



Zoning Board of Adjustment Agenda  
Kenosha County Center, Conference Room A  
August 18, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, August 18, 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 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](#)

2. **CITIZEN COMMENTS**
3. **APPROVAL OF MINUTES**
4. **OTHER BUSINESS ALLOWED BY LAW**
5. **ADJOURNMENT**

**NOTICE TO PETITIONERS**

The petitioners: Arthur A. Naber & Paul J. Naber shall be present at the hearing on Thursday, August 18, 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 Town of Wheatland is requested to be represented at the hearing on Thursday, August 18, 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

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

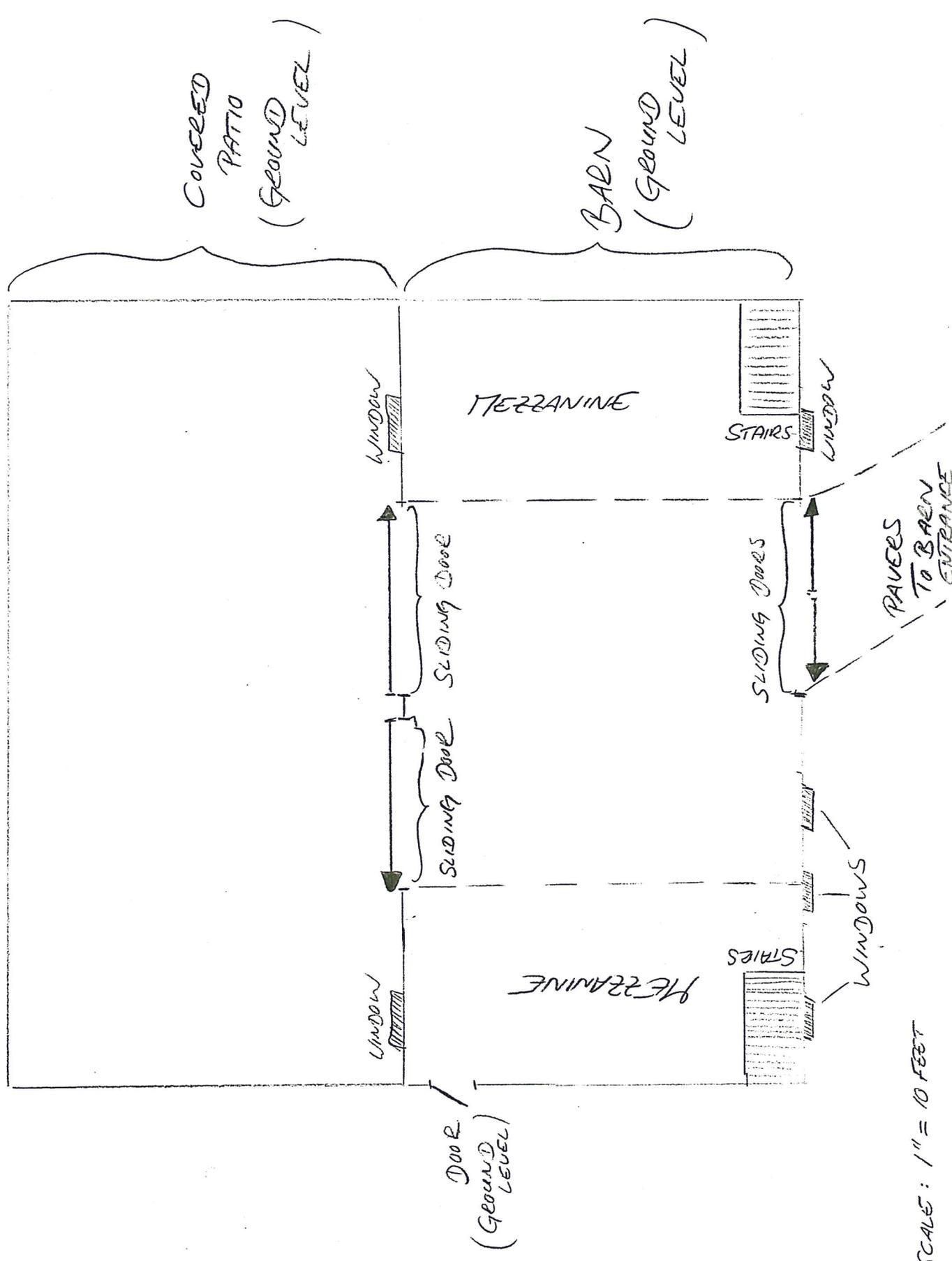
Phone Number(s): HM: 262-537-2600 C: 847-721-9120

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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.

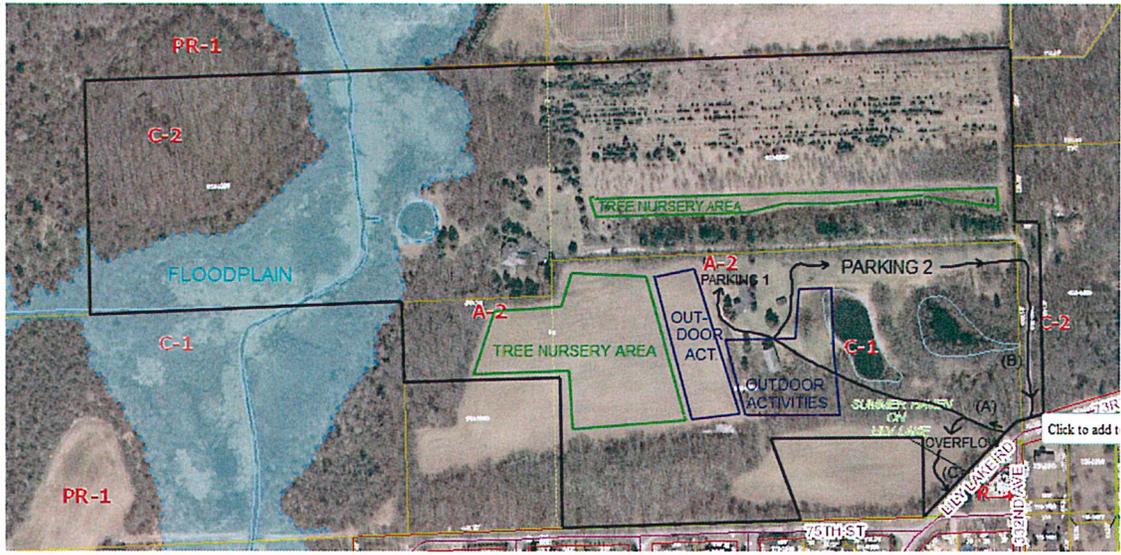
Noise: The operation does not intend to use loud speakers or amplify noise in any way. The operation does not foresee the activities causing unreasonably loud noise levels. In the case of special events there may be extra noise enclosed within the barn. An example of such noise would be music for a wedding.

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

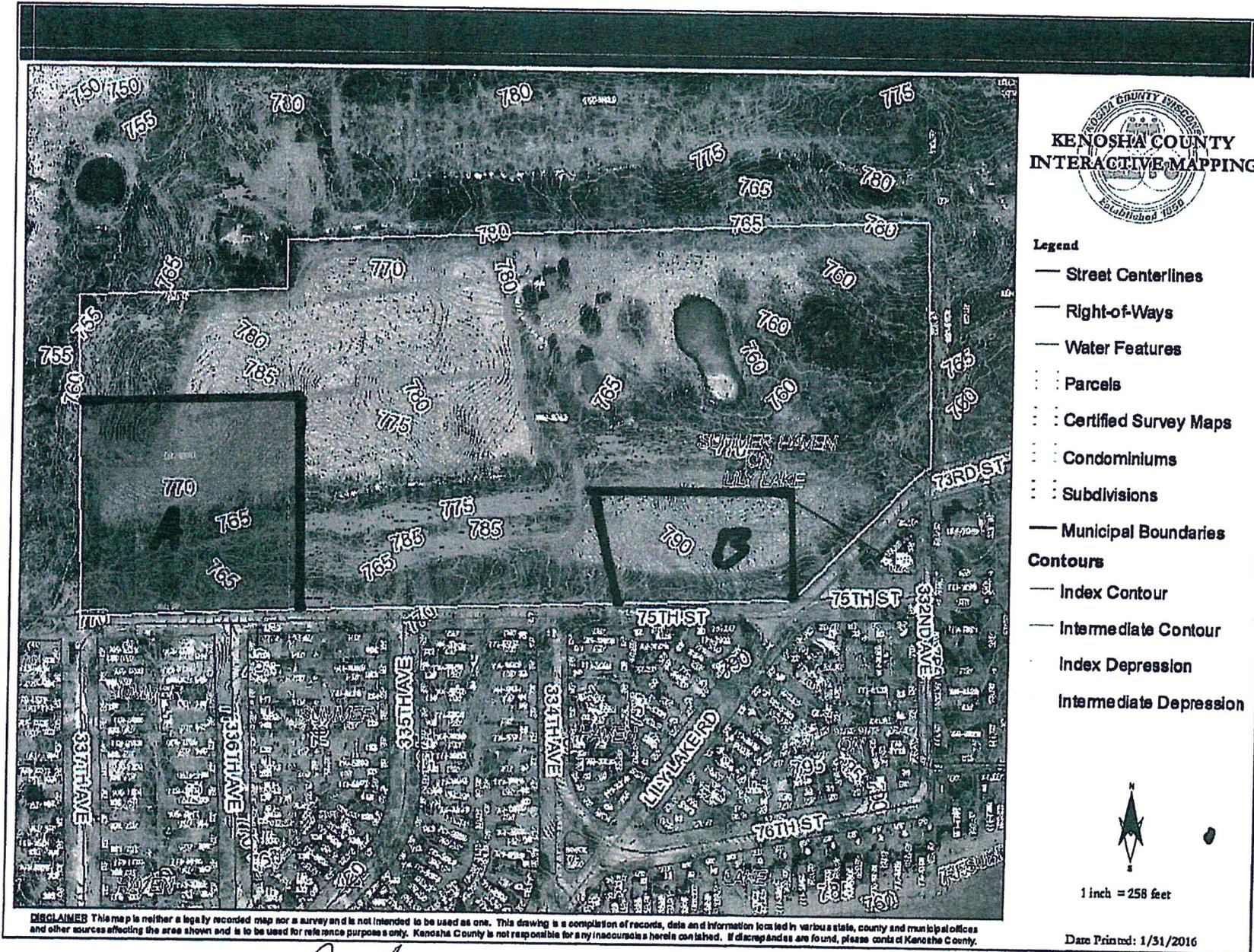
Tree house

Pumpkin cannon/corn cannon/pumpkin slingshot

Giant pillow

Hiking trails

# ATTACHMENT B

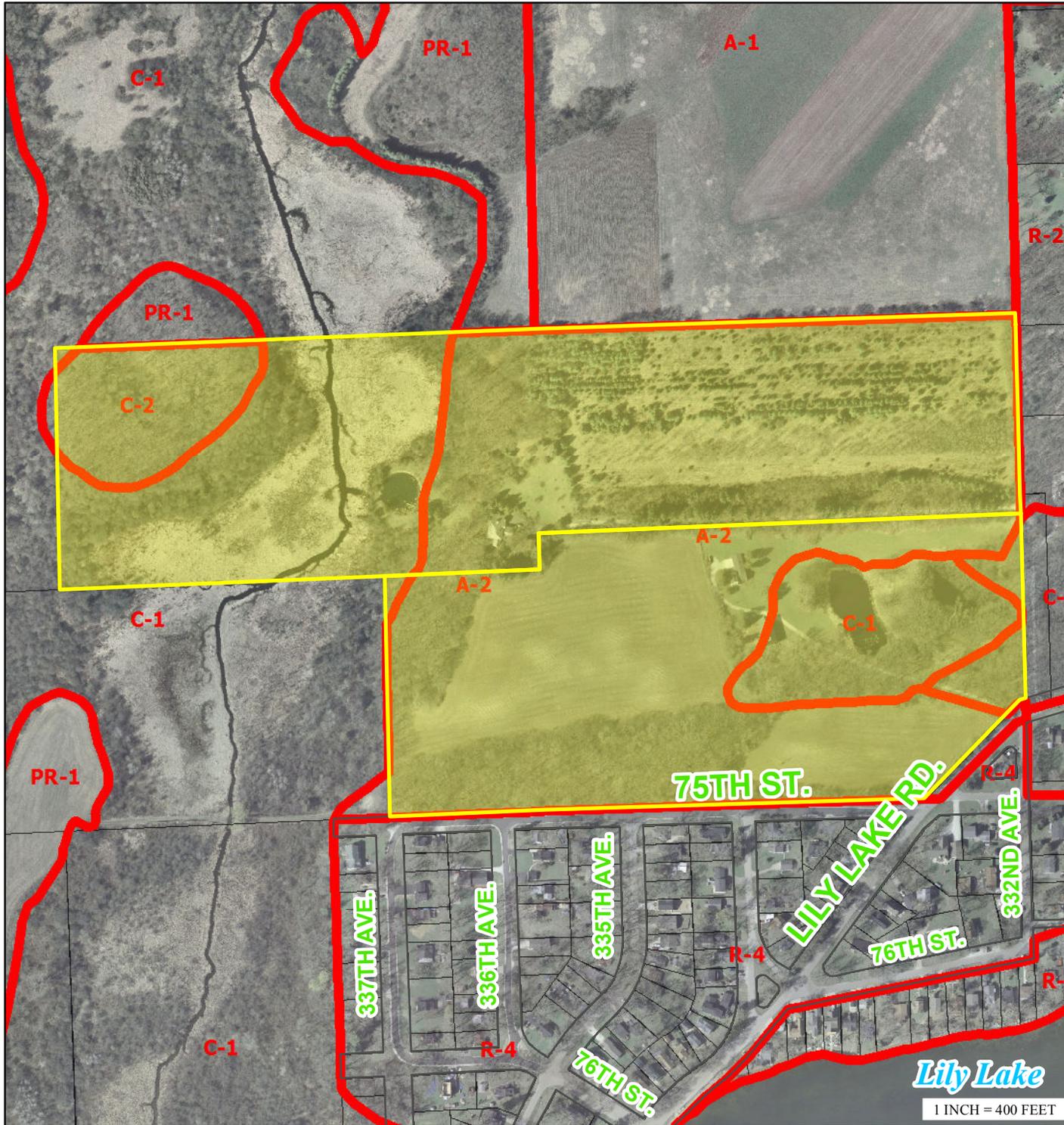


*PJ*  
2-17-16

*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.

