



Zoning Board of Adjustment Agenda
Kenosha County Center, Conference Room A
November 17, 2016

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, November 17, 2016 at 6:00p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. SPENCER & MARNAE PERSIK - VARIANCE APPLICATION - TOWN OF SALEM

SPENCER & MARNAE PERSIK, 12013 220th Ct., Bristol, WI 53104-9322 (Owner), Hiroshi Takagi, Gurnee, IL 60031 (Agent), requesting a variance (Section IV. C. 12.21-4(g)1: which states that all structures shall be located at least 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)2 which states that all structures shall be located at least 75 feet from the ordinary high water mark of any navigable water in the R-4 Urban Single-Family Residential Dist.) to construct a 75.2' x 45.5' single-family residence to be located 26' (required setback 30 feet) from the right-of-way of 220th Ct. and 40' (required setback 75 feet) from the ordinary high water mark of Lake Shangri-La and to construct a deck/patio to be located 24' (required setback 75 feet) from the ordinary high water of Lake Shangri-La on Tax Parcel #67-4-120-361-1701, Town of Salem.

Documents:

[SUBMITTED APPLICATION.PDF](#)
[EXHIBIT MAP.PDF](#)

2. DOUGLAS GUST - TEMPORARY USE PERMIT APPLICATION - TOWN OF BRIGHTON

DOUGLAS GUST, 27735 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 temporarily operate practice races for utility-terrain vehicles and snowmobiles in the A-2 General Agricultural Resource Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcels #30-4-220-283-0402 & 30-4-220-283-0411, Town of Brighton.

Documents:

[SUBMITTED APPLICATION.PDF](#)
[EXHIBIT MAP.PDF](#)

3. DOREEN V. BRATT - VARIANCE APPLICATION - TOWN OF WHEATLAND

DOREEN V. BRATT, 7503 336th Ave., Burlington, WI 53105 (Owner), requesting a variance (Section IV. C. 12.21-4(g)1: which states that all structures shall be located at least 30 feet from the right-of-way of all other roads and Section IV. C. 12.21-4(g)1 which states that all structures shall be located at least 30 feet from the right-of-way of all other roads in the R-4 Urban Single-Family Residential Dist.) to construct a 12.5' x 30' detached garage to be located 15' (required setback 30 feet) from the right-of-way of 75th St. on Tax Parcel #95-4-119-111-2640, Town of Wheatland.

Documents:

[SUBMITTED APPLICATION.PDF](#)
[EXHIBIT MAP.PDF](#)

4. TABLED REQUEST OF DOUGLAS J. & DAWN M. MCELMURY - TEMPORARY USE PERMIT APPLICATION - TOWN OF PARIS

DOUGLAS J. & DAWN M. MCELMURY, 9913 Wilmot Rd., Pleasant Prairie, WI 53158 (Owner), requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use space within an accessory structure as a dwelling unit in the C-2 Upland Resource Conservancy Dist. on Tax Parcel #45-4-221-111-0320, Town of Paris.

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: Spencer & Marnae Persik, Douglas Gust, Doreen V. Bratt and Douglas J. & Dawn M. McElmury shall be present at the hearing on Thursday, November 17, 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 Salem, Brighton, Wheatland & Paris are requested to be represented at the hearing on Thursday, November 17, 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

SEP 19 2016

Kenosha County
Planning and Development

Owner: Spencer & Marnae Persik

Mailing Address: 12013 220th Court
Bristol WI 53104-9322

Phone Number(s): _____

To the Kenosha County Board of Adjustment:

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

Parcel Number: 67-4-120-361-1701 Zoning District: R-4

Property Address: 12013 220th Court Shoreland: Yes

Subdivision: Lake Shangri-La Woodlands Lot(s): 1, 2 & 3 Block: 11

Current Use: Single-family residence (1953)

Proposal: To raze existing single-family residence and build a new single-family residence on the property.

REQUIRED BY ORDINANCE	<u>VARIANCE REQUESTED</u>
Section: <u>IV.C.12.21-4(g)1</u> - All structures shall be located no less than 30 feet from the right-of-way of all other roads.	<u>26' streetyard setback</u>
Section: <u>IV.C.12.21-4(g)2</u> - All structures shall be located no less than 75 feet from the ordinary high water mark of any navigable	<u>40' shoreyard setback</u>
Section: _____ - water.	<u>24' shoreyard setback to patio</u>

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

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

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

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

(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.

(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.

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: _____

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 _____ Date _____

Mailing Address _____ Phone # _____

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

Parcel No. _____ Zoning District(s) _____

Property Address _____

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

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

Contractor _____

Address _____

Phone # _____

Agent _____

Address _____

Phone # _____

For Office Use Only

Permit No. _____

Foundation Survey Due Date _____

Waiver of Liability Due Date _____

Board Of Adjustments Approval Date _____

Conditional Use Permit Approval Date _____

Sanitation Approval _____

Receipt # _____ Check # _____

Amount _____

THIS ZONING PERMIT IS ISSUED SUBJECT TO:

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

4. REMARKS: _____

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

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

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

Department of Planning and Development

VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

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

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

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

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

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

IMPORTANT TELEPHONE NUMBERS

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

PUBLIC HEARING VARIANCE STANDARDS

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

CHAPTER 12.36-1 INTENT

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

CHAPTER 12.36-13 STANDARDS AND GUIDELINES

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

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

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

Statutory Standards

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

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

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

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

NOTES

VARIANCE WORKSHEET

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

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

PROTECTION OF THE PUBLIC INTEREST -

12.21-4 R-4 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) Primary Purpose and Characteristics
The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre served by public sanitary sewage facilities.
- (b) Principal Uses
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) Accessory Uses
- 1 Accessory buildings, such as detached garages, sheds and gazebos (see also section 12.27-6) (8/6/02)
 - 2 Home occupations and professional home offices
 - 3 Swimming pools and spas (see also section 12.17) (8/6/02)
 - 4 Fences (see also section 12.15) (8/6/02)
- (d) Conditional Uses (see also section 12.29-8)
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
 - 3 Utility substations
 - 4 Bed and breakfast establishments (8/9/94)
- (e) Lot Area and Width
- 1 Lots shall have a minimum of 15,000 square feet
 - 2 All lots shall be not less than 90 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 45 feet of frontage provided there is at least 90 feet of width at the required building setback line
- (f) Building, Height, Area and Design Standards (9/5/06)
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
 - 3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from the right-of-way of all other roads. (8/6/02)
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer System
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

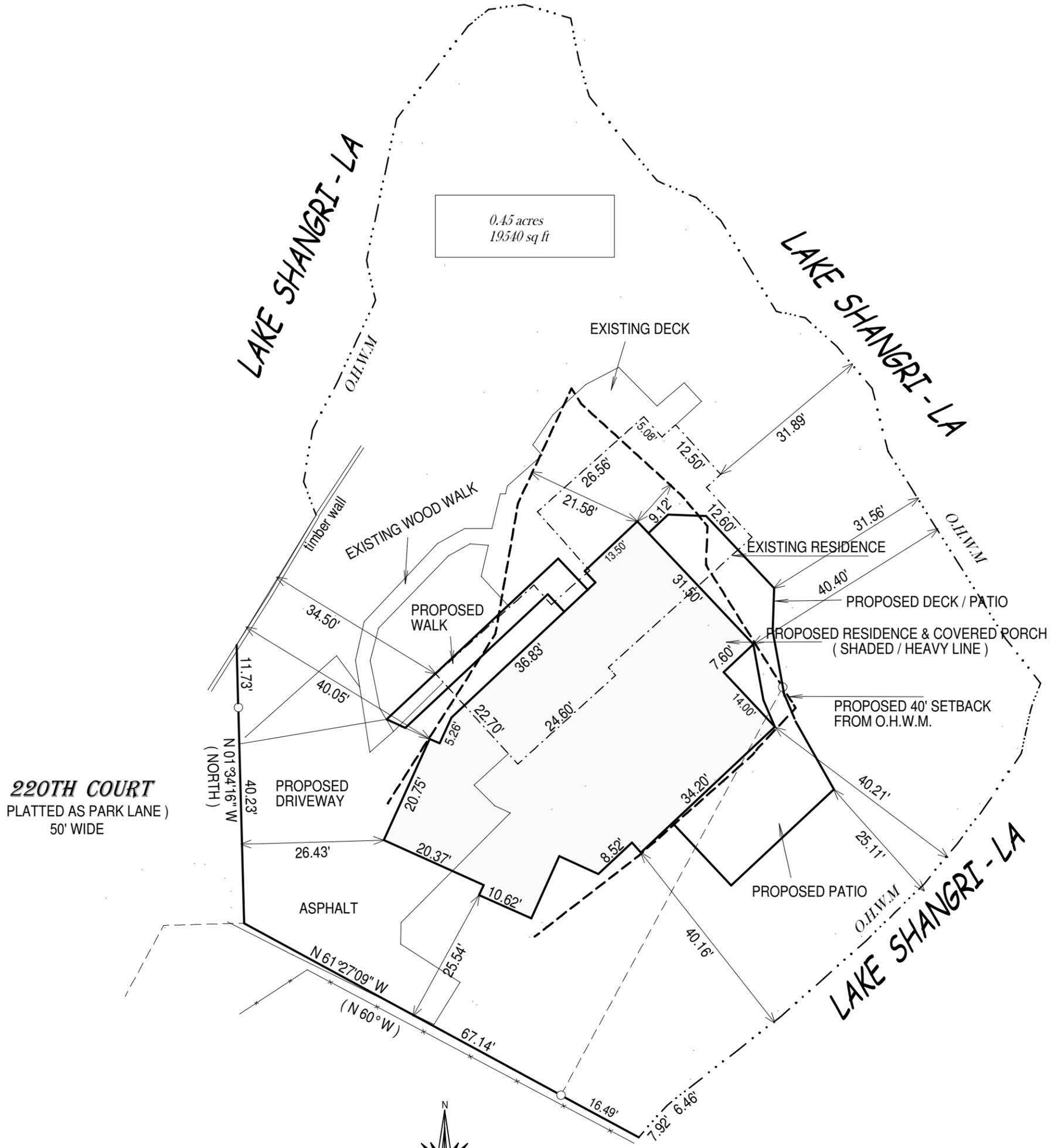
PLAT OF SURVEY

- OF -

PATHFINDER SURVEYING INC.
 (formerly)
 J.K. SURVEYING INC.
 P.O. BOX 322
 LAKE GENEVA, WI. 53147
 WWW.PATHFINDERSURVEYING.NET
 262-248-8303

LOTS 1,2 & 3 BLOCK 11, LAKE SHANGRI-LA WOODLANDS, A SUBDIVISION OF THE WEST
 1/2 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST
 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE 20 EAST KENOSHA COUNTY, WISCONSIN.

0.45 acres
 19,540 sq ft



220TH COURT
 PLATTED AS PARK LANE)
 50' WIDE

- () = recorded as
- = found iron bar
- = found iron pipe
- = set iron pipe
- = set iron bar

SCALE 1" = 20'
 JOB # 16-287

TAX ID #
 67-4-120-361-1701



BASIS OF BEARING OF THIS PLAT: THE US STATE PLANE COORINATE SYSTEM SOUTH ZONE, NAD 83. WISCORS.

I hereby certify that I have surveyed the above- described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences, apparant easements and roadways and visible 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.

DATED THIS 16TH DAY OF SEPTEMBER, 2016.



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



vaulted ceiling

family rm

open to below

office
13'-6" x 10'-0"

loft
13'-10" x 10'-5"

bedroom #1
11'-7" x 15'-7"

bedroom #2
11'-7" x 12'-0"

clst

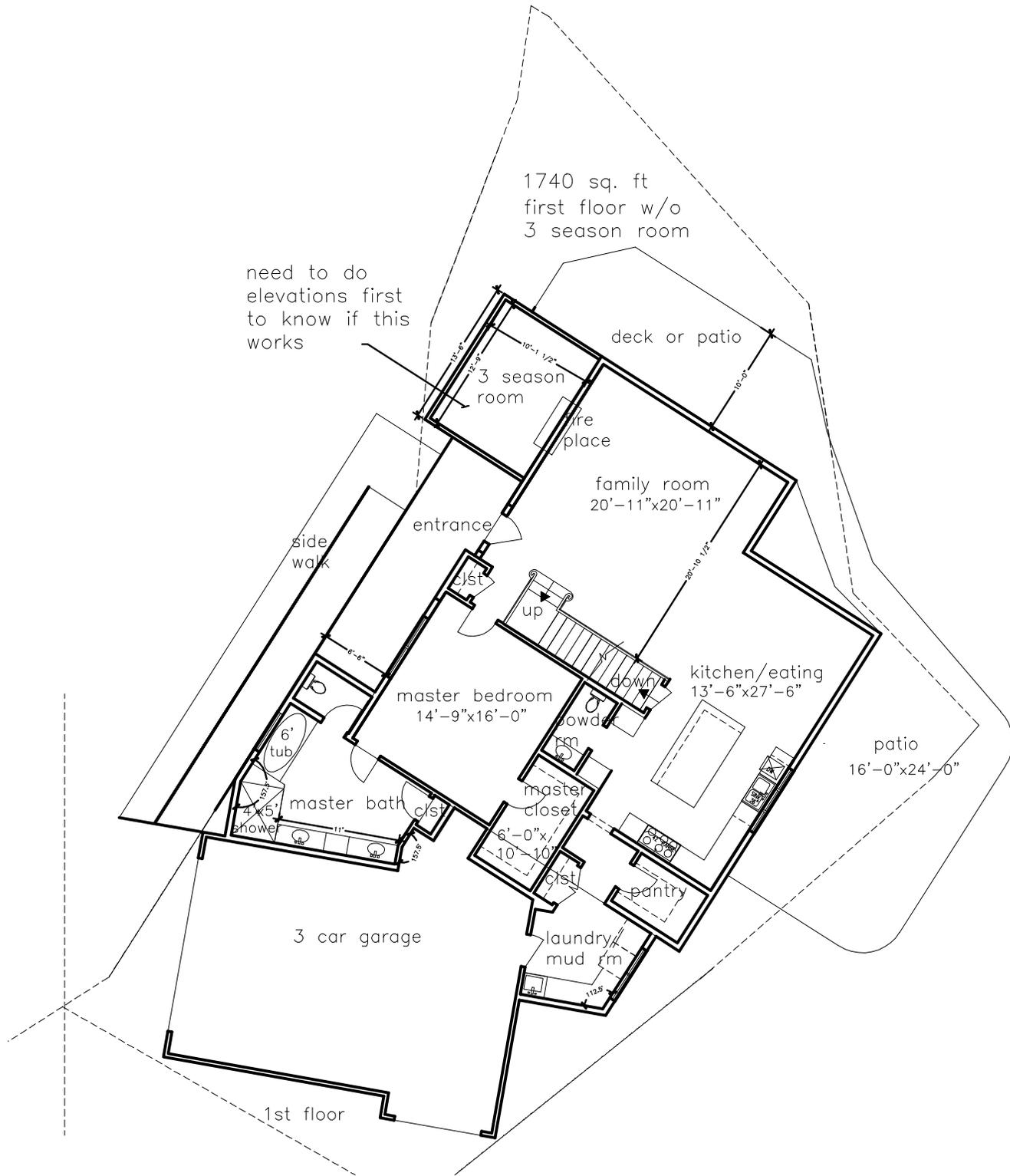
clst

down

roof of garage area

2nd floor

850 sq. ft
w/o open area



KENOSHA COUNTY MAPPING



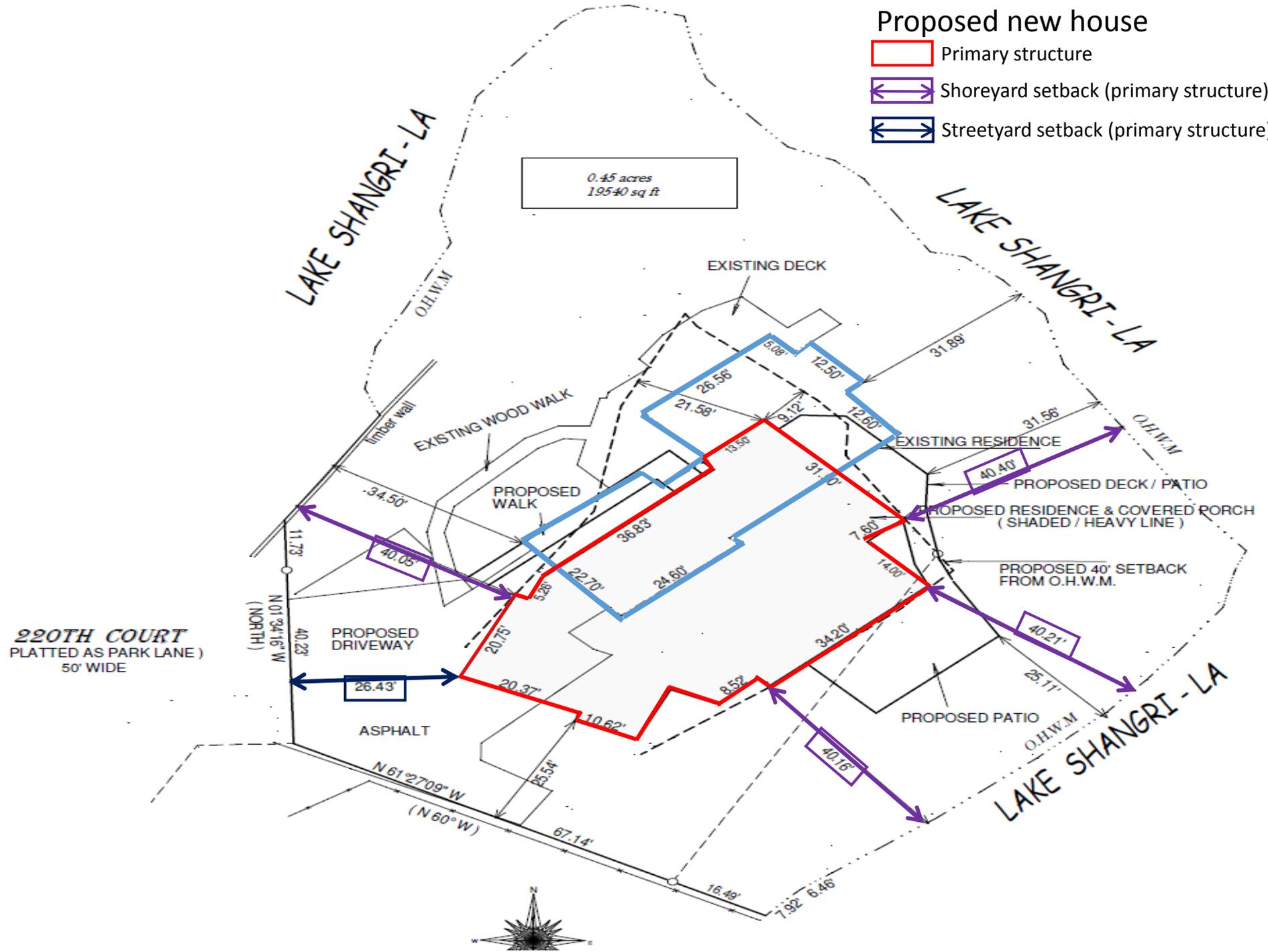


Build in 1953
1886 Sq. Ft.



Proposed new house

- Primary structure
- ← → Shoreyard setback (primary structure)
- ← → Streetyard setback (primary structure)



Proposing new house

Shoreyard setback (Patio)

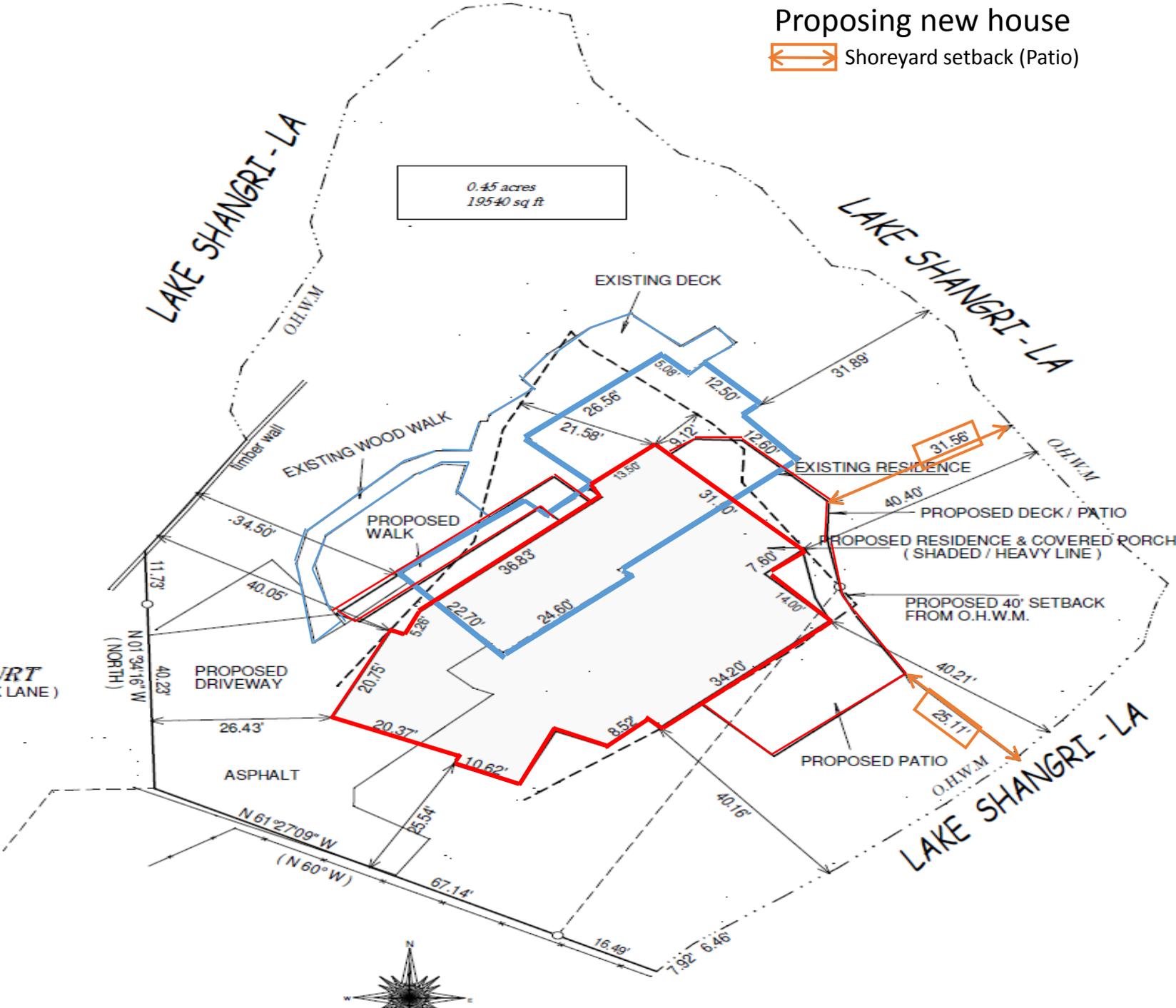
0.45 acres
19540 sq ft

LAKE SHANGRI-LA

LAKE SHANGRI-LA

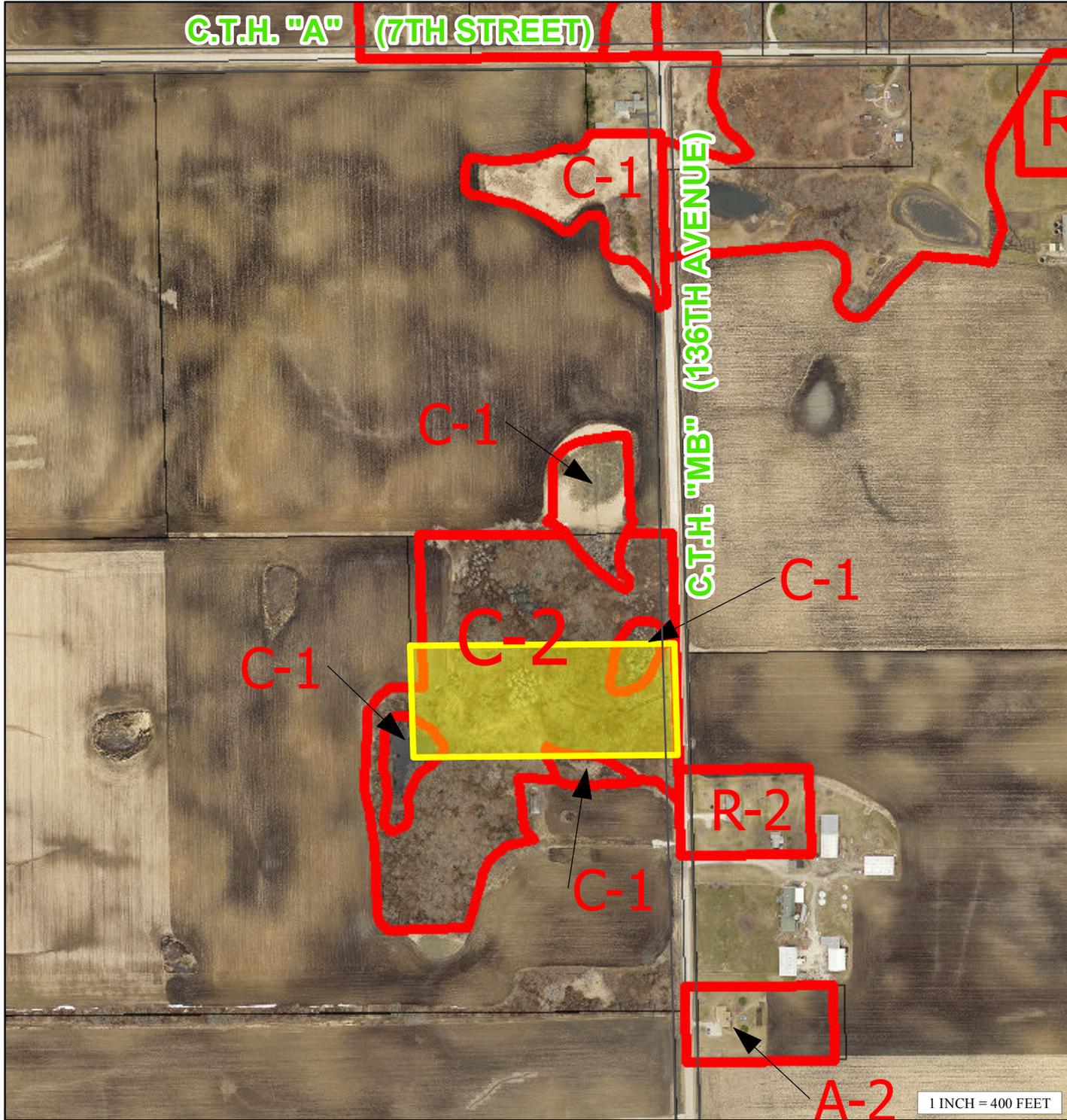
LAKE SHANGRI-LA

220TH COURT
PLATTED AS PARK LANE)
50' WIDE



C.T.H. "A" (7TH STREET)

C.T.H. "MB" (136TH AVENUE)



TEMPORARY USE SITE MAP

PETITIONER(S):

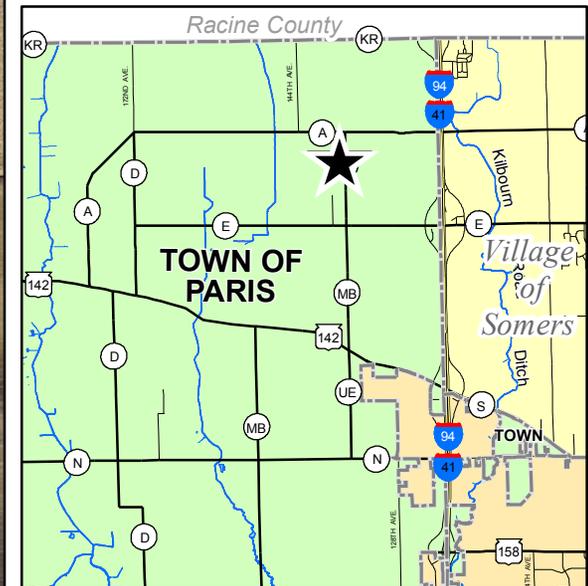
Douglas J. & Dawn M. Mcelmury (Owner)

LOCATION: NE 1/4 of Section 11,
Town of Paris

TAX PARCEL(S): #45-4-221-111-0320

REQUEST:

Requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use space within an accessory structure as a dwelling unit in the C-2 Upland Resource Conservancy District.





TEMPORARY USE
APPLICATION

RECEIVED

Owner: Douglas J. Gust

OCT - 1 2016

Mailing Address: 27735 41st St

Salem, WI 53168

Kenosha County
Planning and Development

Phone Number(s): 262-620-1010

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: 30-4-220-283-0402 & -0411 Zoning District: A-2

Property Address: 27735 41st St Shoreland: No

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

Current Use: Single Family Residence w/ a few outbuildings

REQUIRED BY ORDINANCE

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

To operate practice races for utility-terrain vehicles and snowmobiles, and to allow the public to view.

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.

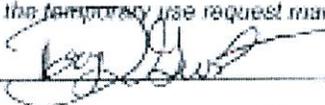
The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the Board to make a ruling in your favor. The board must make its 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.

- Currently, the practice sessions are private, invite-only, for free, with fellow racers. The practice races take place on a small course located within the wooded area (see map). It is not visible from the roadway, so visual impact is minimal
- Some small earth berms have been created for hills and jumps. If the temporary use permit is not renewed, the land will be returned to its natural, flat or rolling elevation.
- Vehicles are limited to no more than 20 vehicles per heat, and stock exhausts are required on all vehicles. This limits noise output.
- Parking is in current paved parking areas, and could be extended to grassy areas along driveway. No parking on roadway is/would be allowed.
- Fire extinguishers are located in both outbuildings.
- Races will take place on no more than 2 Saturdays per month throughout the year, with snowmobile in snow months and UTV in other months.
- UTV races will be held from 4-8pm, but not 4 hours continuously.
- Snowmobile races will be held from 8-10pm, but not 4 hours continuously.
- No food or alcohol will be sold.
- Public viewers will be limited to 75 people, and a nominal entry fee of \$5-10 will be charged.

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: Cindi Hart Signature: 

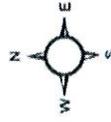
Agents Address: 27735 41st St, Salem WI, 53168

Phone Number(s): 847-561-3000

I Doug Gust give and authorize Cindi Hart to represent me with the UTV/Snowmobile Events for the Temporary use permit.

x  7/6/16

Kenosha County



1 inch = 200 feet

THIS MAP IS A SUMMARY OF PUBLIC RECORDS AND IS NOT A SURVEY. IT IS NOT INTENDED TO BE USED AS A BASIS FOR DRAWING OR A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES. THE USER SHALL BE RESPONSIBLE FOR ANY INVESTIGATIONS HE WISHES TO CONDUCT IN CONNECTION WITH THIS MAP. CONTACT THE PUBLIC RECORDS DIVISION FOR MORE INFORMATION.





Kenosha County



2

1 inch = 400 feet

THIS MAP IS NOT A GUARANTEE OF RECORDS WITHIN SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED FROM PUBLIC RECORDS INCLUDING SURVEYS, PLATS, AND RECORDS OF THE COUNTY AND MAY BE SUBJECT TO DISCREPANCIES. ANY DISCREPANCIES BETWEEN THIS MAP AND THE PUBLIC RECORDS ARE THE RESPONSIBILITY OF THE USER. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY AND ALL DAMAGES OR CONSEQUENCES THAT MAY BE FOUND FROM USING THIS MAP IN KENOSHA COUNTY.

Source: Kenosha County Department of Planning and Development

* overflow parking

Proposed Practice Race Plan

- No more than 2 Saturdays per month
- No more than 20 racers per race
- Snowmobiles: 6-10pm, but not 4 hours continuously.
- UTV: 4-8pm, but not 4 hours continuously.
- No food or alcohol is to be sold.
- Public viewers will be limited to 75 people. Racers extras will not count as public. Entrance fee will be \$5-10 per person.
- Parking will be limited to currently paved areas or grass-way along driveway. No parking in the road will be allowed.
- Polebarn has a bathroom located in it which will be made available to the public. If attendance warrants, owner will rent a Port-a-john, to be located at rear of pole barn, out of visual site from the driveway.
- Due to the small number of participants and viewers, security is not expected to be needed. If that changes, security personnel will be assigned.

TEMPORARY USE SITE MAP

PETITIONER(S):

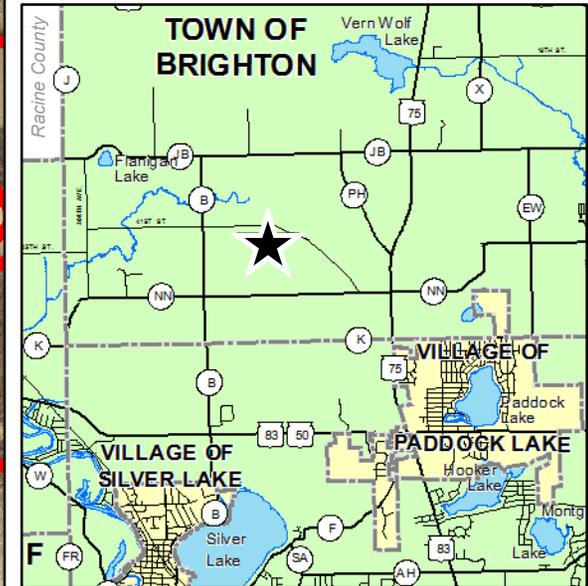
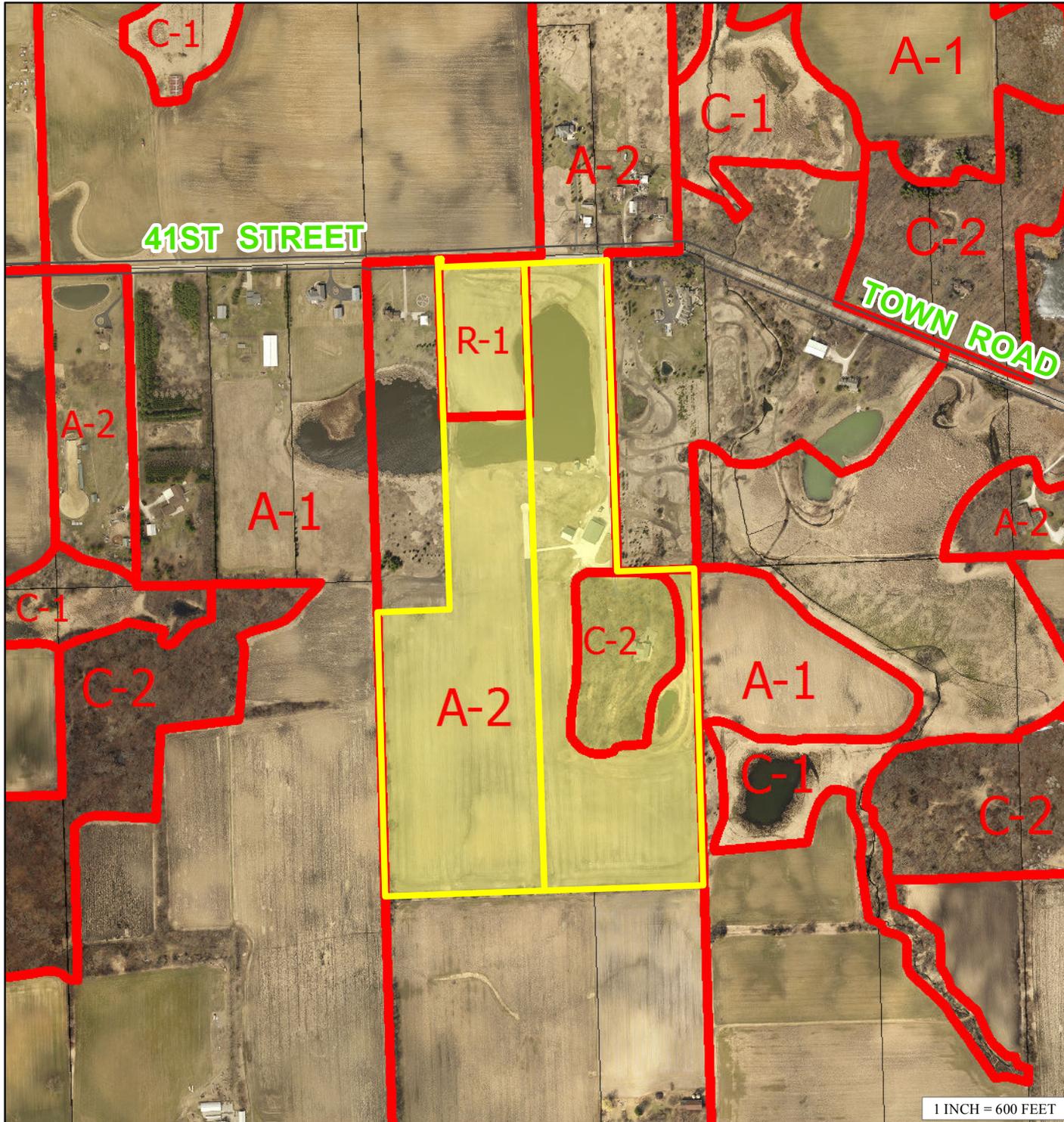
Douglas Gust (Owner)

LOCATION: SW 1/4 of Section 28,
Town of Brighton

TAX PARCEL(S): #30-4-220-283-0402
#30-4-220-283-0411

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 practice races for utility-terrain vehicles and snowmobiles in the A-2 General Agricultural Resource District & the C-2 Upland Resource Conservancy District.





COUNTY OF KENOSHA

December 2012

Department of Planning and Development

VARIANCE APPLICATION

Owner: Doreen Bratt

Mailing Address: 7503 336th Avenue
Burlington WI 53105

Phone Number(s): 414-379-8347

RECEIVED

OCT 13 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: 95-4*119-111-2640 Zoning District: R-4

Property Address: 7503 336th Avenue Shoreland: Yes

Subdivision: Summer Haven on Lily Lake Lot(s): 143 Block: -

Current Use: SF Residence (1935)

Proposal: To construct a detached garage

REQUIRED BY ORDINANCE		VARIANCE REQUESTED
Section: <u>IV.C.12.21-4(g)1</u>	<u>Structures shall be located no less than 30 feet from</u> <u>the right of way of all other roads.</u>	<u>15' street yard setback</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.

I considered relocating the septic field to allow for a wider garage, but that would be costly and still require a setback variance, since the property is 50ft wide. I also considered placing the garage on the front property, which would require a driveway entrance off of 336th Avenue. The well is located in the front, and constructing a garage in front would also require a variance and would be un-sightly.

There is no alternative that would comply with the existing standards.

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

Since the property is 50ft wide, there is no viable alternative to constructing a garage without a variance.

(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 property is 50ft wide; that, along with the 5ft property line setback, as well as the 10ft setback from the existing septic field, leaves the only possible construction site to be on the southeast corner 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 is 50ft wide, which makes constructing a garage with the current ordinance impossible.

(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.

Constructing a garage in the proposed location would visually impact my neighbor to the east; but since my property backs up to their garage, the visual impact would be minimal. Our garages would back up to each other.

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: Doreen V. Bratt

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 Doreen Bratt Date _____
Mailing Address 7503 336th Avenue Phone # 414-379-8347
Burlington WI 53105

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. 95-4*119-111-2640 Zoning District(s) R-4
Property Address 7503 336th Avenue
Subdivision Name Summer Haven on Lily Lake CSM # _____ Lot 143 Block - _____ Unit _____

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES
Accessory Structure <input type="checkbox"/>	Wood Frame <input type="checkbox"/>		12'6"X30'	375	12'	1

Contractor American Garage Builders
Address 576 Linnerud Drive
Sun Prairie, WI 53590
Phone # 414-852-1710
Agent _____
Address _____
Phone # _____

For Office Use Only

Permit No. _____

Foundation Survey Due Date _____

Waiver of Liability Due Date _____

Board Of Adjustments Approval Date _____

Conditional Use Permit Approval Date _____

Sanitation Approval _____

Receipt # _____ Check # _____

Amount _____

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

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

Date Permit Issued _____

Director of Planning Operations

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

BOARD OF ADJUSTMENTS SCHEDULE FOR 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

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

Department of Planning and Development

VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

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

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

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

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

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

IMPORTANT TELEPHONE NUMBERS

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

PUBLIC HEARING VARIANCE STANDARDS

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

CHAPTER 12.36-1 INTENT

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

CHAPTER 12.36-13 STANDARDS AND GUIDELINES

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

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

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

Statutory Standards

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

**VARIANCE PROCEDURES &
PUBLIC HEARING VARIANCE STANDARDS**

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

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

NOTES

VARIANCE WORKSHEET

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

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

PROTECTION OF THE PUBLIC INTEREST -

12.21-4 R-4 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) Primary Purpose and Characteristics
The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre served by public sanitary sewage facilities.
- (b) Principal Uses
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) Accessory Uses
- 1 Accessory buildings, such as detached garages, sheds and gazebos (see also section 12.27-6) (8/6/02)
 - 2 Home occupations and professional home offices
 - 3 Swimming pools and spas (see also section 12.17) (8/6/02)
 - 4 Fences (see also section 12.15) (8/6/02)
- (d) Conditional Uses (see also section 12.29-8)
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
 - 3 Utility substations
 - 4 Bed and breakfast establishments (8/9/94)
- (e) Lot Area and Width
- 1 Lots shall have a minimum of 15,000 square feet
 - 2 All lots shall be not less than 90 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 45 feet of frontage provided there is at least 90 feet of width at the required building setback line
- (f) Building, Height, Area and Design Standards (9/5/06)
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
 - 3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

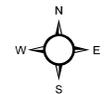
- (g) **Yards**
 - 1 **Street yard** - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and **not less than 30 feet from the right-of-way of all other roads.** (8/6/02)
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer System
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

Kenosha County

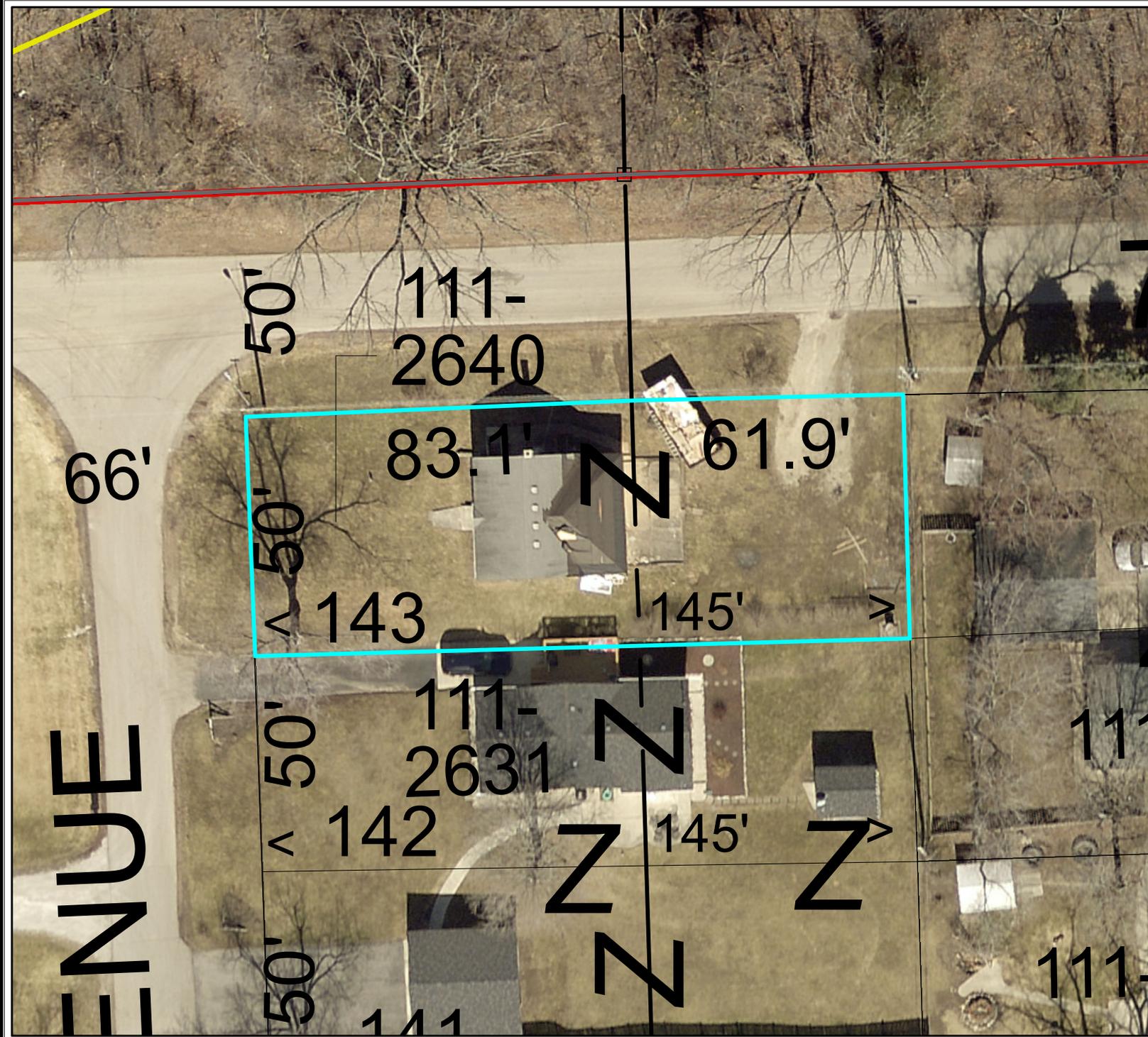


SUBJECT
PROPERTY
(2015 AIR PHOTO)



1 inch = 30 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.



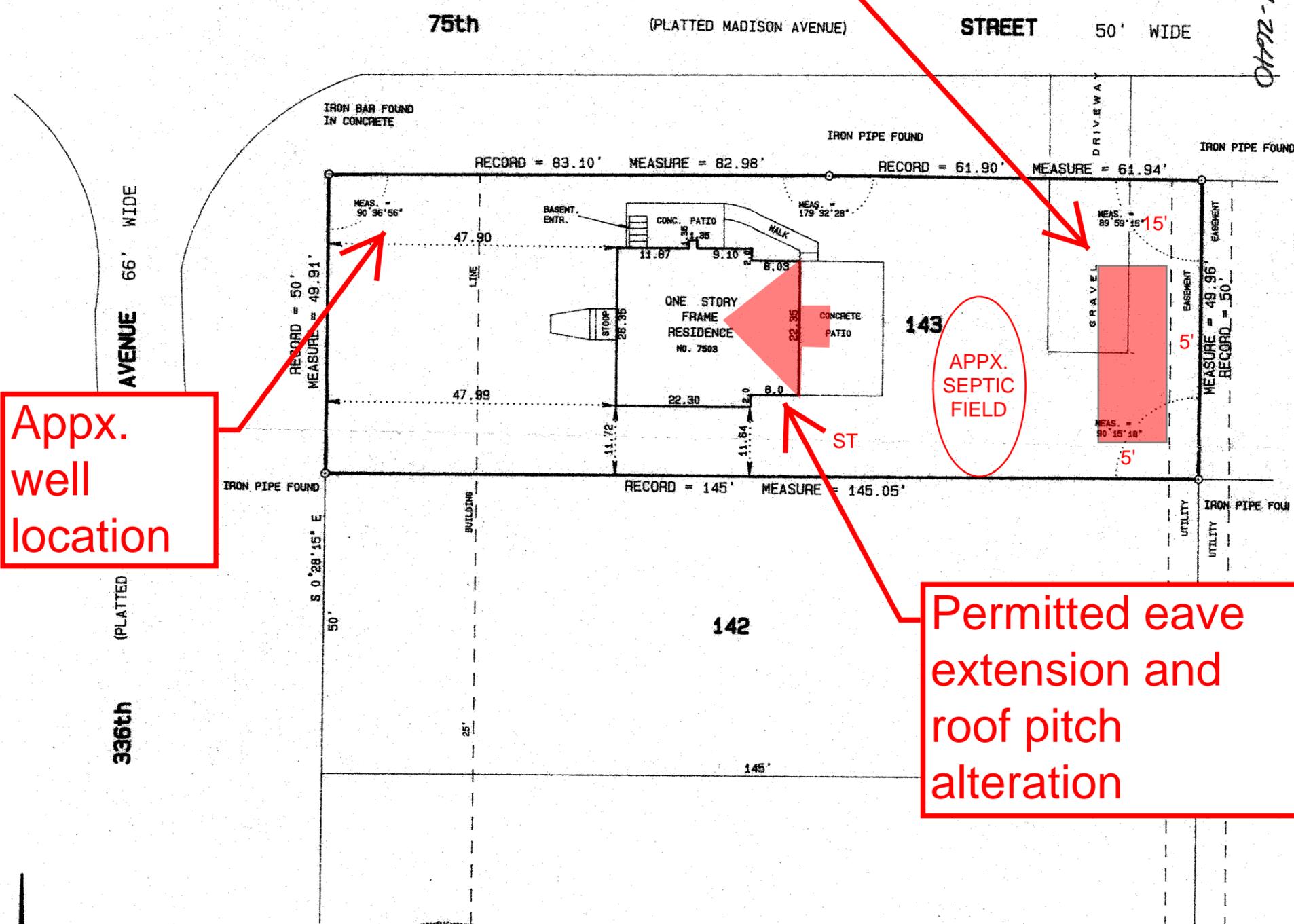
PLAT OF SURVEY

of Lot 143 of SUMMER HAVEN ON LILY LAKE WISCONSIN, a subdivision of part of Sections 2 and 11, Town 1 North Range 19 East of the 4th Principal Meridian, lying and being in the Town of Wheatland, Kenosha County, Wisconsin.

AMBIT LAND SURVEYING
P.O. Box 42
Bassett, WI. 53101
414-537-4874

Proposed 12.5' x 30' detached garage (375 sq. ft.)

0792-111-611-h-96



Appx. well location

Permitted eave extension and roof pitch alteration



I hereby certify that I have surveyed the above described property and the above plat is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements and roadways and visible encroachments, if any.

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

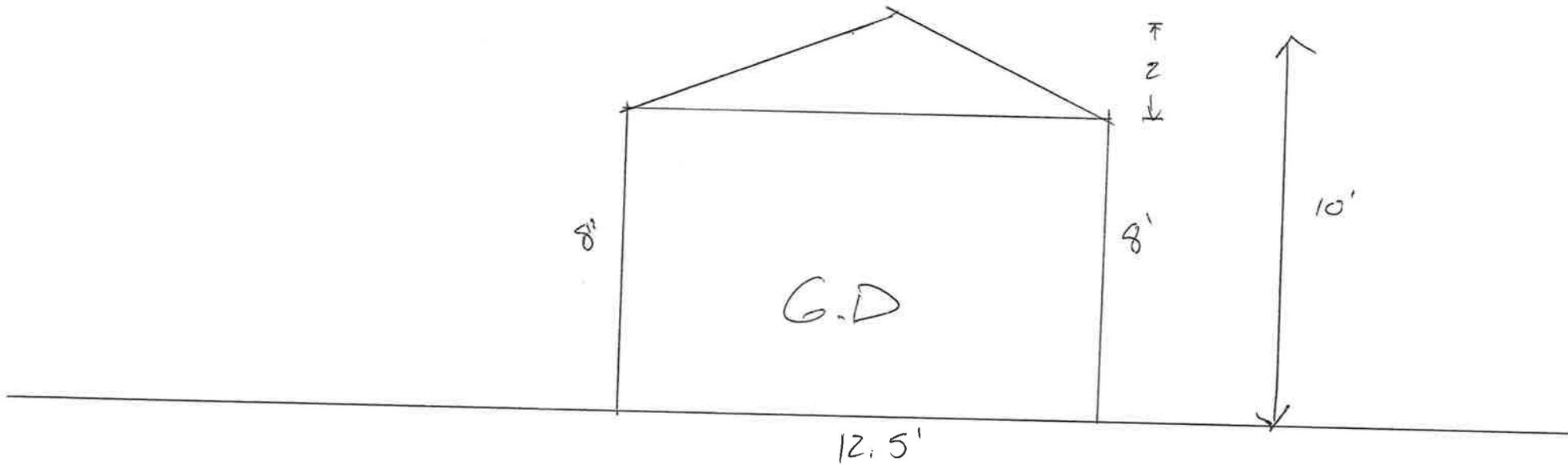
Dated at Bassett, Wisconsin this 26th day of JULY, 1991.

Mark A. Bolender
Mark A. Bolender
Wisconsin Registered Land Surveyor, S - 1784

SCALE 1" = 20'
ORDERED BY L. Wienke/BEAR REALTY
JOB NO. 91133

This Survey Officially Filed
KENOSHA COUNTY
SURVEYOR'S OFFICE
as required by
Chap. 89.80(6)
Wis. Statutes
By. MLN

NORTH PROFILE





VARIANCE SITE MAP

PETITIONER(S):

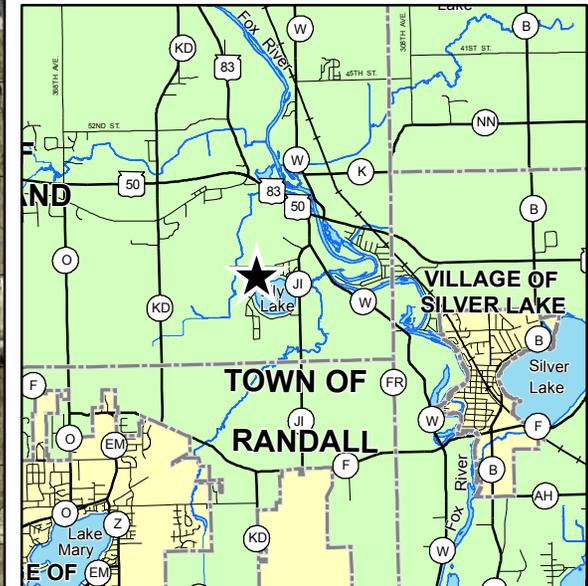
Doreen V. Bratt (Owner)

LOCATION: NE 1/4 of Section 11,
Town of Wheatland

TAX PARCEL(S): #95-4-119-111-2640

REQUEST:

Requesting a variance (Section IV. C. 12.21-4(g)1: which states that all structures shall be located at least 30 feet from the right-of-way of all other roads in the R-4 Urban Single-Family Residential District) to construct a 12.5' x 30' detached garage to be located 15' (required setback 30 feet) from the right-of-way of 75th Street.





TEMPORARY USE APPLICATION

RECEIVED

Owner: Douglas J. & Dawn M. McElmury

AUG 31 2016

Mailing Address: 9913 Wilmot Road

Kenosha County
Planning and Development

Pleasant Prairie WI 53158

Phone Number(s): 262-909-5435

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: 45-4-221-111-0320 Zoning District: C-2

Property Address: 136th Avenue Shoreland: No

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

Current Use: Vacant Property

REQUIRED BY ORDINANCE

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

Temporary use to utilize a proposed accessory structure (pole barn) as a dwelling unit until the single-family residence can be constructed on the property. Upon completion of the single-family residence, the dwelling unit would be removed from the accessory structure.

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: _____ 

Agent: N/A Signature: _____

Agents Address: _____

Phone Number(s): _____

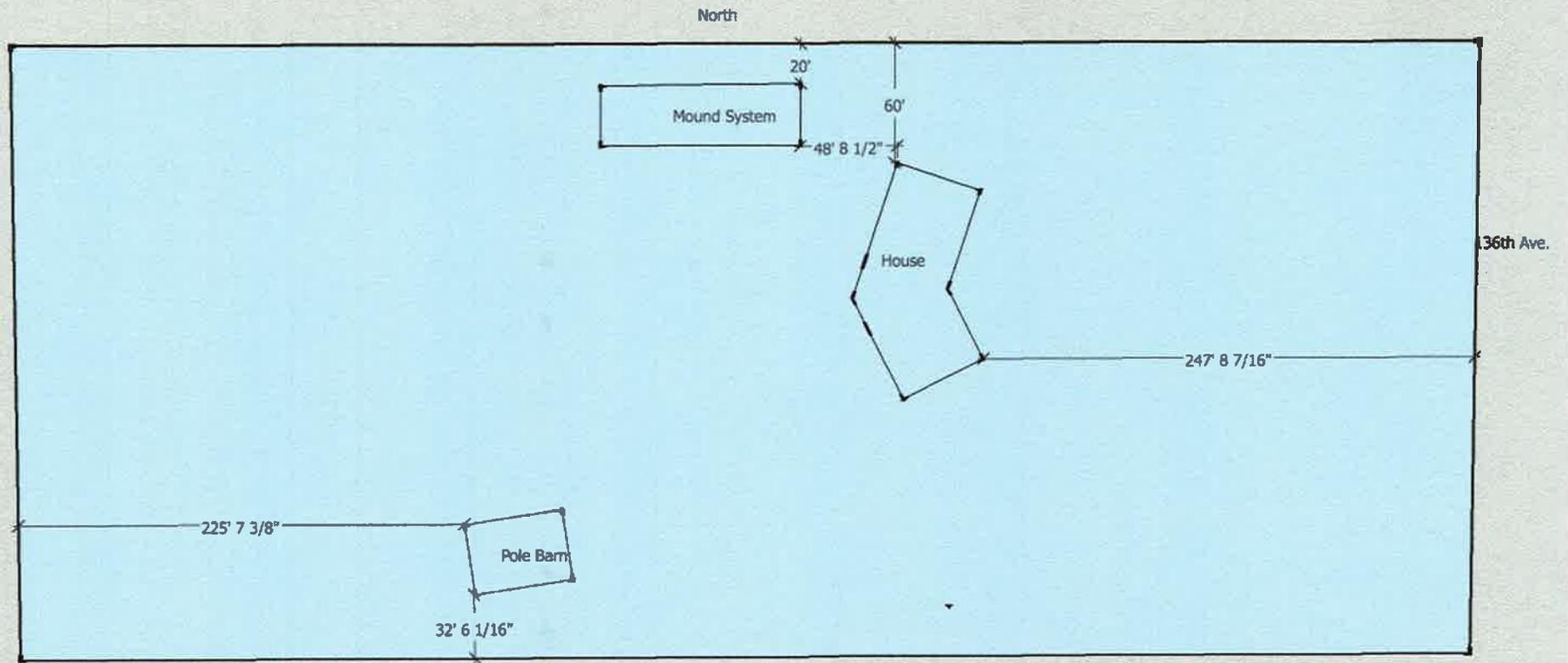
Kenosha County



1 inch = 200 feet

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We are building two structures in the Town of Paris on Parcel # 45-4-221-111-0320 located just north of 842 136th Ave. The structures consist of an approximately 3000 square foot two story home (see photo below) with an attached three car garage and an 1800 square foot Morton Pole Barn. We are proposing to build the pole barn prior to the two story home. The pole barn will have a temporary apartment built within so that we will be able to live on site during the construction of the home. We understand that there can only be one residential unit on the site and we will sign an agreement that states once the home is complete, the pole barn apartment will be removed as to assure that the zoning restrictions are met. We want to live on site during the construction for several reasons:

1. There will be on-site utilities in place for construction such as power, water and restroom facilities.
2. The placement of the mound system requires that it be constructed prior to the construction of the home.
3. Improved site security due to our round-the-clock presence.
4. We currently live in a log home in Pleasant Prairie. Log homes have a limited number of interested and financially capable buyers, so we want to sell the home prior to beginning construction of the new home in Paris. We do not want to be saddled with the expense of two homes in the event it takes a while to sell the log home. We also do not want the added expense of renting on a short term or month-to-month lease during the construction of our new home when we are able to live on the site.
5. The apartment will be partially disassembled once we are able to move into the new home. The bedroom will be completely removed, the bathroom will remain, the kitchen will become a personal office and the living room will become a finishing room for my woodshop which is the end use of the pole barn. The attached 3D drawings show the pole barn with and without the apartment.
6. The pole barn meets all existing zoning requirements for accessory structures including square footage, height and setbacks.

While we want to limit our time living in the pole barn to the shortest time possible, the unknown factor is the time that it will take to sell our existing home (photo below). My wife is being very accommodating by agreeing to this temporary living arrangement, but as you can imagine that will not be a lasting situation! Frankly, I don't want to live in tight quarters either any longer than physically necessary and I want the square footage in the pole barn for my woodshop and storage. It is possible that we will need to renew the Temporary Use Permit for one additional year in the event it takes longer to sell our home. I have confirmed with Morton Buildings that we could begin construction as early

as November 2016 of the pole barn which would mean we could have the building ready to occupy in the spring of 2017.

This project would not have any negative impact on the area. The Morton pole barn is a very attractive building and will be built on the site at some point anyway. The pole barn is set back off the road approximately 400' on a heavily wooded lot, so it would be very difficult to even see the structure. The two neighboring properties to the south have pole barns without residential structures as a result of their A-1 zoning, so our pole barn would not look out of place in any way. We understand that a major concern of both the Town of Paris and Kenosha County is that there is only one residential living unit on the parcel. We fully understand that concern and agree with the importance of the zoning requirement. We will gladly invite the Town and County officials to inspect the pole barn to assure that there is no residential unit within once we are able to take occupancy of the home to assure full compliance with the zoning ordinances.

Thank you for your consideration.

New home to be constructed on lot



Existing log home

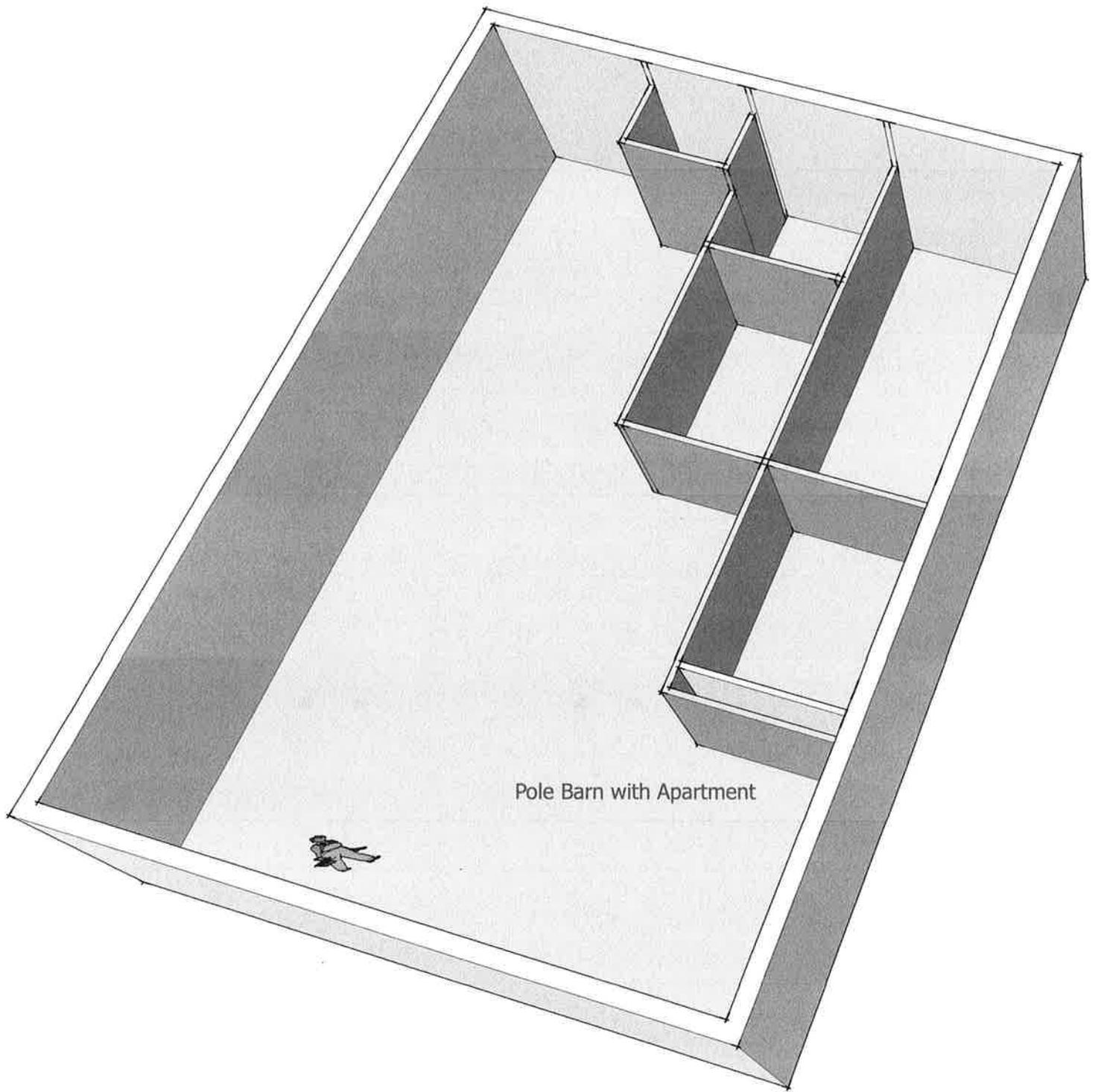




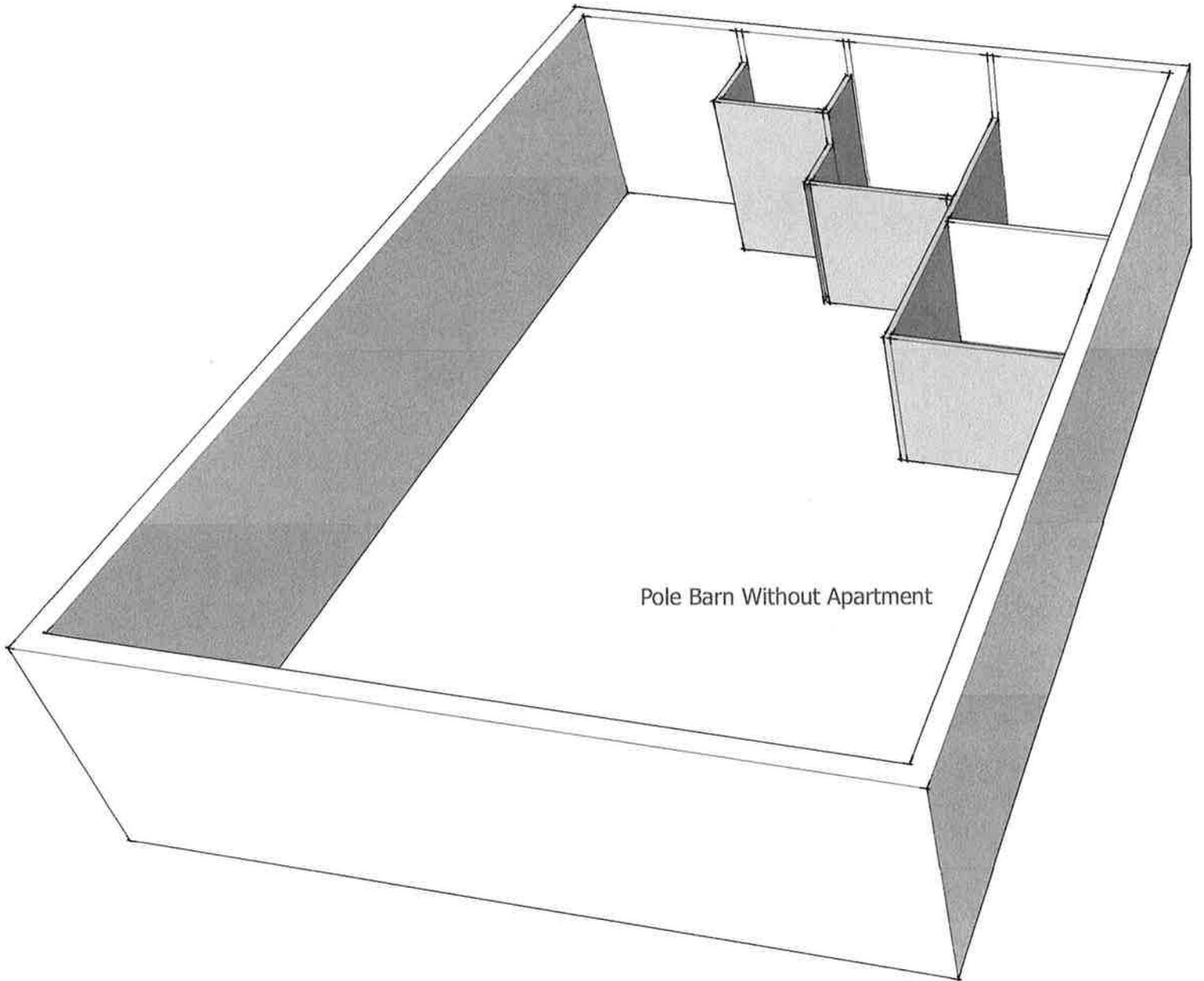
Building 306 36'x12' 4" x50' (#1) Perspective From The Northeast

Peak Height	19'10"
Soffit Height	13' 7.5"
Grade to Heel	12' 4"
Roof Pitch	4/12





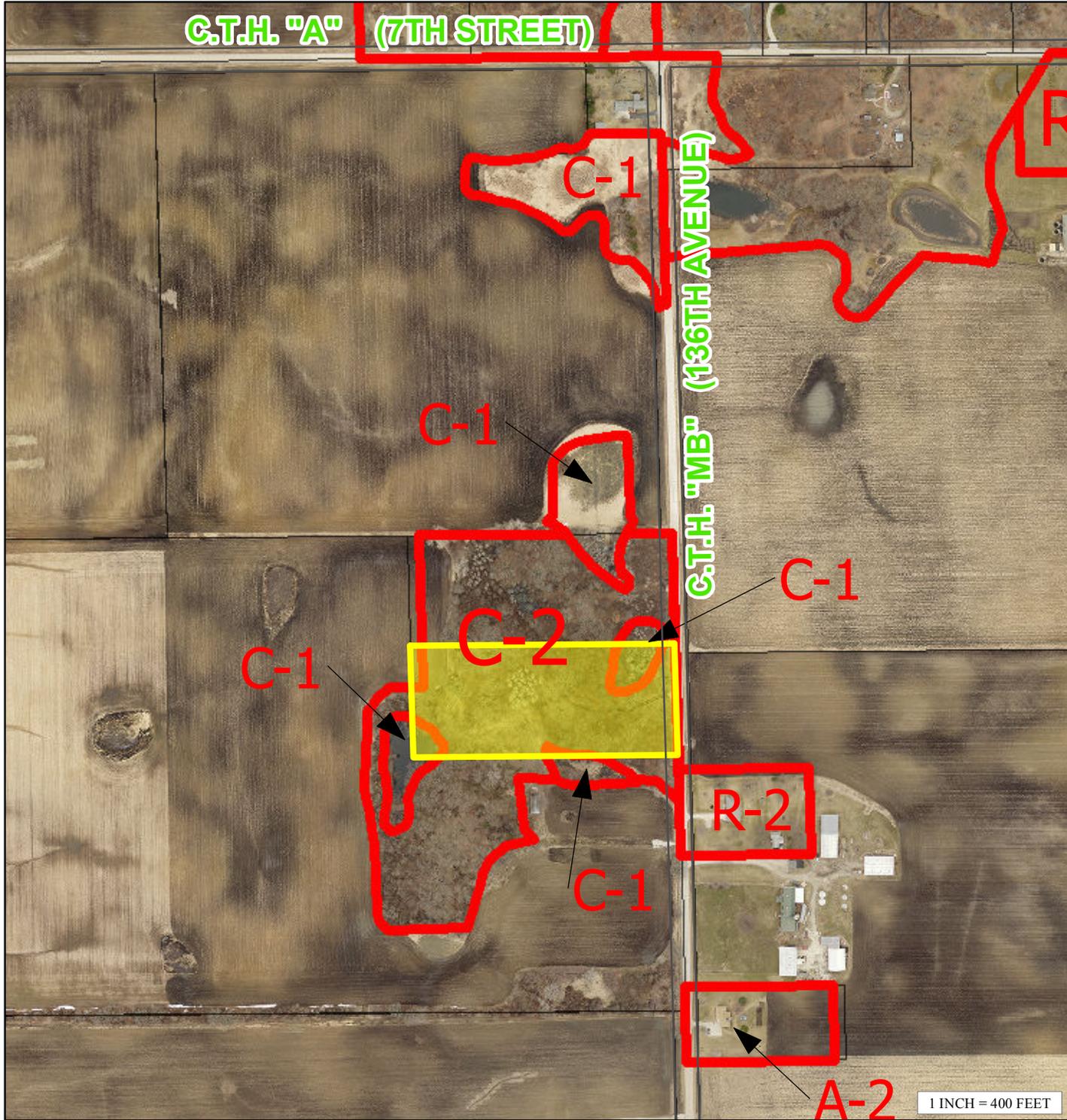
Pole Barn with Apartment



Pole Barn Without Apartment

C.T.H. "A" (7TH STREET)

C.T.H. "MB" (136TH AVENUE)



TEMPORARY USE SITE MAP

PETITIONER(S):

Douglas J. & Dawn M. Mcelmury (Owner)

LOCATION: NE 1/4 of Section 11,
Town of Paris

TAX PARCEL(S): #45-4-221-111-0320

REQUEST:

Requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use space within an accessory structure as a dwelling unit in the C-2 Upland Resource Conservancy District.

