



Zoning Board of Adjustment Agenda  
Kenosha County Center, Conference Room A  
March 3, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, March 3, 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. ¼ miles W of intersection with CTH "B" (288th Avenue).

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

**2. BEDROCK LC LLC - TEMPORARY USE PERMIT APPLICATION - TOWN OF WHEATLAND**

BEDROCK LC LLC, 33703 59th St., Burlington, WI 53105 (Owner), Timothy & Deanna Delimat, Black Bull Fireworks, 34231 High Drive, East Troy, WI 53120 (Agent), requesting approval of a temporary use (Section VII.B.12.36-5(a)(5): which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use an existing parking lot for the placement of a 30' x 60' sales tent, a 8' x 40' steel storage container and four banners to operate a temporary fireworks sales stand in the B-4 Planned Business Dist. on Tax Parcel # 95-4-219-353-0230, SW ¼ Section 35 T2 N, R19 E, Town of Wheatland. FYI – NW corner of the intersection of STH 83 & STH 50 (75th St.).

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

**3. STANLEY JEZIOR & BERNICE JEZIOR JT TENANCY TRUST - TEMPORARY USE PERMIT APPLICATION - TOWN OF SOMERS**

STANLEY JEZIOR & BERNICE JEZIOR JT TENANCY TRUST, 8826 North Shermer Road, Morton Grove, IL 60053-2071 (Owner), Joe Smith, 8107 18th Street, Kenosha, WI 53144 (Agent), requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to use a 20' x 24' temporary (seasonal) fruit, vegetable, and Christmas tree stand with two 20' x 30' poly-hoop greenhouses, one 20' x 60' poly-hoop greenhouse, a 40' x 40' shade structure and signage in the B-3 Highway Business District on Tax Parcel #80-4-222-344-0320, SE 1/4 Section 34, T2 N, R22 E, Town of Somers. FYI – NW corner STH "31" (Green Bay Rd.) & CTH "K" (60th St.).

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

**4. KEITH A. & NANCY J. ULICKI - VARIANCE APPLICATION - TOWN OF SOMERS**

KEITH A. & NANCY J. ULICKI, 5995 120th Ave., Kenosha, WI 53144 (Owner), requesting a variance (Section III. H. 12.14-5(a): which states that ground signs shall not exceed thirty feet in height in the M-2 Heavy Manufacturing Dist.) to construct a 45' tall ground sign (required maximum height 30') on Tax Key Parcel #80-4-222-313-0320, SW ¼ Section 31, T2 N, R22 E, Town of Somers. FYI – NE corner of E. Frontage Rd. and CTH "K" (60th St.).

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

**5. CITIZEN COMMENTS**

**6. APPROVAL OF MINUTES**

**7. OTHER BUSINESS ALLOWED BY LAW**

**8. ADJOURNMENT**

**NOTICE TO PETITIONERS**

The petitioners: Jason T. & Tami Pautz, Bedrock LC LLC, Stanley Jezior & Bernice Jezior Jt. Tenancy Trust, Keith A. & Nancy J. Ulicki shall be present at the hearing on Thursday, March 3, 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, Wheatland and Somers are requested to be represented at the hearing on Thursday, March 3, 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 -

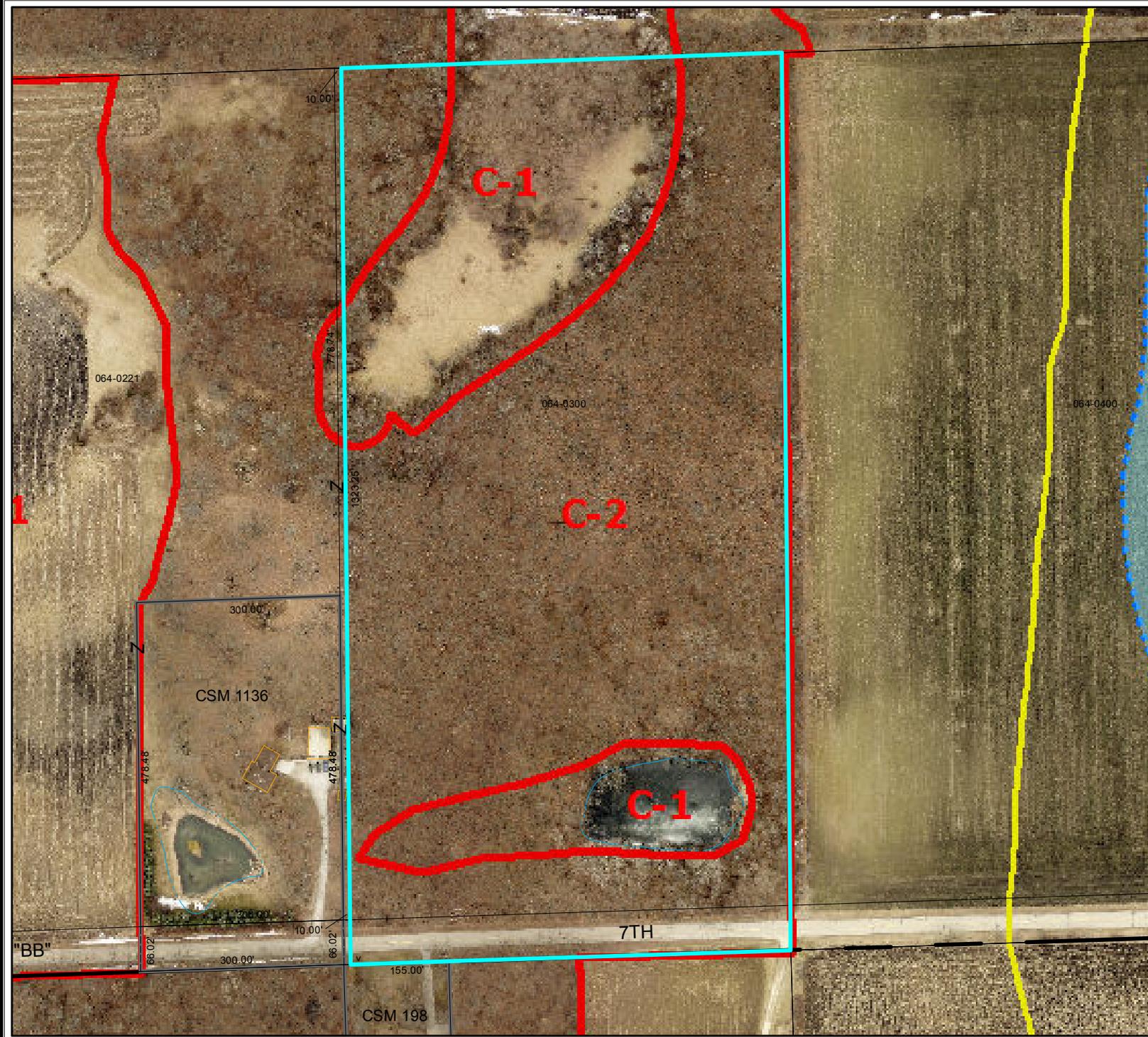
PROTECTION OF THE PUBLIC INTEREST -

# 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-

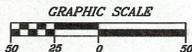
THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 2 NORTH, RANGE 20 EAST OF THE FOURTH PRINCIPAL MERIDIAN. SAID LAND BEING IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN.

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).

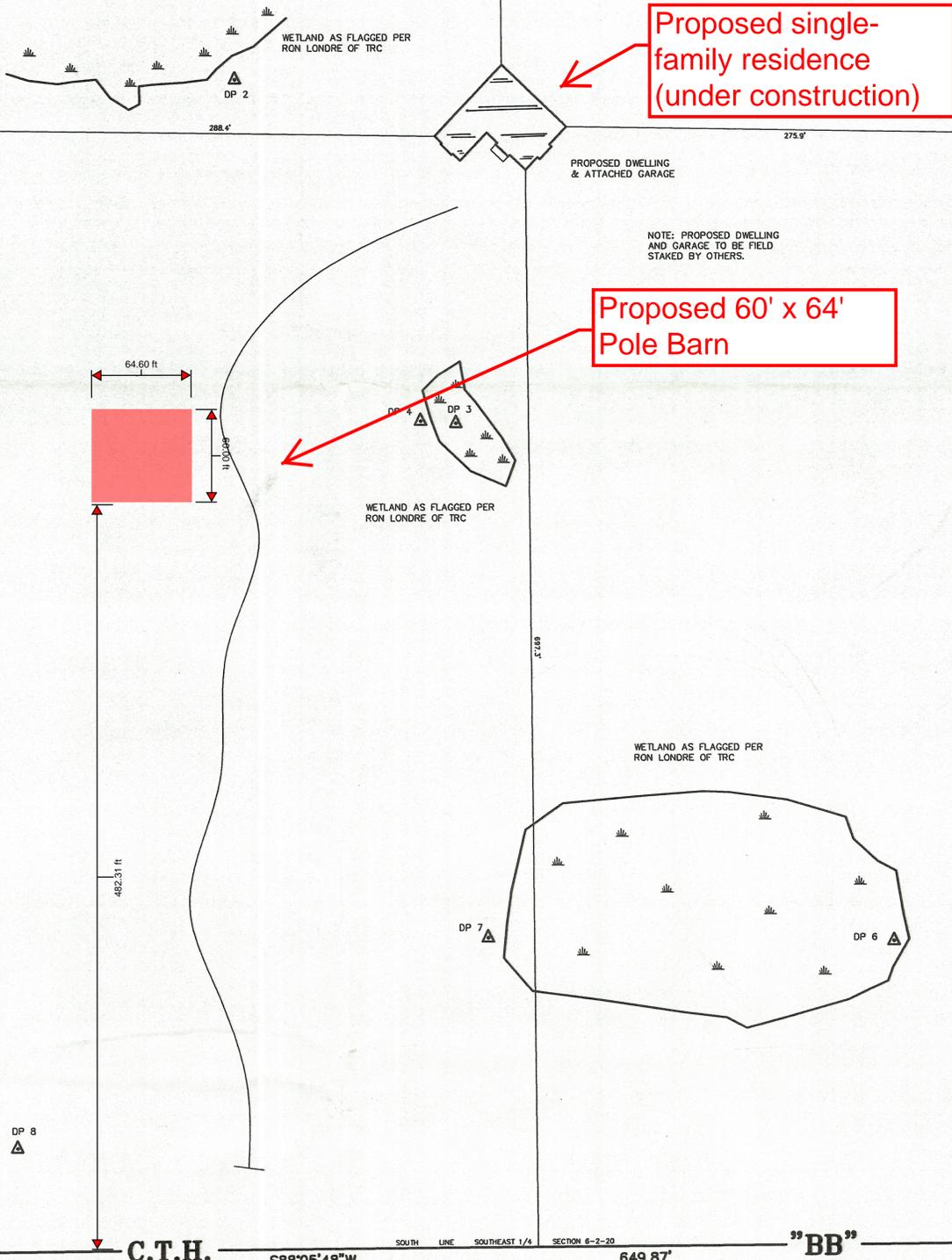
MONUMENTATION BY WRITTEN AGREEMENT  
WITH THE ABOVE NAMED CLIENT HAS BEEN  
WAIVED IN ACCORDANCE WITH A-E 7.01(2)  
OF THE WISCONSIN ADMINISTRATIVE CODE.

1323.25'

N00°37'44"W

S00°35'44"E

1323.81'



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.



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

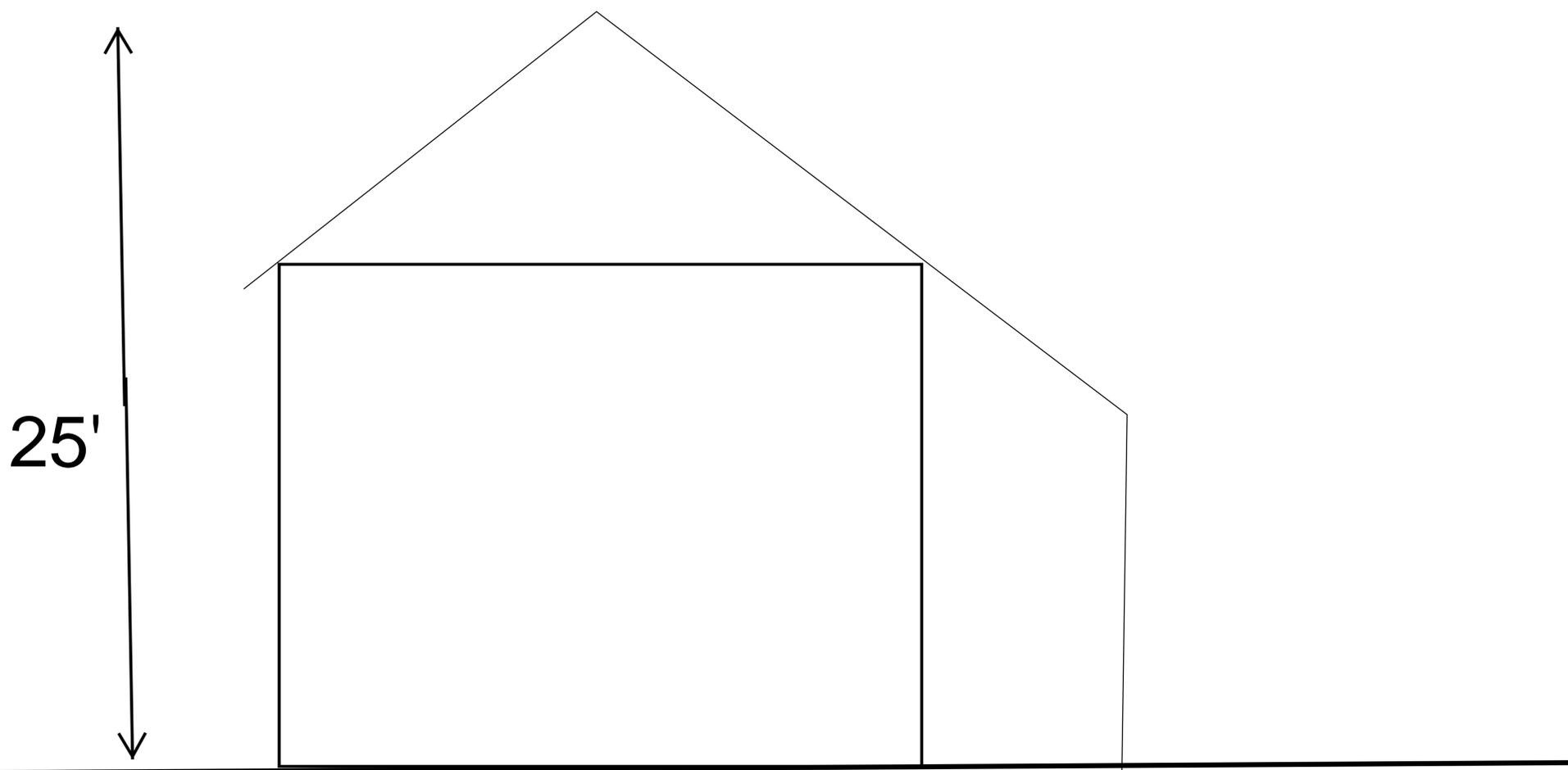


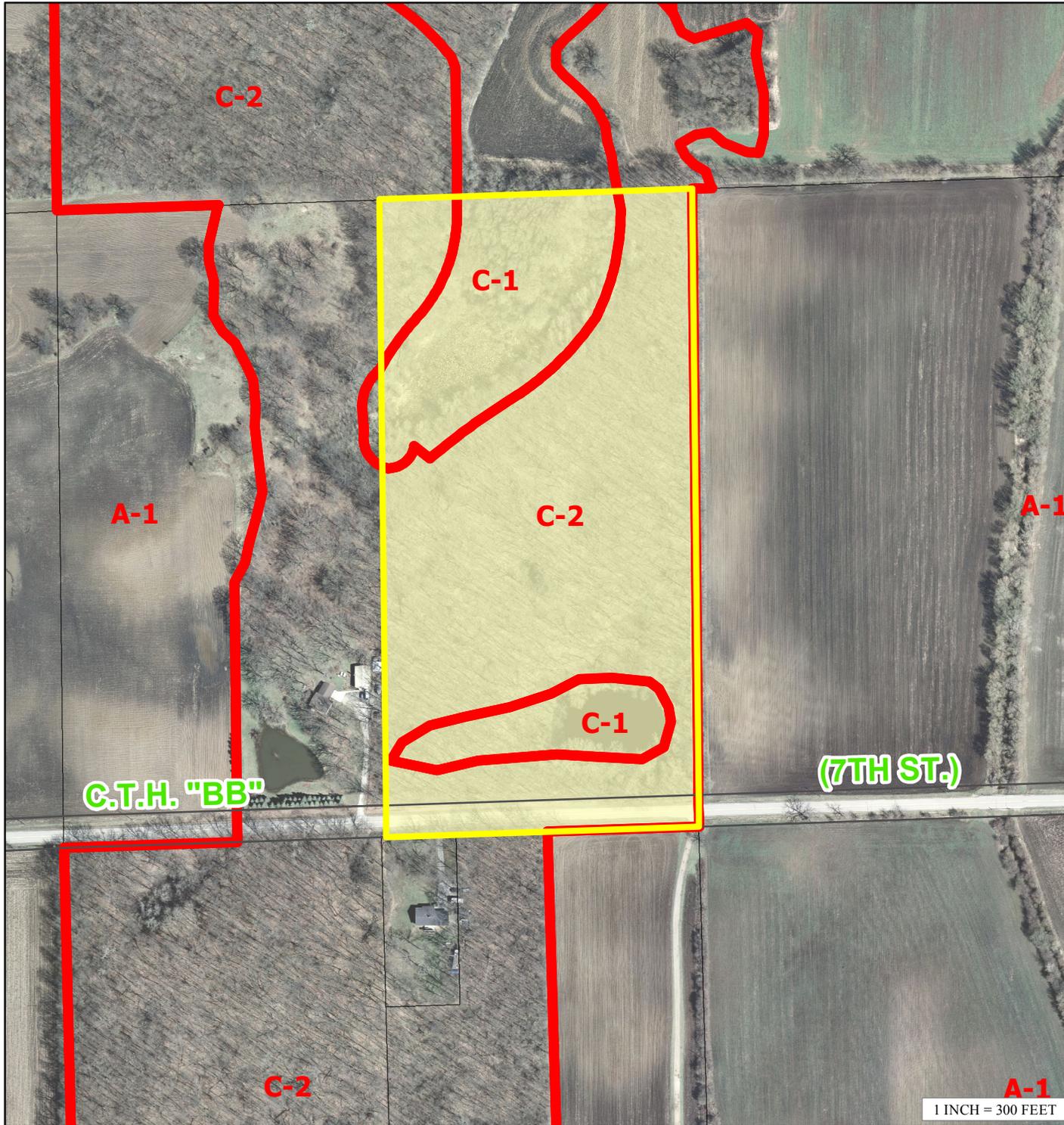
**B.W. SURVEYING, INC.**

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

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):

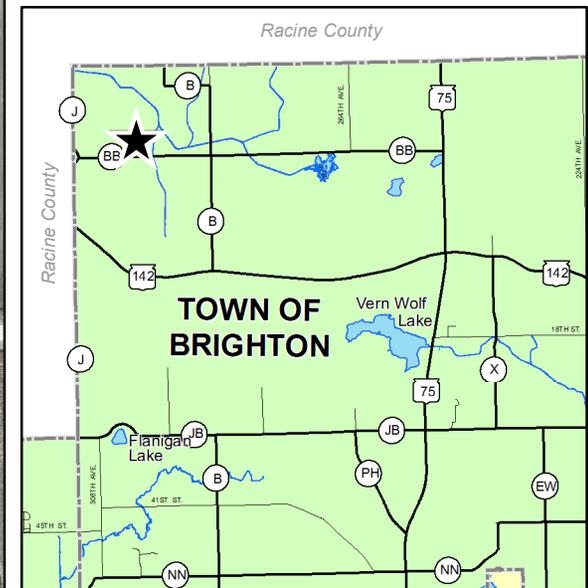
Jason T. & Tami L. Pautz (Owner),

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



**TEMPORARY USE**  
**APPLICATION**

Owner: Bedrock LC, LLC

Mailing Address: 33703 59<sup>th</sup> St.

Burlington, WI 53105

Phone Number(s): 847-514-1566

RECEIVED

JAN 26 2016

Kenosha County  
Planning and Development

*To the Kenosha County Board of Adjustment:*

*The Kenosha County Board of Adjustments is required to hear and grant temporary uses by the language set forth in section 12.36-5(a)5 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. The owner or assigned agent seeks approval of a temporary use permit.*

Parcel Number: 95-4-219-353-0230 Zoning District: B-4

Property Address: 33073 59<sup>th</sup> St. Shoreland: NO

Subdivision: CSM # 2531 Lot(s): 1 Block:

Current Use: Parking lot at gas station

REQUIRED BY ORDINANCE

Section: VII. B. 12.36-5(a)5 - Retail sale of fireworks

Temporary Use being requested:

(Note: petitioner must attach a separate site plan drawing showing the layout of the intended use (stand(s), trailer(s), tent(s), container(s), signage, building(s), etc ) along with a business write-up describing dates of operation, hours of operation, parking, sanitation, employment, safety etc )

**TEMPORARY USE APPLICATION**

The Kenosha County Board of Adjustments is authorized to hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Department of Planning and Development has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Adjustment, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

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 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. The Board will not act on your request unless you or your agent is present.

(1) What would be the effect on this property, the community or neighborhood and the public interest if the temporary use 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, parking and fire safety and building code requirements.*

The firework tent will increase traffic flow for Wheatland Convenience Center.

---

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 temporary use request made herein, during reasonable daylight hours.

Owner's Signature: \_\_\_\_\_

Agent: \_\_\_\_\_

DeAnna Delimat

Signature: \_\_\_\_\_

Agents Address: \_\_\_\_\_

34231 High Dr. East Troy, WI 53120

Phone Number(s): \_\_\_\_\_

414-349-2463

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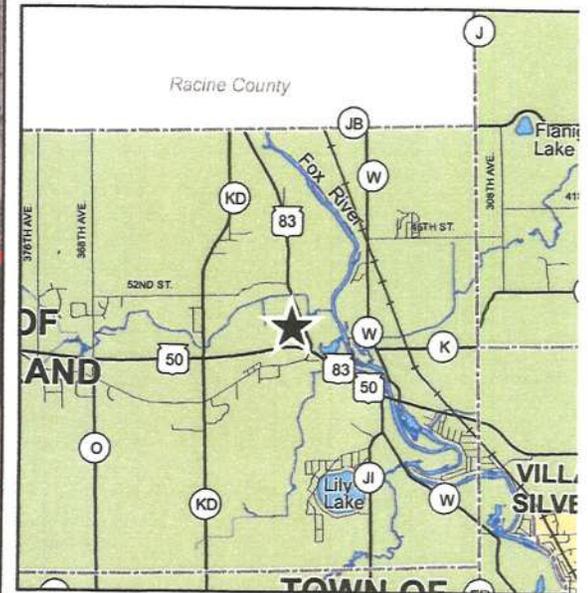


## TEMPORARY USE SITE MAP

~~PREPARED BY~~  
~~OWNER~~, Timothy  
 & Deanna Delimat, Black Bull Fireworks (Agent)

LOCATION: SW 1/4 of Section 35,  
 Town of Wheatland  
 TAX PARCEL(S): #95-4-219-353-0230

REQUEST:  
 Requesting approval of a temporary use (Section VII.B.12.36-5(a)(5): which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use an existing parking lot for the placement of a 30' x 60' sales tent, a 8' x 40' steel storage container and four banners to operate a temporary fireworks sales stand in the B-4 Planned Business District.



LEASE

Black Bull Fireworks, Inc.

34231 High Dr.

East Troy, WI 53120

414-349-2463

This Lease is entered into this date between Bedrock Management Inc. and Timothy and DeAnna Delimat, dba Black Bull Fireworks, Inc. Rent will be paid only if the governing municipality grants a permit for the sale of fireworks. LC LLC

WHEREAS Landlord leases certain parcels of real property described as The Wheatland Convenience Center, Wheatland, WI ; [REDACTED]

WHEREAS Tenant desires to lease the Property from Landlord for the term described herein and to erect a tent on said property for the purpose of the retail sale of fireworks and related items.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

Section 1. Term. The original term of this Lease shall commence June 16th, 2016 and shall continue until July 6<sup>th</sup>, 2016. Storage container maybe on property earlier.

Section 2. Rent. [REDACTED]  
[REDACTED] (including sales tax) within 6 days of last selling day.

Section 3. No Partnership. The right of Landlord to receive rent shall not be deemed to give Landlord any interest, control or discretion in said operation. Nothing contained in this Lease shall be construed to be or create a partnership or joint venture between parties.

Section 4. Permitted Use. The Property shall be used for the operation of a retail fireworks and related items store and for no other purposes without the consent of Landlord which consent shall not be unreasonably withheld.

Section 5. Exclusive Use. Landlord agrees that during the term of this Lease he shall not lease any contiguous property owned by him to any other entity in the same or similar business as the tenant's business.

Section 6. Restrictions on Use. In connection with use of the Property, Tenant shall:

- A. Conform to all applicable laws and regulations of any public authority affecting the Property and the use and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use.
- B. Refrain from any use which would be reasonably offensive to or directly interfere with use by other tenants or owners or users of neighboring Property or which would tend to create a nuisance or damage the reputation of the Property.

**Section 7. Insurance.** Before taking possession of the Property, Tenant shall procure and thereafter during the term of this Lease shall continue to carry the liability insurance of a responsible company with liability limits of **not less than \$1 Million dollars**. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Property, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the indemnification provisions of this Lease, and shall protect Landlord and Tenant against claims of third persons. In addition, Tenant shall bear the expense of any insurance, purchased at Tenant's discretion, insuring the property of Tenant.

**Section 8. Indemnification.** **Tenant shall indemnify, defend and hold Landlord harmless from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Property or any condition of the Property in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any loss or damage caused by third parties or by any condition of the Property, unless caused by Landlord's negligence.**

**Section 9. Landlord Warranty.** Landlord warrants that it is the owner of the Property and/or has the right to lease the Property. Landlord warrants Tenant's right to quiet enjoyment of the Property from the lawful claims of all persons during the lease term.

**Section 10. Obligations on Termination.** Upon expiration of the Lease term or abandonment by Tenant, Tenant shall deliver said property to Landlord and surrender the Property in good condition, except normal wear and tear.

**Section 11. Waiver.** The waiver by either party of the breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach.

**Section 12. Law Governing.** This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

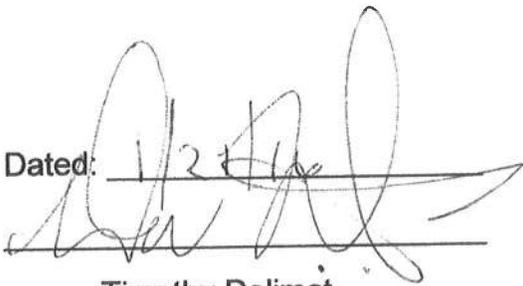
**Section 13. Entire Agreement.** This Agreement contains the entire understanding between and among the parties and supersedes any prior understandings and agreements among them respecting the subject matter of this Agreement.

**Section 14. Agreement Binding.** This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

**Section 15. Good Faith, Cooperation and Due Diligence.** The parties hereto covenant, warrant and represent to each other good faith, complete cooperation, due diligence and honesty in fact in the performance of all obligations of the parties pursuant to this Agreement. All promises and covenants are mutual and dependent.

**Section 16. Savings Clause.** If any provision of this Agreement, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Dated: 1/21/10



Timothy Delimat

Or

DeAnna Delimat

Owner Wadsworth

Dated: 1/21/10

SOLE MEMBER

## **Black Bull Fireworks**

34231 High Drive  
East Troy, WI 53120  
414-349-2463

January 25, 2016

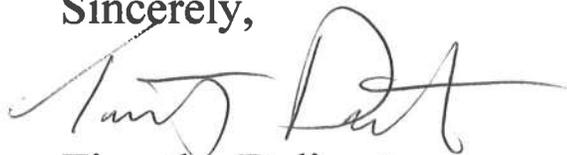
To Whom It May Concern:

We would like permission to sell novelty fireworks in the Town of Wheatland, at the Wheatland Convenience Center located at 33703 59<sup>th</sup> Street, Burlington WI 53105. We would like to put a 30x60 tent and 8x40 steel storage container in the parking lot area. We would like two 4x20 ft. banners, one on the tent and the other on the container. We would also like two small 5x3 banners under each of the gas station signs.

The fireworks stand would be open from June 14<sup>th</sup> until July 5<sup>th</sup>, 2016. The operation would have hours from 10am to 9 pm, with the exception of July 1<sup>st</sup> to July 4<sup>th</sup>, 2016, where hours of operation will be from 8am to 9pm.

During open hours the fireworks will be displayed on tables. At night, the fireworks would be stored in a metal mobile mini storage unit.

Sincerely,



Timothy Delimat  
Owner

TEMPORARY USE SITE MAP

PETITIONER(S):

Bedrock LC LLC (Owner), Timothy & Deanna Delimat, Black Bull Fireworks (Agent)

LOCATION: SW 1/4 of Section 35, Town of Wheatland

TAX PARCEL(S): #95-4-219-353-0230

REQUEST:

Requesting approval of a temporary use (Section VII.B.12.36-5(a)(5): which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use an existing parking lot for the placement of a 30' x 60' sales tent, a 8' x 40' steel storage container and four banners to operate a temporary fireworks sales stand in the B-4 Planned Business District.





# COUNTY OF KENOSHA

January 2013

Department of Public Works & Development Services

## TEMPORARY USE APPLICATION

Owner: Stanley Jezior & Bernice Jezior

Mailing Address: 8826 North Shermer Rd.

Morton Grove, IL 60053-2071

Phone Number(s): 262-654-1100

RECEIVED

JAN 19 2016

Kenosha County  
Planning and Development

*To the Kenosha County Board of Adjustment:*

*The Kenosha County Board of Adjustments is required to hear and grant temporary uses by the language set forth in section 12.36-5(a)5 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. The owner or assigned agent seeks approval of a temporary use permit.*

Parcel Number: 80-4-222-344-0320 Zoning District: B-3

Property Address: STH 31 & CTH "K" Shoreland: No

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

Current Use: Vacant gravel lot w/ wood lattice structures

### REQUIRED BY ORDINANCE

Section: VII. B. 12.36-5(a)5 -

To operate a seasonal fruit, vegetable and Christmas tree stand.

Temporary Use being requested:

(Note: petitioner must attach a separate site plan drawing showing the layout of the intended use (stand(s), trailer(s), tent(s), container(s), signage, building(s), etc...) along with a business write-up describing dates of operation, hours of operation, parking, sanitation, employment, safety etc...)

**TEMPORARY USE APPLICATION**

The Kenosha County Board of Adjustments is authorized to hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Department of Planning and Development has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Adjustment, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

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 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. The Board will not act on your request unless you or your agent is present.

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

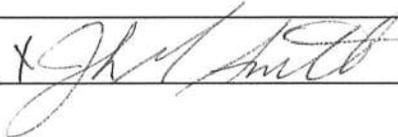
*These interests are listed as objectives in the purpose statement of an ordinance and may include: drainage, visual impact, parking and fire safety and building code requirements.*

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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 temporary use request made herein, during reasonable daylight hours.*

Owner's Signature: \_\_\_\_\_

Agent: Joe Smith Signature: 

Agents Address: 8107 18th Street, Kenosha, WI 53144

Phone Number(s): 262-620-0460

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## **BOARD OF ADJUSTMENTS SCHEDULE FOR 2016 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>JANUARY 7</b>	Filing Date: December 7 Published: Dec. 24 & Dec. 30	<b>JULY 7</b>	Filing Date: June 7 Published: June 24 & June 29
<b>JANUARY 21</b>	Filing Date: December 21 Published: Jan. 8 & Jan. 13	<b>JULY 21</b>	Filing Date: June 21 Published: July 8 & July 13
<b>FEBRUARY 4</b>	Filing Date: January 4 Published: Jan. 22 & Jan. 27	<b>AUGUST 4</b>	Filing Date: July 1 Published: July 22 & July 27
<b>FEBRUARY 18</b>	Filing Date: January 18 Published: Feb. 5 & Feb. 10	<b>AUGUST 18</b>	Filing Date: July 18 Published: Aug. 5 & Aug. 10
<b>MARCH 3</b>	Filing Date: February 3 Published: Feb. 19 & Feb. 24	<b>SEPTEMBER 1</b>	Filing Date: August 1 Published: Aug. 19 & Aug. 24
<b>MARCH 17</b>	Filing Date: February 17 Published: March 4 & March 9	<b>SEPTEMBER 15</b>	Filing Date: August 15 Published: Sept. 2 & Sept. 7
<b>APRIL 7</b>	Filing Date: March 7 Published: March 25 & March 30	<b>OCTOBER 6</b>	Filing Date: September 6 Published: Sept. 23 & Sept. 28
<b>APRIL 21</b>	Filing Date: March 21 Published: April 8 & April 13	<b>OCTOBER 20</b>	Filing Date: September 20 Published: Oct. 7 & Oct. 12
<b>MAY 5</b>	Filing Date: April 5 Published: April 22 & April 27	<b>NOVEMBER 3</b>	Filing Date: October 3 Published: Oct. 21 & Oct. 26
<b>MAY 19</b>	Filing Date: April 19 Published: May 6 & May 11	<b>NOVEMBER 17</b>	Filing Date: October 17 Published: Nov. 4 & Nov. 9
<b>JUNE 2</b>	Filing Date: May 2 Published: May 20 & May 25	<b>DECEMBER 1</b>	Filing Date: November 1 Published: Nov. 18 & Nov. 23
<b>JUNE 16</b>	Filing Date: May 16 Published: June 3 & June 8	<b>DECEMBER 15</b>	Filing Date: November 15 Published: Dec. 2 & Dec. 7
		<b>JANUARY 5</b>	Filing Date: December 5 Published: Dec. 23 & Dec. 28

### **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.

01-14-2016

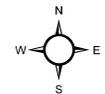
To whom this may concern:

Joe Smith has my permission  
to use the corner of Green Day Rd.  
and 60<sup>th</sup> St. for his business.

From Jan 1st. to Dec. 31, 2016. - N.W. corner.

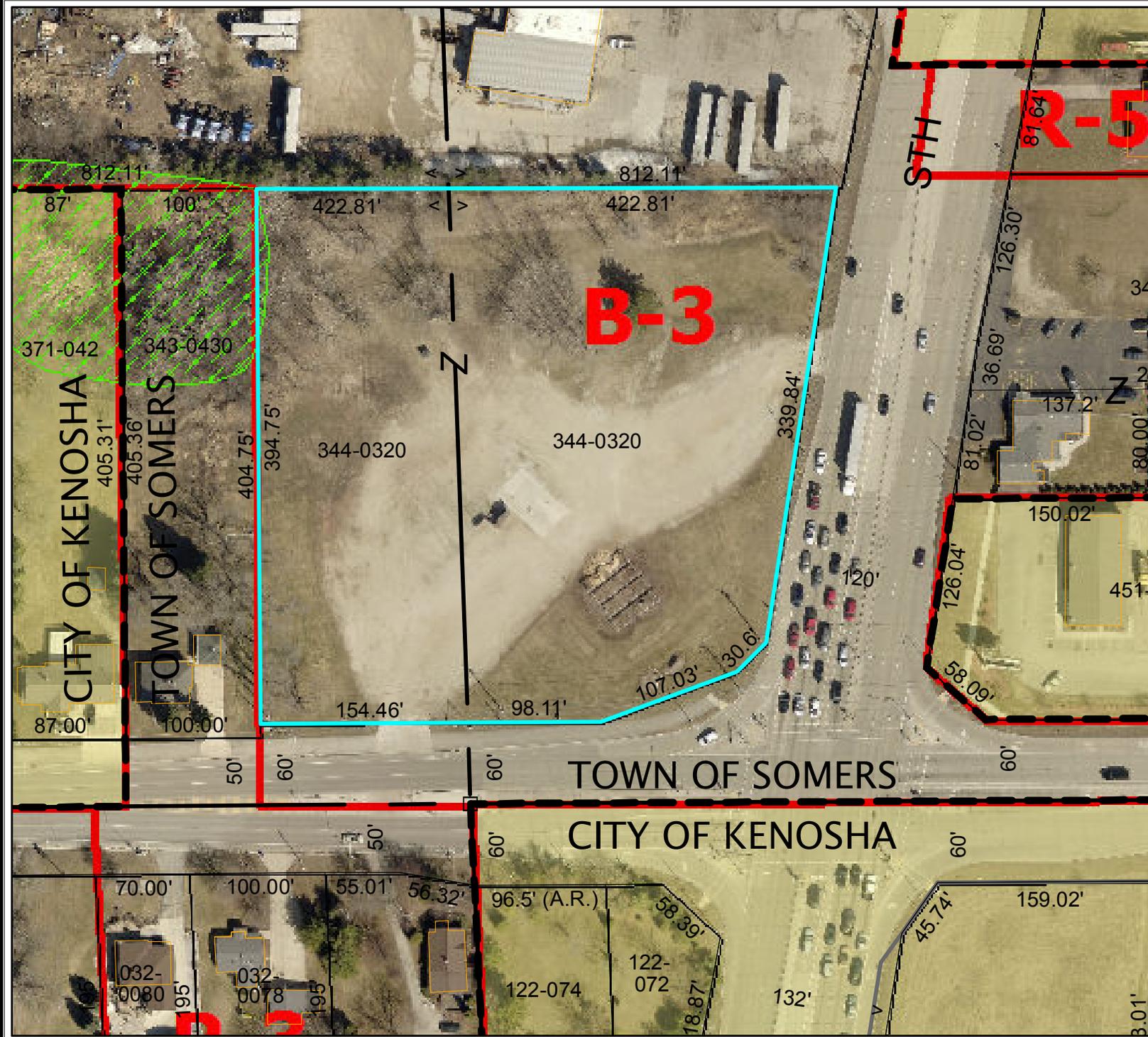
Owner  
Stanley Jezior

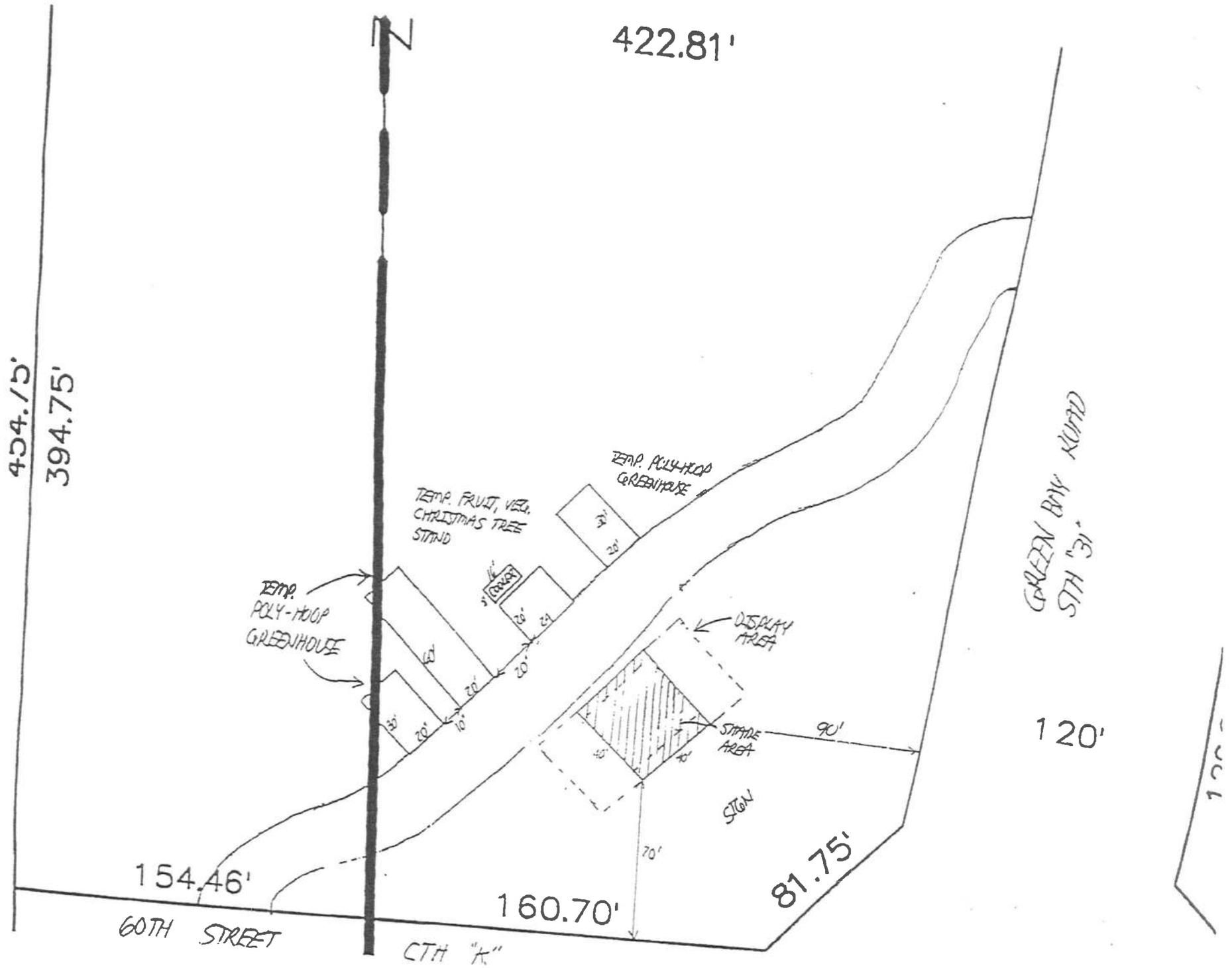
# Kenosha County



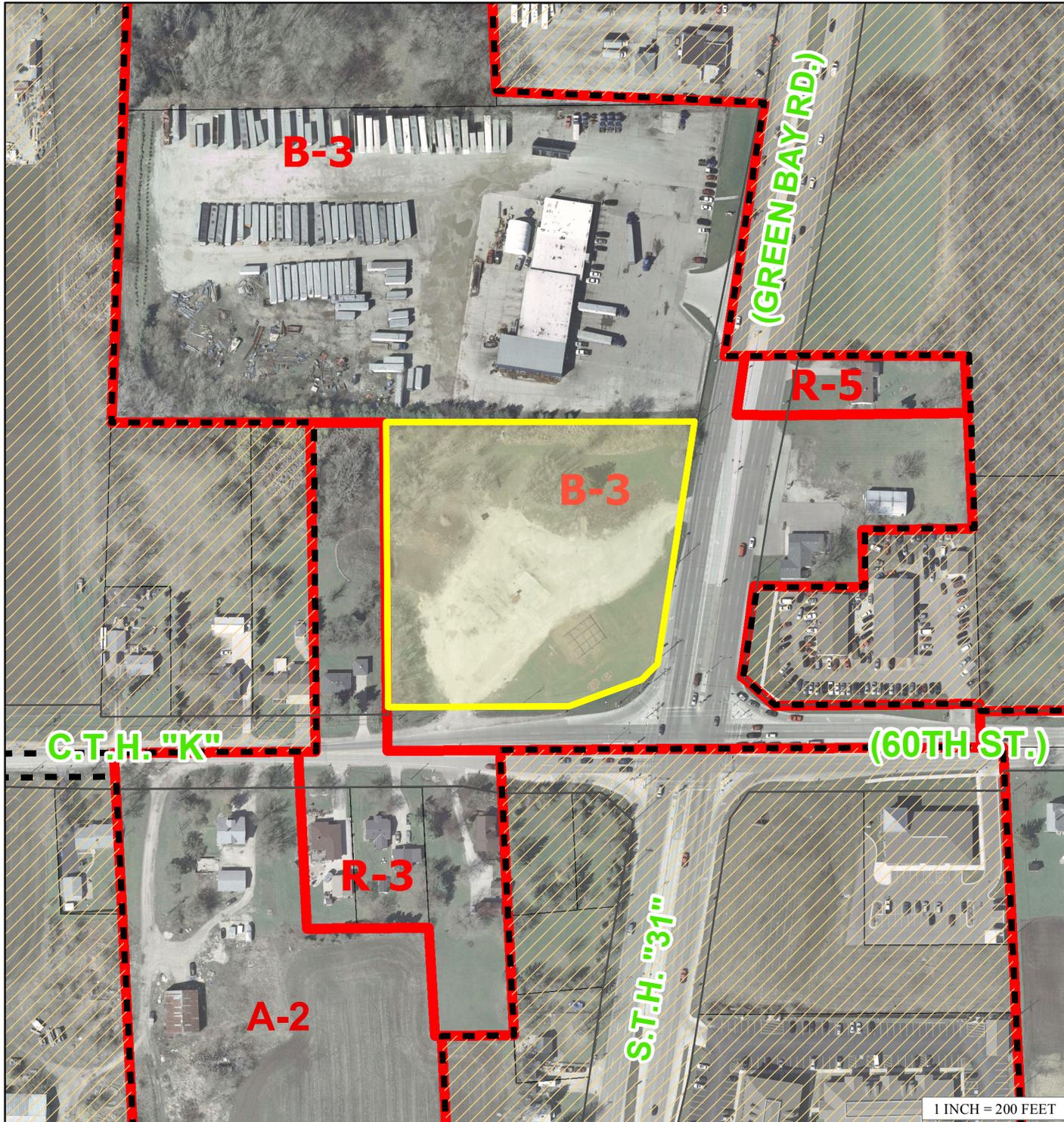
1 inch = 100 feet

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 INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.





1" = 50'



TEMPORARY USE SITE MAP

PETITIONER(S):

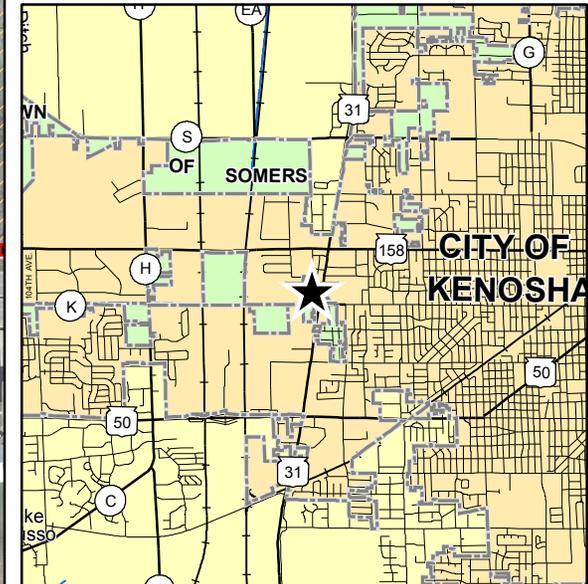
Stanley Jezior & Bernice Jezior Jt Tenancy Trust (Owner), Joe Smith (Agent)

LOCATION: SE 1/4 of Section 34,  
Town of Somers

TAX PARCEL(S): #80-4-222-344-0320

REQUEST:

Requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to use a 20' x 24' temporary (seasonal) fruit, vegetable, and Christmas tree stand with two 20' x 30' poly-hoop greenhouses, one 20' x 60' poly-hoop greenhouse, a 40' x 40' shade structure and signage in the B-3 Highway Business District





# COUNTY OF KENOSHA

December 2012

## Department of Planning and Development

### VARIANCE APPLICATION

Owner: Keith A. & Nancy J. Ulicki

Mailing Address: 5995 120th Avenue

Kenosha WI 53144

Phone Number(s): 262-857-8537

RECEIVED  
JAN 21 2016  
Kenosha County  
Planning and Development

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: 80-4-222-313-0320 Zoning District: M-2

Property Address: 5999 120th Avenue Shoreland: No

Subdivision: CSM #989 Parcel A Lot(s): A Block: -

Current Use: Commercial Retail Building

Proposal: To remove the existing ground sign and construct a new 45 foot high ground sign in approximately the same location.

REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: <u>III.H.12.14-5(a)</u> - <u>Ground signs shall not exceed 30' in height.</u>	<u>45' height</u>
Section: _____ - _____	_____
Section: _____ - _____	_____

## 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.*

The existing Uke's Harley-Davidson sign on our property has dimensions of 12' x 24', at a height of 30'. Because of the change in elevation of the bridges at both Highway K and Highway 158; our sign has become difficult if not impossible to be seen by many drivers on the freeway. We are requesting a variance to current height limitations in order to elevate our sign to 45' to overcome the problem caused by the construction. We intend to keep the existing dimensions of the sign itself at 12' x 24'.

(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.*

(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.*

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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:

*Kathleen Nancy Luck*

Agent: KATH & NANCY LUCK

Signature:

*Kathleen Nancy Luck*

Agents Address: 5559-120<sup>th</sup> ST KENOSHA, WI 53144

Phone Number(s): 262-857-8537

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# 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 Keith & Nancy Ulicki Date \_\_\_\_\_  
 Mailing Address 5995-120th Avenue Phone # 262-857-8537  
Kenosha, WI. 53144

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. 80-4-22-313-032C Zoning District(s) M-2   
 Property Address 5995-120th Avenue  
 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
Signs/Communication Tower <input type="checkbox"/>	Metal <input type="checkbox"/>	12'	24'	288		

Contractor Michael's Signs  
 Address 3914 S. Memorial Dr.  
Racine, WI. 53403  
 Phone # 262-554-0574  
 Agent Keith & Nancy Ulicki  
 Address 5995-120th Avenue  
Kenosha, WI. 53144  
 Phone # 262-857-8537

**For Office Use Only**

Permit No. \_\_\_\_\_

Foundation Survey Due Date \_\_\_\_\_

Waiver of Liability Due Date \_\_\_\_\_

Board Of Adjustments Approval Date \_\_\_\_\_

Conditional Use Permit Approval Date \_\_\_\_\_

Sanitation Approval \_\_\_\_\_

Receipt # \_\_\_\_\_ Check # \_\_\_\_\_

Amount \_\_\_\_\_

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

**NOTICE:** YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE <http://dnr.wi.gov/topic/wetlands/locating.html> OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER (262) 884-2300.

Date Permit Issued \_\_\_\_\_

**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 2016 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>JANUARY 7</b>	Filing Date: December 7 Published: Dec. 24 & Dec. 30	<b>JULY 7</b>	Filing Date: June 7 Published: June 24 & June 29
<b>JANUARY 21</b>	Filing Date: December 21 Published: Jan. 8 & Jan. 13	<b>JULY 21</b>	Filing Date: June 21 Published: July 8 & July 13
<b>FEBRUARY 4</b>	Filing Date: January 4 Published: Jan. 22 & Jan. 27	<b>AUGUST 4</b>	Filing Date: July 1 Published: July 22 & July 27
<b>FEBRUARY 18</b>	Filing Date: January 18 Published: Feb. 5 & Feb. 10	<b>AUGUST 18</b>	Filing Date: July 18 Published: Aug. 5 & Aug. 10
<b>MARCH 3</b>	Filing Date: February 3 Published: Feb. 19 & Feb. 24	<b>SEPTEMBER 1</b>	Filing Date: August 1 Published: Aug. 19 & Aug. 24
<b>MARCH 17</b>	Filing Date: February 17 Published: March 4 & March 9	<b>SEPTEMBER 15</b>	Filing Date: August 15 Published: Sept. 2 & Sept. 7
<b>APRIL 7</b>	Filing Date: March 7 Published: March 25 & March 30	<b>OCTOBER 6</b>	Filing Date: September 6 Published: Sept. 23 & Sept. 28
<b>APRIL 21</b>	Filing Date: March 21 Published: April 8 & April 13	<b>OCTOBER 20</b>	Filing Date: September 20 Published: Oct. 7 & Oct. 12
<b>MAY 5</b>	Filing Date: April 5 Published: April 22 & April 27	<b>NOVEMBER 3</b>	Filing Date: October 3 Published: Oct. 21 & Oct. 26
<b>MAY 19</b>	Filing Date: April 19 Published: May 6 & May 11	<b>NOVEMBER 17</b>	Filing Date: October 17 Published: Nov. 4 & Nov. 9
<b>JUNE 2</b>	Filing Date: May 2 Published: May 20 & May 25	<b>DECEMBER 1</b>	Filing Date: November 1 Published: Nov. 18 & Nov. 23
<b>JUNE 16</b>	Filing Date: May 16 Published: June 3 & June 8	<b>DECEMBER 15</b>	Filing Date: November 15 Published: Dec. 2 & Dec. 7
		<b>JANUARY 5</b>	Filing Date: December 5 Published: Dec. 23 & Dec. 28

**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

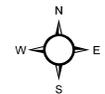
YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

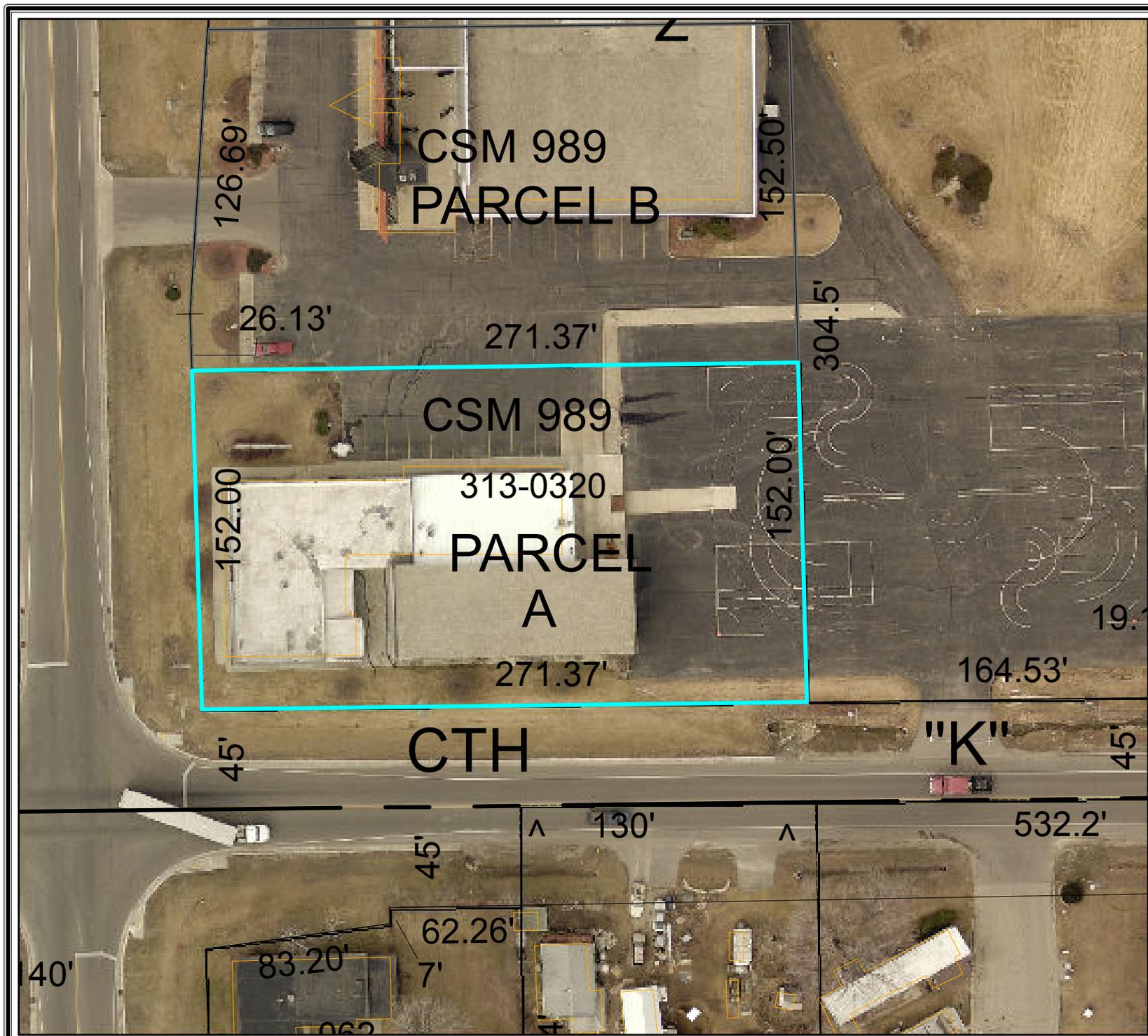
PROTECTION OF THE PUBLIC INTEREST -

# Kenosha County

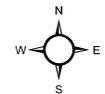


1 inch = 60 feet

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.

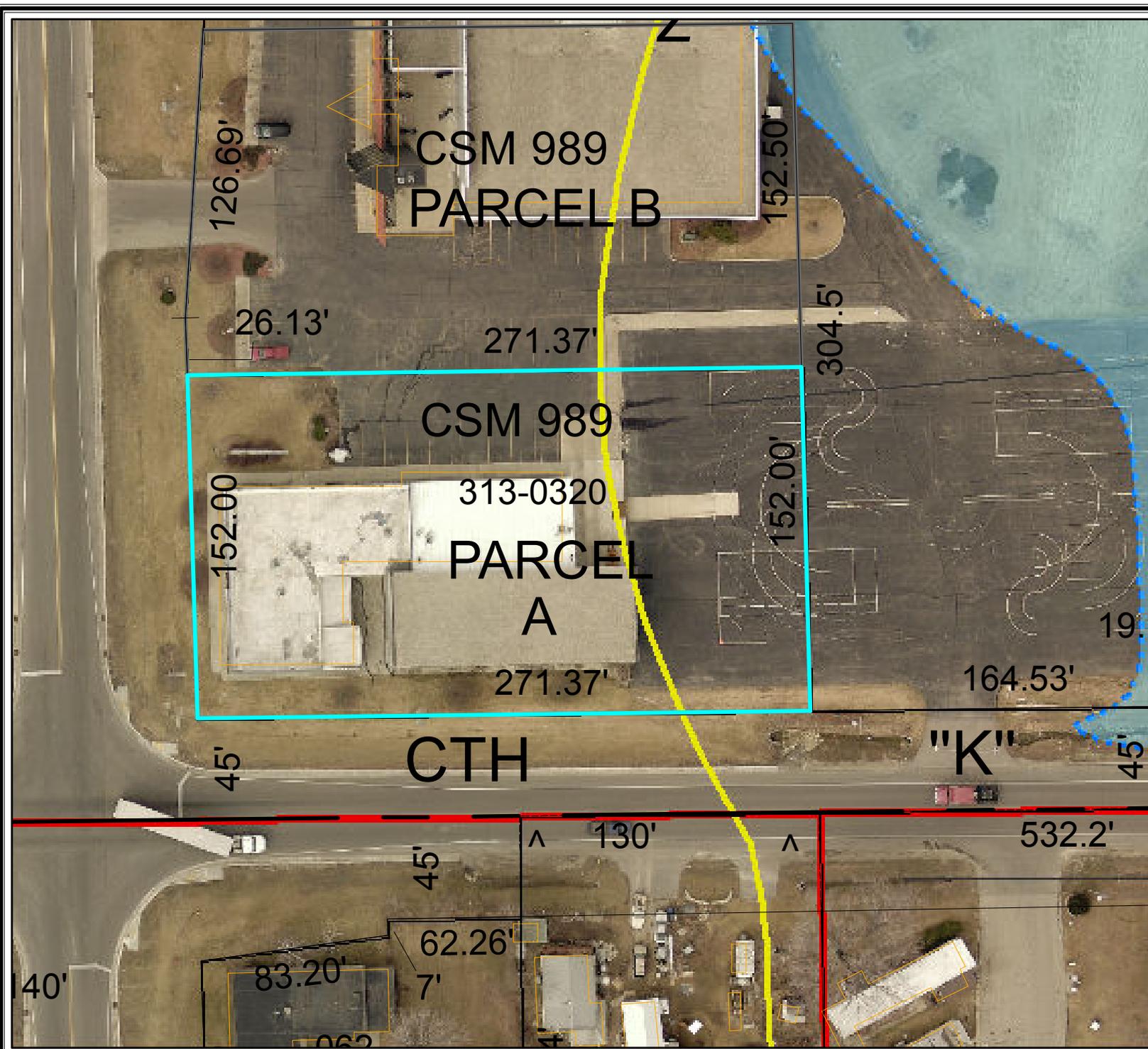


# Kenosha County



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# SIGNS

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12.14-1

**PERMIT REQUIRED**

- (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, excepts those signs permitted under Section 12.14-2, without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter H19 of the Wisconsin Administrative Code as hereinafter amended or recreated. The sign shall also meet all the structural requirements of local and state building codes.
- (b) Before any sign for which a permit is required by this ordinance is erected, there shall be submitted to the Office of Planning and Zoning Administration the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises and its relationship to other structures and property lines, and a computation of the display area as defined in this ordinance.
- (c) Back to back signs shall constitute but one sign within the meaning of this ordinance.

12.14-2

**SIGNS PROHIBITED**

Hazards or nuisances: No sign which creates a hazard or dangerous distraction to vehicle traffic or a nuisance to adjoining property shall be permitted in any district. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices, nor obstruct or interfere with the effectiveness of said devices. Flashing signs and inflatable signs are hereby prohibited. For the purpose of this Ordinance, time and temperature devices, and changeable copy signs shall not be considered flashing signs. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace, or guide rod shall be erected, relocated, put up, or maintained so as to hinder or prevent ingress or egress from public or private driveways, parking lots or fire escapes or through a door, doorway, or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways. (6/2/92)

12.14-3

**SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A ZONING PERMIT**

The following types of signs shall be permitted in all districts without a zoning permit upon the following conditions:

- (a) **Agricultural product and farm identification signs**  
Limited to two signs per highway frontage, not exceeding 20 square feet in area, and related to the agricultural premises on which it is installed. Farm signs shall be located not closer than 15 feet from a public right-of-way. (6/2/92)
- (b) **Bulletin Boards**  
Public, charitable or religious institution bulletin boards not to exceed 48 square feet in display area located on the premises. Setback requirements shall be enforced.
- (c) **Directional Signs**  
A sign not to exceed 12 square feet in area, for the purpose of directing persons to service clubs, churches, hospitals or schools or other non-profit organizations within the County may be permitted in any district. No setback is required.
- (d) **Home Occupation Signs**  
Signs for home occupations permitted under section 12.09-1 and 12.09-2, provided, however, that there shall be only one sign permitted on the parcel, being unlighted and limited to not more than 4 square feet.
- (e) **Name, Occupation and Warning Signs**  
Said signs are not to exceed four (4) square feet in display area located on the premises, and not closer than fifty (50) feet between signs. No setback is required.
- (f) **Official Signs**  
Such as traffic control, parking restrictions, information and notices. Such signs may be permitted within the road right-of-way.

- (g) **Real Estate Signs**  
Real estate signs not over nine (9) square feet in area and which signs pertain to the lease, hire or sale of land, building or part thereof upon which the sign is located provided there is no more than (1) sign for each street frontage and it is located at least fifteen (15) feet from the outer edge of the highway right-of-way.
- (h) **Political Posters (temporary)**  
Political signs, provided they are not erected before the date of filing nomination papers for an elected office, and are removed within one month after the election, provided any such sign is a least 15 feet from the outer edge of the highway right-of-way line and with respect to corner lots, is not located within the vision triangle.
- (i) **Special Event Signs**  
Temporary signs or banners for the purpose of advertising a festival or auction or bazaar or other special event providing any such sign is at least fifteen (15) feet from the outer edge of the highway right-of-way and is located more than one hundred (100) feet from any intersection.

12.14-4

**SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS**

Except as provided in section 12.14-2, the following signs shall be permitted in all residential districts with a permit:

- (a) **Real Estate Development Signs**  
**Permanent real estate development signs**  
A sign which is permanently located at entrances or along streets or highways which designate a particular development and which only include the name of the development shall be permitted, however, all such signs shall be at least 15 feet from the outer edge of the highway or street right-of-way, and provided further that such signs shall be constructed and properly maintained so as to be aesthetically pleasing to the surrounding development. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Office of Planning and Zoning Administration for approval and the permitted size and location of any such sign shall be at the discretion of the Director of Planning and Zoning based upon the character of the area, the type and purpose of sign and the length of time permitted.
- (b) **Temporary Development Signs**  
A sign for the purpose of designating a new building or development, for promotion of a subdivision or for similar special informational purpose may be permitted for a limited period of time in any district with the approval of the Office of Planning and Zoning Administration and subject to the following:
  - 1 Drawings showing the specific design, appearance and location of the sign shall be submitted to the Office of Planning and Zoning Administration for approval.
  - 2 The permitted size of the signs shall not exceed 50 square feet and shall be located in the development site. No more than two such signs shall be permitted.
  - 3 Such sign may be permitted for a period up to two years, and extension may be permitted for a period not to exceed six years total.
  - 4 All signs shall not be closer than 15 feet from the outer edge of the highway or street right-of-way.

12.14-5

**SIGNS PERMITTED IN ALL BUSINESS, MANUFACTURING, INSTITUTIONAL, AND PARK RECREATIONAL DISTRICTS**

Except as provided in section 12.14-2, the following signs are permitted only in the business, manufacturing, institutional, and park recreation districts with a permit and only on the premises and subject to the following regulations:

- (a) **Ground Signs**  
Ground signs shall be limited to one sign for each individual business premises which advertises the business names, services offered, or products sold on the premise; the signs shall not exceed thirty (30) feet in height, shall meet all side and rear yard requirements for the district in which it is located, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premise. The signs shall be at least 15 feet from the right-of-way of any highway, street or road.

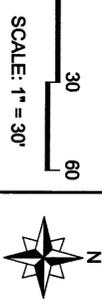
Larger developments with multiple street frontages and multiple entrances may erect a ground sign at one or more of the entrances provided that no ground sign is located closer than 300 feet to another ground sign on the same property. All other area, height, and setback requirements for ground signs as set forth above shall be complied with. (6/2/92)

- (b) **Portable Signs**  
Portable signs as defined in this ordinance shall not be located in any vision triangle as defined in this ordinance and shall not incorporate any flashing or traveling lights. Such signs shall be at least 15 feet from highway right-of-way lines and shall not be illuminated in such a way as to obstruct highway visibility. Such signs shall not be more than 40 square feet in area.
- (c) **Projecting Signs**  
Projecting signs as defined in this ordinance fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one use; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade as defined in this ordinance; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley; and signs, furthermore, shall be at least 15 feet from the right-of-way of any highway or street.
- (d) **Tower Signs**  
Tower signs are prohibited. A tower sign is defined as a freestanding sign that exceeds 30 feet in height. (1/20/04)
- (e) **Wall Signs**  
Wall signs shall be permitted provided, however, that they are placed against the exterior walls of buildings and shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one main structure, and shall not exceed twenty (20) feet in height above the mean centerline street grade as defined in this ordinance.
- (f) **Window Signs**  
Window signs shall be placed only on the inside of commercial buildings and shall not exceed sixty (60) percent of the glass area of the pane upon which the sign is displayed.
- (g) **Combination of Signs**  
The total of all signs, except window signs, erected or placed on any one premise shall not exceed 1200 square feet in total display area.
- (h) **Search Lights**  
The temporary use of search lights for advertising purposes may be permitted provided that the search light will not be located in any public right-of-way, will not be located closer than ten feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than 12 days in any six-month period.

12.14-6

**SIGNS PERMITTED IN SHORELAND/FLOODPLAIN AREAS**

All signs in shoreland areas that are visible to stream or lake users at any time of the year shall not exceed 25 square feet in area on one side nor 50 square feet in area on all sides for any one premise; shall not exceed a height of 20 feet above the ordinary high water mark; shall not be located closer than 10 feet to any side lot lines; shall not be located closer than 75 feet to any shoreline; and, shall not be located closer than 15 feet to any highway right-of-way. (11/5/86)



**LEGEND**

- Property Boundary
- Existing Contours
- Base Flood Elevation
- Proposed Contour
- Silt Fence
- Pavement Removal
- Existing Gravel Removal

No.	Revision/Issue	Date
2	Per WISDOT review	04/02
1	Grading changes per Kenosha County review	04/02

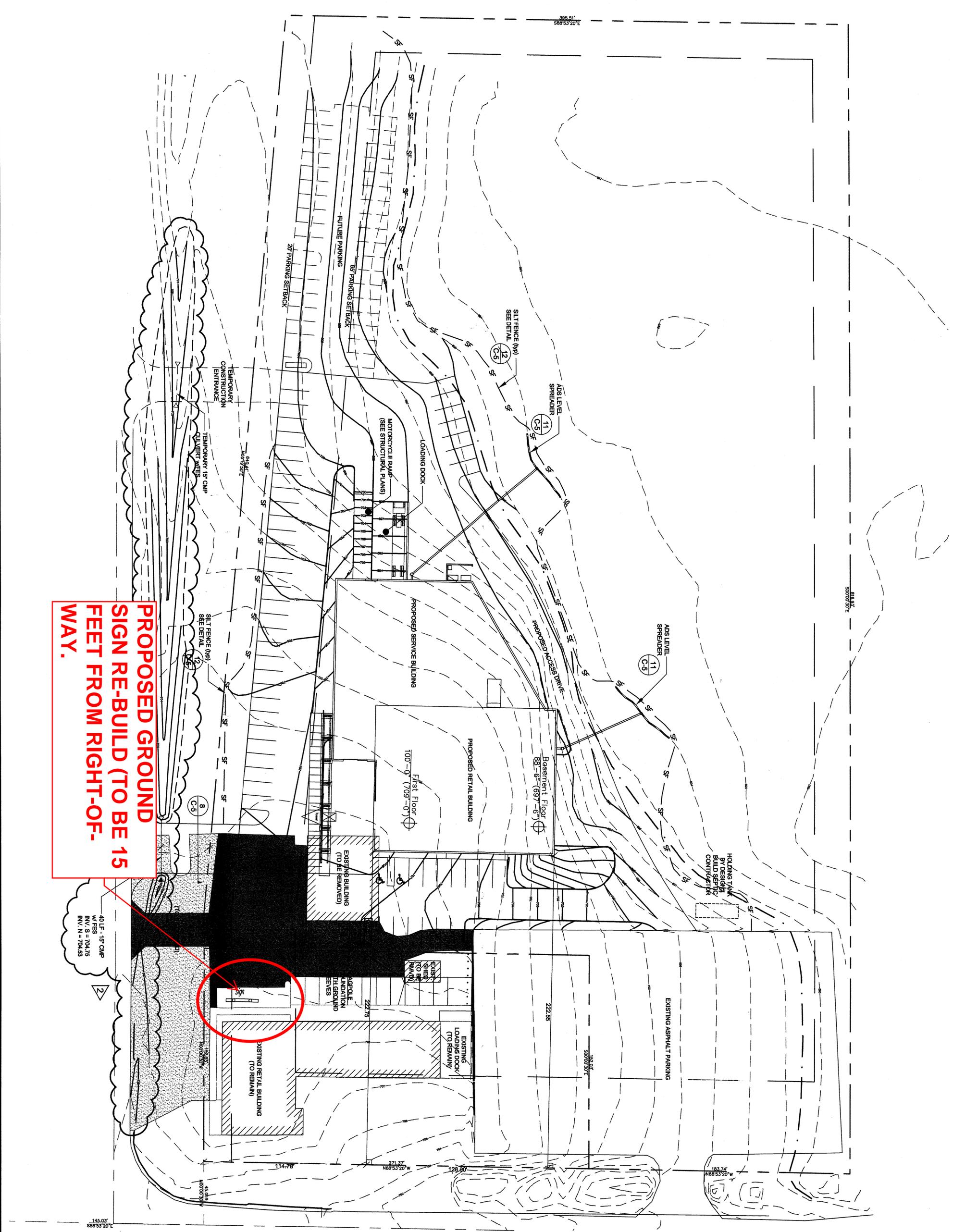
**Hey and Associates, Inc.**  
 Water Resources, Wetlands and Ecology  
 28045 NORTH ASHLEY CIRCLE, SUITE 101  
 LIBERTYVILLE, ILLINOIS 60048  
 OFFICE (847) 918-0888  
 FAX (847) 918-0892  
 LIBERTYVILLE@HEYASSOC.COM

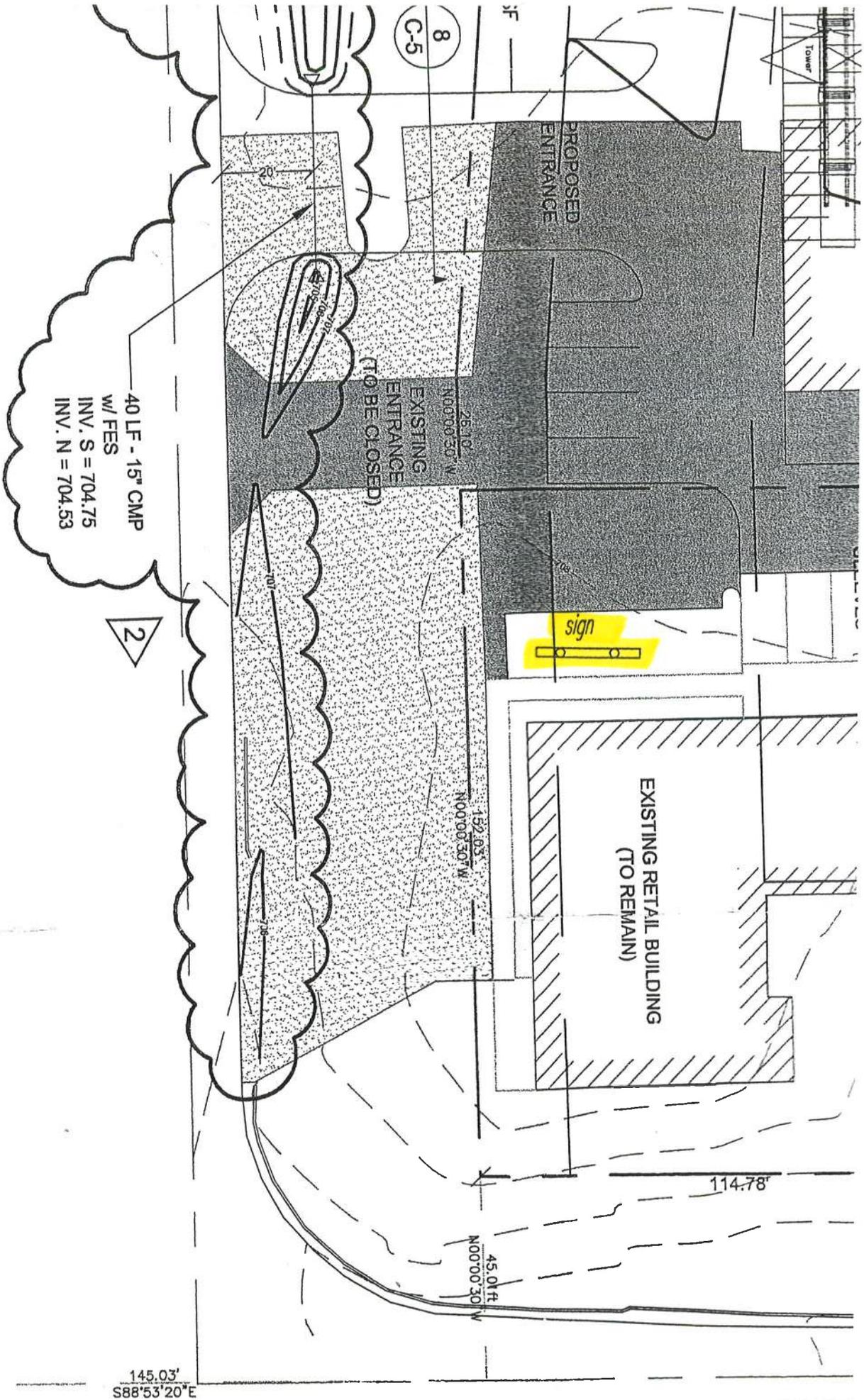
**UKES HARLEY-DAVIDSON/  
 BUELL SHOP**

**GENERAL PLAN / SOIL  
 EROSION AND SEDIMENT  
 CONTROL PLAN**

PROJECT NO.	01138	DATE	EXHIBIT NO.
DESIGNED BY	FLC	03/25/02	
DRAWN BY	FLC	03/25/02	
CHECKED BY	TLP	03/25/02	
APPROVED BY			

C-2





8  
C-5

40 LF - 15' CMP  
w/ FES  
INV. S = 704.75  
INV. N = 704.53

2

PROPOSED  
ENTRANCE

EXISTING  
ENTRANCE  
(TO BE CLOSED)

sign

EXISTING RETAIL BUILDING  
(TO REMAIN)

Scale 1' = 30'

145.03'  
S88°53'20"E

45.01 ft  
N00°00'30"W

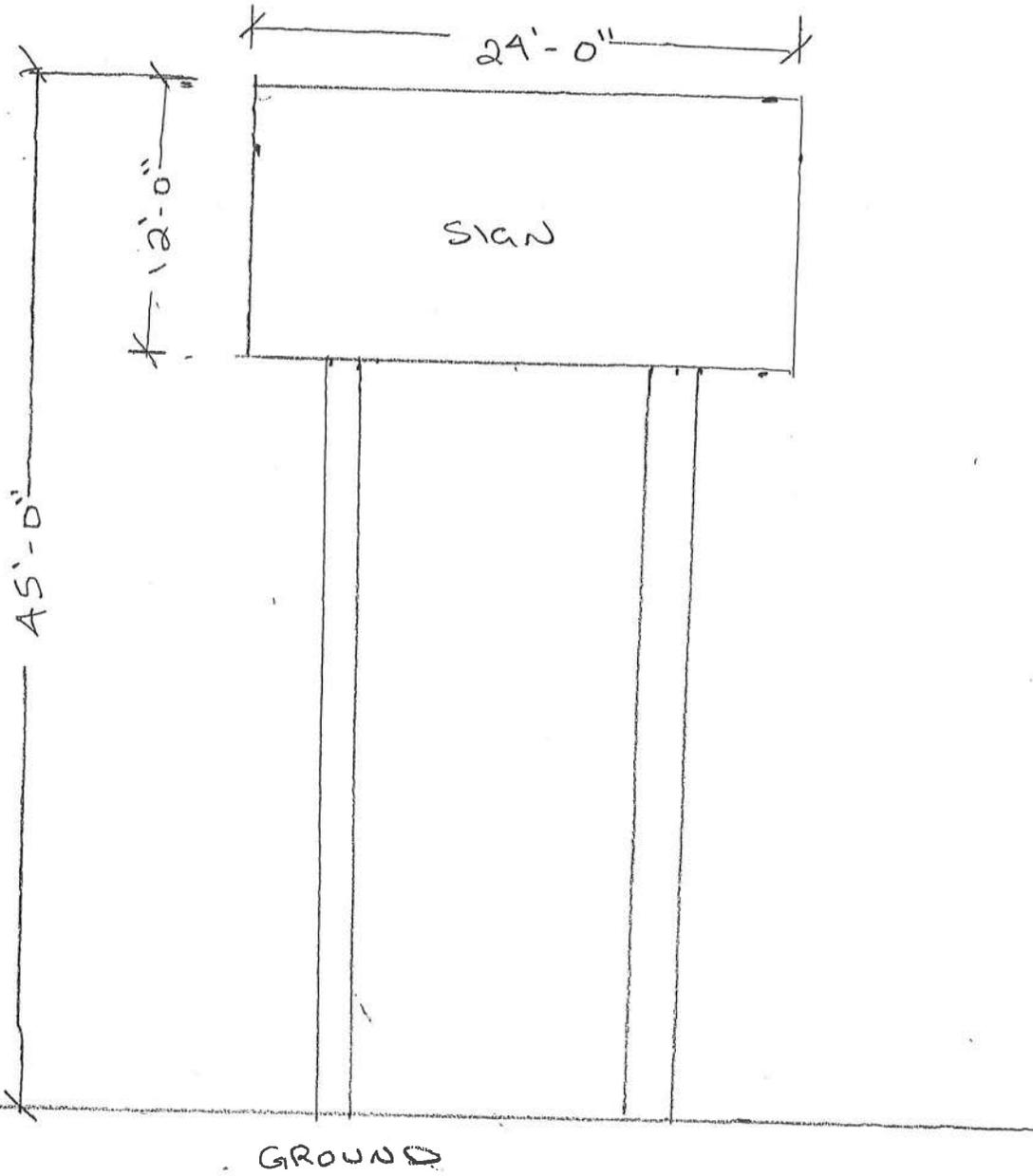
152.03'  
N00°00'30"W

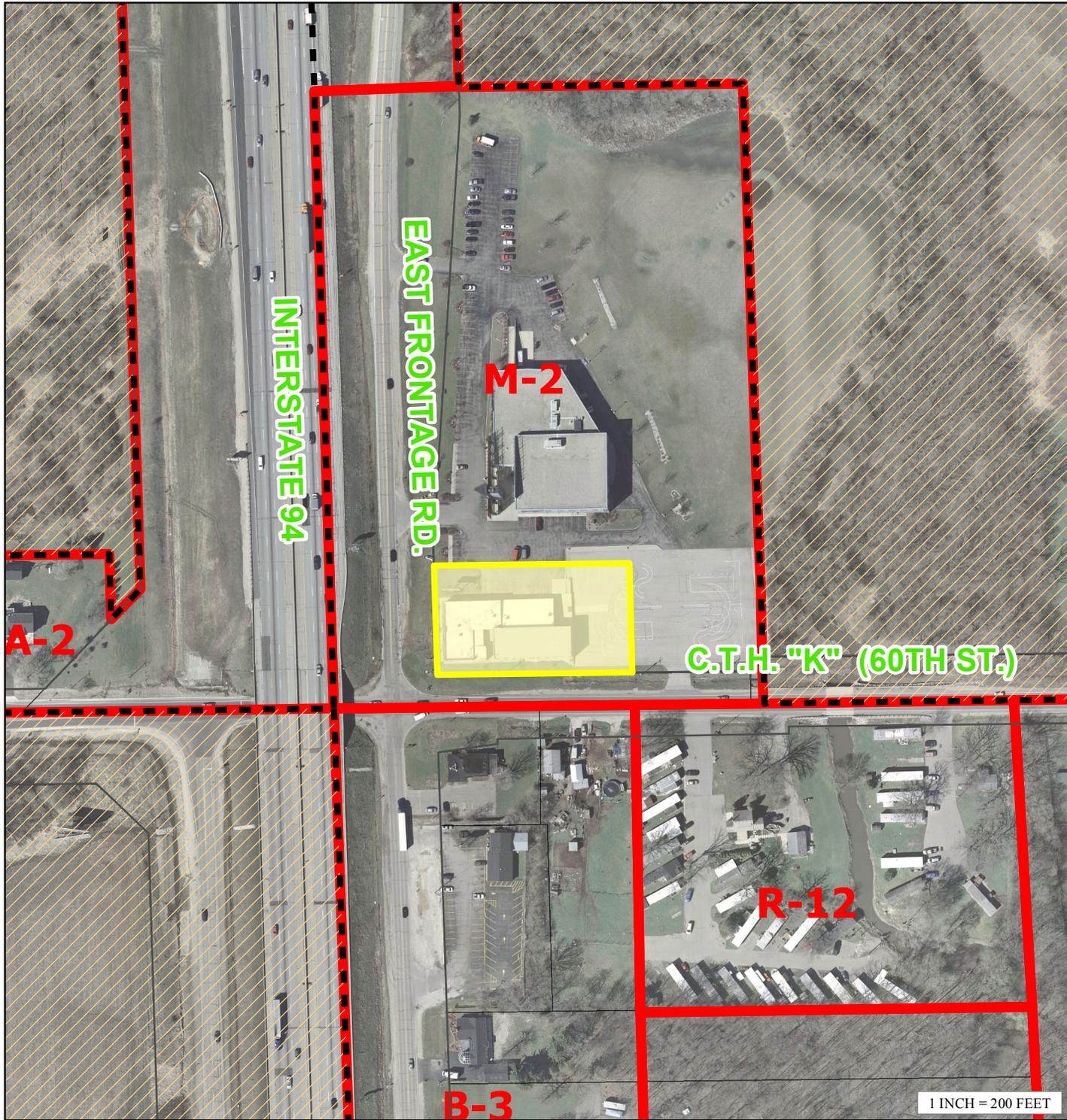
26.10'  
N00°00'30"W

114.78'

TOWER

2-SIDED L.E.D DIGITAL SIGN  
12x24





### VARIANCE SITE MAP

PETITIONER(S):

Keith A. & Nancy J. Ulicki (Owner)

LOCATION: SW 1/4 of Section 31,  
Town of Somers

TAX PARCEL(S): #80-4-222-313-0320

REQUEST:

Requesting a variance (Section III. H. 12.14-5(a): which states that ground signs shall not exceed thirty feet in height in the M-2 Heavy Manufacturing District) to construct a 45' tall ground sign (required maximum height 30')

