



Zoning Board of Adjustment Agenda  
Kenosha County Center, Conference Room A  
May 19, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, May 19, 2016 at 6:00p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

**1. DARRELL L. MARCINIAK & JOSEPH GIOMETTI-MARCINIAK - VARIANCE APPLICATION - TOWN OF RANDALL**

DARRELL L. MARCINIAK & JOSEPH GIOMETTI-MARCINIAK, 8890 368th Ave., Burlington WI 53105 (Owner), requesting a variance (Section V. A. 12.27-6(d): there shall be a maximum of two detached 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 1,500 square feet in area and a maximum of 20 feet in height. The second building shall be limited to a maximum of 150 square feet in area and a maximum height of 15 feet. The two buildings shall not exceed a total of 1,650 square feet in area) to construct a proposed 18' x 26' (468-square foot) accessory building for a total combined accessory building area of 2,118 square feet (1,650 square maximum allowed) in the R-2 Suburban Single-Family Residential District on Tax Parcel #60-4-119-162-1161, NW 1/4 Section 16, T1 N, R19 E, Town of Randall. FYI – E side of 368th Ave. appx. 150 ft. N of intersection with 89th St..

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

**2. ARTHUR A. NABER & PAUL J. NABER - TEMPORARY USE PERMIT APPLICATION - TOWN OF WHEATLAND**

ARTHUR A. NABER & PAUL J. NABER, 3405 S. Brown Lake Dr. #3, Burlington, WI 53105 (Owner), Phillip Kirsch, 33130 73rd St., Burlington, WI 53105 (Owner/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 operate an agricultural tourism/event barn in the A-2 General Agricultural Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel # 95-4-119-024-0300 & 95-4-119-023-0200, S ½ Section 2 T1 N, R19 E, Town of Wheatland. FYI – N side of 73rd St. at intersection with 332nd Ave..

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

**3. KENOSHA COUNTY FAIR ASSOCIATION INC. - TEMPORARY USE PERMIT APPLICATION - TOWN OF SALEM**

KENOSHA COUNTY FAIR ASSOCIATION INC., PO Box 96, Wilmot, WI 53192-0096 (Owner), Ray Forgianni, Kenosha Common Markets, Inc., PO Box 643, Kenosha, WI 53141-0643 (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 operate a farmers market in the PR-1 Park-Recreational Dist. on Tax Parcel # 67-4-120-303-1261, W ½ Section 30 T1 N, R19 E, Town of Salem. FYI – W side of CTH "W" (Fox River Rd.) appx. 0.2 miles north of intersection with 111th St..

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

**4. OMAR CALZADA - TEMPORARY USE PERMIT APPLICATION - TOWN OF BRIGHTON**

OMAR CALZADA, 28343 41st Street, Salem, WI 53168 (Owner), 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 operate temporary commercial bull riding/rodeo events in the A-2 General Agricultural Dist. on Tax Parcel #30-4-220-294-0300, SE 1/4 Section 29, T2 N, R20 E, Town of Brighton. FYI - S side of 41st St. approximately 1/4 mile east of the intersection with 288th Ave..

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: Darrell L. Marciniak & Joseph Giometti-Marciniak, Arthur A. Naber & Paul J. Naber, Kenosha County Fair Association Inc. & Omar Calzada shall be present at the hearing on Thursday, May 19, 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 Randall, Wheatland, Salem & Brighton are requested to be represented at the hearing on Thursday, May 19, 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**

**APR 15 2016**

Kenosha County  
Planning and Development

Owner: DARRELL V. MARCINIAK & JOSEPH GIOMETTI - MARCINIAK

Mailing Address: 8890 368TH AVENUE, BURLINGTON, WI 53105

Phone Number(s): 262-210-6839 / 262-210-7134

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: 60-4-119-162-1161 Zoning District: R-2

Property Address: 8890 368TH AVE. BURLINGTON, WI 53105 Shoreland: NO

Subdivision: (SM# 249) Lot(s): 1 Block: -

Current Use: S.F. RESIDENCE AND (1) 1,500 ACCESSORY BUILDING

Proposal: TO CONSTRUCT A SHED.

REQUIRED BY ORDINANCE	VARIANCE REQUESTED
Section: <u>V.A. 12.276(d) (1) DET. ACC. STRUCTURE UP TO</u>	<u>TO HAVE AN</u> <u>ADDITIONAL</u> <u>DET. ACCESSORY</u> <u>BUILDING</u> <u>FOR 2,118 #</u> <u>TOTAL ALLOWED.</u>
<u>1,500' AND (1) SHED UP TO</u>	
Section: <u>- 150'</u>	
Section: _____	
Section: _____	

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

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

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

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

NO ALTERNATIVES EXIST THAT MEET THE BASIC SOIL PROTECTION AND SEED SAVING/STORAGE REQUIREMENTS FOR A PARCEL THE SIZE OF 60-4-119-162-1161.

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

NO ALTERNATIVES EXIST THAT MEET THE BASIC SOIL PROTECTION AND SEED SAVING/STORAGE REQUIREMENTS FOR A PARCEL THE SIZE OF 60-4-119-162-1161.

(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.*

YES, UNNECESSARY HARDSHIP EXISTS. THE APPLICANT IS NOT ABLE TO UTILIZE HIS LAND IN AN EFFICIENT WAY WITHOUT BYPASSING THE LOCAL ZONING LAWS DURING THE CONSTRUCTION OF A NEEDED 360 SQ. FOOT ACCESSORY BUILDING WHICH WILL SERVE AS A SOIL PRESERVATION AND STATE OF THE ART SEED COLLECTING, SORTING, DRYING/STORAGE FACILITY.

(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.

YES WHEN COMPARED TO OTHER NEARBY R2 ZONED PROPERTIES, PARCEL 60-4-119-162-1161 IS UNUSUALLY LARGE AND THEREFORE CROP PRODUCTION IS A LOGICAL USE FOR ROUGHLY 4 ACRES OF THE PARCEL.

APPLICANTS' DESIRE TO PRESERVE THE 4 ACRES AND THE FERTILITY AND ECOLOGICAL HEALTH OF THE LAND SO THOSE OF THE LOCAL COMMUNITY CAN BENEFIT. THIS WILL BE DONE THROUGH THE PRODUCTION OF NATURALLY GROWN FRUITS AND VEGETABLES WHICH ARE FREE FROM SYNTHETIC FERTILIZERS AND OTHER INORGANIC MATERIALS. SUCH PRODUCTION REQUIRES AN ACCESSORY BUILDING DEDICATED FOR USE OF SOIL AND SEED PRESERVATION.

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

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

NO NEGATIVE EFFECTS WOULD RESULT FROM APPROVING THIS VARIANCE. THERE WOULD BE NO ALTERATION TO THE CHARACTER OF THE NEIGHBORHOOD. POSITIVE EFFECTS WOULD RESULT BECAUSE GREAT CARE WAS GIVEN DURING THE DESIGN AND LOCATION PLANNING. THE PROPOSED BUILDING WILL BE LOCATED IN THE SIDE YARD, WILL BE LOCATED AT LEAST 10 FEET FROM THE PRINCIPAL STRUCTURE AND A MINIMUM OF 10 FEET FROM BOTH SIDE AND REAR LOT LINES. THE CLEARY BUILDING WAS PROFESSIONALLY DESIGNED TO FIT WITH THE SCALE OF EXISTING PARCEL STRUCTURES AND WITH INTEGRATIVE FEATURES SUCH AS A MODIFIED 6/12 ROOF PITCH, AN AESTHETICALLY PLEASING DUTCH DOOR, CUPOLA, AND MULTIPLE WINDOWS.

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: Joseph Promette Marcumale

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

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

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



# COUNTY OF KENOSHA

## Department of Public Works & Development Services

19600 - 75th Street, Suite 185-3

Bristol, Wisconsin 53104

Telephone: (262) 857-1895

Facsimile: (262) 857-1920

### ZONING PERMIT APPLICATION

Owner DARRYL V. MARCINIAK & JOSEPH GIOMETTI - MARCINIAK

Date 4-12-16

Mailing Address 8890 368th AVENUE BURLINGTON, WI 53105

Phone # 262-210-6839

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. 60-4-119-162-1161 Zoning District(s) \_\_\_\_\_

Property Address 8890 368th AVENUE BURLINGTON, WI 53105

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
<u>ACC. STRUCTURE</u>	<u>STEEL FR.</u>		<u>13x26'</u>	<u>338</u> <u>469</u>	<u>12.5'</u>	<u>1</u>

Contractor \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Agent \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

**For Office Use Only**

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

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

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

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

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

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

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

Amount \_\_\_\_\_

THIS ZONING PERMIT IS ISSUED SUBJECT TO:

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

4. REMARKS: \_\_\_\_\_

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

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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.



# 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) .....	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information .....	653-2622
Brighton, Town of.....	878-2218
Paris, Town of .....	859-3006
Randall, Town of .....	877-2165
Salem, Town of .....	843-2313
Utility District .....	862-2371
Somers Town of.....	859-2822
Wheatland, Town of .....	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office .....	884-2300
Wisconsin Department of Transportation - Waukesha Office .....	548-8722

**PUBLIC HEARING VARIANCE STANDARDS**

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

CHAPTER 12.36-1      INTENT

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

CHAPTER 12.36-13      STANDARDS AND GUIDELINES

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

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

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

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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 -

YES, UNNECESSARY HARDSHIP EXISTS. THE APPLICANT IS NOT ABLE TO UTILIZE HIS LAND IN AN EFFICIENT WAY WITHOUT BYPASSING THE LOCAL ZONING LAWS DURING THE CONSTRUCTION OF A NEEDED 360 SQ FOOT ACCESSORY BUILDING WHICH WILL SERVE AS A SOIL PRESERVATION AND STATE OF THE ART SEED COLLECTING, SORTING, DRYING/STORAGE FACILITY.

### UNIQUE PROPERTY LIMITATION -

YES, WHEN COMPARED TO OTHER NEARBY R2 ZONED PROPERTIES, PARCEL 60-4-119-162-1161 IS UNUSUALLY LARGE AND THEREFORE CROP PRODUCTION IS A LOGICAL USE FOR ROUGHLY 4 ACRES OF THE PARCEL.

APPLICANTS' DESIRE TO PRESERVE THIS 4 ACRES AND THE FERTILITY AND ECOLOGICAL HEALTH OF THE LAND SO THOSE OF THE LOCAL COMMUNITY CAN BENEFIT. THIS WILL BE DONE THROUGH THE PRODUCTION OF NATURALLY GROWN FRUITS + VEGETABLES WHICH ARE FREE FROM SYNTHETIC FERTILIZERS AND OTHER INORGANIC MATERIALS. SUCH PRODUCTION REQUIRES AN ACCESSORY BUILDING DEDICATED FOR USE OF SOIL AND SEED PRESERVATION.

### PROTECTION OF THE PUBLIC INTEREST -

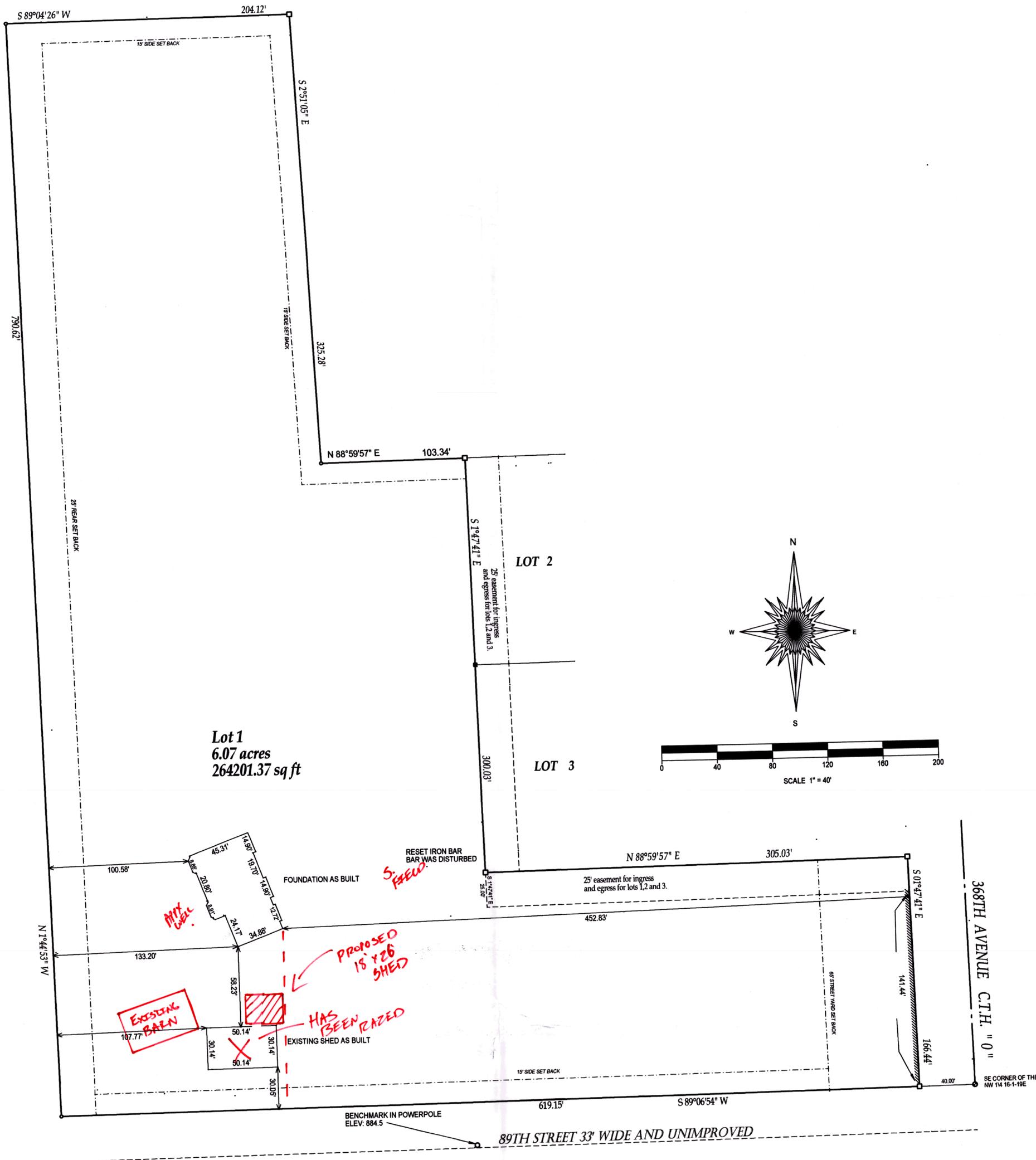
NO NEGATIVE EFFECTS WOULD RESULT FROM APPROVING THIS VARIANCE. THERE WOULD BE NO ALTERATION TO THE CHARACTER OF THE NEIGHBORHOOD. POSITIVE EFFECTS WILL RESULT BECAUSE GREAT CARE WAS GIVEN DURING THE DESIGN AND LOCATION PLANNING. THE PROPOSED BUILDING WILL BE LOCATED IN THE SIDE YARD, WILL BE LOCATED AT LEAST 10 FEET FROM THE PRINCIPAL STRUCTURE, AND A MINIMUM OF 10 FEET FROM BOTH SIDE AND REAR LOT LINES. THE CLEARLY BUILT WAS PROFESSIONALLY DESIGNED TO FIT WITH THE SCALE OF EXISTING PARCEL STRUCTURES AND WITH INTEGRATED FEATURES SUCH AS A MODIFIED 6/12 ROOF PITCH, AN AESTHETICALLY PLEATING DUTCH DOOR, GUPOLA AND MULTIPLE WINDOWS.

# PLAT OF SURVEY

OF  
 LOT NUMBER 1 OF CERTIFIED SURVEY MAP NUMBER 2491 LOCATED IN  
 PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16,  
 TOWNSHIP 1 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN,  
 TOWN OF RANDALL, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

**F/S  
 APPROVED**

**F/S  
 APPROVED**



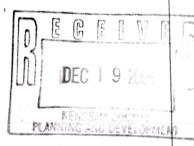
- LEGEND**
- ⊙ = found concrete monument
  - = found iron bar
  - = found iron pipe
  - = set iron bar 3/4" X 1 1/8" 1.5 lbs per lin. ft.
  - //// = no access
  - ⊕ = soil boring

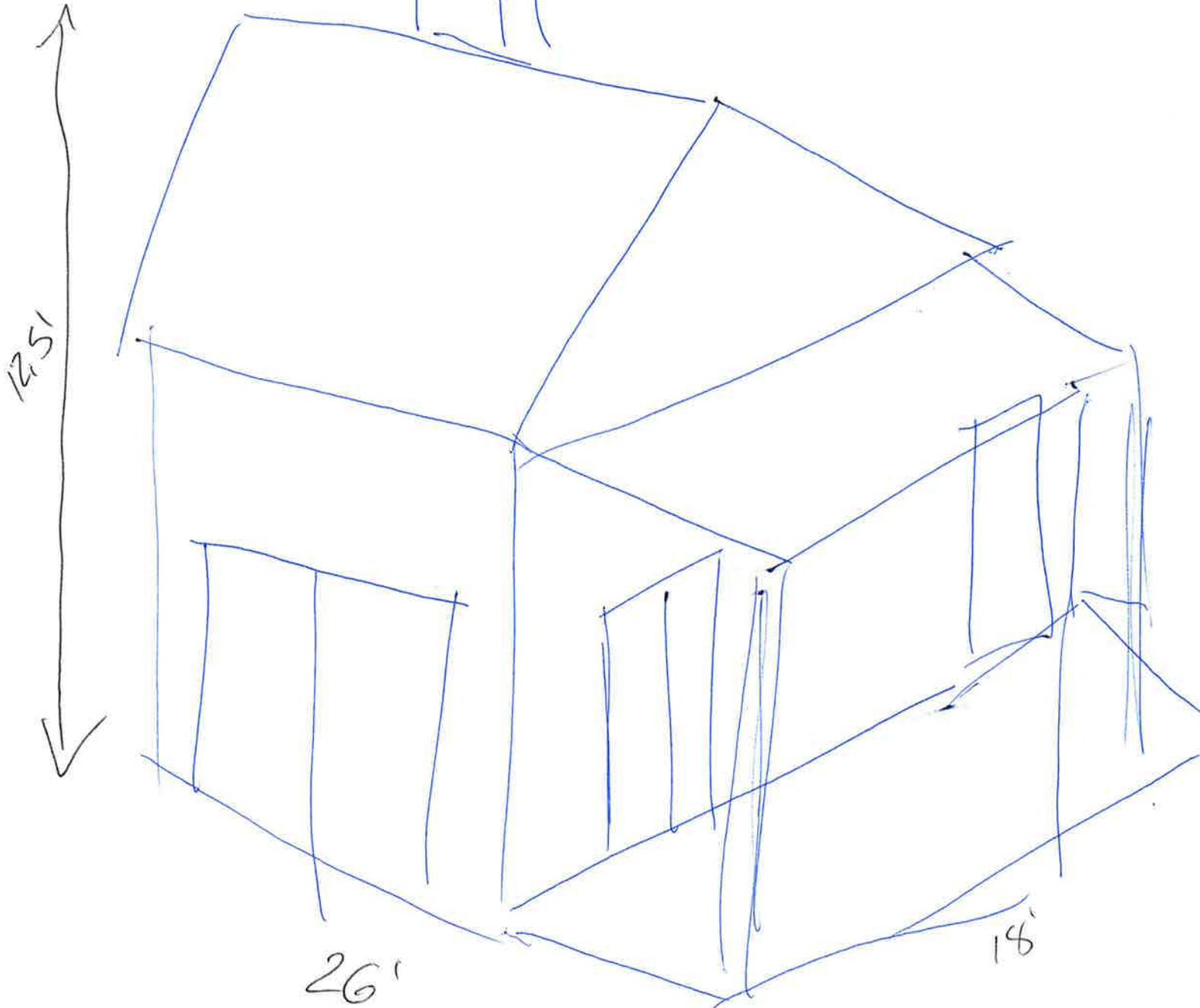
"I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of all visible structures, apparent easements and encroachments if any."  
 This survey is made for the present owners of the property, and those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

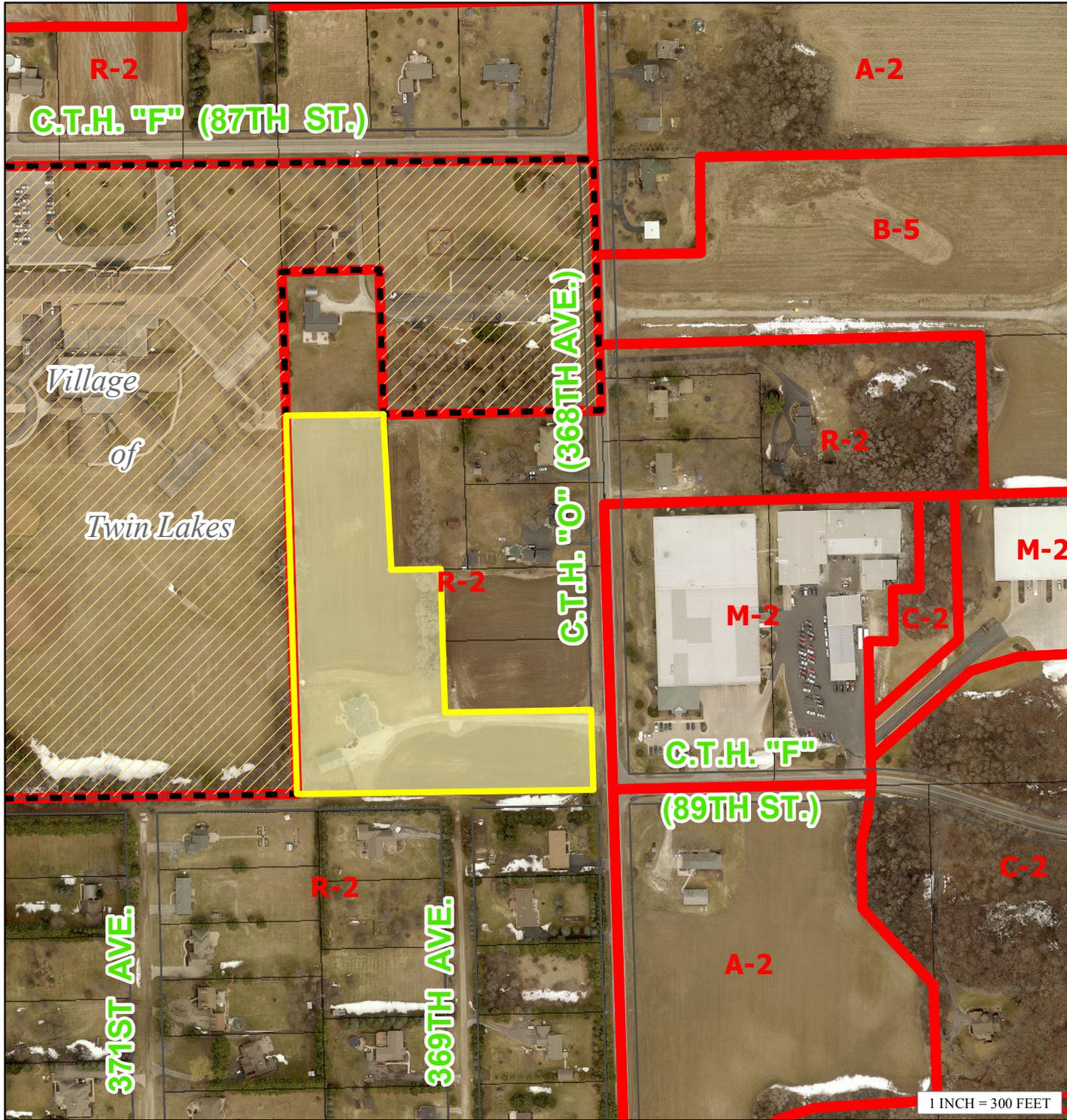
REVISED NOVEMBER 11TH, 2006  
 FOUNDATION AND SHED AS BUILT



*Jeffrey L. Kimps*  
 JEFFREY L. KIMPS S - 2436  
 Wisconsin Registered Land Surveyor







VARIANCE SITE MAP

PETITIONER(S):

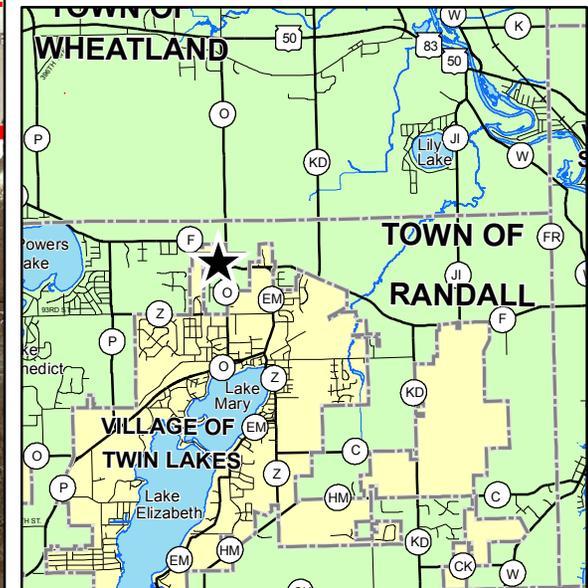
Darrell L. Marciniak  
Joseph Giometti-Marciniak (Owners)

LOCATION: NW 1/4 of Section 16,  
Town of Randall

TAX PARCEL(S): #60-4-119-162-1161

REQUEST:

Requesting a variance (Section V. A. 12.27-6(d): that there shall be a maximum of two detached accessory buildings, excluding gazebos and pool houses, not more than 150 sq. feet in area and 15 feet in height. One accessory building shall be limited to a maximum of 1,500 square feet in area and a maximum of 20 feet in height. The second building shall be limited to a maximum of 150 square feet in area and a maximum height of 15 feet. The two buildings shall not exceed a total of 1,650 square feet in area to construct a proposed 18' x 26' (468-square foot) accessory building for a total combined accessory building area of 2,118 square feet (1,650 square maximum allowed) in the R-2 Suburban Single-Family Residential District.





# COUNTY OF KENOSHA

January 2013

Department of Public Works & Development Services

## TEMPORARY USE APPLICATION

RECEIVED

Owner: Arthur A. Naber & Paul J. Naber

APR 19 2016

Mailing Address: 3405 S. Brown Lake Drive, #3

Burlington WI 53105

Kenosha County  
Planning and Development

Phone Number(s): 262-206-9910

*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: 95-4-119-024-0300 Zoning District: A-2

Property Address: 33202 73rd Street Shoreland: Yes

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

Current Use: Ag., Residential, Undeveloped

### REQUIRED BY ORDINANCE

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

Temporary Agricultural Tourism / Event Barn

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: Phillip Kirsch Signature: P. Kirsch 4-19-16

Agents Address: 33130 73rd Street, Burlington WI 53105

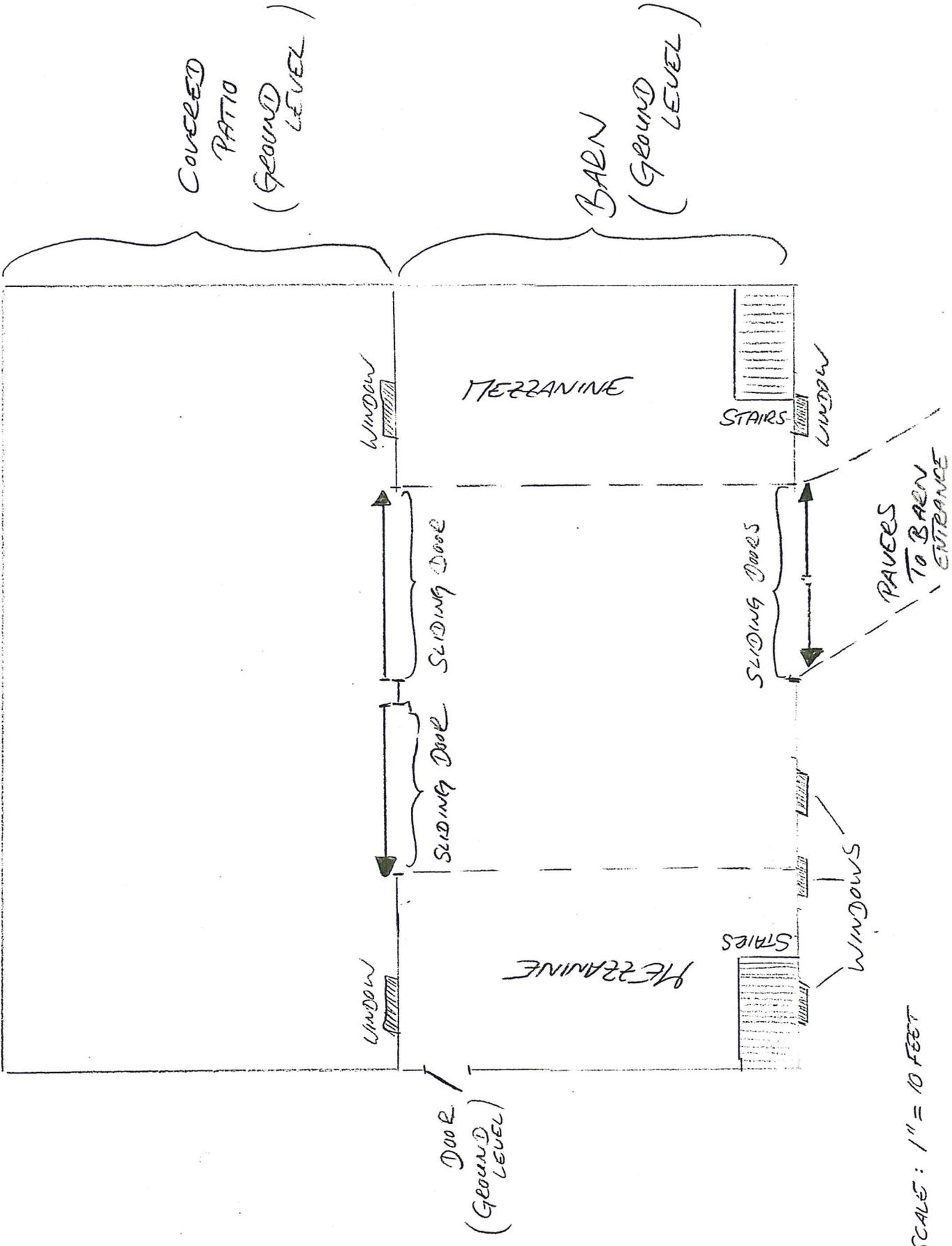
Phone Number(s): HM: 262-537-2600 C: 847-721-9120

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33202 73RD ST WHEATLAND  
JOANNA + PHILLIP KIRSCH  
APRIL 4 2016

# BARN SKETCH



APPROX. SCALE: 1" = 10 FEET

## **Temporary Use Permit Narrative**

### **Spring Valley Farmstead, LLC**

### **April, 2016**

Spring Valley Farmstead is a planned 61 acre farm located in the town of Wheatland on the east side of New Munster Wildlife Area and north side of 75<sup>th</sup> Street and 73<sup>rd</sup> Street. The farm consists of a continuous block of land with two addresses: approximately 22.8 acres at 33202 73<sup>rd</sup> Street where the barn, fields, and woods exist and 38.39 acres at 33130 73<sup>rd</sup> Street where the owner's home and additional cropland and woods are located. The farm is owned and operated by Phillip and Joanna Kirsch (after close of accepted offer to purchase 33202 73<sup>rd</sup> St). The farm is made up of approximately 40 forested acres and 12 to 18 tillable acres. The farm produces Christmas trees, corn and soybeans, along with an assortment of produce such as pumpkins, squash and gourds. The purpose of Spring Valley Farmstead (SVF) is to share an agricultural, educational, and recreational experience with the community and public. SVF will utilize existing farm buildings and land in conjunction with new projects. SVF will strive to provide the safest environment as possible for its users. None of the land will be taken out of agriculture production.

Zoning: The farm is zoned A-2 General Agricultural, C-1 Lowland Resource Conservancy, and C-2 Upland Resource Conservancy.

Hours of operation: For the year 2016, the anticipated hours of operation will be from 10:00 a.m. to 6:00 p.m. Certain nighttime activities may be desirable to the public and could be implemented as well. Nighttime activities would be extended until 11:00 p.m. Examples of nighttime activities are bonfires, a haunted corn maze, or a wedding reception.

Days of operation for Seasonal Ag Recreation Activities: Starting in 2016, the days the operation will be open would be Friday through Sunday, beginning in September (September 2) through the last full weekend in October (October 30). This would be 27 days total. If customer demand is high, the days open for each week would be extended from Monday through Sunday.

Starting in 2017 the farm will be available from May through October for use in farm venue activities.

Days of operation for Christmas Trees: Starting in as early as 2020 "choose and cut" Christmas trees will be available in the outlined nursery area (in green outline). Days that SVF will be open for Christmas activities will begin the first Friday after Thanksgiving and continue from Friday through Sunday until Christmas.

Employees: It is anticipated that in 2016, 5-7 part-time employees will be needed for day to day operations of the farm. Depending on the success of the farm more employees will be added to better serve the customers.

Anticipated volume of customers: In 2016, it is anticipated that there will be less than 200 people per day. The success of the farm will create the potential for more customers per day in the future.

Parking/Driveways: Parking for the public will be located on the northwest side of the old farm house, and east of the old farm house through to the east driveway (see appendix A). Overflow for cars could be handled by parking on east corner of the southeast field. There will be a separate ingress and egress. Three driveways currently exist in the southeast of the farm on 73<sup>rd</sup> Street. There is an existing driveway (middle driveway) leading to the barn and old farm house (labeled driveway A), and another driveway located to the east of driveway A that runs along the east side of the property and going to the owners residence (labeled driveway B). The third driveway is to the west of driveway A and enters the southeast field (labeled driveway C). Driveway A will be the entrance for the public, and driveway B will be the exit. Driveway C is the exit if the overflow area is used. Parking will occur in grassy area/alfalfa field with room to be modified as needed. (Refer to the site map). This area will be farmed the rest of the season. Parking for employees will be adjacent to public parking. Handicap parking will be available closer to the farm (refer to the site map).

Traffic: Much of the anticipated traffic will be coming from JI onto 73<sup>rd</sup> Street and then entering the property.

Buildings: There is an old house on the farmstead that will not be occupied. We do not intend to live in it. It will be used for storage.

Outbuildings: There is a traditional Wisconsin red barn which will be used for our planned activities. There are two other wooden sheds, both of which will be used in the farm operation.

Outdoor storage: Wagons and farm produce will be outside as determined by the seasons.

Outdoor activities: Examples of outdoor activities within the outdoor activity area on the site map plan (in blue outline) are a corn maze, pumpkin patch, farm animals, educational displays, hay rides, and picnic area. The proposed activity area encompasses the approximate 2 acre farmstead and an additional 2-3 plus acres to the west and north of the farmstead as needed. **The described area will be where the majority of activities take place but the whole property will be encompassed in the Use Permit.** Please refer to the comprehensive list of potential fall activities on the attached appendices (B and C).

Indoor activities: Part of the barn will be used to display and market produce and related farm products. The barn will be available for agricultural entertainment activities from May through October.

Special Events: There is the potential to host special events on the farm. Examples would be weddings, barn dances, or corporate meetings. Most of these events would take place in the barn.

Outdoor lighting: The farm currently has a yard light on the north side on the barn and north west side of the house. Additional lighting will be added on the outside of the barn as needed. Temporary lighting may be added in the parking area for safety as needed. Any lighting that is added would be dark sky lighting.

Trash removal: A dumpster will be on site, as needed. Trash cans will be placed in appropriate areas such as picnic areas and activity areas. Trash items will be screened from the public as much as reasonable.

Public hygiene: Portable toilets and hand washing stations will be available to the public during the days of operation. Toilet facilities will be separated and screened from farm activities.

Proposed signs: An informational sign will be near the driveways along 73<sup>rd</sup> Street. Entrance/exit signs will be placed by appropriate driveways to control traffic to the parking area on the site plan. Any signs would be placed outside of the right-of-way and would not block any field of view to pose a safety concern.

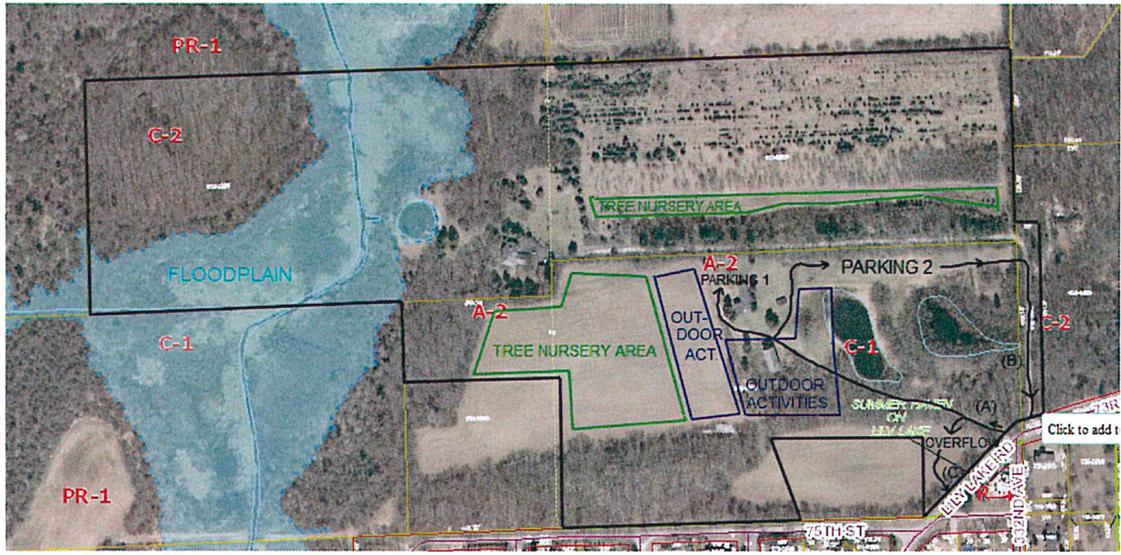
Noise: The operation does not intend to use loud speakers or amplify noise in any way. The operation does not foresee the activities causing unreasonably loud noise levels. In the case of special events there may be extra noise enclosed within the barn. An example of such noise would be music for a wedding.

Public Safety: First aid kits and fire extinguishers will be on-site. An emergency plan will be in place prior to commencing activities. Emergency vehicles will use Driveway A to enter. Adequate insurance will be in place to protect the users and owners of Spring Valley Farmstead.

Public Services: Public services should not be needed except for in the case of an emergency.

# Appendix A

## Site Map Plan



## **Appendix B**

### Examples of potential 2016 Activities

Hayride to pumpkin patch

Corn sand box

Sand box/sand box with tire play set

Animal feeding/petting: farm animals to include goats, chickens, rabbits, pigs, sheep, cows, horses, additional animals

Swings / tire swings

Balance beam - a log close to the ground half-buried

Slides

Pedal carts/trikes and tracks

Bouncy horses / bouncy house

Straw stacks/forts

Play set

Farm yard games - Cornhole toss, bolotoss, etc.

Educational tour of the farm / educational displays

Refreshments / food items

Sale of farm's produced goods (pumpkins, gourds, squash, Indian corn, crafts, honey, jelly, etc)

Cutout figures/photo opportunities

Culvert/hamster wheels

Bonfires

Archery shoots / archery practice

Weddings / wedding receptions

Deck of barn

## **Appendix C**

### Examples of potential 2017 and beyond activities

Lookout/telescope

Face painting

Pumpkin painting/carving

Teeter totter

Merry-go-round

Haunted woods/haunted corn maze

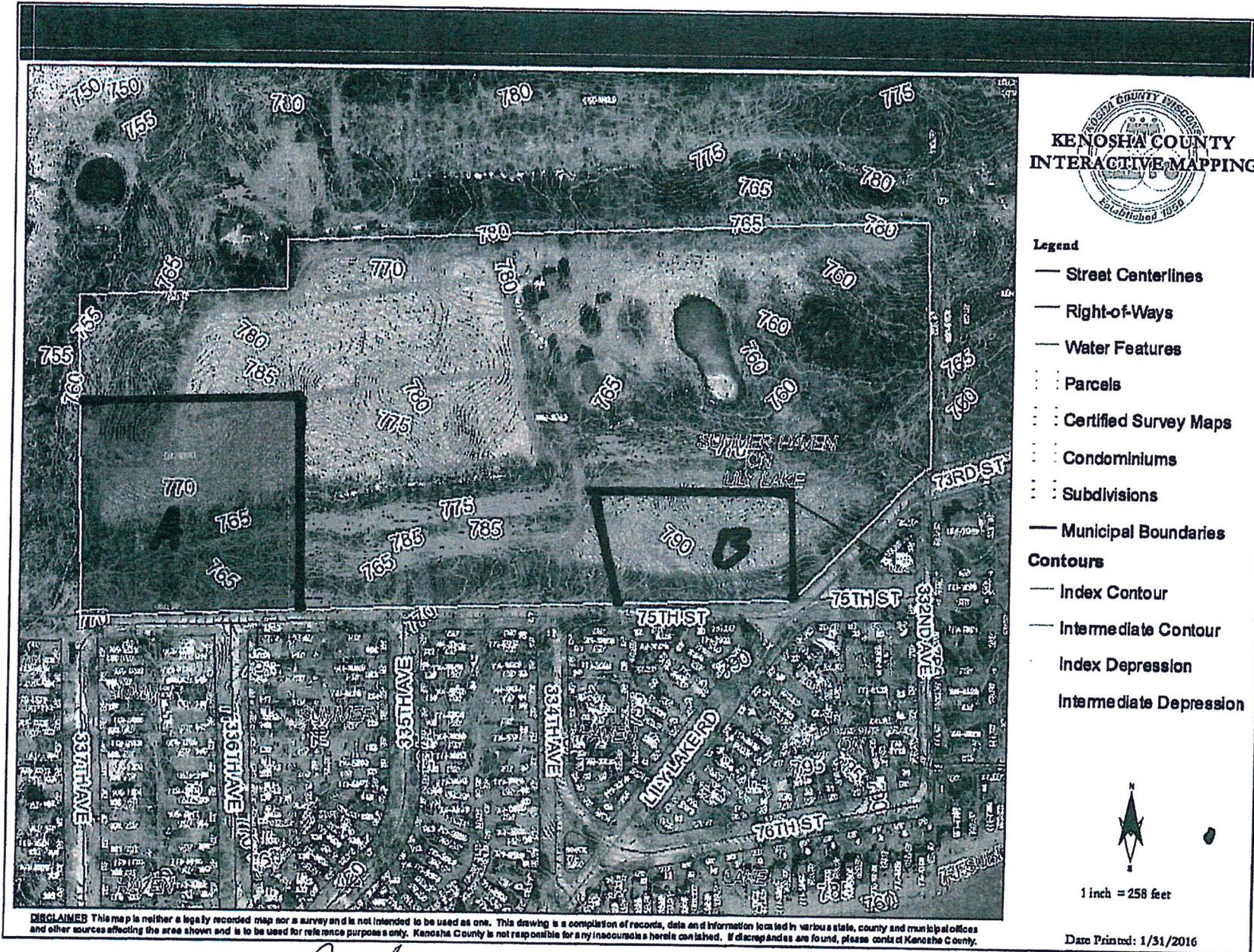
Tree house

Pumpkin cannon/corn cannon/pumpkin slingshot

Giant pillow

Hiking trails

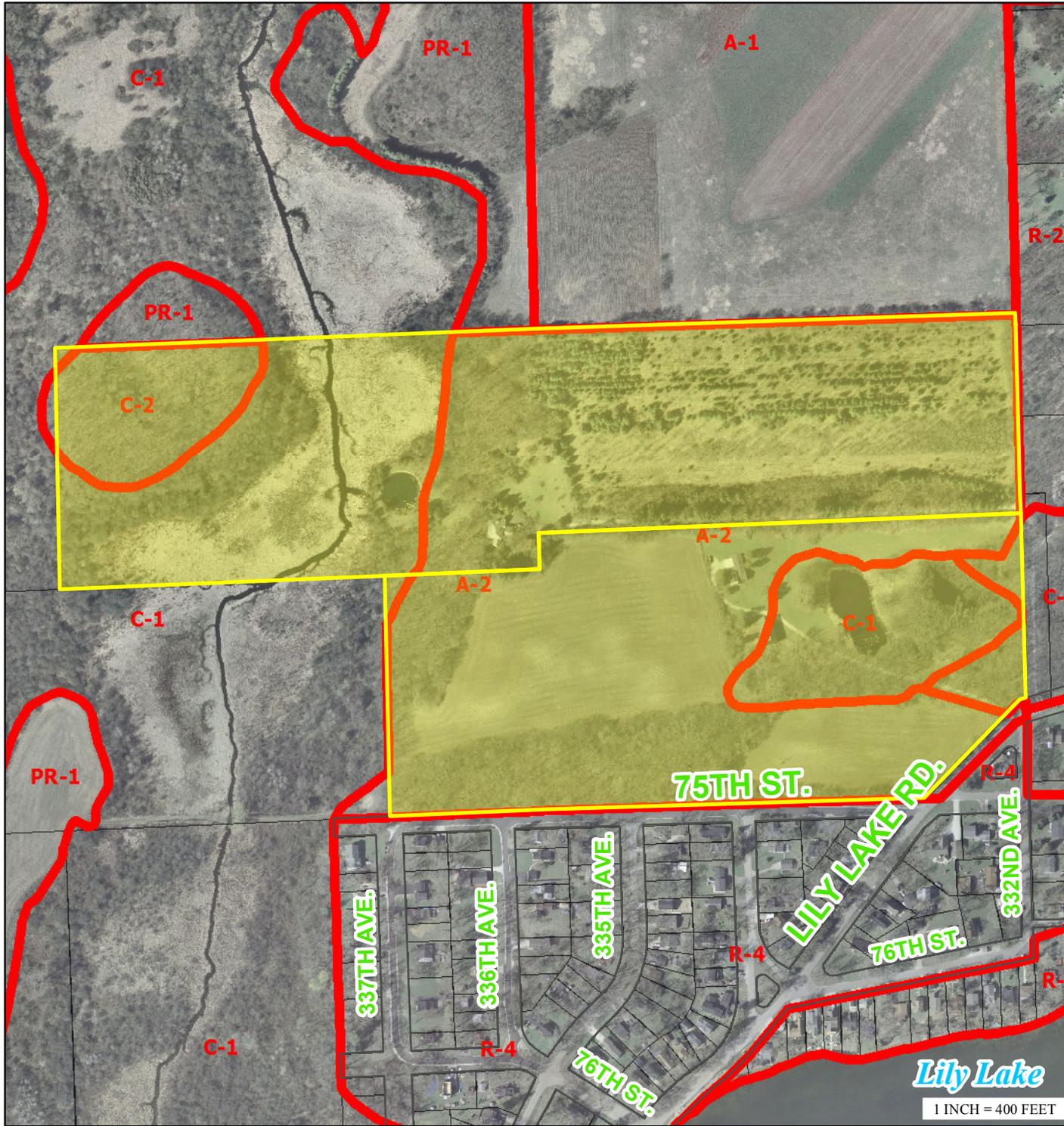
# ATTACHMENT B



*PJ*  
2-17-16

*AM*  
2-17-16

*PK-15-16*  
*OK 2/15/16*



1 INCH = 400 FEET

May19NaberTempUseBOA.mxd

**TEMPORARY USE SITE MAP**

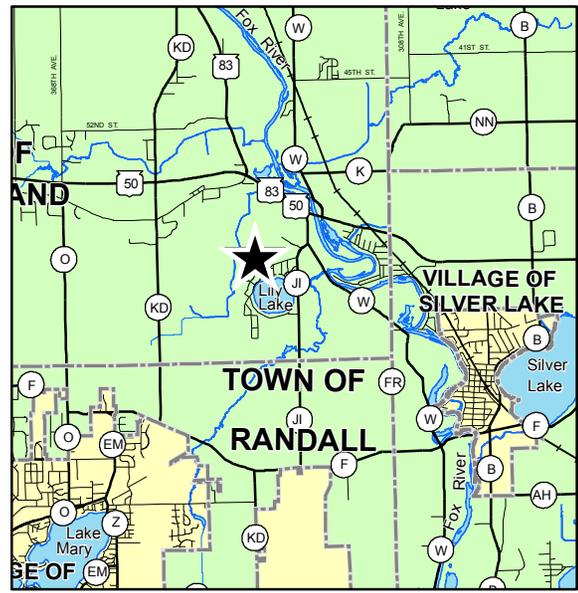
**PETITIONER(S):**  
 Arthur A. Naber & Paul J. Naber (Owner)  
 Philip Kirsch (Owner/Agent)

**LOCATION:** S 1/2 of Section 2,  
 Town of Wheatland

**TAX PARCEL(S):** #95-4-119-024-0300 &  
 #95-4-119-023-0200

**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 operate an agricultural tourism/event barn in the A-2 General Agricultural District & the C-2 Upland Resource Conservancy District.





# COUNTY OF KENOSHA

January 2013

Department of Public Works & Development Services

## TEMPORARY USE APPLICATION

RECEIVED

Owner: Kenosha County Fair Association, Inc.

APR 20 2016

Mailing Address: PO Box 96

Kenosha County  
Planning and Development

Wilmot WI 53192-0096

Phone Number(s): 262-862-6121

*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: 67-4-120-303-1261 Zoning District: PR-1

Property Address: 30820 111th Street Shoreland: Yes

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

Current Use: Kenosha County Fairgrounds

### REQUIRED BY ORDINANCE

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

To temporarily operation a farmers market.

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 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: *Deise L. Zerkel*

Agent: Ray Forgianni, Kenosha Common Markets, Inc.  
forgianniray@hotmail.com

Signature: *[Signature]*

Agents Address: PO Box 643, Kenosha WI 53141-0643

Phone Number(s): 262-914-1252

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(e) Tax key number(s) of subject site:

67-4-120-303-1261

Address of the subject site:

30820-111tj st, Wilmot, Wisconsin, 53192-0096

(f) Plan of Operation (or attach separate plan of operation)

Type of structure:

Conditional Permit for the operation of Westosha Farmers Market on Kenosha County Fair Grounds on Wednesdays of July 6, 13, 20, 27, August 3, 10, 24, 31, September 7, 14, 21, and 28, 2016

Proposed operation or use of the structure or site:

The Westosha Farmers Market will operate within the confines of the fenced in area of the Kenosha County Fair Grounds,. All internal roadways will remain unencumbered during market operation with vendors located on grassy areas facing said roadways. Setup will be conducted between 1:00 PM and 2:30 PM while breakdown will be conducted between 6:30 PM and 7:30 PM. During inclement weather, Animal sheds may be used for vendor operation. All parking, vendors and customers, will be restricted to Fairground posted parking areas, Vendors are required to comply with Westosha market Rules and all provisions of local fire, health and safety codes. Westosha Market Rules are attached.

Number of employees (by shift): Two Kenosha Common Market Employees

Hours of Operation: Market operation is between 2:30 PM and 6:30 PM

Any outdoor entertainment? If so, please explain: One live acoustic based performance per day

Any outdoor storage? If so, please explain: None

Zoning district of the property: Exemt

(g) Attach a plat of survey prepared by a land surveyor registered by the State of Wisconsin or site plan drawn to scale and approved by the Department of Planning and Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping.

**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.



# Kenosha Common Markets, Inc.

## 2016 WestoshaMarket Rules

*In order to ensure a safe, efficient, customer-friendly market, we require your compliance with the following*

### 2016 Operating Schedule

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There are a total of 12 Market dates this year:

¶ **Market Day:** Wednesdays

¶ **Dates:** July 6 thru September 28 except for August 17

¶ **Time:** 2:30pm–6:30pm (starting and ending 30 minutes earlier than last season.)

¶ **Where:** 30820 111th St. , Wilmot, WI, AKA Kenosha County Farigrounds

¶ **Set-up:** Set-up between 1pm–2:15pm ¶

**Take-down:** 6:30pm completed by 7:30pm ¶

**Market is held rain or shine!**

---

### Vehicles

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¶ All vehicles are prohibited on the Market grounds during the hours of operation.

¶ Vendors must park at the far west or far north section of the parking area. ***Leave the close parking spots for our customers!***

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### Stall Size

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¶ Stall size will be approximately ten feet wide and fifteen feet deep. (10'w x 15'd) ¶

The width represents the front area that is open to the public.

¶ The back of the stall may be used for merchandise and equipment storage.

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### Tents

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¶ Tents are recommended in order to create a uniform visual effect to the market. A standard 10'x10' EZ-UP, or equivalent, is recommended.

¶ Tents must have white fabric canopies, except if the canopy is professionally printed with a company logo. Permission is required for any canopy other than white, so send a photo with your application.

¶ Vendors are responsible to purchase and maintain their own tent.

¶ Vendor is responsible to secure the tent with weights. A minimum of 25 pounds per corner is recommended. If water-filled containers are used for weights, they must be a sealed.

---

### Electricity Requirements

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Electricity is available on a very limited basis, and is allocated to vendors based on absolute necessity (e.g. food refrigeration or preparation). A fee of \$5 per cord, or \$25 per cord for the

season, must be paid in advance (see appropriate line of the application). Only power cords provided by WestoshaMarket may be used.

## **Pets and Animals**

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- † Customer pets are allowed at the Market if leashed and under control. Any pets presenting a problem will be required to leave.
- † Vendors may not bring their pets to the Market.
- † The trade of live animals is not permitted.

## **Health Department Requirements**

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It is the responsibility of *ALL* food vendors to follow local Health Department regulations and restrictions, and to possess licenses as required. Call the Kenosha County, Division of Health at (262) 605-6700 for information on food-related sales requirements, such as licenses and proper food preparation, labeling and handling. *If you sell food, you must carry appropriate insurance.*

## **Vendor Conduct**

---

- † A vendor may not leave the Market early, even if sold out.
- † If a vendor must leave for an emergency, all equipment and goods must be moved by hand or handcart. No vehicles are permitted on the market site during regular hours.
- † Smoking is not permitted anywhere on Market grounds between 1pm and 8pm. Vendors who must smoke **MUST** stand at least 25 feet outside the market perimeter. ***Do not litter!***
- † Vendors are expected to behave courteously to other vendors, Market staff and the public. †  
Annoying behavior, including unnecessary noise, will not be tolerated.
- † Vendors may not play music.
- † Running gasoline or diesel motors or engines is not permitted without written permission from Market staff.
- † If, for any reason, you cannot make it to the Market, call the manager so the vendor layout can be adjusted.

## **Parking and Unloading/Reloading**

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Vendors are to unload your products and equipment, then park at the north or west side of the large parking lot. Vendor unloading/ reloading is one-way. Similar to unloading, in order to minimize wait times, vendor stalls are to be completely broken down before moving their vehicles in for pickup.

## **Vendor Discipline/Termination**

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Vendors are expected to cooperate with WestoshaMarket staff and fellow vendors. Please obey all the rules. If there is a problem, communicate that to staff. If you are the problem, you will be notified first verbally, and then in writing. Failure to correct the problem, will result in termination of the vendor at WestoshaMarket, without any refund of vendor fees.

Legal Name/Owner: KENOSHA COUNTY FAIR ASSOCIATION INC  
Property Address: 30820 111TH ST

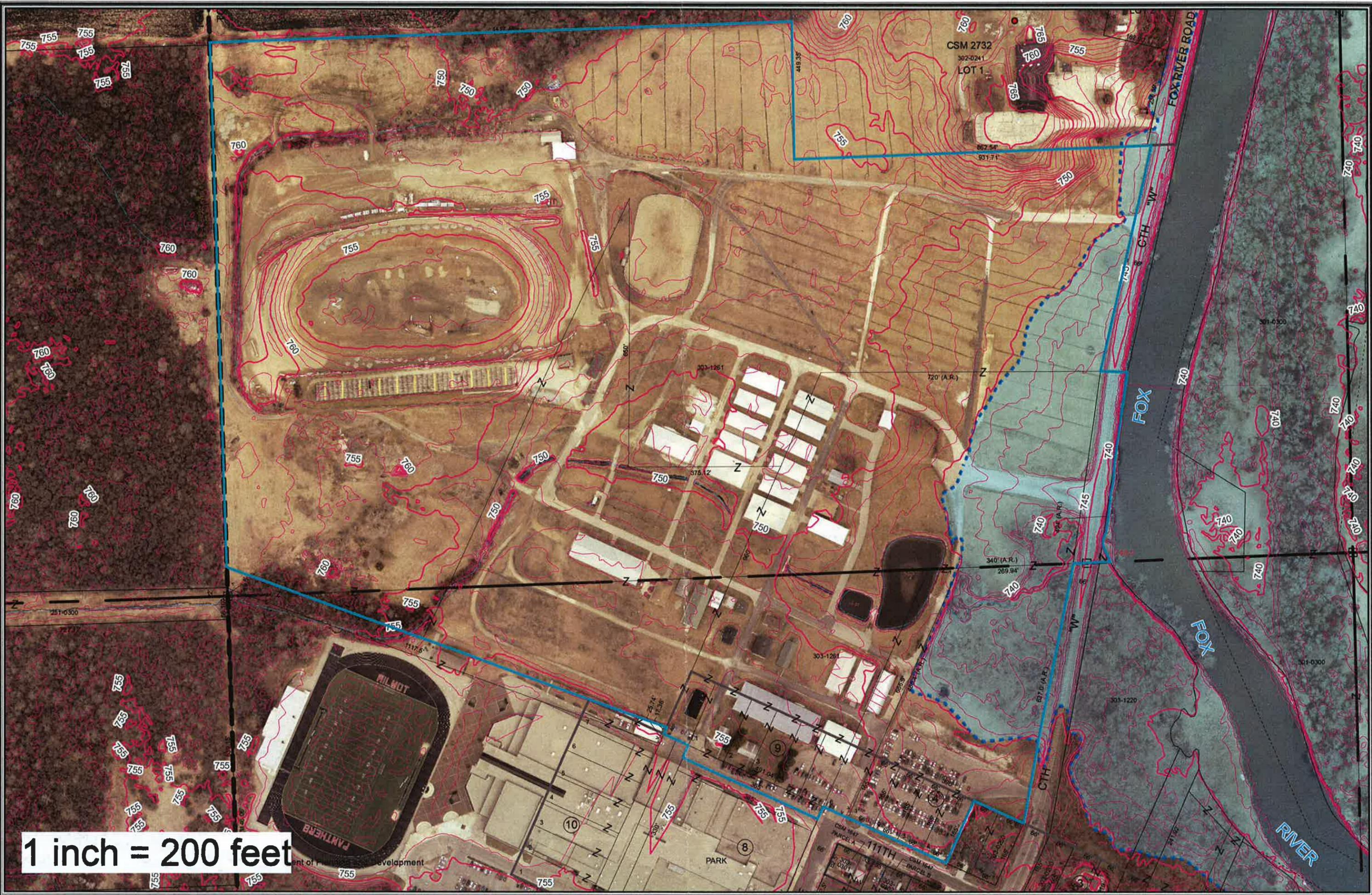
Assessment as of : 1/01/2015 +  
Assessed Land : 0  
Assessed Improved : 0  
Assessment Total : 0

Mail-To Address: KENOSHA COUNTY FAIR ASSOC INC  
PO BOX 96  
WILMOT, WI 53192-0096

Current as of : Last Posting  
Heated Square Foot :  
Garage Square Foot :  
Actual Frontage :  
Effective Frontage :  
Effective Depth :  
Total Acres : 76.68

Document #  
Abbrev Metes/Bounds Legal Desc +  
PT NW 1/4 & SW 1/4 SEC 30 T 1 R 20  
COMM SW CORN OF NW 1/4 SEC 30 TH E  
1398.48 FT TH N 998.49 FT & POB TH  
E TO W BANK OF FOX RIVER TH SW Y ALG  
BANK TO PT ON S LN OF NW 1/4 SD SEC  
F1=Msg F2=Fmt d Legal F3=Exit F4=Addl Metes F5=Addl Owner F6=Addl Assmt  
F7=Prpor Name F8=Next Name F9=Prop Tax F10=Sales F11=Gen Bldg F12=Land  
F13=Prpor Name F14=Land F15=Print Property  
F17=Prop Hist F18=Pol Distr

See recorded doc for complete legal



1 inch = 200 feet



1 inch = 200 feet

TEMPORARY USE SITE MAP

PETITIONER(S):

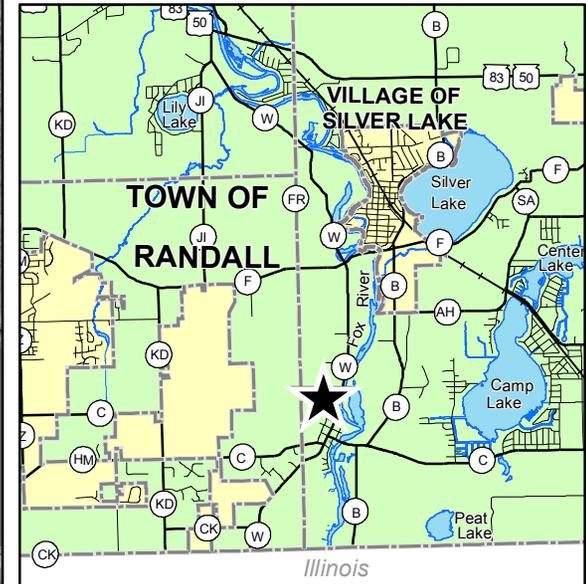
Kenosha County Fair Association Inc.  
(Owner), Ray Forgianni, Kenosha  
Common Markets, Inc. (Agent)

LOCATION: W 1/2 of Section 30,  
Town of Salem

TAX PARCEL(S): #67-4-120-303-1261

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 operate a farmers market in the PR-1 Park-Recreational District.





## TEMPORARY USE APPLICATION

RECEIVED

Owner: Omar Calzada

APR 21 2016

Mailing Address: 28343 41st Street

Kenosha County  
Planning and Development

Salem WI 53168

Phone Number(s): 847-652-5287

*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: 30-4-220-294-0300 Zoning District: A-2

Property Address: 28353 41st Street Shoreland: No

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

Current Use: Single-Family Residence w/ Att. Garage & One Outbuilding

### REQUIRED BY ORDINANCE

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

To operate a temporary commercial bull riding/rodeo event.

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.

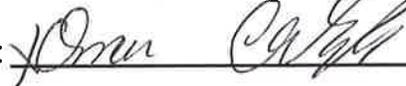
(1) What would be the effect on this property, the community or neighborhood and the public interest if the temporary use was granted? How can these impacts be mitigated.

*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.*

Maximum of seven events (the Memorial Day and Labor Day events would each be over the course of two days).

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

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

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

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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.

April 7, 2016

Addressed to:

Brighton Plan Commission

Brighton Town Board

Kenosha County Board of Adjustments

Said temporary use permit application is being made for a bull riding event/rodeo use for a twelve month period from the date of approval. The event will happen no more than 7 times over the course of the twelve month period. Each event will be a one-day event, however the Memorial Day event and the Labor Day Event would each be over the course of two days.

The events will be held mostly in the open fence arena located in the western central part of the 10-acre property.

We anticipate approximately 300-500 people in attendance.

Patrons will arrive on site at 11:00 a.m. and leave the site by 10:00 p.m.

No overnight camping will be permitted on the site.

Sanitation:

Sufficient port-o-lets will be provided for patrons on-site.

Food Service:

Food will be served by the petitioners.

Parking:

All parking will be on-site. Parking will be accommodated so as to eliminate the potential for backups onto 41st Street.

Hours of Operation:

Saturdays and Sundays (no overnight camping of patrons)

11:00 a.m. to 10:00 p.m.

Music:

Music will not start until noon and will be done at 9:00 pm on all event dates.

Sincerely,

Omar Calzada

# Kenosha County

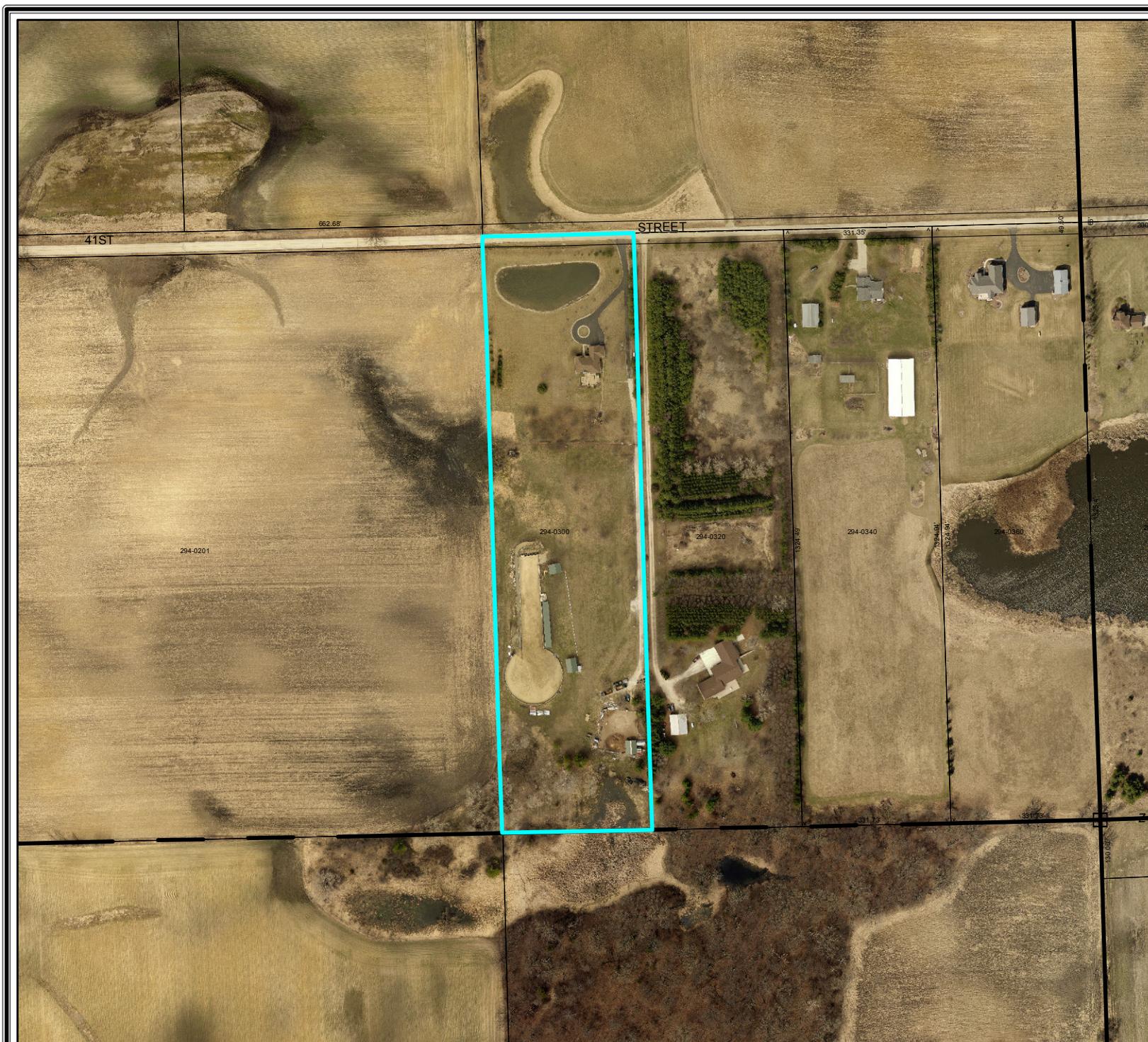


APRIL 2015 AIR PHOTO



1 inch = 300 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.





# Kenosha County



EXISTING  
CONDITIONS  
(APRIL 2015)



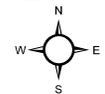
1 inch = 200 feet

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.

# Kenosha County



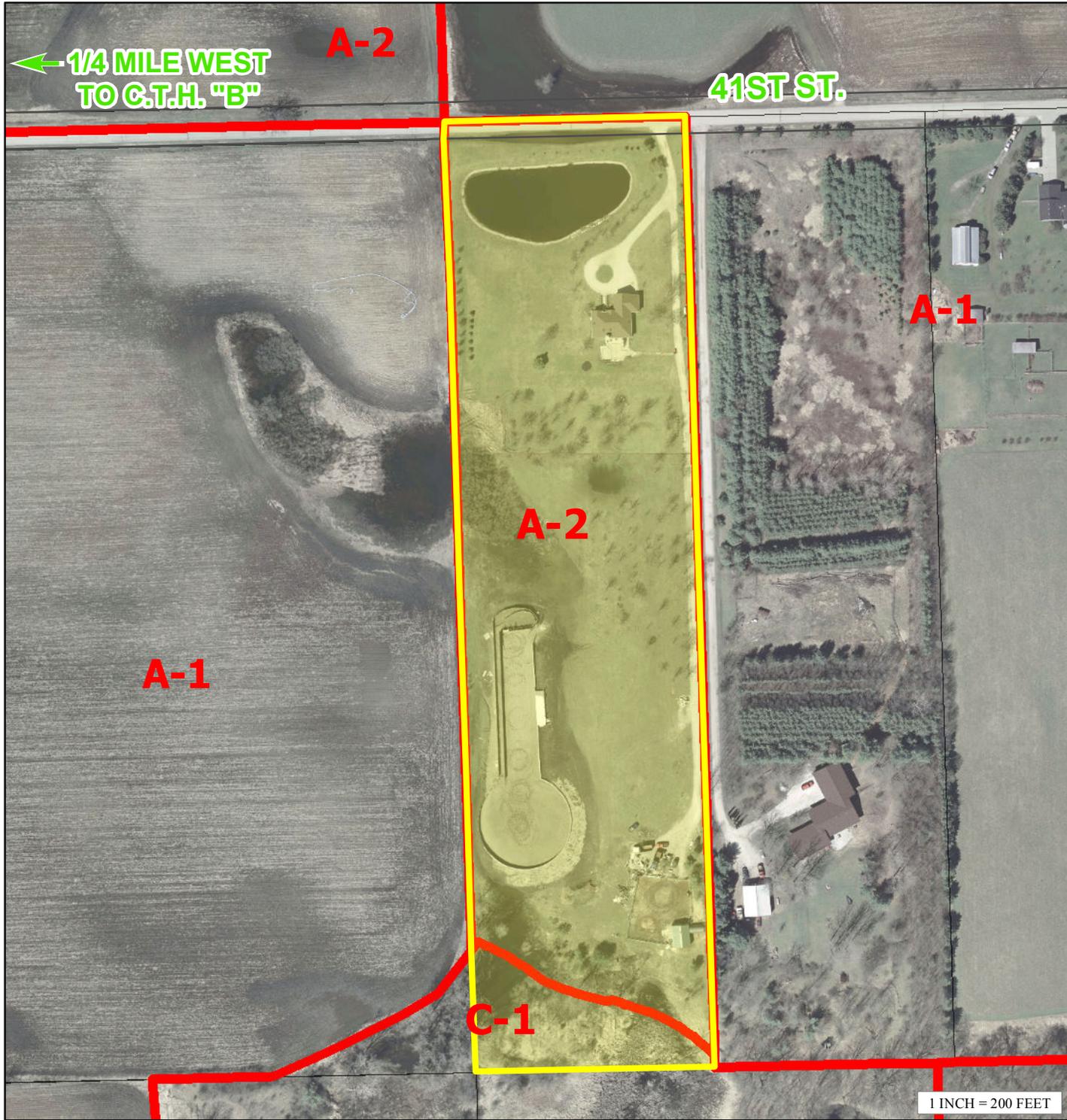
## PROPOSED SITE PLAN OF OPERATION



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.





TEMPORARY USE SITE MAP

PETITIONER(S):

Omar Calzada (Owner)

LOCATION: SE 1/4 of Section 29,  
Town of Brighton

TAX PARCEL(S): #30-4-220-294-0300

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 operate temporary commercial bull riding/rodeo events in the A-2 General Agricultural District.



1 INCH = 200 FEET

