a nav. waterway.

40' residence to OHWM  
36' deck to OHWM

## VARIANCE APPLICATION

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.*

Lot length is not feasible with current setbacks of 30' road and 75' lakeshore . Lot is 125' along the west line and 118' along the east line. The reduced 8.8' side-yard setback dimensions are permissible via section 12.28-5.

(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.*

No harm to public interest. On July 2, 1987 the Kenosha County Board of Adjustments approved a variance to construct a single-family residence to be located a similar distance (43') from the ordinary high water mark of Lake Shangri-La. Due to family constraints the building project had to be tabled for 30 years.

No harm to public interest. The reduced street yard setback will have a minimal affect on he public interest given we are at the end of a dead end road.

(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.*

No harm to public interest. On July 2, 1987 the Kenosha County Board of Adjustments approved a variance to construct a single-family residence to be located a similar distance (43') from the ordinary high water mark of Lake Shangri-La. Due to family constraints the building project had to be tabled for 30 years.

*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: Jerry Sjoberg Agent for LARRY WELDON  
Agent: Jerry Sjoberg Signature: HOME DESIGN MEg-

Agents Address: PO Box 527, Fontana WI 53125

Phone Number(s): 262-275-3999



# 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 LARRY + BARBARA WELDON  
 Mailing Address 65 E. MONROE UNIT 4414  
CHICAGO IL, 60603-5739

Date 7 Nov 2015  
 Phone # 847.894.7011

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. 7044F Zoning District(s) SALEM, WI. (Township)  
 Property Address 22017 117<sup>th</sup> STREET LAKE SHANGRILA  
 Subdivision Name LAKE SHANGRILA-WOODLANDS CSM # \_\_\_\_\_ Lot 2 Block 15 Unit \_\_\_\_\_

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES
CUSTOM BUILT	FRAME	51'-8" x 8'	w=37'	1200	20'	2
LINDAL CEDAR HOME		MAIN		1200		
FRANK LLOYD WRIGHT		UPPER	w=37'	2400		
DESIGN COLLABORATION		58'-6" x 9'		TOTAL		

Contractor  **HOME DESIGN MFG.**  
 Address PO BOX 527  
FONTANA, WI 53125  
262-275-2200  
 Phone # \_\_\_\_\_  
 Agent JERRY SJOBERG  
(SAME) DESIGNER/BUILDER  
 Address \_\_\_\_\_  
 Phone # cell 262.949.3999

**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/localing.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 \_\_\_\_\_

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**

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

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## Department of Planning and Development

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### VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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- 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 <sup>th</sup> Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation) .....	<b>857-1895</b>
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

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- 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.

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### **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 -

Lot length not feasible with current setbacks of 30' road and 75' lakeshore. Lot is 125' on the west property line and 118' on the east property line.

The 8.8' side yard setbacks are permissible via Section 12.28-5.

### UNIQUE PROPERTY LIMITATION -

Same as unnecessary hardship.

### PROTECTION OF THE PUBLIC INTEREST -

No harm to public interest. On July 2, 1987 the Kenosha County Board of Adjustments approved a variance to construct a single-family residence to be located a similar distance (43') from the ordinary high water mark of Lake Shangri-La. Due to family constraints the building project had to be tabled for 30 years.

No harm to public interest. The reduced street yard setback will have a minimal affect on he public interest given we are at the end of a dead end road.

END OF ROAD

22017 11th St  
WELDON



HOME DESIGN MFG.  
PO BOX 527  
FONTANA, WI 53125  
262-275-2200

DESIGN BUILD REMODEL



# Kenosha County



1 inch = 100 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 INACCURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

LAKE SHANG

PR-1

R-4



NOTE:  
ALL DISTANCES BEYOND MEANDER LINES  
SHOULD BE "AS RECORDED" (A.R.)

# LAND-MARK SURVEYING

Mark L. Miritz

Wisconsin Professional Land Surveyor S-2582

N9330 Knuteson Drive  
Whitewater, WI 53190  
Phone: (262) 495-3284  
MarkMiritz@  
Land-MarkSurveying.com

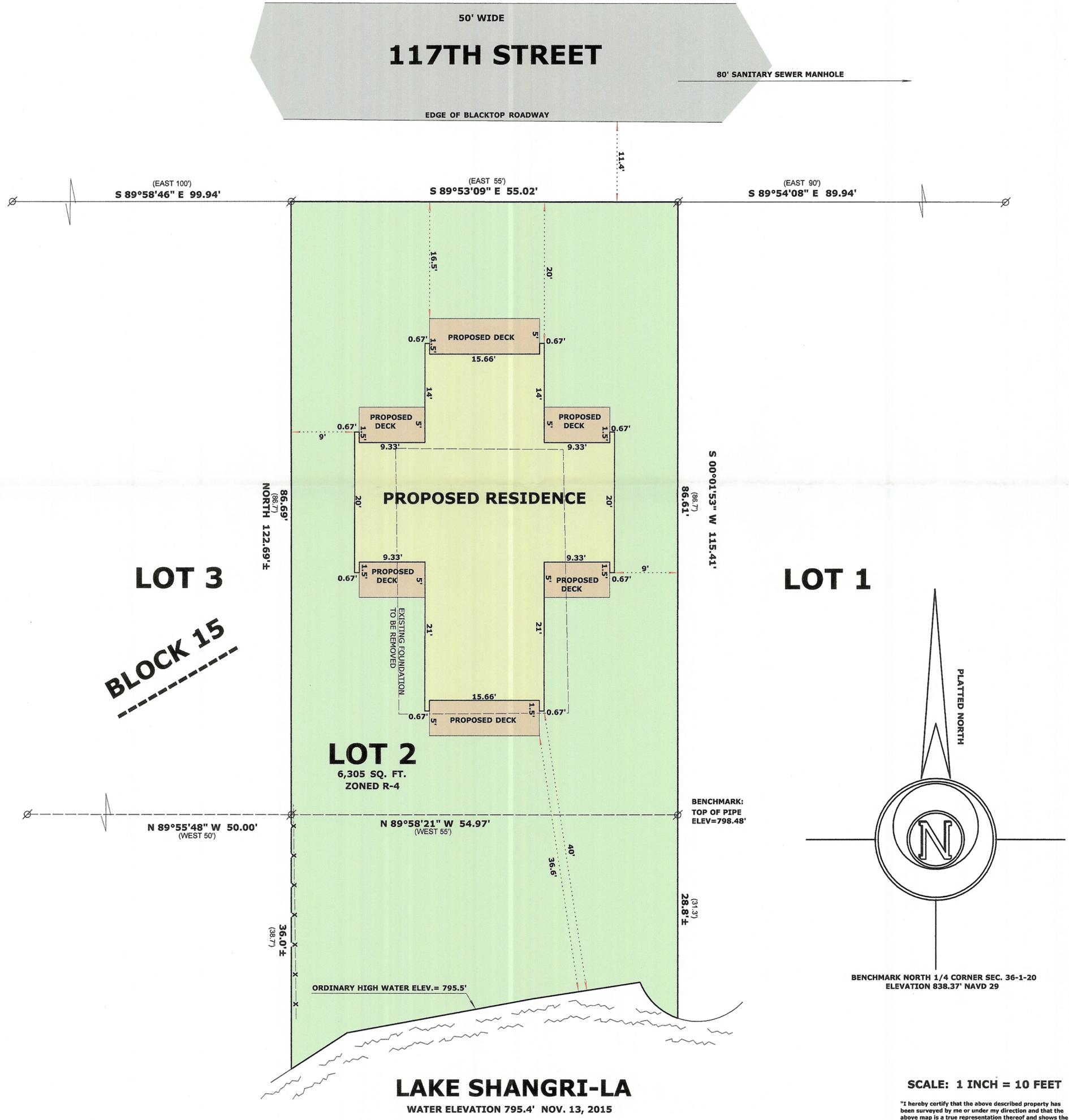
## PLAT OF SURVEY

LOT 2, BLOCK 15 OF LAKE SHANGRI-LA WOODLANDS SUBDIVISION,  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWN 1 NORTH,  
RANGE 20 EAST, SALEM TOWNSHIP, KENOSHA COUNTY, WISCONSIN.

**OWNERS:**  
LAWRENCE C. WELDON  
BARBARA WELDON  
65 E. MONROE UNIT 4414  
CHICAGO, IL 60603  
SITE ADDRESS:  
22017 117TH ST.  
SALEM, WI

SEE BUILDERS PLANS FOR  
COMPLETE DETAILS:  
HOME DESIGN MFG.  
N2002 HIGHWAY 67  
FONTANA, WI 53125  
262-275-2200

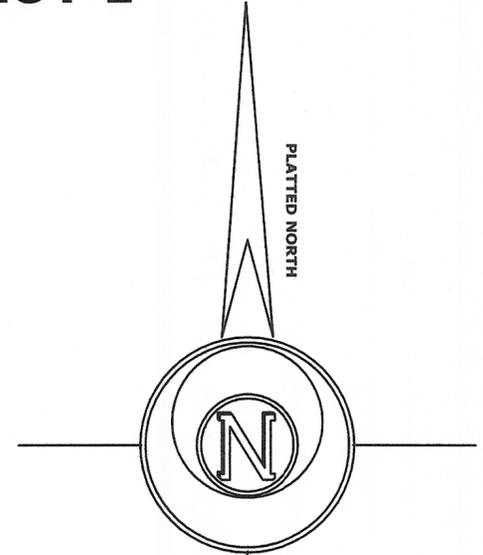
Jerry@HomeDesignMfg.com



**LOT 1**

**LOT 3**  
**BLOCK 15**

**LOT 2**  
6,305 SQ. FT.  
ZONED R-4



SCALE: 1 INCH = 10 FEET

"I hereby certify that the above described property has been surveyed by me or under my direction and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any."  
"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."



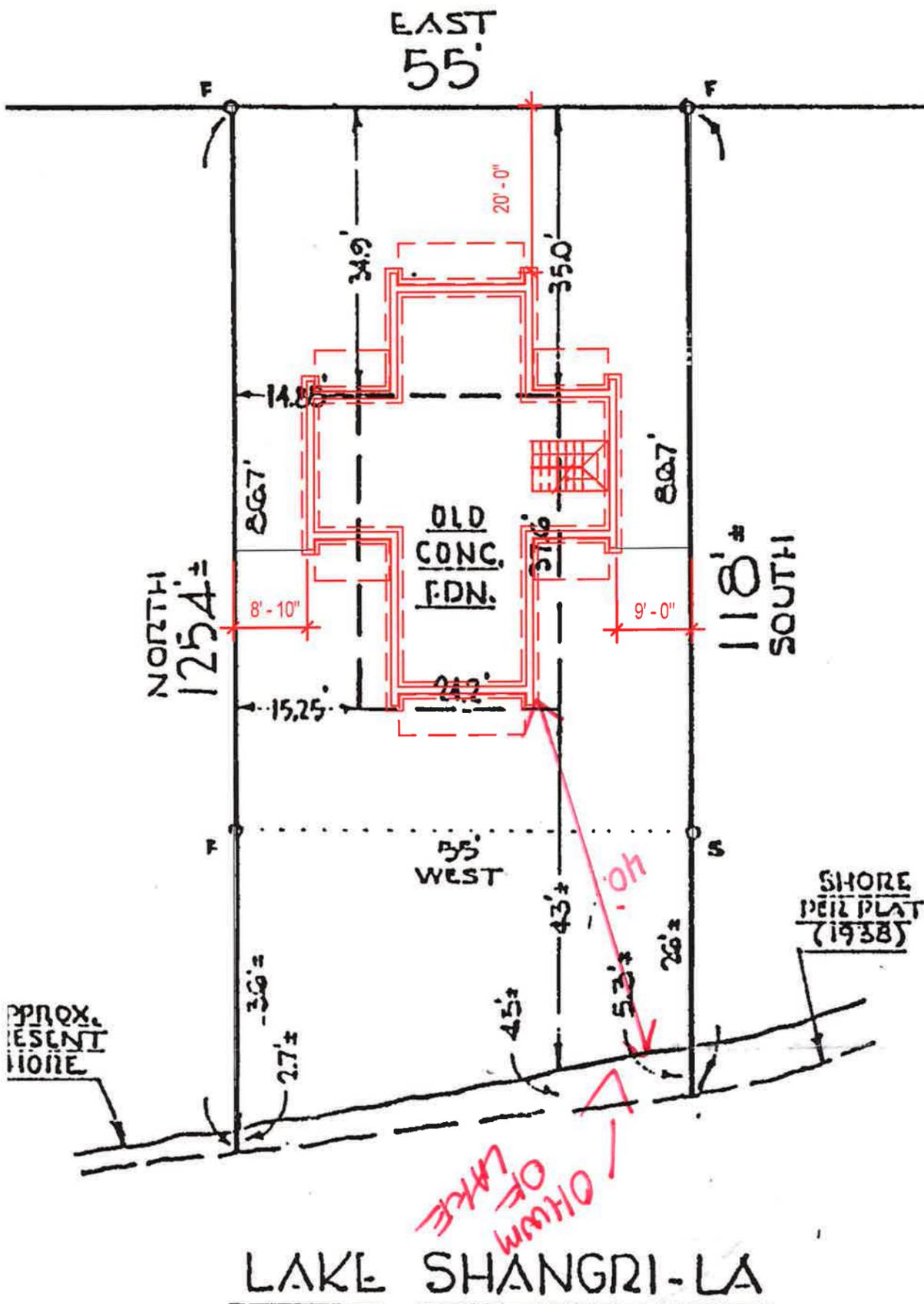
*Mark L. Miritz*

MARK L. MIRITZ  
WISCONSIN PROFESSIONAL  
LAND SURVEYOR S-2582

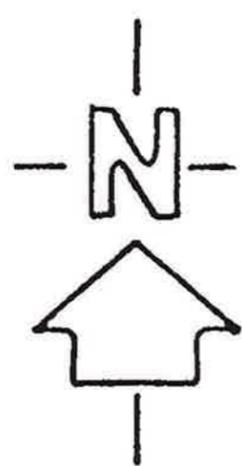
**LEGEND**

- ⊘ FOUND IRON PIPE
- ( x x ) RECORDED AS DIMENSION
- X-X- EXISTING SPLIT RAIL FENCE

DATE: NOVEMBER 14, 2015 JOB NO. 15.1102



90'



SCALE 1" = 25'

denotes iron pipe (F-found; S-set)

ADDRESS:  
22017 - 117th Street

PARCEL NUMBER:  
7044 - F

COUNTY SURVEYOR'S OFFICE  
COURT HOUSE  
KENOSHA, WIS.



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof. Dated May 6, 1987.

*[Signature]*  
Reg. Land Surveyor

Plat of Survey of  
LOT 2, BLOCK 15 IN:  
LAKE SHANGRI-LA WOODLANDS

in NE 1/4 Sec. 36-1-20  
TOWN OF SALEM  
KENOSHA COUNTY, WIS.

for  
Louis Saxon  
Bristol, WI

PARK

OLW 8-31-8

117 TH

ST.

50'

PARK

EAST 55°

90'

NORTH 1254±

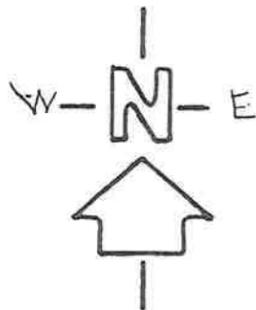
118± SOUTH

OLD CONC. FDN.

PS WEST

SHORE PERI PLAT (1938)

APPROX. PRESENT SHORE



SCALE 1" = 25'

denotes iron pipe (F-found; S-set)

LAKE SHANGRI-LA

ADDRESS:  
22017 - 117th Street

PARCEL NUMBER:  
7044 - F

COUNTY SURVEYOR'S OFFICE  
COURT HOUSE  
KENOSHA, WIS.



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof. Dated May 6, 1987.

*R.L.S.*  
Reg. Land Surveyor

Plat of Survey of

LOT 2, BLOCK 15 IN:

LAKE SHANGRI-LA WOODLANDS

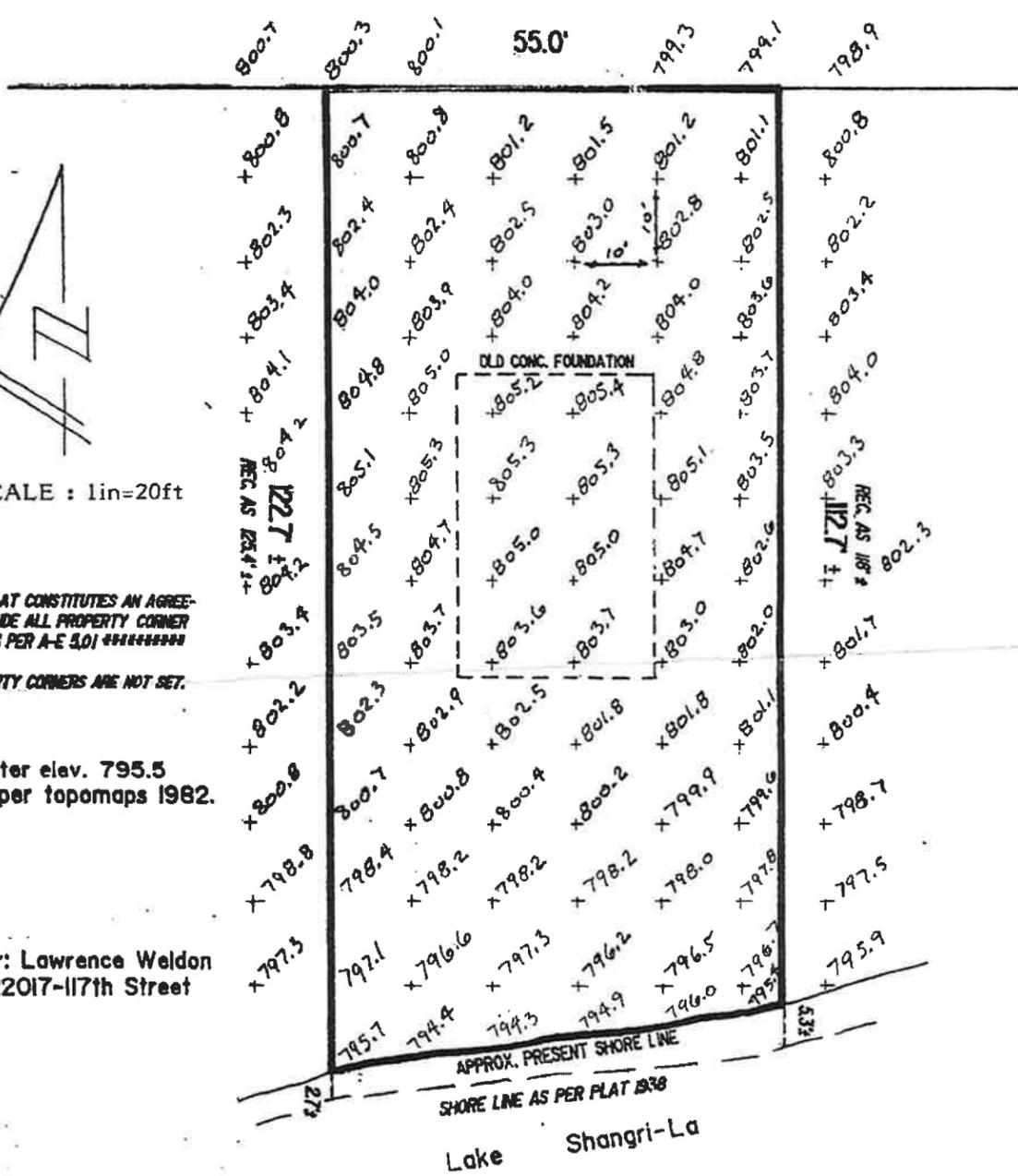
In NE 1/4 Sec. 36-1-20

TOWN OF SALEM  
KENOSHA COUNTY, WIS.

for  
Louis Saxon  
Bristol, WI

*[Signature]*  
MBIA # 1

801.2  
 117th Street - 50' WIDE  
 799.3



SCALE : 1in=20ft

USE OF THIS PLAT CONSTITUTES AN AGREEMENT TO EXCLUDE ALL PROPERTY CORNER MONUMENTS, AS PER A-E 5.01 \*\*\*\*\*  
 \*\*\*\*\* PROPERTY CORNERS ARE NOT SET.

Note: Water elev. 795.5 as per topomaps 1982.

Survey For: Lawrence Weldon  
 Address: 22017-117th Street

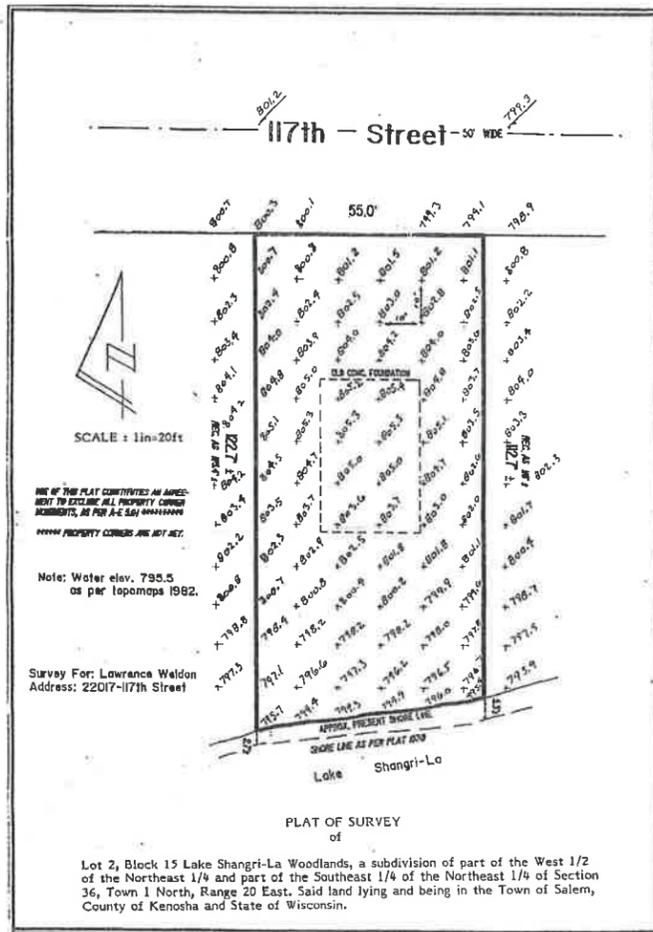
PLAT OF SURVEY  
 of

Lot 2, Block 15 Lake Shangri-La Woodlands, a subdivision of part of the West 1/2 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 36, Town 1 North, Range 20 East. Said land lying and being in the Town of Salem, County of Kenosha and State of Wisconsin.



August 19, 1988  
 BENCHMARK  
 SURVEYING COMPANY  
 Full Land Surveying Services

7033 W. Van Beck Avenue, Milwaukee, WI 53220 • 414-545-1188  
 6421 - 22nd Avenue, Kenosha, WI 53140 • 414-858-1686



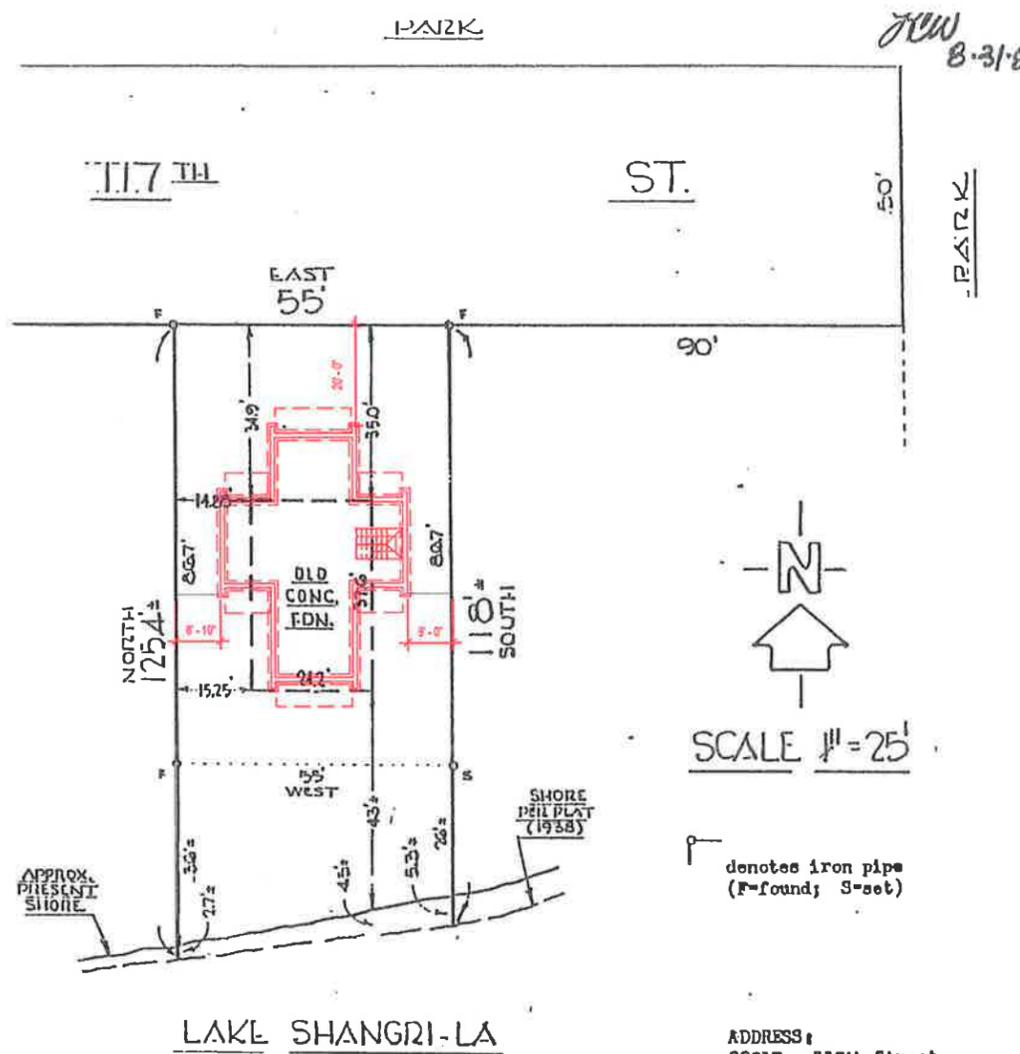
August 19, 1985

WISCONSIN  
REG. LAND SURVEYOR

BENCHMARK SURVEYING COMPANY  
Full Land Survey Service

2123 W. Van Dusen Avenue, Milwaukee, WI 53220 • 414-545-1188  
6401 23rd Avenue, Kenosha, WI 53140 • 414-858-1828

3 TOPOGRAPHIC PLAN  
1" = 20'-0"



COUNTY SURVEYOR'S OFFICE  
COURT HOUSE  
KENOSHA, WIS.



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof. Dated May 6, 1987.

RL  
Reg. Land Surveyor

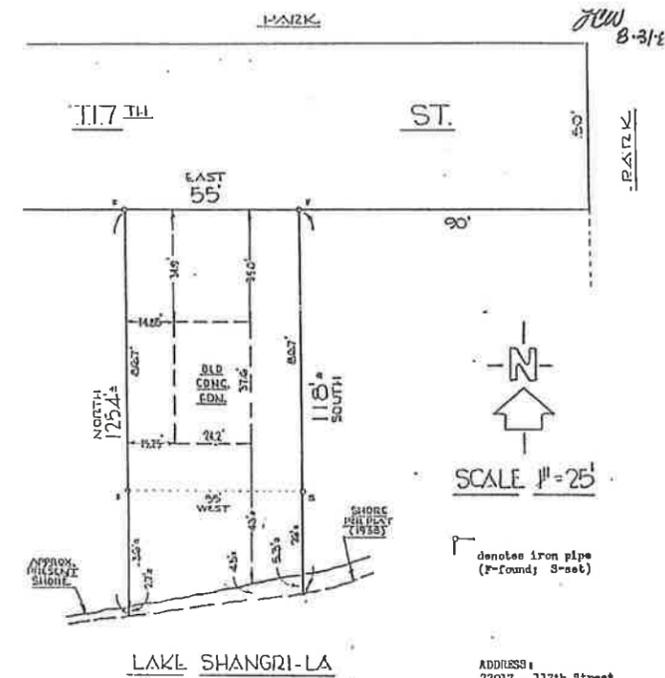
ADDRESS:  
22017 - 117th Street

PARCEL NUMBER:  
7044 - F

Plat of Survey of  
LOT 2, BLOCK 15 IN:  
LAKE SHANGRI-LA WOODLANDS  
in NE 1/4 Sec. 36-1-20  
TOWN OF SALEM  
KENOSHA COUNTY, WIS.

for  
Louis Saxen  
Bristol, WI

2 TOPOGRAPHIC PLAN  
1/16" = 1'-0"



COUNTY SURVEYOR'S OFFICE  
COURT HOUSE  
KENOSHA, WIS.



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof. Dated May 6, 1987.

RL  
Reg. Land Surveyor

Plat of Survey of  
LOT 2, BLOCK 15 IN:  
LAKE SHANGRI-LA WOODLANDS  
in NE 1/4 Sec. 36-1-20  
TOWN OF SALEM  
KENOSHA COUNTY, WIS.  
for  
Louis Saxen  
Bristol, WI

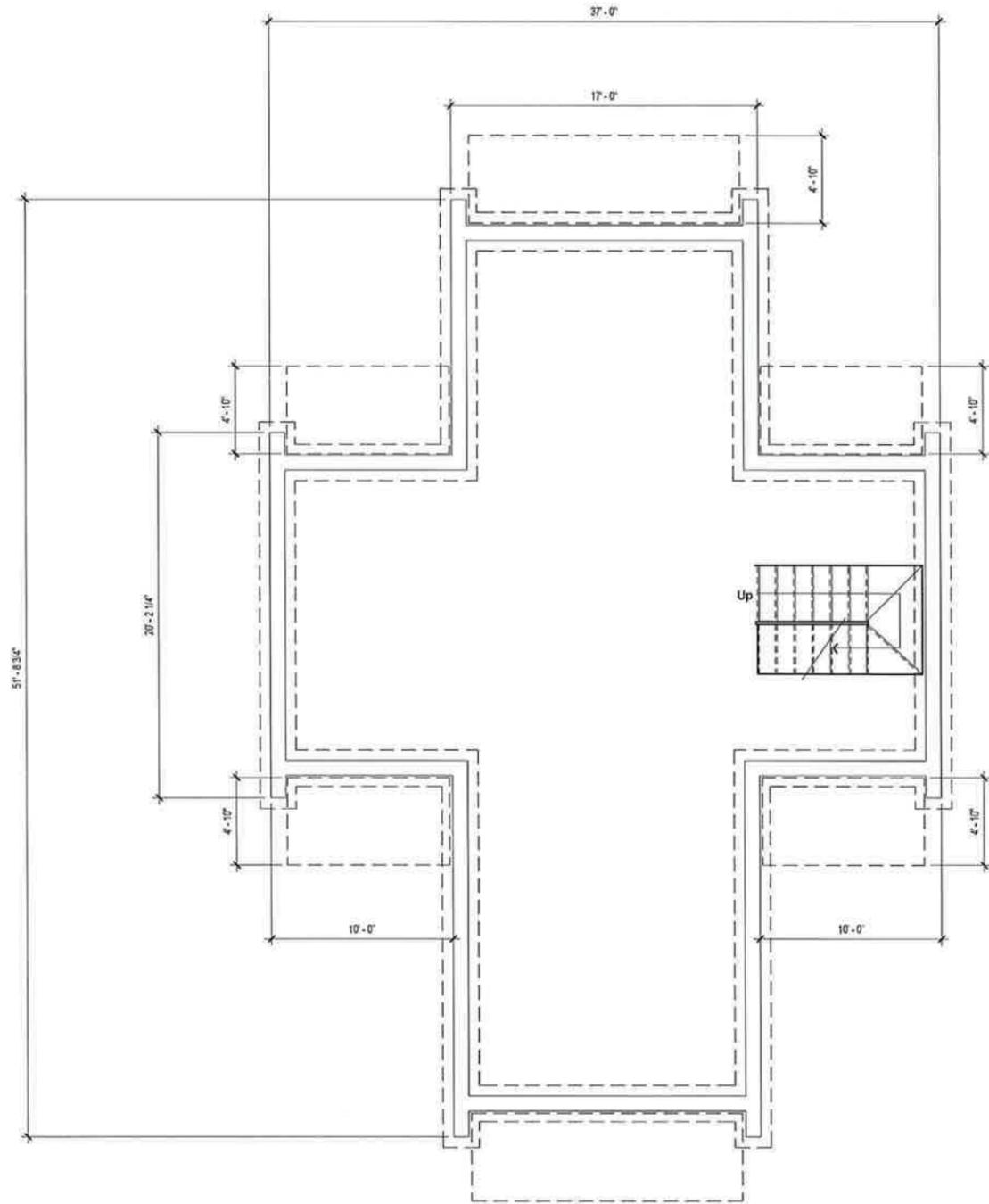
1 SITE PLAN  
1" = 25'-0"

Wisconsin Summer Home

SITE

SCALE: As indicated  
05/12/14

A101



BARBARA & LARRY WELDON

2 Foundation Plan  
1/4" = 1'-0"

22017 117th St. LAKE SHAGRILA SALEM T

Wisconsin Summer Home

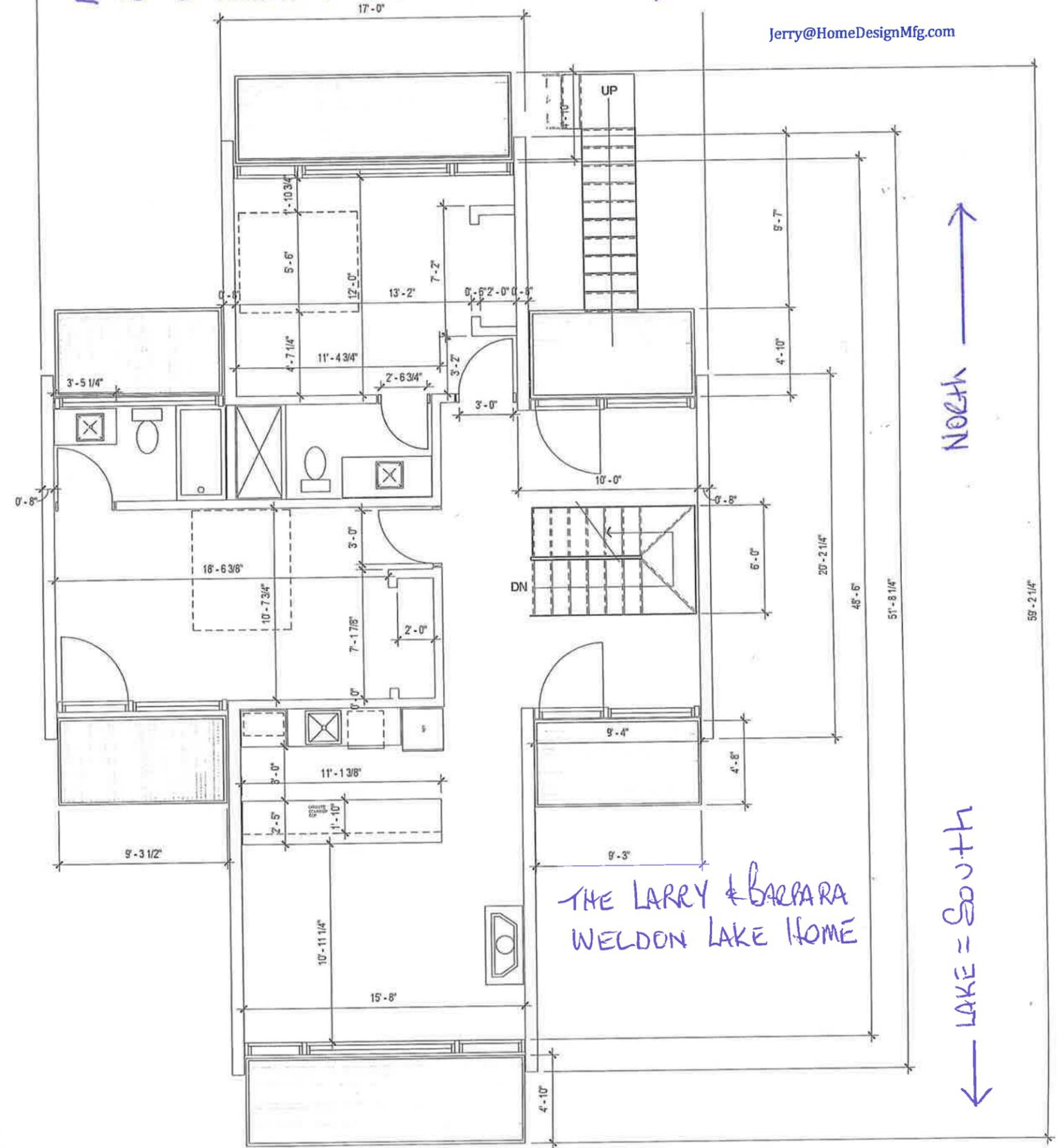
Foundation and Floor F

UPPER LEVEL with DECKS @ 5' Proj.  
58'-6" LENGTH X 37' WIDTH  
(48'-6" LENGTH X 37' WIDTH LOWER LEVEL)



HOME DESIGN MFG.  
PO BOX 527  
FONTANA, WI 53125  
262-275-2200

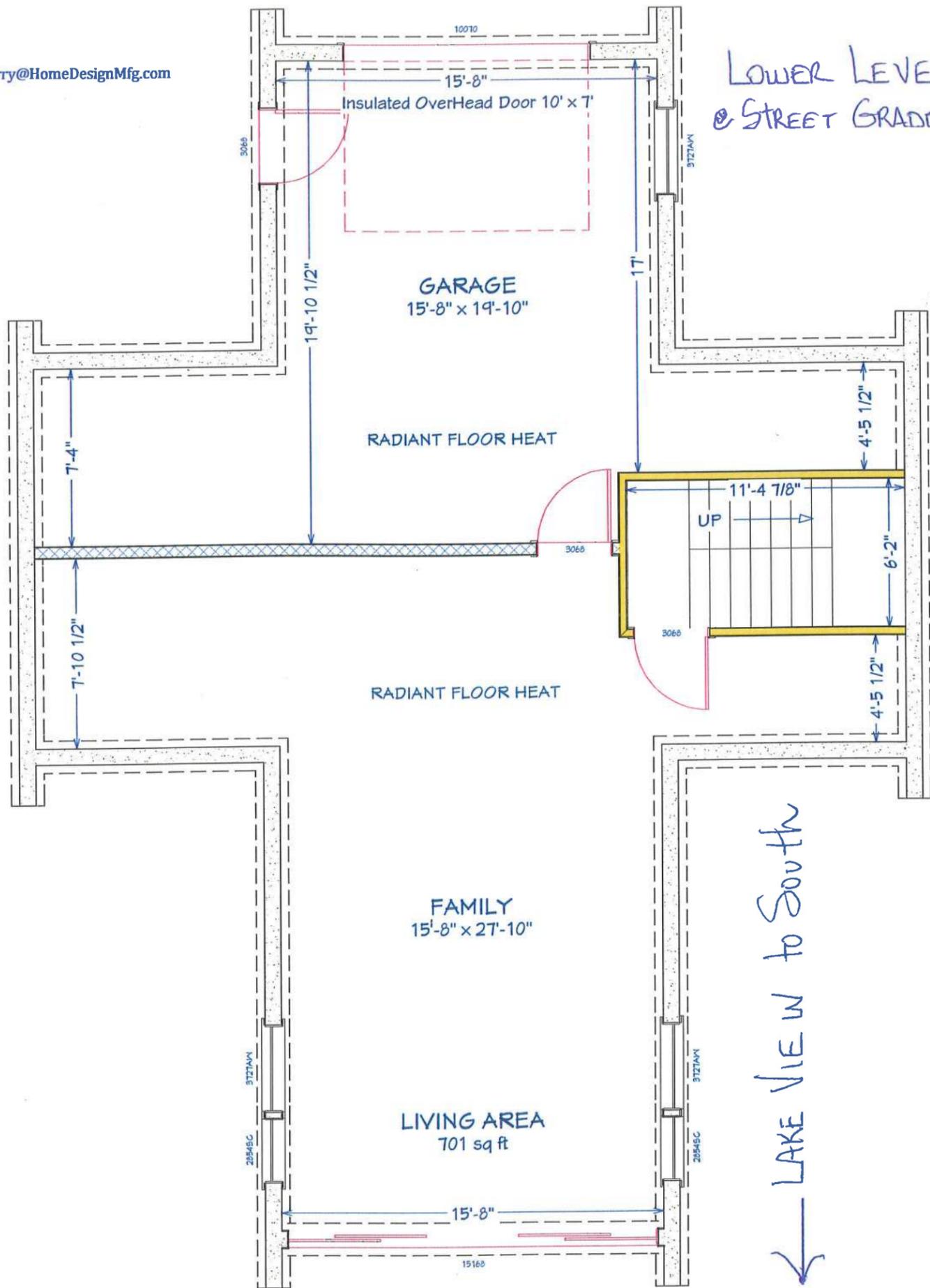
Jerry@HomeDesignMfg.com



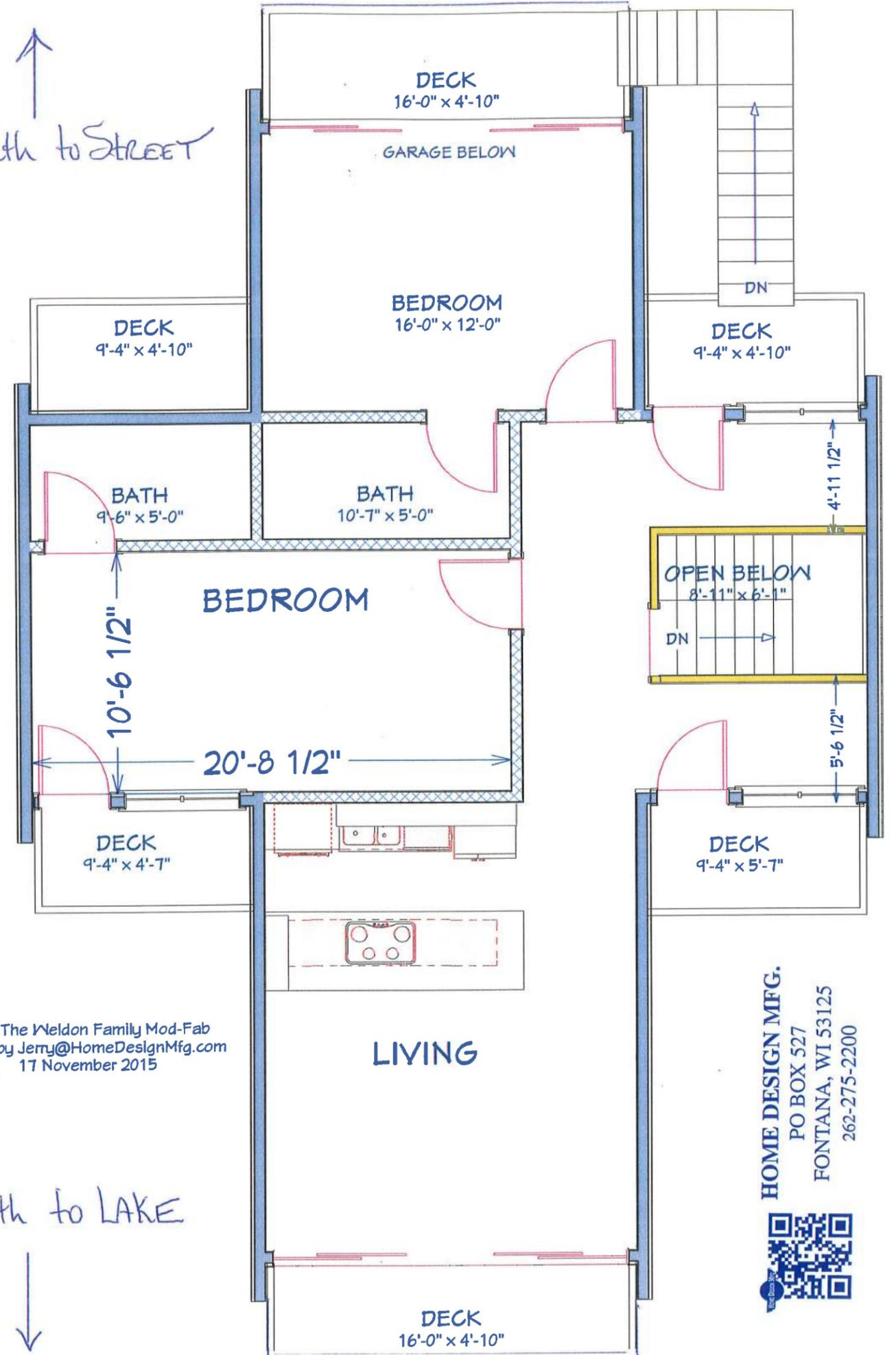
THE LARRY & BARBARA  
WELDON LAKE HOME

↑ NORTH

↓ LAKE = SOUTH



North to STREET



The Weldon Family Mod-Fab by Jerry@HomeDesignMfg.com 17 November 2015

HOME DESIGN MFG. PO BOX 527 FONTANA, WI 53125 262-275-2200





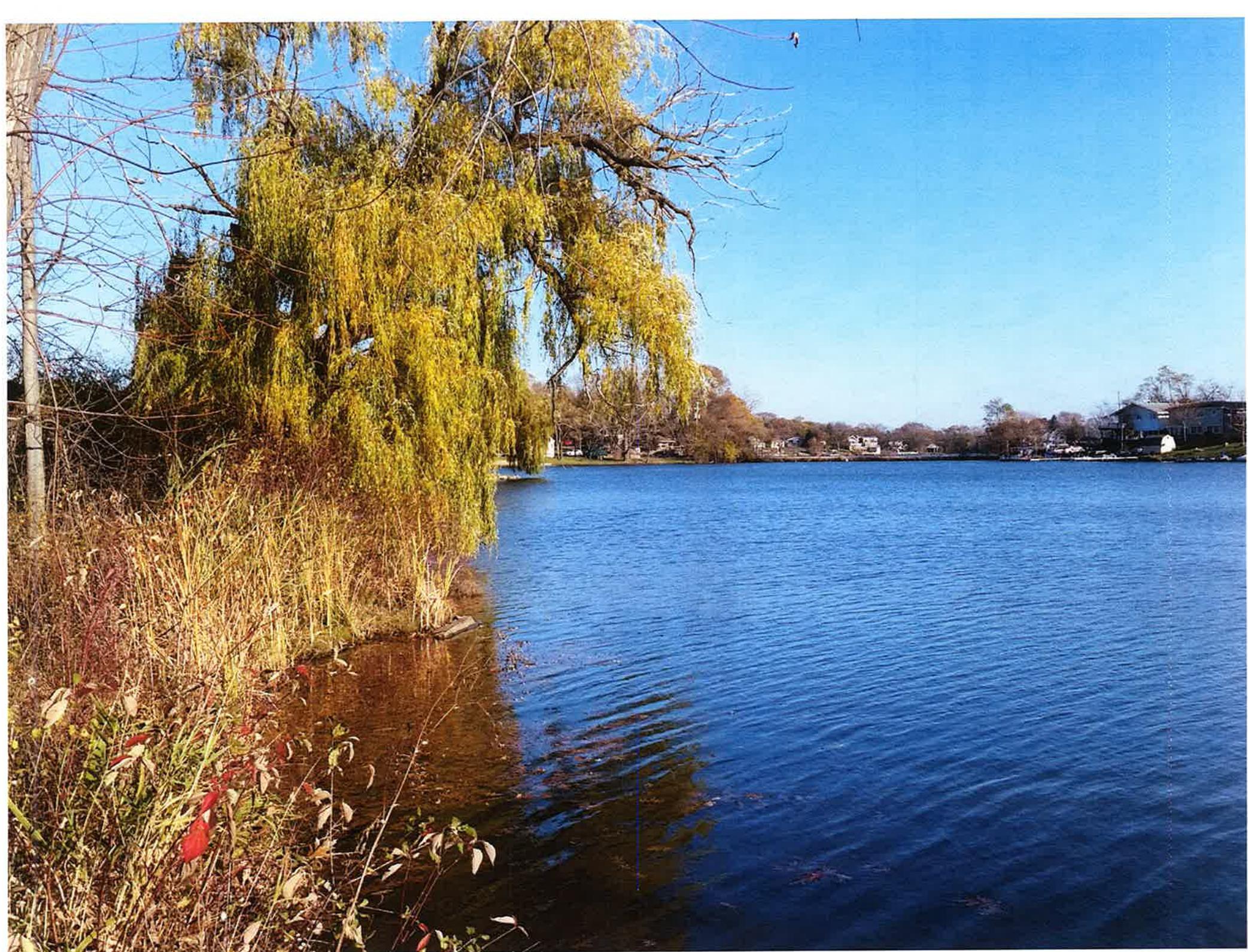
**HOME DESIGN MFG.**

PO BOX 527

FONTANA, WI 53125

262-275-2200









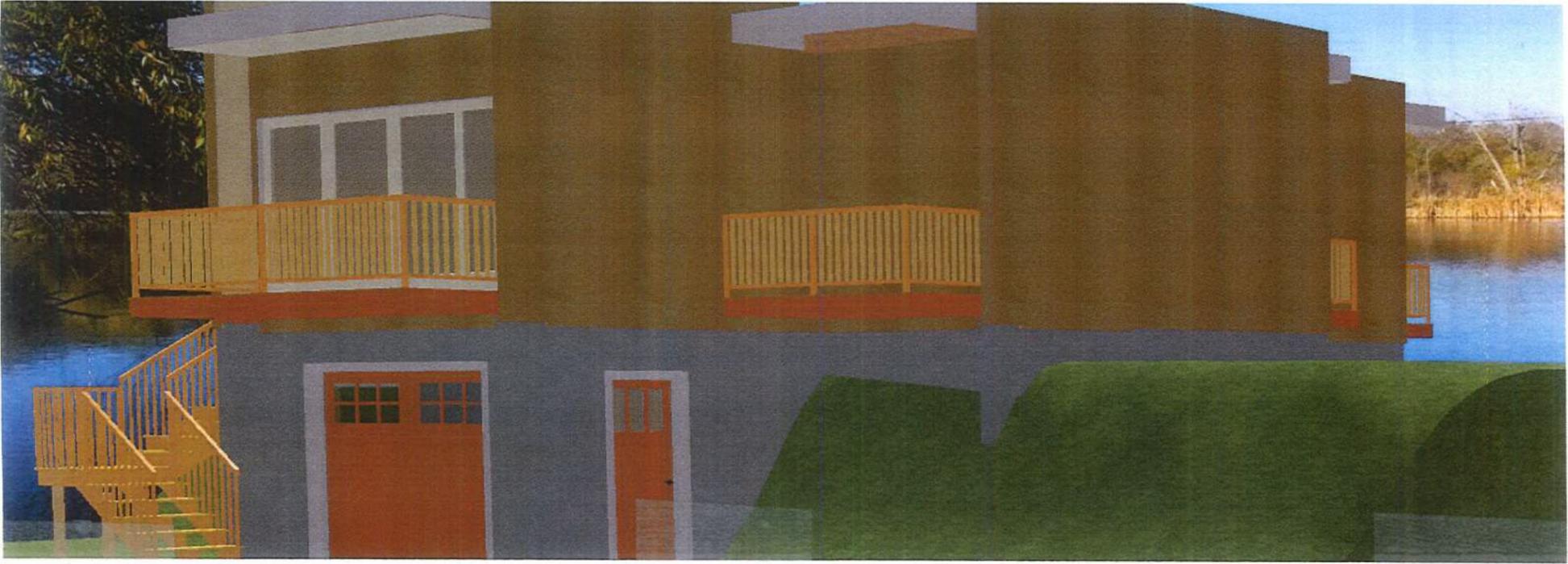


**Pitch In!**  
PUT TRASH  
IN IT'S  
PLACE

DESIGN ● BUILD ● REMODEL



CONCEPT → ACTUAL DESIGN IN PROCESS



NORTH WEST STREET PERSPECTIVE

"THE BARBARA & LARRY WELDON LAKE SHANGRI LA HOME"



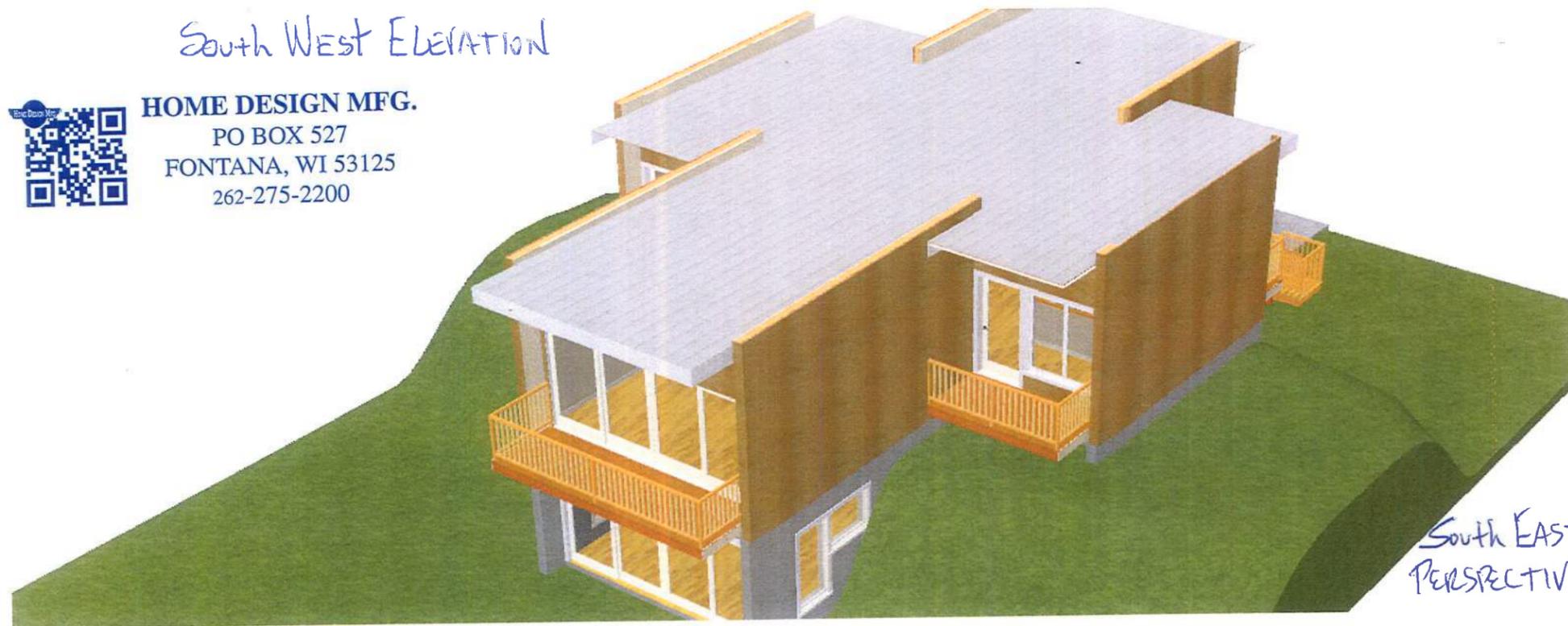
NORTH EAST STREET PERSPECTIVE



South West Elevation



HOME DESIGN MFG.  
PO BOX 527  
FONTANA, WI 53125  
262-275-2200



South East PERSPECTIVE

It is unlawful to commence work before this permit is placed in a conspicuous place on the premises.

*This Certifies that a*

# ZONING PERMIT

*has been issued to*

Name Richard Capra (Seller)  
 Address 4210 Cendia Ct. Oceanside Cal.  
 in compliance with the requirements of the Kenosha County Zoning Ordinance.

Louis  
 Saxson  
 (Buyer)  
 Agent

Lot 2 Block 15

Section 36 Parcel No. 7044-F Subdivision Lake Shangri-la Woodlands

Zoning District R-4

Dated July 6, 1987

Used for Sin Fam Rts w/Attached

KENOSHA COUNTY ZONING ADMINISTRATOR

Gurges



# KENOSHA COUNTY

George E. Melcher  
Director

## OFFICE OF PLANNING & DEVELOPMENT

912 - 56th Street  
Room 7 Courthouse  
Kenosha, Wisconsin 53140  
(414) 656-6550

### APPLICATION FOR ZONING PERMIT

Owner Lawrence & Barbara Weldon Date 10-23-88  
 Mailing Address 8244 N. KEDVALE Telephone 312-  
SKOKIE, ILLINOIS Number 679-0211  
 Bus. No. 312-938-4455

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 OF THE ORDINANCES OF THE COUNTY OF KENOSHA, APPLICABLE TO THE FOLLOWING DESCRIBED PREMISES:

Subdivision Name Lake Shangri-La Woodlands Lot 2 Block 15  
 Name of Street or Highway 117th Street  
 Section 36 Township Salem Range \_\_\_\_\_ Parcel No. 7044F  
 Proposed Structure and Use Single Family Residence  
Shoreline protection and lake front deck & side yard deck  
 Zoning District R-4 Class of Construction Frame  
 Size 28 by 37.6; Area 1060 Sq. Ft.; Height 22 Ft.; No. Stories 2

For Office Use Only	Comments
<input type="checkbox"/> Sanitary Sewer	_____
<input type="checkbox"/> Holding Tank	_____
<input type="checkbox"/> Septic System	_____
<input type="checkbox"/> Other	_____
<input type="checkbox"/> Existing System	_____
Updated	_____

Designed by Lawrence C. Weldon AIA  
Licensed in ILLINOIS  
 Contractor \_\_\_\_\_  
 Estimated Value Shore protection \$3000  
Wood deck \$7000  
Home hoped to 60,000  
 Fee Paid: Cash \_\_\_\_\_ Check \_\_\_\_\_  
 Receipt Number \_\_\_\_\_

**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 ORDINANCE 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. REMARKS See enclosed plans, elevations and surveys.

Date Approved \_\_\_\_\_  
 Date Permit Issued \_\_\_\_\_  
 \_\_\_\_\_  
 Deputy Administrator  
 \_\_\_\_\_  
 Planning & Development Administrator

THE UNDERSIGNED HEREBY ATTESTS THAT THE ABOVE STATED INFORMATION IS TRUE AND ACCURATE.  
 Owner Lawrence C. Weldon  
 Agent \_\_\_\_\_  
 (if representing owner)  
 Agent's Address \_\_\_\_\_  
 Phone \_\_\_\_\_

White Copy — Planning & Development  
 Yellow Copy — Township  
 Pink Copy — Owner



VARIANCE SITE MAP

PETITIONER(S):

Lawrence C. & Barbara Weldon (Owner),  
Jerry Sjoberg, Home Design Mfg. (Agent)

LOCATION: NE 1/4 of Section 36,  
Town of Salem

TAX PARCEL(S): #67-4-120-361-2205

REQUEST:

Requesting a variance (Section IV. C. 12.21-4(f): that all residential dwellings shall have a roof pitch of not less than 5/12 and an eave extension of at least twelve inches, Section IV. C. 12.21-4(g)1: that all structures shall be constructed not less than 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)2: that all structures shall be constructed not less than 75 feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential Dist.) to construct a 51' 8" x 37' single-family residence to have a flat roof pitch (minimum 5/12 required) and zero foot eave extensions (minimum twelve inches required) and to be located 20' (required setback 30') from the right-of-way of 117th St. and to be located 40' (required setback 75') from the ordinary high water mark of Lake Shangri-La and with associated decks to be located 16' (required setback 30') from the right-of-way of 117th St. and 36' (required setback 75') from the ordinary high water mark of Lake Shangri-La

