



Zoning Board of Adjustment Agenda
Kenosha County Center, Conference Room A
May 16, 2019

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, May 16, 2019 at 6:00 p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. OMAR CALZADA - TEMPORARY USE PERMIT APPLICATION - TOWN OF BRIGHTON

OMAR CALZADA, 28343 41st Street, Salem, WI 53168 (Owner), requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to operate temporary commercial bull rodeo events in the A-2 General Agricultural Dist. on Tax Parcel #30-4-220-294-0300, Town of Brighton.

Documents:

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

2. IRVING ONE LLC -TEMPORARY USE PERMIT APPLICATION - TOWN OF RANDALL

IRVING ONE LLC, 1222 N. Grant Ave., Odessa TX 79762 (Owner), Ivan Purnell, N941 Daisy Dr., Genoa City WI 53128 (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 operate a "Lights Fest" events in the A-2 General Agricultural Dist., PR-1 Park-Recreational Dist. & B-5 Wholesale Trade and Warehousing Dist. on Tax Parcel #60-4-119-304-0405, Town of Randall.

Documents:

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

3. BRIGHTONWOODS ORCHARDS INC. - TEMPORARY USE PERMIT APPLICATION - TOWN OF BRIGHTON

BRIGHTONWOODS ORCHARD INC., 1072 288th Ave., Burlington WI 53105 (Owner), Bill Stone, 1072 288th Ave., Burlington WI 53105 (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 operate multiple special events in the A-3 Agricultural Related Manufacturing, Warehousing and Marketing Dist. on Tax Parcel #30-4-220-083-0301, Town of Brighton.

Documents:

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

4. DOUGLAS A. & HEIDI A. SHULSKI - VARIANCE APPLICATION - VARIANCE APPLICATION

DOUGLAS A. & HEIDI A. SHULSKI, 23318 60th St., Salem, WI 53168 (Owner), requesting a variance (Section IV. B. 12.20-2(g)3: which states that there shall be a minimum side yard setback of 25 feet on all structures in the A-2 General Agricultural Dist.) to construct an attached garage addition onto an existing residence to be located 10.5' (required setback 25') from the side property line on Tax Key Parcel #30-4-220-354-0400, Town of Brighton.

Documents:

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

5. JEROME J. & CAROLYN DEBELL - VARIANCE APPLICATION - TOWN OF BRIGHTON

JEROME J. & CAROLYN DEBELL, 27001 31st St., Salem, WI 53168 (Owner), requesting a variance (Section III. P. 12.18.4-5: that accessory buildings shall be located in the side or rear yard only) to construct a detached accessory building to be located in the street yard (side or rear yard required) on Tax Key Parcel #30-4-220-281-0211, Town of Brighton.

Documents:

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

6. CALL TO ORDER

7. ROLL CALL

8. CITIZEN COMMENTS

9. APPROVAL OF MINUTES

10. OTHER BUSINESS ALLOWED BY LAW

11. ADJOURNMENT

NOTICE TO PETITIONERS

The petitioners: Omar Calzada, Irving Once LLC, Brightonwoods Orchard Inc., Douglas A. & Heidi A. Shulski and Jerome J. & Carolyn Debell shall be present at the hearing on Thursday, May 16, 2019 at 6:00 p.m. at the Kenosha County Center, Conference Room A, 19600 75th Street, Bristol, Wisconsin. You should also meet with your Town Planning Commission and/or Town Board before the date of this hearing. Petitioners in the Town of Somers will meet with the Town Board of Appeals.

NOTICE TO TOWNS

The Towns of Brighton and Randall are requested to be represented at the hearing on Thursday, May 16, 2019 at 6:00 p.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

Owner: Omar Calzada

Mailing Address: 28343 41st Street

Salem WI 53168

Phone Number(s): 847-652-5287

RECEIVED
MAR 11 2013
Kenosha County
Planning and Development

To the Kenosha County Board of Adjustment:

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

Parcel Number: 30-4-220-294-0300 Zoning District: A-2

Property Address: 28353 41st Street Shoreland: No

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

Current Use: S.F. Residence w/ att garage & one outbuilding

REQUIRED BY ORDINANCE

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

To operate a temporary rodeo event.

Temporary Use being requested:

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

TEMPORARY USE APPLICATION

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

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

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

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

Maximum of 3 events.

The undersigned hereby attests that the above stated information is true and accurate and further gives permission to Planning & Development staff and Board of Adjustment members to view the premises, in relation to the temporary use request made herein, during reasonable daylight hours.

Owner's Signature: _____

Agent: _____

Signature: _____

Agents Address: _____

Phone Number(s): _____

March 5, 2019

Addressed to:

Brighton Plan Commission

Brighton Town Board

Kenosha County Board of Adjustments

Said temporary use permit application is being made for rodea use for a twelve month period from the date of approval. The event will happen no more 3 times over the course of the twelve month period. Each event will be one-day event.

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

We anticipate approximately 500 people in attendance.

Patrons will arrive on site 1:00 p.m and leave the site by 10:00 p.m.

No overnight camping will be permitted on site.

Sanitation:

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

Food Service:

Food will be served by the petitioners.

Parking:

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

Hours of Operation:

Saturdays and Sundays (no overnight camping of patrons)

1:00 p.m to 10:00 p.m.

Music:

Music will be from 5:30 p.m to 9:00 p.m (live music)

Sincerely,

Omar Calzada

Dates planned for the rodeos:

5/26/2019

6/22/2019

8/3/2019

6

OMAR CALZADA
28343-41st Street
Salem, Wisconsin 53168
(847) 652-5287

RECEIVED
MAR 11 2019
Kenosha County
Planning and Development

May 4, 2018

County of Kenosha Department of Public Works & Development Services
19600 75th Street
Bristol, Wisconsin 53104

Town of Brighton
2500 Burlington Road
P.O. Box 249
Kansasville, Wisconsin 53139

RE: Amendment to April 5, 2018 Temporary Use Application Criteria

To whom it may concern:

This is to request amendment of my April 5, 2018 Temporary Use Application for a bull riding, steer tailing and rodeo event by removing the attached criteria and replacing those with the following:

1. Three one-day events to be held over the course of a twelve month period from the date of approval.¹ The first event to be held on Sunday, May 27, 2018. With respect to the remaining two (2) events, applicant will notify the Town of the dates of the events not less than twenty-one (21) days in advance of each event.
2. Events to begin and patrons to arrive no earlier than 11:00 a.m. Events to conclude and patrons to leave no later than 10:00 p.m.
3. No overnight camping to be permitted on site.
4. Safety and Security will be provided by six (6) on site members of Kenosha County Sheriff's Department who shall ensure compliance with all applicable laws of the State of Wisconsin. Safety and Security shall be provided during the entire time the event is in operation.² The Town shall be provided with the names and contact numbers of the officers in attendance in advance of each event.
5. Events will be staffed by two (2) Wisconsin licensed on site Emergency Medical Technicians with Emergency Medical Transport Capability (i.e. on site Ambulance).³ The Town shall be provided with the names and contact numbers of the EMTs in attendance in advance of each event.

¹ An event is defined as a single day.

² Applicant is responsible for making arrangements with the Kenosha County Sheriff's Department for such services and shall be responsible for the associated costs.

³ Applicant is responsible for making arrangements for such services and shall be responsible for the associated costs.

Revocation Clause

Applicant agrees and understands the Temporary Use Permit is subject to revocation at the discretion of the Town of Brighton Town Board. Basis for revocation shall include, but not be limited to:

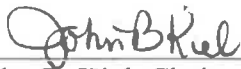
- Failure of the Applicant to comply with the criteria set forth herein;
- Spectator or participant conduct at the event that gives rise to law enforcement, public safety or animal welfare concerns;
- At the recommendation of on site safety officers and/or veterinarian.

If you wish to proceed with the application process I suggest you apply for the Temporary Use Permit with Kenosha County. Thereafter bring the matter to the Town Plan Commission for a public hearing on your application at the April meeting of the Plan Commission which is to be held at Town Hall on Wednesday, April 4, 2018 at 7:00 p.m. If a favorable indication is received at the Wednesday, April 4, 2018 meeting, the matter will be scheduled for a public hearing at the Monday, April 9, 2018 meeting of the Town Board and thereafter at the Thursday, April 19, 2018 meeting of the Kenosha County Board of Adjustments, which will be held at the Kenosha County Building, 19600-75th Street, Bristol, Wisconsin.

PLEASE NOTE: YOU MUST FILE YOUR APPLICATION FOR A TEMPORARY USE PERMIT WITH KENOSHA COUNTY BY MONDAY, MARCH 19, 2018 IN ORDER TO BE PLACED ON THE AGENDA FOR THE THURSDAY, APRIL 19, 2018 MEETING OF THE KENOSHA COUNTY BOARD OF ADJUSTMENTS.

Please note that this is not a commitment to recommend approval by the Town. The matter must first be brought to the Plan Commission and Town Board for consideration and public hearing. Final approval authority rests with Kenosha County Board of Adjustments.

Thank you.



John B. Kiel, Chair
Town of Brighton

**Town of Brighton
25000 Burlington Road
P.O. Box 249
Kansasville, WI 53139**

**Phone: 262-878-2218
Fax: 262-878-5489
E-mail: townofbrighton@wi.net
Web site: www.brightonwi.org**

March 9, 2018

Omar Calzada
28343-41st Street
Salem, WI 53168

RE: Follow Up to March 7, 2018 Informational Meeting

Dear Mr. Calzada:

At the March 7, 2018 meeting of the Town of Brighton Plan Commission you appeared to discuss your request for a temporary use permit (TUP) for a rodeo event involving live music, food and steer tailing on Parcel #30-4-220-294-0300, 28343-31st Street, Salem, Wisconsin 53168.

You had previously solicited suggestions. You indicated your willingness to agree to the conditions described in a February 21, 2018 letter to you with the request that the attendance ceiling be raised to five hundred (500).

Given the history of the previous events and the change in the attendance ceiling the Town Plan Commission would not likely be inclined to support the event unless the criteria below are met. Please note that given your request for a spectator increase from seventy-five (75) to five-hundred (500), law enforcement presence has increased to six (6) officers. In addition, as a matter of clarity, a revocation clause has been included.

Below are the updated minimum criteria I believe necessary to obtain the support of the Town at public hearing. These are to be included in your application. The criteria are:

1. Three events to be held on (INSERT DATES).¹
2. Events to begin no earlier than 11:00 a.m. and conclude no later than 10:00 p.m..
3. Safety and Security will be provided by six (6) on site members of Kenosha County Sheriff's Department who shall ensure compliance with all applicable laws of the State of Wisconsin. Safety and Security shall be provided during the entire time the event is in operation.² The Town shall be provided with the names and contact numbers of the officers in attendance in advance of the event.

¹ An event is defined as a single day.

² Applicant is responsible for making arrangements with the Kenosha County Sheriff's Department for such services and shall be responsible for the associated costs.

6. The applicant shall organize, provide for and maintain emergency vehicle access lanes.
7. A Wisconsin licensed veterinarian must be on-site during the entire time rodeo events are in progress.⁴ The veterinarian shall assure compliance with the PRCA Livestock Rules which are summarized below. The Town shall be provided with the name and contact number of the veterinarian in attendance in advance of each event.
8. Lighting, if any, to be facing down, not up or out.
9. Provision for a sufficient number of portable toilets to accommodate the needs of participants and spectators.
10. All parking on site (none on roadways).
11. Traffic to use Highway "B" for access and egress.
12. No signage allowed in public right of way.
13. No radio advertisement.
14. Certificate of insurance provided by property owner with the Town named as an additional insured (Copy to be provided to Town).
15. If food service were to be provided, must obtain certificate of Health Department.
16. No alcohol will be served or provided.
17. Amplified music shall be limited to the hours of 6:00 p.m. and 9:00 p.m.
18. Applicant will maintain fencing and/or safety barricades to contain all livestock on property.
19. Applicant will maintain fencing and/or safety barricades to contain all livestock separate from spectators.
20. Attendance will be limited to five-hundred (500) spectators.
21. Applicant understands and agrees to the livestock rules, revocation clause and contact sheet provisions set forth below.

Livestock Rules

- A veterinarian shall be on site.
- The veterinarian shall inspect and evaluate livestock for illness, weight, eyesight and injury prior to the rodeo. No animals that are sore, lame, sick or injured shall be allowed to participate in the event.
- Acceptable spurs must be dull.
- Standard electric prods may be used only when necessary and may only touch the animal on the hip or shoulder area.
- Stimulants and hypnotics may not be given to any animal to improve performance.
- Any participant using unnecessary roughness as determined by the veterinarian shall be immediately removed from the rodeo.
- Weight limitations for calves shall be between 220 and 280 pounds and steers shall be between 450 and 650 pounds.
- Flank straps for livestock shall be fleece or neoprene.

⁴ Applicant is responsible for making arrangements for such services and shall be responsible for the associated costs.

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: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____

BOARD OF ADJUSTMENTS SCHEDULE FOR 2019 PUBLIC HEARINGS

*Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin
Conference Room A (unless published otherwise)*

*This schedule includes all areas under general zoning regulations in the following townships:
BRIGHTON, PARIS, RANDALL, SOMERS, WHEATLAND*

HEARING DATES

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

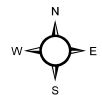
CHAPTER 12, KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE STATES:

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 Planning and Development Administrator shall be delegated the responsibility of informing the county clerk of both scheduled open and closed meetings so that proper notices may be given.

Kenosha County



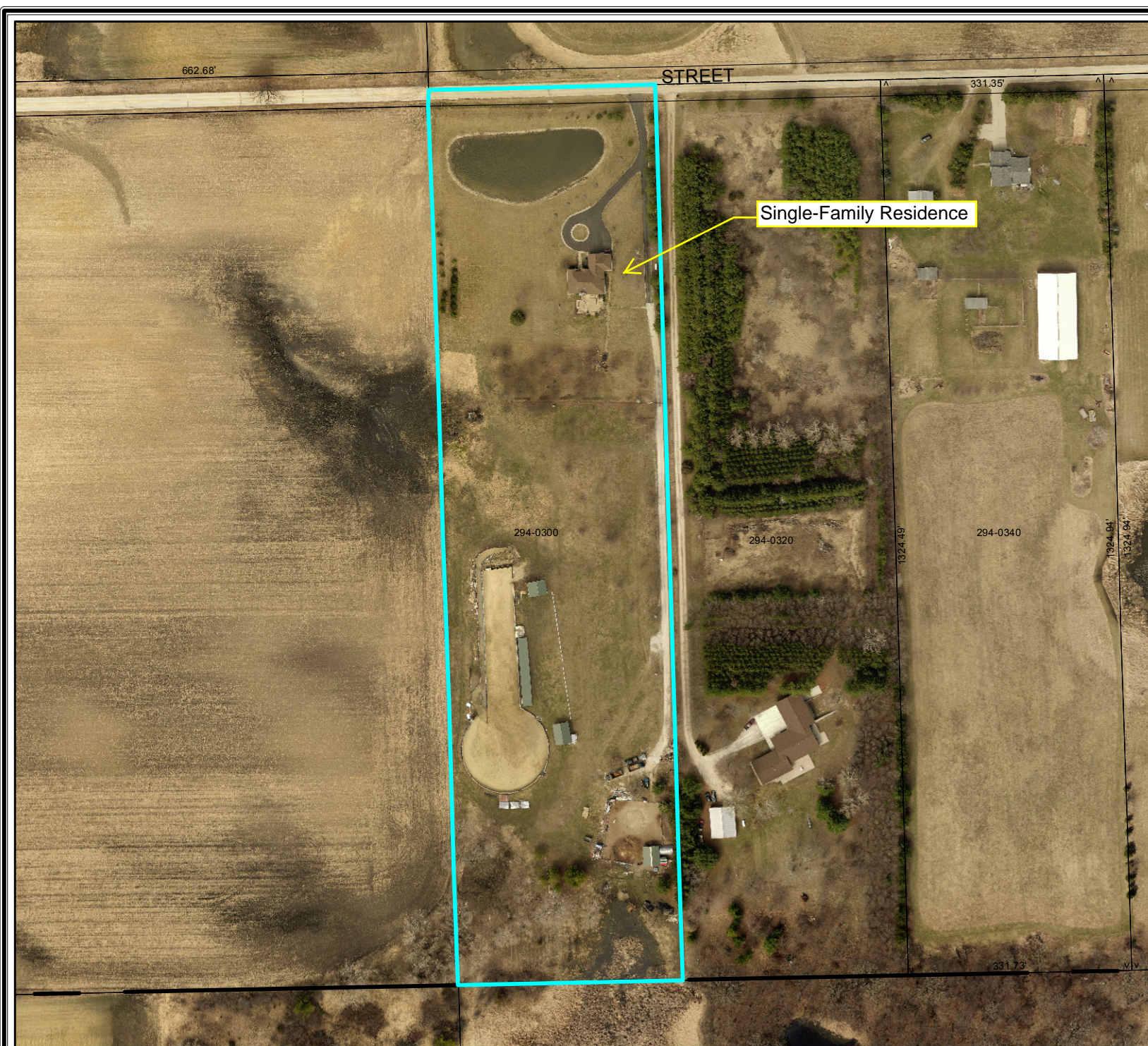
APRIL 2015 AIR
PHOTO



1 inch = 300 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.





Kenosha County



EXISTING
CONDITIONS
(APRIL 2015)



1 inch = 200 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

Kenosha County



PROPOSED SITE PLAN OF OPERATION



1 inch = 100 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



TEMPORARY USE SITE MAP

PETITIONER(S):

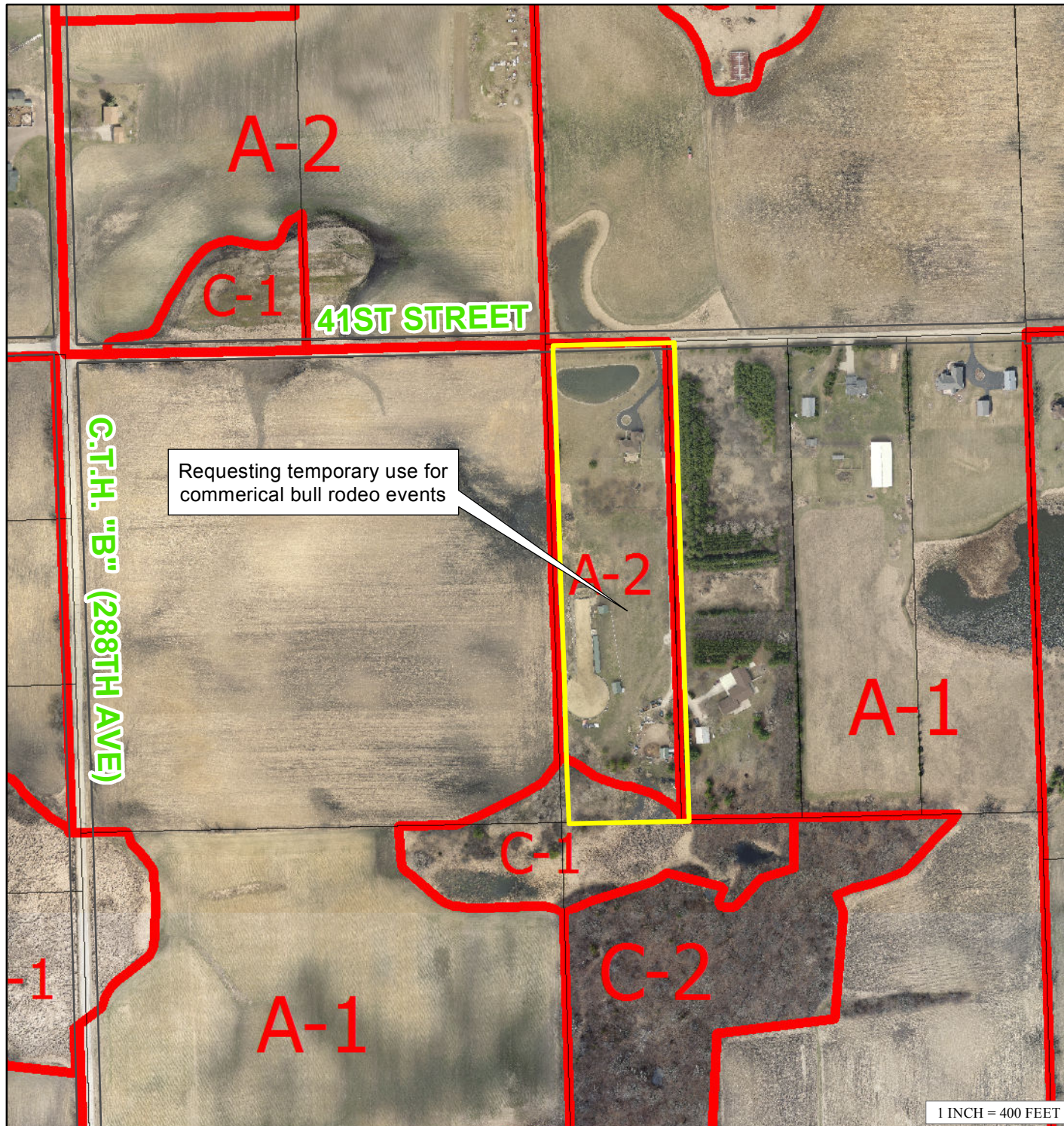
Omar Calzada (Owner)

LOCATION: 28343 41st Street,
Salem

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

REQUEST:

Requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to operate temporary commercial bull rodeo events in the A-2 General Agricultural Dist. on Tax Parcel #30-4-220-294-0300, Town of Brighton





COUNTY OF KENOSHA

January 2013

Department of Public Works & Development Services

TEMPORARY USE APPLICATION

Owner: IRVING ONE LLC

Mailing Address: 1222 N. GRANT AVE

ODessa TX 79762

Phone Number(s): 262-203-0710 -IVAN

RECEIVED

MAR 13 2019

Kenosha County
Planning and Development

To the Kenosha County Board of Adjustment:

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

Parcel Number: 60-4-119-304-0405 Zoning District: A-Z

Property Address: 11514 RICHMOND RD Shoreland: NO

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

Current Use: VACANT COUNTRY THUNDER GROUNDS

REQUIRED BY ORDINANCE

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

2 LIGHT FEST EVENTS

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: Tom Russell Signature: [Signature]

Agents Address: 1941 DAVIS DR GENOA CITY WI. 53128

Phone Number(s): 262-203-0210

BOARD OF ADJUSTMENTS SCHEDULE FOR 2019 PUBLIC HEARINGS

*Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin
Conference Room A (unless published otherwise)*

*This schedule includes all areas under general zoning regulations in the following townships:
BRIGHTON, PARIS, RANDALL, SOMERS, WHEATLAND*

HEARING DATES

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

CHAPTER 12, KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE STATES:

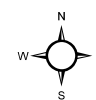
12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS: Any petition or other matter requiring the publication of a legal notice must be submitted at least one month prior to the requested hearing date as scheduled by the Planning, Development & Extension Education Committee or Board of Adjustments. For purposes 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 Planning and Development Administrator shall be delegated the responsibility of informing the county clerk of both scheduled open and closed meetings so that proper notices may be given.



Kenosha County



SUBJECT PROPERTY



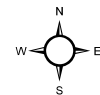
1 inch = 300 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

Kenosha County

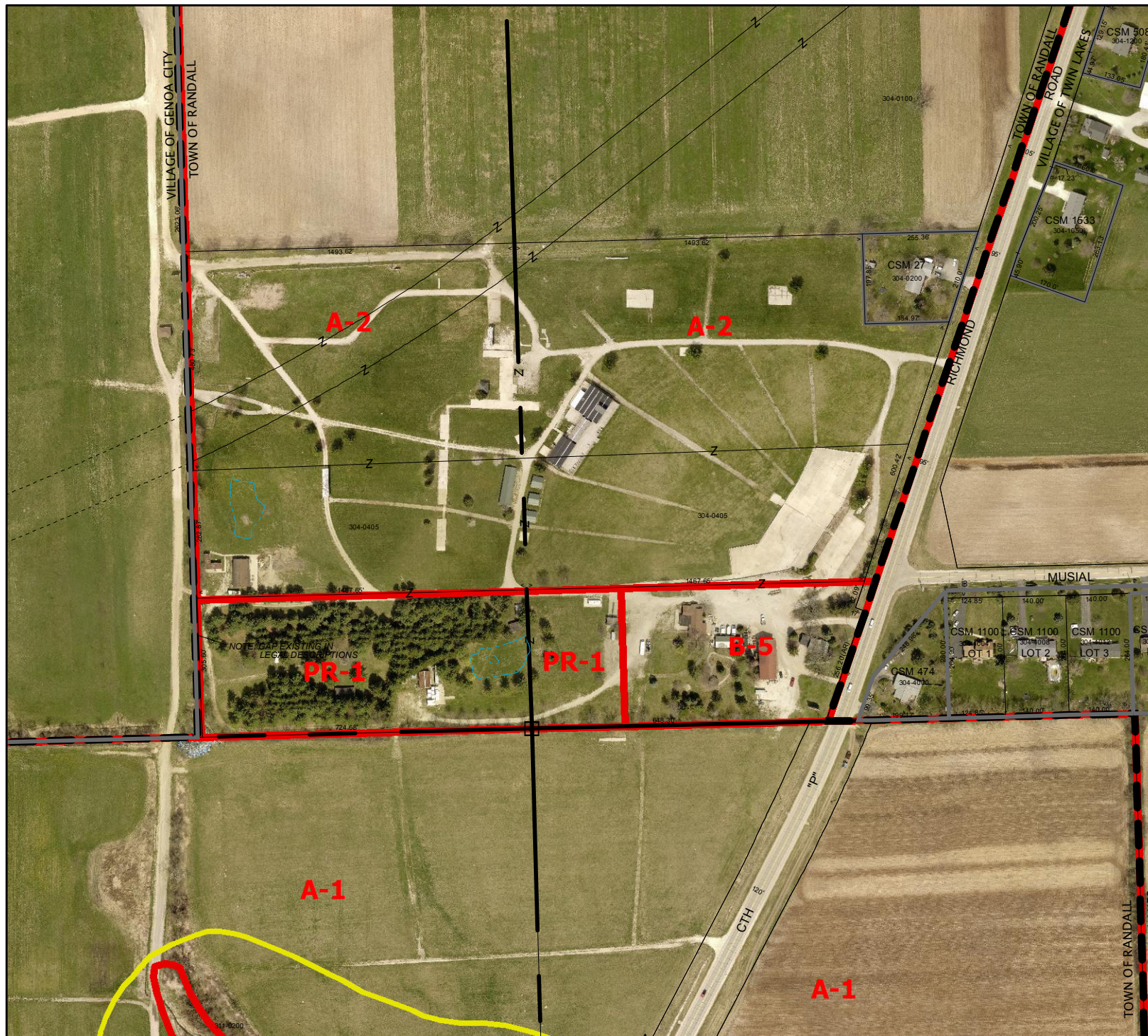


ZONING MAP



1 inch = 300 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.





Information Packet

Country Thunder

Address- 2301-, 2303 Richmond Rd, Twin Falls, ID

Expected Attendance- 5,000

Prepared by Viive Events

brett@viiveproductions.com | thelightsfest.com

THE LIGHTS FEST

This family oriented event is the fastest growing festival of its kind in the nation. There are many things that sets our event apart, but the biggest one is the feeling and emotion that comes when seeing the magical sight of the lanterns float into a starlit sky. These moments shared with friends and family are not soon forgotten and last a lifetime. We are proud of the fact that we have a very high percentage of customers who return to experience the event multiple times when we return to their area. Music festivals and races are easy to find, but The Lights Fest has proven to be the most uplifting and magical night families can experience together.

Our Company

What are Special Event
Lanterns?

Our Mission Statement and
FAQ's

OUR UNIQUE SPECIAL EVENTS LANTERNS

Safety is our number one concern

As a company, we take great pride in ensuring the safety of our participants. We use non-standard, customized lanterns that stay in the air for a short period of time. In Comparison, Traditional Lanterns often climb to an altitude in excess of one mile, and travel multiple miles away from their original launching point. At The Lights Fest, we have engineered our lanterns to produce a limited flight time **(on average, reaching a height of 250-300 yards and traveling a distance of 300-500 yards from their original launching point)**. Because our lanterns are customized, we are able to ensure that they will land within the designated property, for easy retrieval. They are made from non-flammable and biodegradable materials, aiding in the protection of our participants and the environment. (Upon request, we are willing to provide demonstrations before the event date) Any child under the age of 16 cannot light the lantern without supervision from a parent or guardian. We will never produce or take part in any event without the help of the local fire marshal and fire department. Wind Factors: The Lights Festival will not authorize the launch of lanterns if wind speeds exceed 15 miles-per-hour. If wind speeds don't reduce, The Lights Festival will cancel the Launch and reschedule it for a different date and time. Sustainability: All lanterns are biodegradable (asbestos-free) and Eco-friendly. The Lights Festival uses no metal wiring, nor any materials that could bring harm to the environment.

Special Event Lantern Indoor Test report Video [Click Here](#)

Special Event Lantern Outdoor test Video [Click Here](#)

MISSION STATEMENT

Providing a safe family event

Our mission at Viive Events has always been to produce an evening event where friends and families can build life long memories together. We have engineered our lanterns using state of the art safety protocols. Our lanterns are unique and are not available to purchase by the general public. These lanterns have a low burn time, and the improved burn pad lands with zero to little heat. If the burn pad has a flame the lantern is in the air. We take great pride in the time and resources dedicated to the design and manufacturing of our lanterns. However, we know that without an extremely thorough fire protocol and execution we would never feel agree to producing an event. Our Safety and Fire plan is what allows us to produce The Lights Fest at locations where others are unable to do so safely. Our events are located on both public and private properties outside city limits to ensure safety and avoid possible damage. All venues and property owners are familiar with the event and have agreed to host The Lights Festival. No lantern will ever interfere with airports, power lines, city buildings, or neighborhood houses. All lanterns will be cleaned off the property within 24 hours of launch. Clean Up: The Lights Fest is an evening festival that typically happens on a Saturday night. Depending on the number of people, we could produce a festival on a back to back Friday and Saturday night to ensure safety. All lanterns will be cleaned up within 24 hours of them being launched. If the event is a Saturday evening, The Lights Festival crew will have all lanterns retrieved, and the venue and surrounding properties will be cleaned up by Sunday afternoon. Our goal is to maintain long term relationships with our venue and property partners so that we can return year after year to put on our festivals for the local communities.

Clean Up

The Lights Fest is an evening festival that typically happens on a Saturday night. Depending on the number of people, we could produce a festival on a back to back Friday and Saturday night to ensure safety. All lanterns will be cleaned up within 24 to 48 hours of them being launched. If the event is a Saturday evening, The Lights Festival crew will have all lanterns retrieved, and the venue and surrounding properties will be cleaned up by Sunday afternoon. Our goal is to maintain long term relationships with our venue and property partners so that we can return year after year to put on our festivals for the local communities.

FREQUENTLY ASKED QUESTIONS

WHAT IS THE LIGHTS FEST?

The Lights Fest is an experience where thousands of friends and families gather to listen to live music, fill up on food trucks and light up life by sharing personal wishes, dreams and goals. At the perfect moment, everyone ignites their personalized sky lanterns with Tiki torches and lets them take flight. It creates a surreal ambiance, where time slows down and your single flame rises and joins with thousands of others to Light the Sky.

IS THIS SAFE?

Yes! Even though we utilize extremely safe, custom lanterns, we hire outside fire professionals who specialize in wildfire control throughout the US. These certified personnel help us better understand each individual region, and provide us with customized fire action plans and the onsite resources to combat any situation.

HOW DOES THIS EVENT AFFECT THE ENVIRONMENT?

The Lights Fest is dedicated to leaving a positive impact on everyone who attends our event. We are also dedicated to leaving a positive impact on the environment. We have a dedicated cleanup crew, waiting in the landing zone, whose focus is collecting lanterns after the event. All events are strategically located outside of populated areas where there is open space. We've engineered our lanterns for low flight and landing-site predictability. After the event, we have a large cleaning crew, picking up the lanterns. Our lanterns are 100% biodegradable, so in the rare chance that we miss one, they are designed to quickly disintegrate. Our "Leave No Trace Policy" allows us to make sure that our venues look the same after we leave as they did before we arrived.

WHEN AND WHERE CAN I LAUNCH MY SKY LANTERN?

Due to safety concerns, Lanterns are only permitted to be launched at the authorized time and place. Lanterns are not to be purchased for use outside of the venue. Participants who fail to abide by these rules may be subject to prosecution by local fire authorities and law enforcement.

CAN I EXCHANGE MY TICKET FOR A DIFFERENT DATE OR LOCATION?

Unfortunately, our ticket platform does not allow for tickets to be transferred to a new date or location.

REFUNDS AND TRANSFERS

Though we don't allow refunds, we've made it simple to transfer your purchased ticket into a new name. The new ticket holder will just need to bring their transferred ticket to "Check In", and fill out a new waiver before being admitted into the event.

WHAT IF THE EVENT IS CANCELLED?

In the unlikely occurrence that we cancel an event, our policy is to return to the city within three months of the original date. You will be contacted via email with updates and a new itinerary.

ALCOHOL

Alcohol is not permitted at the event. Venues and their owners may request to serve alcohol. Viive Events, LLC does not provide licensing and permits to serve alcohol on our behalf. Property owners will be required to have all documents and permits before any alcohol can be sold.

WHAT TO BRING?

Make your experience comfortable by bringing collapsible chairs, blankets, etc. If you want to travel light, feel free to purchase these items at our on-site merchandise tent.

WHAT'S IN MY SWAG BAG?

Each adult ticket purchase comes with a Sky Lantern, and a burlap sack containing a marker, key-chain, and flashlight.

VIP vs EARLY BIRD REGISTRATION

The difference between the "VIP" ticket and the "Early Bird" ticket is the price. Those who have managed to save their spot on their city's event page will get VIP access to registration. After VIP tickets are sold out, early bird registration will begin, followed by other pricing tiers.

ANIMAL ATTENDEES

We love your pets! ... but they're not allowed at the event. We do make exceptions for service animals with their current NSAR paperwork. Keep in Mind that loud music and the possibility of fireworks may provide an uncomfortable atmosphere for your service animal.

WHY IS THE EVENT NOT LOCATED IN THE ACTUAL CITY LISTED?

Due to safety regulations, The Lights Fest is unable to hold events within city limits. To ensure we produce a safe and magical evening, Fire Marshals require our events to be held at venues with sufficient acreage and away from homes and businesses.

IS THE LIGHTS FEST A CHARITY?

The Lights Fest is an event produced by Viive Events. We are a for-profit company with a dedication to making a lasting impact in each community we visit. For this reason, we partner with local charities and causes wherever we go. Visit the Events section of our website to see who we have partnered with. Feel free to send us an email at charities@viiveevents.com to share your suggestions for ways we can help your community!

HOW CAN I CONTACT THE LIGHTS FEST?

Send us a message on Facebook - <https://www.facebook.com/thelightsfestival/> Send us an email at - info@thelightsfest.com

Event Day Protocol

Set-up, timeline, and Lantern
test run

Event day Lantern Test run

FIRE

The Lights Fest has made Safety the cornerstone of its business practice. Fire personnel are essential to making the event as safe as possible. Even with our extra-safe custom lanterns, we believe having fire professionals at each event is crucial. We have a partnership with the tenured professionals at Timberline Fire LLC. They are a well-known team of professionals who specialize in wildfire control throughout the United States. This group of certified personnel help us better understand each individual region, and provide us with customized fire action plans. As part of our contract with Timberline Fire, they will provide detailed information to any county or state throughout the US and Canada to offer a better understanding of our commitment to each venue and community. Each event will be equipped with two fire professionals, Tender Truck, (or type 6 truck) and the Fire Action Plan.

TEST RUN

Before any participant can light the lantern, we ensure the flight and landing location is marked and the proper fire personnel by running one or more test lanterns. We will have the fire personnel mark the location from the festival area and be ready before the events begin. This process is for precautionary measures and our team of fire personnel will be equipped with all-terrain vehicles, or Razors, as they are commonly known. We equip the fire personnel with fire extinguishers and any other tools needed. We also have dedicated staff from The Lights Fest and our volunteer teams set up and prepared to help in any way possible.

Set-up and Event Time-Line

SET-UP

Our set-up process during the event consists of placing Tiki torches around our mobile stage. We start by separating the torches 10 to 15 feet from each other in rows. We use our reusable torches and secure them to the ground with stakes near our participants in preparation for the lantern ceremony.

- Thursday 9:00 am - Parking Manager arrives at venue to finalize traffic signage and traffic flow.
- Friday 9:00 am - Viive Events team of employees (6 to 8 typically), arrive for set-up of festival area. Additional worker (4 to 6) will be hired locally to assist with set-up. Point of contact will be our on-site event manager. TBA.
- Saturday 9:00 am - Finish with additional set-up.
- Saturday 2:00 pm first wave of participants arrive. 2:30 and 3:00 pm are the final scheduled times for parking arrival times.
- Saturday 7:30 pm Scheduled time for Event lantern Launch. Fire personnel will be on location at landing zone of lanterns. Test lantern will be launched at 7:20 pm for expected landing location and winds speed assessments.
- Saturday 3:30 pm to 10:00 pm end of event. Participants will have parking groups that will be announced to better control the flow of traffic. Every 15 to 20 mins our MC will announce the three parking group names. Each participant will have group names on receipt/ticket.

EVENT TIME

At nightfall, the participants have been instructed by the on-stage team the steps to safely light the lantern and when to let go. We instruct the crowd to wait for our countdown to better control lantern flight. This allows us to monitor the wind and other environmental factors and time the actual launch at the safest moment possible for everyone to enjoy the launch and minimize any potential risks. Launch time varies from city to city and time of the year.

Event day timetable

- Music Acoustic live (30 mins) 5:30 pm - 6:00
- Kids Dance off / Misc entertainment (30 mins) 6:00 pm - 6:30 pm
- Music Acoustic live (30 mins) 6:30 pm - 7:00 pm

- Ceremony Event Lanterns 7:30 pm - 8:00 pm
- End of event 8:30 pm- 10:00 PM

Note: Postponed event, due to weather or wind, will be planned for the next day (Sunday).

20 mins of DJ/MCEE stage time will be used to make safety announcements and inform the participants of Lantern use and safety.

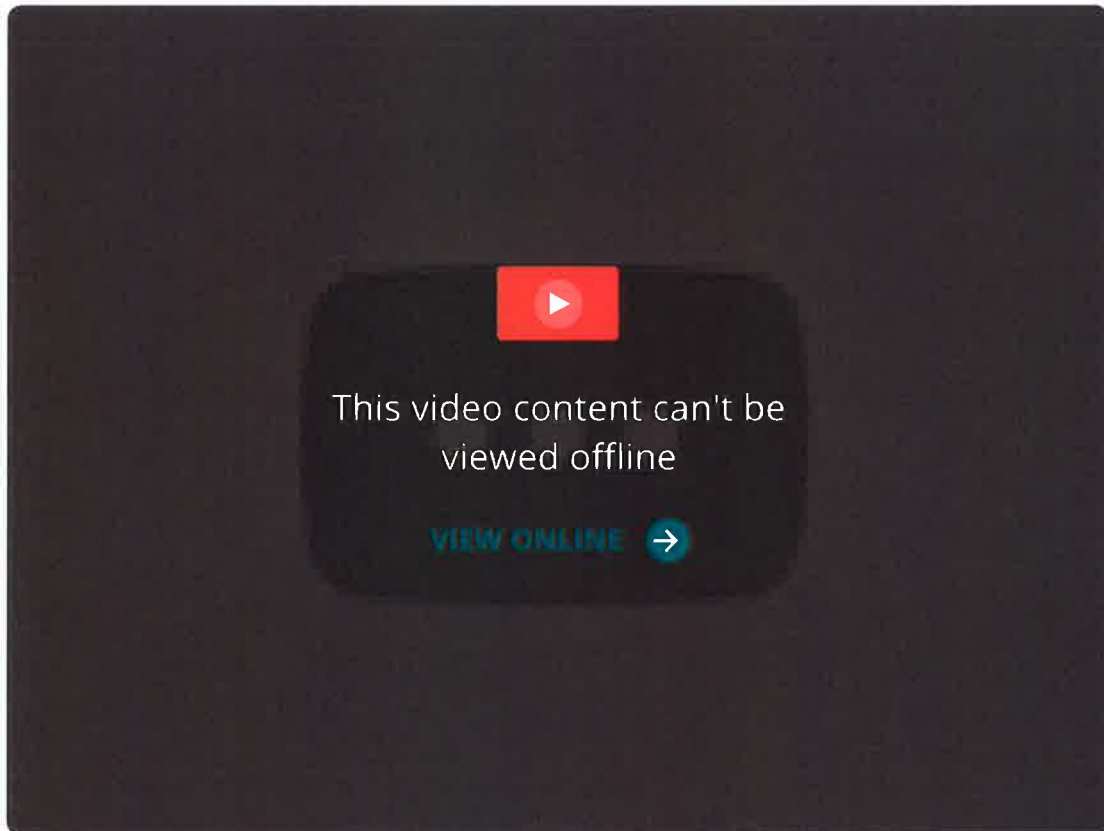
Clean-up Plan

Bullet points of our cleaning process

- Cleaning will begin at the end of the Lantern Ceremony. Times vary depending on night fall. Cleaning can begin as early as 9:00 to 10:00.
- Temp workers (4 total) will begin clean up process after event.
- Focused areas will be landing area of our Special Event Lanterns and Festival area
- Cleaning crew (8 to to 10 total), and event managers return Sunday at 9:00 am to 5:00 pm. All areas from Lantern landing location and festival area are cleaned to ensure completion.
- Monday will be included for cleaning day. Our over-night Manager will be in charge to have cleaning completed.
- Saturday cleaning times: 9:00 pm to 10:00 pm.
- Sunday cleaning times: 9:00 am to 5:00 pm.
- Monday cleaning times: 9:00 am to 2:00 pm (may vary depending on needs).
- Over-night cleaning Manager will be announced

Clean-up Video

Bio-degradable Lanterns



County Departments

Essential services and
requirements

Fire Department

Role and Safety

The Lights Fest has made Safety the cornerstone of its business practice. Fire personnel are essential to making the event as safe as possible. Even with our extra-safe custom lanterns, we believe having fire professionals at each event is crucial. We have a partnership with the tenured professionals at Timberline Fire LLC. They are a well-known team of professionals who specialize in wildfire control throughout the United States. This group of certified personnel help us better understand each individual region, and provide us with customized fire action plans. As part of our contract with Timberline Fire, they will provide detailed information to any county or state throughout the US and Canada to offer a better understanding of our commitment to each venue and community. Each event will be equipped with at least two fire professionals. Depending on the needs and requirements, we can provide such equipment as, Tender Truck, (or type 6 truck) and the Fire Action Plan or Fire Assessment plan.

Fire Assessment plans will be provided for each venue. This assessment outlines the fuel types, moisture levels, and overall safety of the area. This Document provides us with key information about the area.

EMERGENCY MANAGEMENT

Traffic control plan, site map, and emergency plan

Keeping the safety of participants is the most important factor in any public event. We follow the same guidelines that many counties and townships require. Here is the list of essential services we hire and account for at each event:

- copy of the medical contract
- copy of the security contract
- copy of the Fire Department's contract
- Contact person of who will be working the event.
- Medical Plan: Indicating the number medical personnel on the application and provide a copy of the contract.
- Indicate the location of the medical station and dedicated emergency medical/fire ingress and egress route(s).

Maps: Site map(s) of the event indicating the following:

- Parking plan: parking area(s) and ingress/egress routes
- Property lines
- Adjacent roads
- Food and event booths
- Restrooms • Medical station
- Medical/fire ingress/egress routes
- Existing structures, including any fencing
- Temporary structures (e.g., tents, stage(s), bleachers, etc.) • Location for security command post

POLICE

Providing Security, and traffic control

Police play a key role in safety of our participants. From the moment they arrive to the event the Police will help with traffic control on major intersections and provide us with their knowledge of where we need to pay more attention to helping participants arrive safe and on time. Having police at the festival area helps to ensure the standard of keeping the event a family safe event. Items that we can provide:

- Contact, coordinate and schedule officers
- Hire State or Local Police troopers for event (average of two to three depending on venue).
- We will provide copy of the contract/letter of Security Company working this event.
- Ensure approval through the Sheriff's Office

PUBLIC HEALTH

Restrooms, and Medical assistance

Health of the people at our events is something that we go above and beyond the call of duty to ensure. The correct minimum number of restrooms, medical personnel with ambulance, and the health of others at top concern is crucial to returning. Some of the things that may need to provide:

contract signed by applicant and the provider. If there is no formal contract, we would need a letter or email from the provider.

- Will need to provide Medical Personnel with contract or invoice
- Scheduled the correct number of Restrooms and Handicap restrooms

PUBLIC WORKS

Department of Transportation

We partner with Public Works to make sure we have the best Traffic Control Plan. The insight they provide help make our event run smooth from the moment participants arrive to park their vehicle. Public Works help by pointing out any areas that need police or parking assistance. Commonly needed items to provide Public Works Division:

- Provide any "DOT" permit that is required
- Provide traffic control plan and a map showing the setup of traffic control, and where all the signs and cones will be located.
- Show handicap parking



This embedded content
can't be viewed offline

VIEW ONLINE 

RISK MANAGEMENT

Certificate of Insurance (COI)

Insurance is a must for any large public event. As we plan for a safe event we know we must have Insurance. The "COI" will be provided for every event. We will provide 2 million General Aggregate and 1 million Occurrence. We'll provide your department with any, if not more, from the list below:

- We will provide the needed Insurance certificate
- City or Country will be named as additional insured on certificate (located on the lower left hand corner of the insurance certificate)

ENVIRONMENTAL HEALTH AND FOOD

Food Trucks and permits to sell

The Lights Fest strives for the safest in food vending. We provide the Health and Food department with certifications, and permits for each of our food vendors. They must comply with local laws to sell food at our events. Typically, we hire 10 to 18 food trucks. This depends on total number of expected participants. Requirements typically needed:

- Require list of all participating food trucks and food vendors.
- All Vendors provide county or city permit requirements.
- Providing the list of vendors will be submitted to county or city

Clean Up

The Lights Fest is an evening festival that typically happens on a Saturday night. Depending on the number of people, we could produce a festival on a back to back Friday and Saturday night to ensure safety. All lanterns will be cleaned up within 24 to 48 hours of them being launched. If the event is a Saturday evening, The Lights Festival crew will have all lanterns retrieved, and the venue and surrounding properties will be cleaned up by Sunday afternoon. Our goal is to maintain long term relationships with our venue and property partners so that we can return year after year to put on our festivals for the local communities.

BUILDING SAFETY

Necessary site plan, stage location, parking, generates, etc

The Lights Festival will provide your department with the necessary site plan, showing location of stage, parking, and booths. Any specs needed about our mobile stage can be provided. If the department needs building permit completed, we can provide that with the additional information above. By having a clear understanding of the map layout, both parties can ensure a smooth and safe event.

- Building Permit
- Site plan, showing location of stage, generators, parking and booths
- Specs and information regarding the stage
- Identify ADA parking on site plan

Important Documents

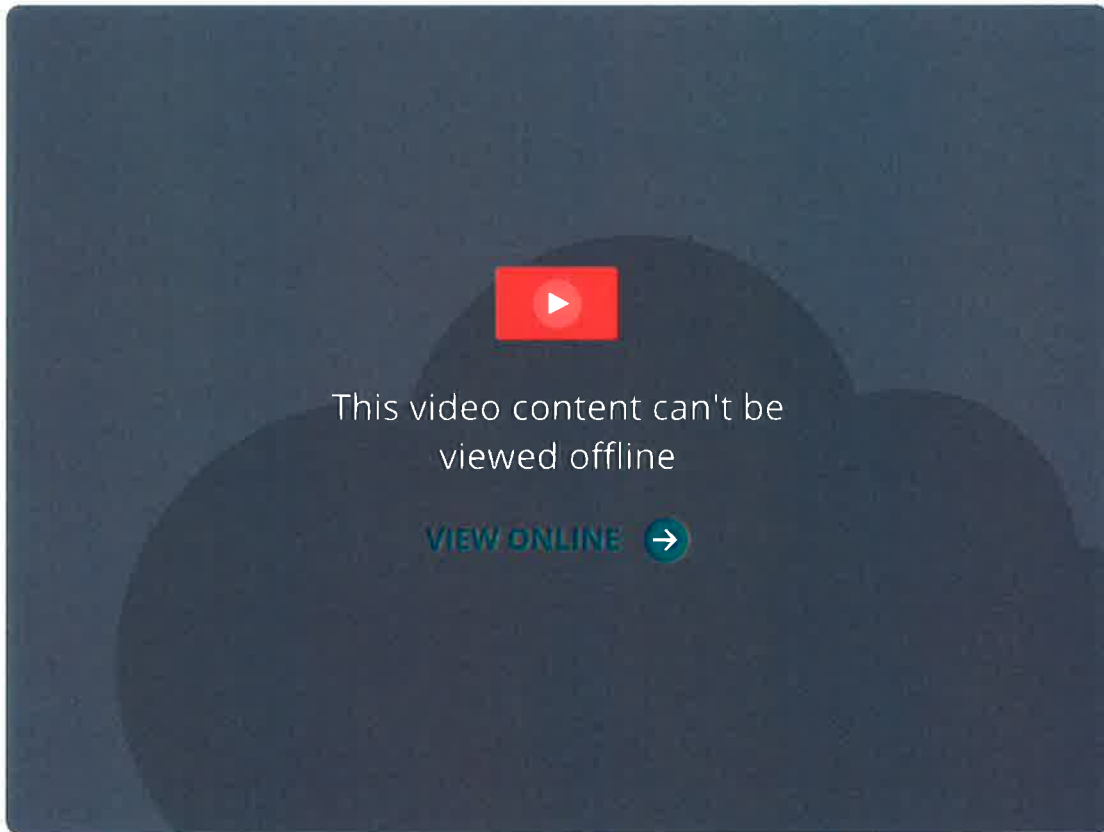
Insurance, MSDS, Testing and Videos



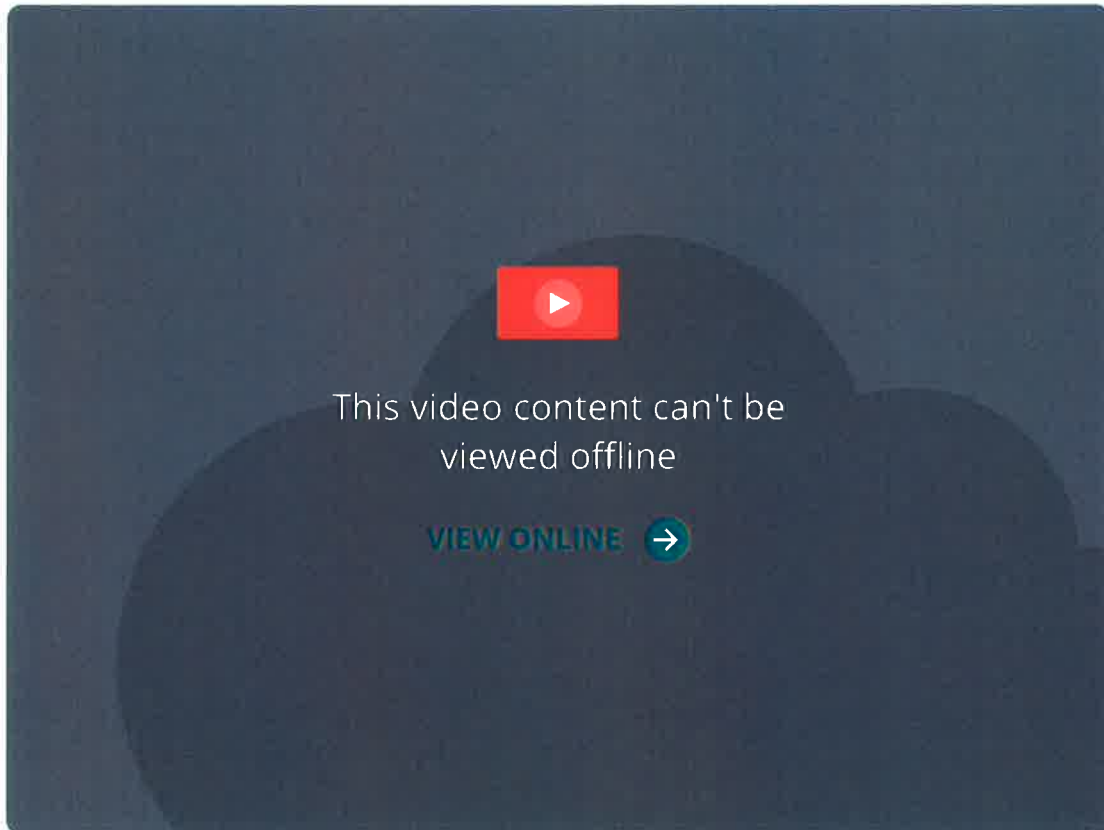
This embedded content
can't be viewed offline

VIEW ONLINE 

Lantern Test Video



Special Event Lantern Test Outdoor (Drone)



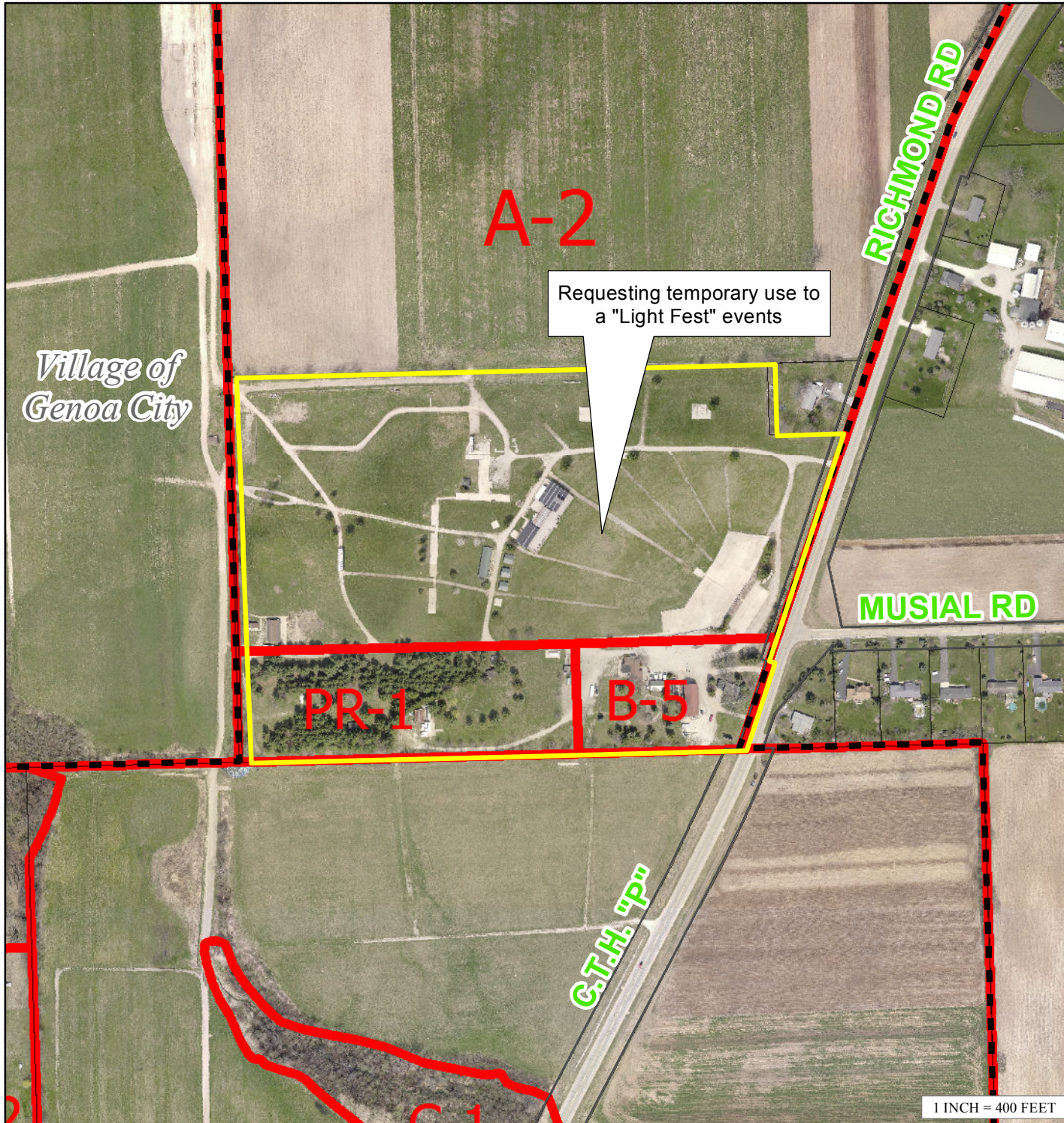


This embedded content
can't be viewed offline

VIEW ONLINE 

HE

LIGHTS



TEMPORARY USE SITE MAP

PETITIONER(S):

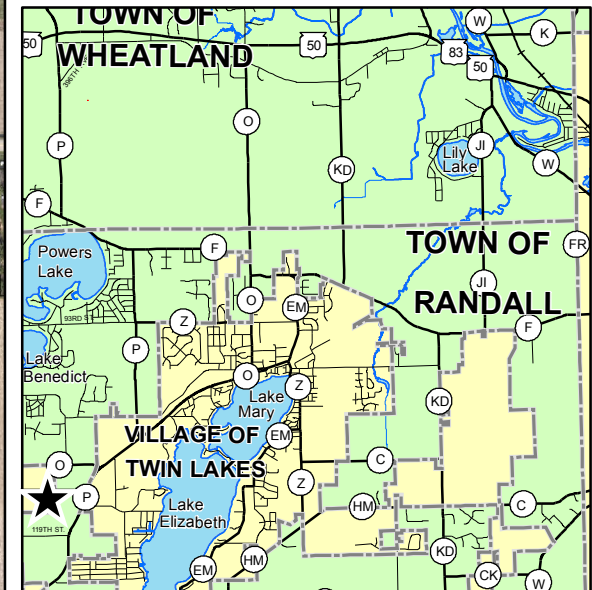
Irving One LLC(Owner)
Ivan Purnell(Agent)

LOCATION: 11514 Richmond Rd
Twinlakes WI 53181

TAX PARCEL(S): #60-4-119-304-0405

REQUEST:

Requesting approval of a temporary use (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to operate a "Light Fest" events in the A-2 General Agriculture Dist., PR-1 Park-Recreational Dist. & B-5 Wholesale Trade and Warehousing Dist. on Tax Parcel #60-4-119-304-0405, Town of Randall





TEMPORARY USE APPLICATION

RECEIVED

MAR 25 2019

Kenosha County
Planning and Development

Owner: Brightonwoods Orchard, Inc.

Mailing Address: 1072 288th Ave

Burlington WI 53105

Phone Number(s): 262-878-3000 (bus) 262-490-1830 (cell)

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: 30-4-220-083-0301 Zoning District: A-3

Property Address: 1072 288th Avenue Shoreland: No

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

Current Use: Fruit Farm Orchards, Winery, Processed Cheese

REQUIRED BY ORDINANCE

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

Multiple events - see attached

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: _____ Signature: _____

Agents Address: _____

Phone Number(s): _____

BOARD OF ADJUSTMENTS SCHEDULE FOR 2019 PUBLIC HEARINGS

*Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin
Conference Room A (unless published otherwise)*

*This schedule includes all areas under general zoning regulations in the following townships:
BRIGHTON, PARIS, RANDALL, SOMERS, WHEATLAND*

HEARING DATES

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

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 Planning and Development Administrator shall be delegated the responsibility of informing the county clerk of both scheduled open and closed meetings so that proper notices may be given.

TUP PLANS FOR BRIGHTONWOODS ORCHARD 2019

For several years Brightonwoods Orchard has hosted several special events. We are applying for these events in 2019 by naming these event's sponsors but not the dates of their events, since these dates are unknown at this time. These events are listed below.

1. We have hosted a First Republican District event for I believe 14 of the past 17 years, featuring now Congressman Bryan Steil and many other prominent local, state and federal politicians.
2. We also have hosted a summer or fall picnic pig roast fund-raiser for the Southeast Wisconsin Farm Fresh Atlas.
3. For several years we have hosted the Caledonia Lions Club Antique Auto Show on a Sunday in September.
4. For the past several years we have hosted a fall "Farm to Table" dinner sponsored by Braise RSA of Milwaukee for 80-100 people from 4 PM to 8 PM.
5. We are planning on hosting a "Farm to Table" dinner in June 2019 for about 50 people this year sponsored by Red Oaks Restaurant in Bristol from 4 PM to 8 PM.

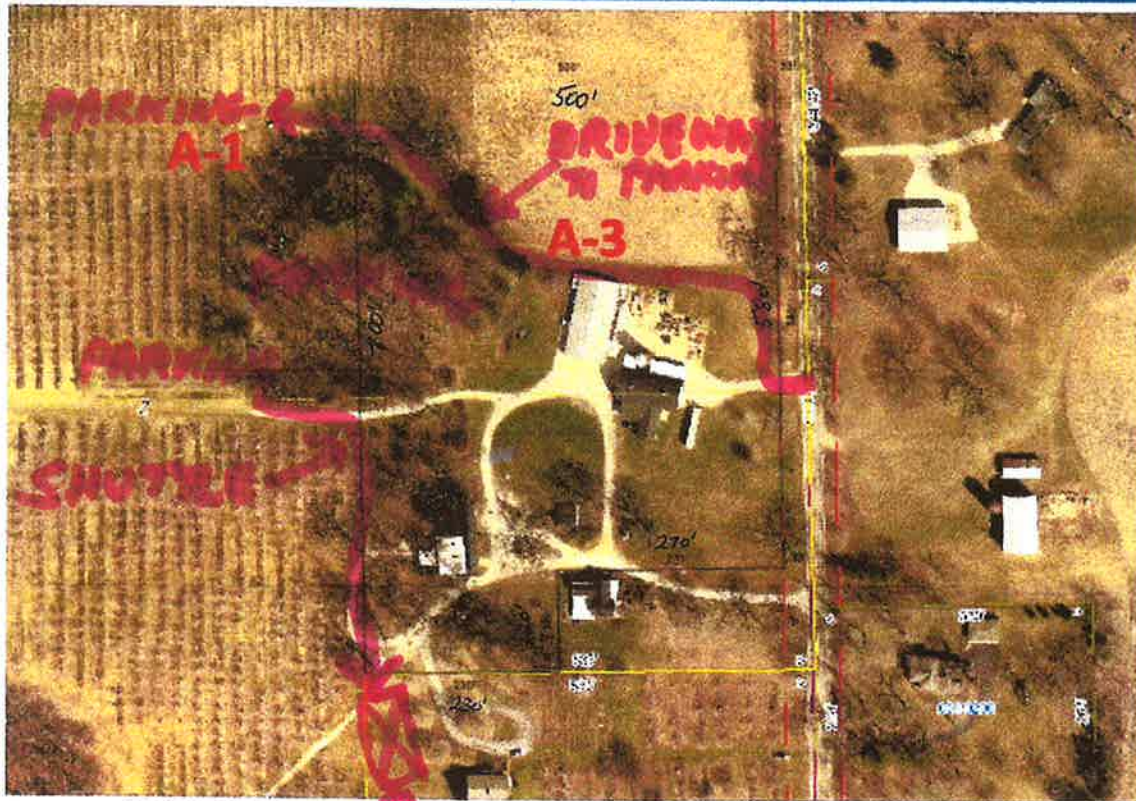
As it has been the case in the past, Brightonwoods Orchard and/or William Stone wish to hold the above events at 1070 288th Ave., Burlington, WI and/or 1072 288th Ave., Burlington, WI individually or combined.

1. Each of the above will be a single day event;
2. The missing dates for each of the above events will be presented to the Town no later than July 31, 2019;
3. The First District Republican Party event is to begin no earlier than 12 noon and conclude no later than 6 PM and shall involve not more than 350 attendees;
4. The Farm Fresh Atlas summer pig roast event is to begin no earlier than 2 PM and conclude no later than 8 PM and shall involve not more than 150 attendees;
5. The Caledonia Lions Club Antique Car Show event is to begin no earlier than 8 AM and conclude no later than 5 PM and shall involve not more than 75 exhibitors. Attendance expected not to exceed 300;
6. The Braise RSA & Red Oaks Restaurant "Farm to Table" dinner events are to begin no earlier than 4 PM and conclude no later than 9 PM and shall involve not more than 100 attendees;

7. In 2019 traffic will be directed into and out of the event via the north driveway;
8. With respect to the Caledonia Lions Club Antique Car Show exhibitors will be notified via flyer and via signage that they are to not create excessive noise from engines, mufflers or tires and to avoid horn honking on highway B in the area of the orchard;
9. In order to limit visual impact of events, the events will be held as defined on map that accompanies this proposal;
10. Applicant will be responsible for site safety and security;
11. At the Caledonia Lions Club Antique Car Show event Fire extinguishers shall be readily accessible;
12. Lighting, if any, to be facing down, not up or out and will be directed onto property;
13. Applicant will provide for a sufficient sanitary facilities to accommodate the needs of participants and spectators;
14. All parking shall be on site (none on roadways);
15. No signage shall be displayed in public right of way;
16. No radio advertisement will be used to promote the events;
17. A Certificate of insurance shall be provided by property owner with the Town named as an additional insured (Copy to be provided to Town);
18. If food service is to be provided, applicant must obtain Health Department certificate;
19. If alcohol will be served or provided applicant must obtain necessary permits and comply with all applicable regulations;
20. Any musical noise will be kept at a minimum & confined to the area of the day's activity.

Given the non-profit nature or local food promotion of these events, applicant will request an application fee waiver.

In expressing a willingness to agree to the above, applicant does not waive any rights and does not agree that a Temporary Use Permit is required for these events for several reasons, including but not limited to, the fact these events are non-for-profit events or local food promotional events that have historically been conducted on the property without objection by the Town or Kenosha County. Other reservations may also be at issue. Never the less, applicant wishes to avoid conflicts over the 2019 events.

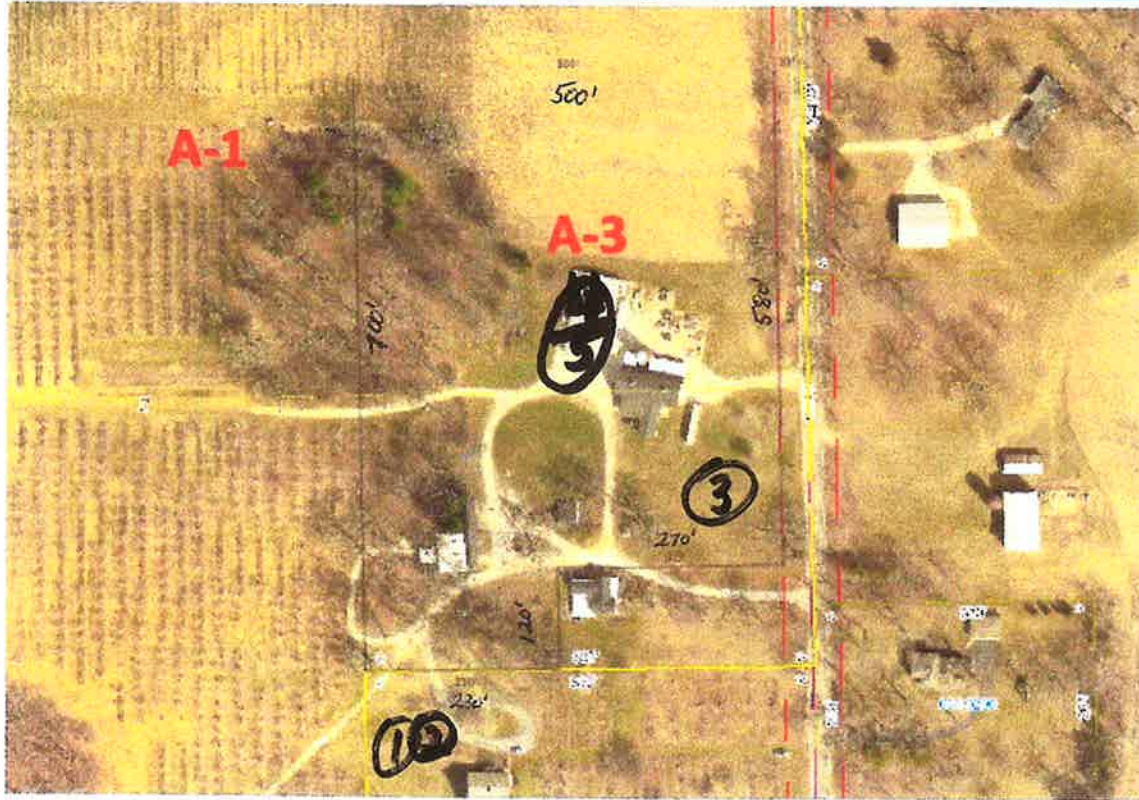


▷ **DATE** = 12/16/2016

2004-2005

ENOUGH PARKING FOR 150 CARS!
SIGNAGE + PERSON AT HWY B
ENTRANCE

60x130
TEHT
300 chairs



- 1) RYAN EVENT
- 2) FARM FRESH ATLAS EVENT
- 3) ANTIQUE CAR SHOW
- 4) FARM TO TABLE — BRAISE
- 5) FARM TO TABLE — RED OAKS

TEMPORARY USE SITE MAP

PETITIONER(S):

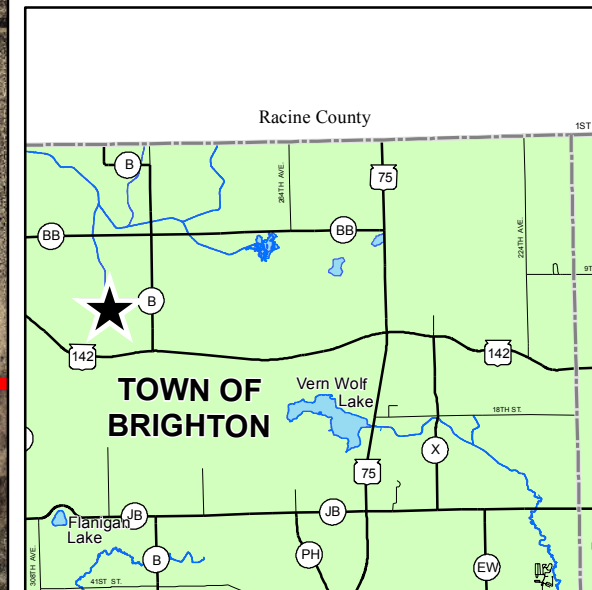
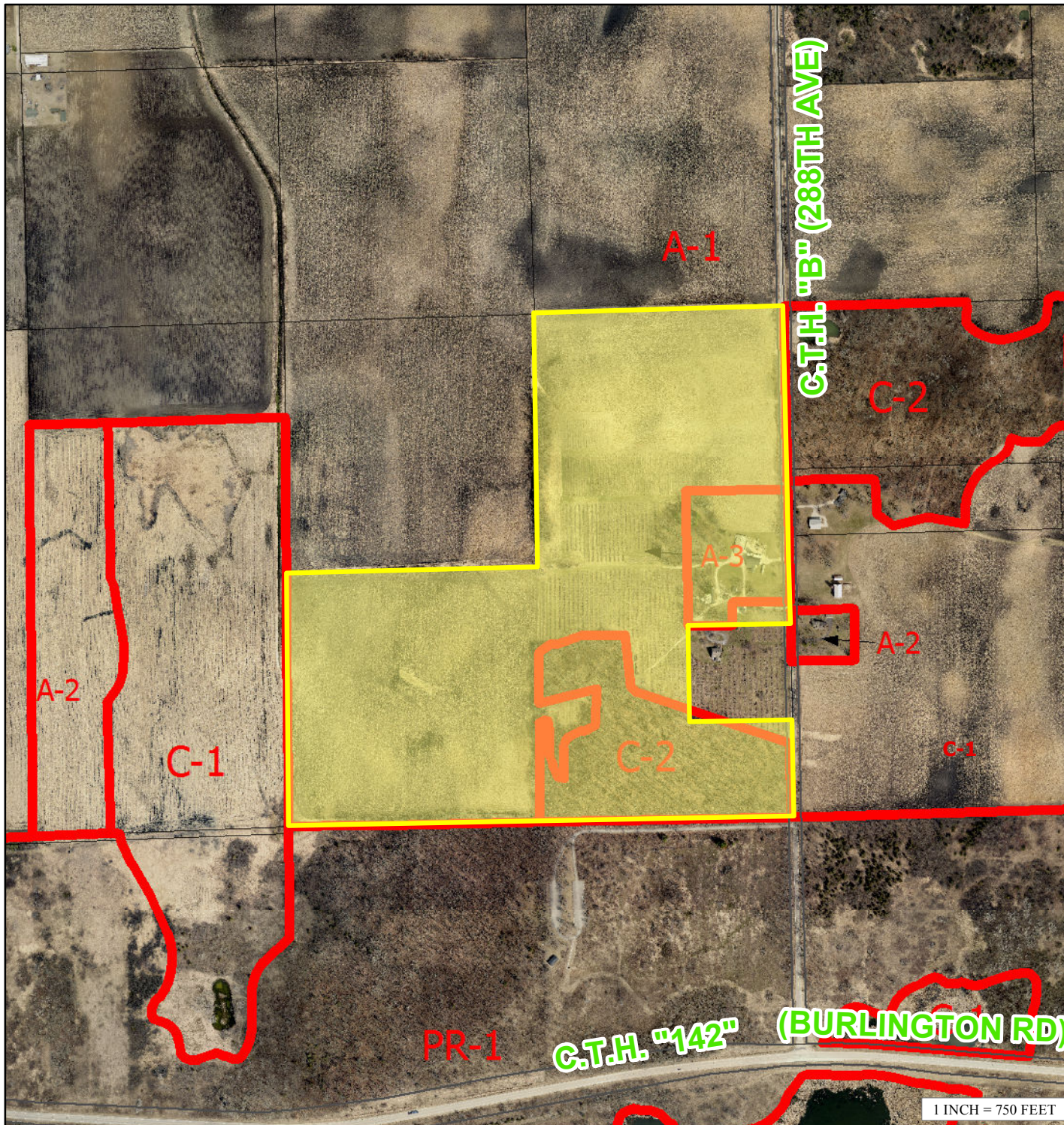
Brightonwoods Orchard INC. (Owner),
Bill Stone (Agent)

LOCATION: SW 1/4 of Section 08,
Town of Brighton

TAX PARCEL(S): #30-4-220-083-0301

REQUEST:

Requesting approval of a temporary use (Section VII.B.12.36-5(a)(5): which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to operate multiple special events in the A-3 Agricultural Related Manufacturing, Warehousing and marketing Dist. on Tax Parcel #30-4-220-083-0301, Town of Brighton.



VILLAGE OF SALEM LAKES

Department of Planning and Development

VARIANCE APPLICATION

RECEIVED

APR 08 2019

Kenosha County
Planning and Development

Owner: County of Kenosha

Mailing Address: 19600 75th Street, Suite 122-1

Bristol WI 53104

Phone Number(s): 262-857-1870

To the Village of Salem Lakes Board of Appeals:

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

Parcel Number: 70-4-120-094-0100 Zoning District: PR-1

Property Address: 27000 85th Street Shoreland: No

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

Current Use: Silver Lake County Park

Proposal: To construct a 199-foot tall communication tower (type
currently unknown) to be located 165 feet from the nearest property line.

REQUIRED BY ORDINANCE

Section: V. A. 12.27-1 (b) - Radio and television transmission and relay tower, cellular and digital communication towers (mobile service support structures as defined in Wis. Stat. §66.0404(1) (n)), and aials provided however, that said structures shall not exceed in height their distance from the nearest lot line unless designed to collapse within a smaller area as evidence by an engineering certification submitted to Planning & Development.

Section: _____ - _____

Section: _____ - _____

VARIANCE REQUESTED

34 feet

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.

VARIANCE APPLICATION

- (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 to post and remove a sign on the subject property notifying the public regarding the property's pending application as well as permission to Board of Appeals members to view the premises, in relation to the appeal request made herein, during reasonable daylight hours.

Owners Signature: Kenosha County Public Works

Agent: Ray Arbet Signature: R. Arbet

Agents Address: 19600 - 75th St. Bristol, WI 53105

Phone Number(s): 262-857-1856



COUNTY OF KENOSHA

Department of Planning & Development

19600 75th Street, Suite 185-3

Bristol, WI 53104-9772

Phone: (262) 857-1895

Fax: (262) 857-1901

ZONING PERMIT APPLICATION

1. What is the Property Address (must include house number) or Tax Key Parcel Number?

2. Who owns the subject property (property owner)?

Property Owner Name:

Property Owner Mailing Address:

Property Owner Phone Number:

Property Owner Email Address:

3. Who is constructing the proposed structures (contractor)?

Contractor Name:

Contractor Mailing Address:

Contractor Phone Number:

Contractor Email Address:

4. Who is applying for and will be signing for this permit (applicant)?

Applicant Name:

Applicant Mailing Address:

Applicant Phone Number:

Applicant Email Address:

5. What is it you are proposing to construct?

You can apply for up to four separate structures on this permit application.

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

6. This section is only applicable if you are constructing a principal building such as a new residence or new commercial building. *This section is not applicable for sheds ≤ 150 sq. ft. in area or other accessory structures such as decks, fences and pools.*

If you are proposing to construct a principal building such as a new residence or new commercial building, it is required that a [professional surveyor](#) be hired to complete a foundation survey of the property after the foundation is installed for the permitted building and submit said survey document to this office in order to prove that the proposed building has been constructed in the correct location and meets setback requirements.

I anticipate that a foundation survey will be submitted to this office no later than _____ (insert date).

We understand this deadline needs to be flexible due to reasons such as weather, construction delays, etc., however a due date later than 18 months from the date of permit issuance will not be accepted. If a foundation survey is not received by the anticipated due date, the property owner will receive an automated letter notifying them of past due status. If a mutually agreed revised due date is not set, and a foundation survey is not submitted, violation and enforcement will proceed.

7. This section is only applicable if you are constructing a residential or commercial building addition or detached accessory building >150 sq. ft. in area. This section is not applicable for new principal structures, sheds ≤150 sq. ft. in area or other accessory structures such as decks, fences and pools.

If you are proposing to construct a residential or commercial building addition or detached accessory building >150 sq. ft. in area you have the option to hire a professional surveyor to complete a foundation survey of the property after the foundation is installed for the permitted building and submit said survey document to this office in order to prove that the proposed building has been constructed in the correct location and meets setback requirements.

Alternatively, the property owner may sign a waiver of liability of foundation survey waiving their obligation to have to hire a professional surveyor at this time, stating that they will build the structure according to code and that if the structure is ever found to violate the code requirements they agree to comply with said ordinance by removal of and relocation of said structure and pay all associated and consequent costs and damages. This waiver document is a legal document that is recorded against the property title in the Register of Deeds. *In the future a lending agency (such as a bank) or a prospective buyer of the property may require that said waiver be released prior to commencing with a loan or sale transaction. To do so, a plat of survey will need to be completed by a professional surveyor showing the location of the permitted structure. If said structure is found by this department to be constructed in the correct location and meets setback requirements, then a release of waiver document will be prepared at the cost of 20.00-dollars to the applicant and issued to the property owner or real estate agent so that it can be recorded with the Register of Deeds, thereby effectively releasing the original waiver of liability document.*

I anticipate that a foundation survey will be submitted to this office no later than _____ (insert date).

or

I anticipate that the property owner will visit Planning & Development to have their signature notarized (driver's license required) and pay for the recordation of a waiver of liability document in the form of 30.00-dollars cash or check payable to the "Register of Deeds" no later than _____ (insert date).

8. Does your project involve the placement of any fill material on the subject property such as dirt, gravel, landscape timbers, rock, shoreline protection material, etc....?

If so, what type of material and how much?

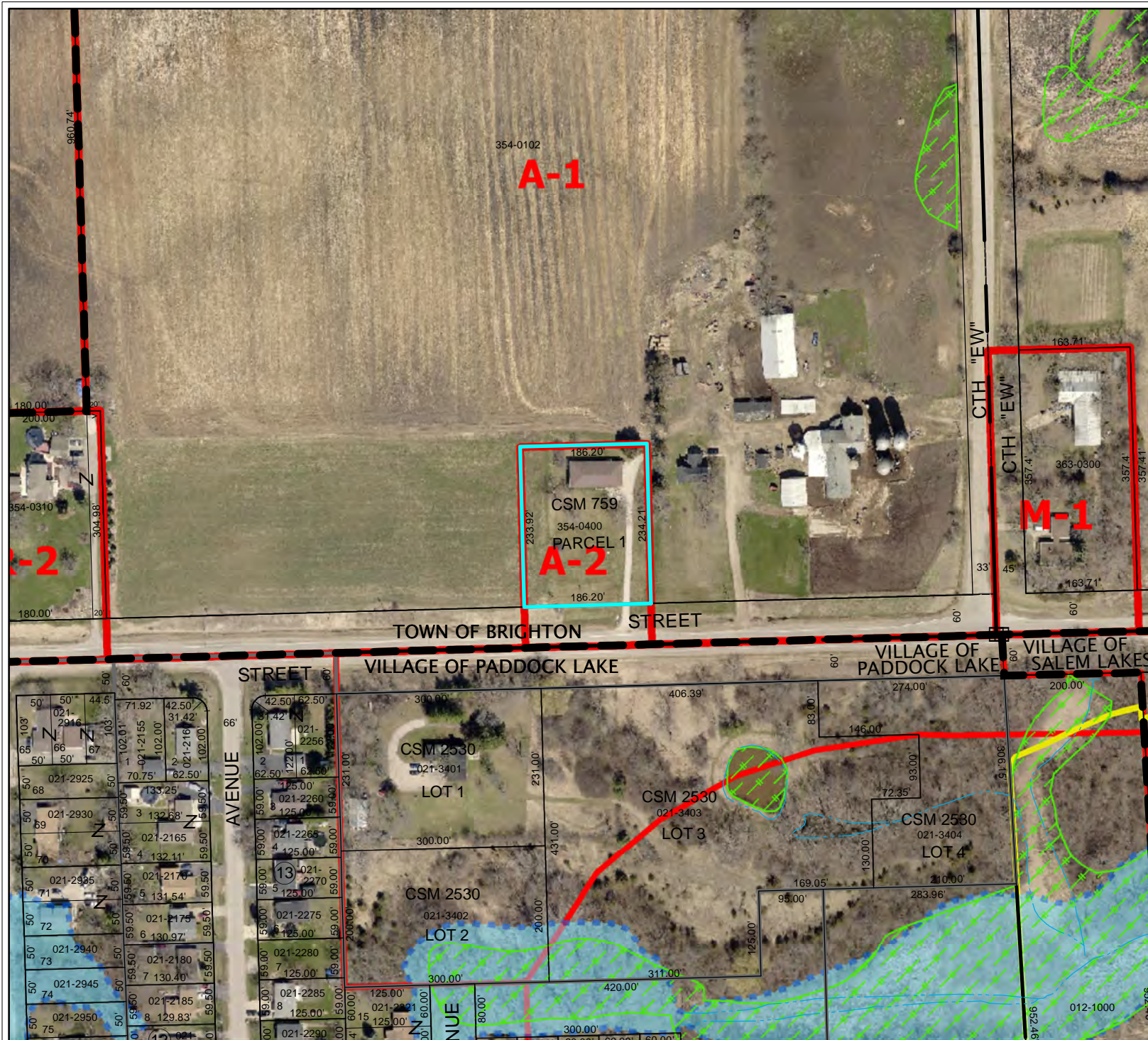
IF ISSUED, THIS ZONING PERMIT IS ISSUED SUBJECT TO:

1. ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS.
2. EACH APPLICANT FOR A ZONING PERMIT IS CHARGED WITH KNOWLEDGE OF THE MUNICIPAL 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. ANY ADDITIONAL CONDITIONS WRITTEN BY THE ZONING ADMINISTRATOR ISSUING THE ZONING PERMIT.

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.



THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.

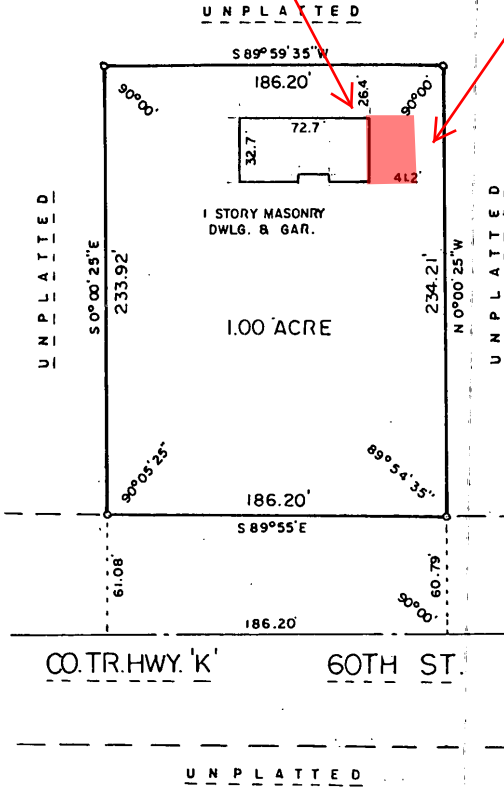


Source: Kenosha County Department of Planning and Development

30-4-220-354-0400

PROPOSED 30' X 32.7'
ATTACHED GARAGE
ADDITION

TO BE LOCATED 10.5
FEET FROM EAST
(SIDE) PROPERTY LINE



The Town of Brighton has no
objection to this certified
survey. Date.....

TOWN CLERK.....
RAYMOND DIXON

SCALE



1" = 80'

BEARINGS REFER TO STATE HIGHWAY COMMISSION
RIGHT OF WAY PLANS FOR CO. TR. HWY. 'K' (1958)

⊥ DENOTES 1" X 2" IRON PIPE WEIGHING NOT
LESS THAN 1.13 LBS PER LINEAL FOOT

CONC. MON. AT
SE COR. SE 1/4
SECT. 35-2-20

505.00'

SOILS CONTAINED HEREIN ARE
OF THE MORLEY SERIES.

I, ROBERT L. SMITH, SURVEYOR, hereby certify that I have prepared this "Certified Survey Map", the exterior boundaries of which are described as: Part of the Southeast Quarter of Section 35, Town 2 North, Range 20 East of the 4th Principal Meridian, lying and being in the Town of Brighton, Kenosha County, Wisconsin, and being more particularly described as: Commencing on the south line of said $\frac{1}{4}$ section 505.00 feet S 89° 59' 35" W from the southeast corner of said $\frac{1}{4}$ section; thence N 0° 00' 25" W 60.79 feet to the north line of County Trunk Highway "K" (60th Street), and the point of beginning of this description; thence N 0° 00' 25" W 234.21 feet; thence S 89° 59' 35" W 186.20 feet; thence S 0° 00' 25" E 233.92 feet to the north line of said highway; thence S 89° 55' E along the north line of said highway 186.20 feet to the point of beginning.

That I have complied with the provisions of chapter 236.34 of the state statutes on certified surveys and section 6.0 of the Kenosha County Subdivision Control Ordinance.

January 30, 1980.

SURVEYOR.....

ROBERT L. SMITH

COUNTY SURVEYOR'S OFFICE
COURT HOUSE, KENOSHA, WIS.

OWNER: Wendolyn Reiter
Route 1
Bristol, Wis.
53104

This "Certified Survey Map"
approved by Kenosha County
Zoning Committee this.....
day of....., 1980.

CHM.
FRED C. SCHMALFELDT

CERTIFIED SURVEY
MAP NO. 759

CSM 759

North Facing Oblique



BOARD OF ADJUSTMENTS SCHEDULE FOR 2019 PUBLIC HEARINGS

*Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin
Conference Room A (unless published otherwise)*

*This schedule includes all areas under general zoning regulations in the following townships:
BRIGHTON, PARIS, RANDALL, SOMERS, WHEATLAND*

HEARING DATES

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

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 Planning and Development Administrator 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 -

12.20-2 A-2 GENERAL AGRICULTURAL DISTRICT

(a) Primary purpose and characteristics.

The A-2 General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Agricultural Preservation District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activity. This District is also intended to provide areas for activities normally associated with rural surroundings, such as rural estate and other existing residential development, such as existing residential development abutting town and county roads along which further development may occur as essential services become available.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses.

In addition to those principal uses permitted in the A-1 Agricultural Preservation District, the following are deemed to be principal uses in the A-2 General Agricultural District:

- 1 (Reserved for future use) (8/6/02)
- 2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
- 3 Equestrian trails
- 4 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- 5 (Reserved for future use) (8/6/02)

(c) Accessory Uses

- 1 Those accessory uses permitted in the A-1 Agricultural Preservation District
- 2 Small wind energy system
- 3 Solar energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

- 1 Air strips, landing fields and hangars for personal or agricultural related uses
- 2 Assemblies over 5000 or more individuals
- 3 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
- 4 Concrete and asphalt batch plant temporarily located on a parcel
- 5 Event Barns
- 6 Housing for farm laborers or caretakers
- 7 Kennels (commercial or noncommercial)
- 8 Large wind energy system
- 9 Storage of recreational vehicles, boats and snowmobiles
- 10 Utility substations
- 11 Bed and breakfast establishments (8/9/94)

- 12 Borrow pits (temporary); stockpiling or filling of clean fill materials
- 13 Riding stables and indoor riding arenas (public)
- (e) Parcel Area and Width
 - 1 Parcels shall have a minimum area of ten (10) acres, and
 - 2 All such parcels shall have a frontage of not less than 300 feet in width.
- (f) Building Height and Area
 - 1 No farm building or farm related building shall exceed 100 feet in height
 - 2 No residential dwelling shall exceed 35 feet in height
 - 3 The total minimum floor area of a residential dwelling shall be 1000 square feet with a minimum first floor area of 1000 square feet
 - 4 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 40 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 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet
- (h) Authorized Sanitary Sewer System
 - 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer



VARIANCE SITE MAP

PETITIONER(S):

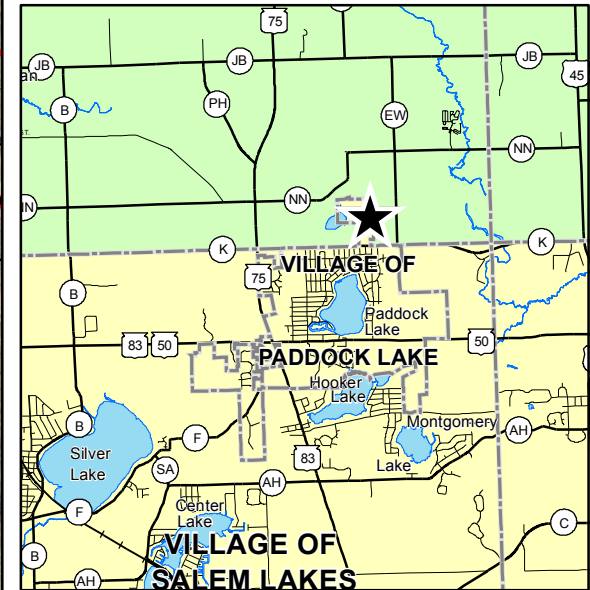
Douglas A. & Heidi A. Shulski (Owner)

LOCATION: SE 1/4 of Section 35,
Town of Brighton

TAX PARCEL(S): #30-4-220-354-0400

REQUEST:

Requesting a variance (Section IV. B. 12.20-2(g)3: which states that there shall be a minimum side yard setback of 25 feet on all structures in the A-2 General Agricultural Dist.) to construct an attached garage addition onto an existing residence to be located 10.5' (required setback 25') from the side property line on Tax Key Parcel #30-4-220-354-0400



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.

VARIANCE APPLICATION

- (3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

Unique physical limitations of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with the ordinance requirements. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances or lack of objections from neighbors do not provide a basis for granting a variance.

Yes, The home was constructed too far back on the property near the rear lot line.

- (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.

I'd remove the semi-trailer currently being used for storage, park all trailers inside. The building would be constructed to match the house.

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: _____

Jerome John DeBell

Agent: _____

Signature: _____

Agents Address: _____

Phone Number(s): _____



COUNTY OF KENOSHA

Department of Planning & Development

19600 75th Street, Suite 185-3

Bristol, WI 53104-9772

Phone: (262) 857-1895

Fax: (262) 857-1901

ZONING PERMIT APPLICATION

1. What is the Property Address (must include house number) or Tax Key Parcel Number?

2. Who owns the subject property (property owner)?

Property Owner Name:

Property Owner Mailing Address:

Property Owner Phone Number:

Property Owner Email Address:

3. Who is constructing the proposed structures (contractor)?

Contractor Name:

Contractor Mailing Address:

Contractor Phone Number:

Contractor Email Address:

4. Who is applying for and will be signing for this permit (applicant)?

Applicant Name:

Applicant Mailing Address:

Applicant Phone Number:

Applicant Email Address:

5. What is it you are proposing to construct?

You can apply for up to four separate structures on this permit application.

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

6. This section is only applicable if you are constructing a principal building such as a new residence or new commercial building. *This section is not applicable for sheds ≤150 sq. ft. in area or other accessory structures such as decks, fences and pools.*

If you are proposing to construct a principal building such as a new residence or new commercial building, it is required that a [professional surveyor](#) be hired to complete a foundation survey of the property after the foundation is installed for the permitted building and submit said survey document to this office in order to prove that the proposed building has been constructed in the correct location and meets setback requirements.

I anticipate that a foundation survey will be submitted to this office no later than _____ (insert date).

We understand this deadline needs to be flexible due to reasons such as weather, construction delays, etc., however a due date later than 18 months from the date of permit issuance will not be accepted. If a foundation survey is not received by the anticipated due date, the property owner will receive an automated letter notifying them of past due status. If a mutually agreed revised due date is not set, and a foundation survey is not submitted, violation and enforcement will proceed.

7. This section is only applicable if you are constructing a residential or commercial building addition or detached accessory building >150 sq. ft. in area. This section is not applicable for new principal structures, sheds ≤150 sq. ft. in area or other accessory structures such as decks, fences and pools.

If you are proposing to construct a residential or commercial building addition or detached accessory building >150 sq. ft. in area you have the option to hire a professional surveyor to complete a foundation survey of the property after the foundation is installed for the permitted building and submit said survey document to this office in order to prove that the proposed building has been constructed in the correct location and meets setback requirements.

Alternatively, the property owner may sign a waiver of liability of foundation survey waiving their obligation to have to hire a professional surveyor at this time, stating that they will build the structure according to code and that if the structure is ever found to violate the code requirements they agree to comply with said ordinance by removal of and relocation of said structure and pay all associated and consequent costs and damages. This waiver document is a legal document that is recorded against the property title in the Register of Deeds. *In the future a lending agency (such as a bank) or a prospective buyer of the property may require that said waiver be released prior to commencing with a loan or sale transaction. To do so, a plat of survey will need to be completed by a professional surveyor showing the location of the permitted structure. If said structure is found by this department to be constructed in the correct location and meets setback requirements, then a release of waiver document will be prepared at the cost of 20.00-dollars to the applicant and issued to the property owner or real estate agent so that it can be recorded with the Register of Deeds, thereby effectively releasing the original waiver of liability document.*

I anticipate that a foundation survey will be submitted to this office no later than _____ (insert date).

or

I anticipate that the property owner will visit Planning & Development to have their signature notarized (driver's license required) and pay for the recordation of a waiver of liability document in the form of 30.00-dollars cash or check payable to the "Register of Deeds" no later than _____ (insert date).

8. Does your project involve the placement of any fill material on the subject property such as dirt, gravel, landscape timbers, rock, shoreline protection material, etc....?

If so, what type of material and how much?

IF ISSUED, 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 MUNICIPAL 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. ANY ADDITIONAL CONDITIONS WRITTEN BY THE ZONING ADMINISTRATOR ISSUING THE ZONING PERMIT.

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.

BOARD OF ADJUSTMENTS SCHEDULE FOR 2019 PUBLIC HEARINGS

*Third Thursday of each month at 6:00 p.m.
Kenosha County Center, 19600 75th Street, Bristol, Wisconsin
Conference Room A (unless published otherwise)*

*This schedule includes all areas under general zoning regulations in the following townships:
BRIGHTON, PARIS, RANDALL, SOMERS, WHEATLAND*

HEARING DATES

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

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 Planning and Development Administrator 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 -

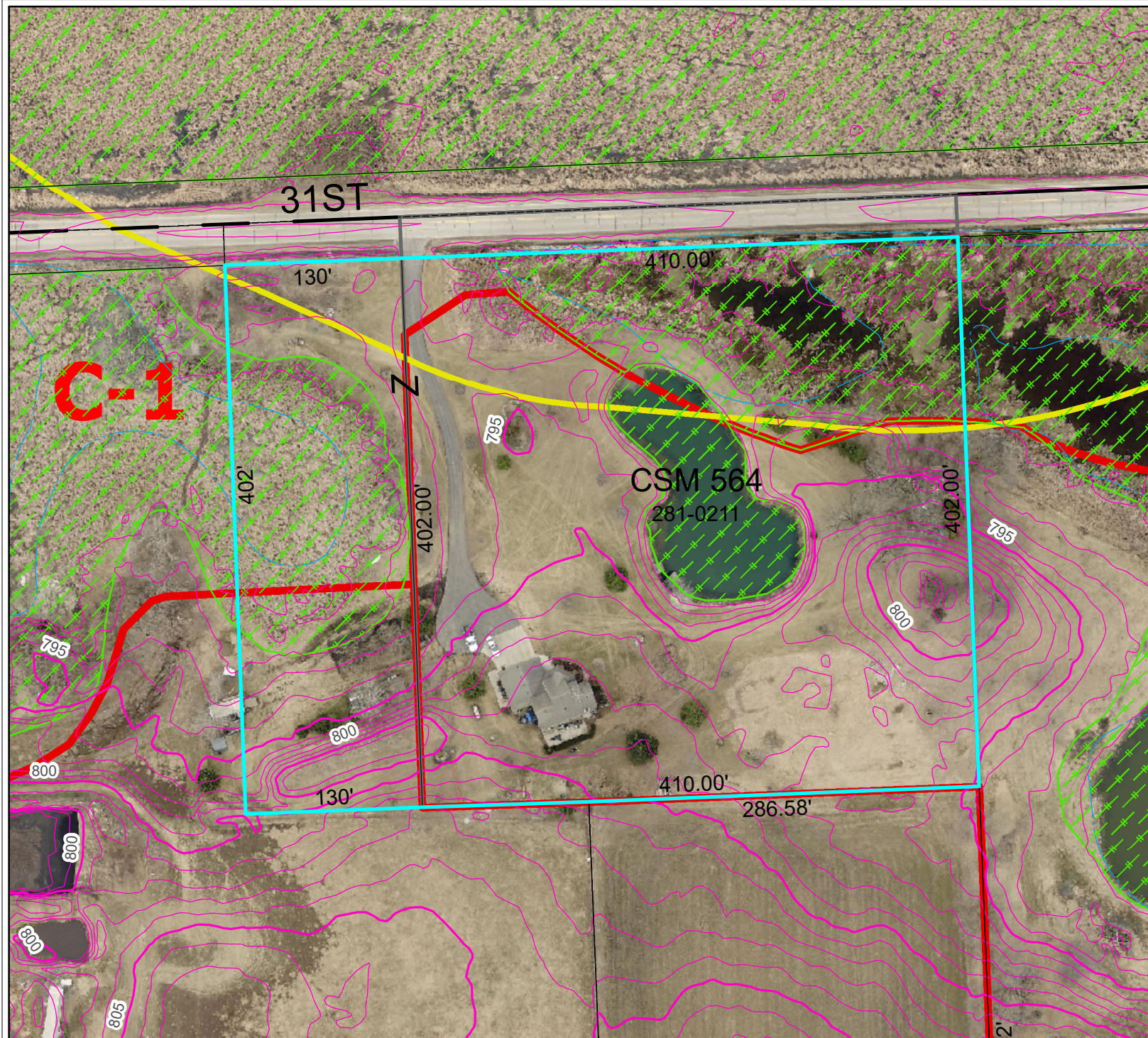
Kenosha County

SUBJECT
PROPERTY



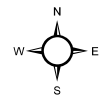
1 inch = 100 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



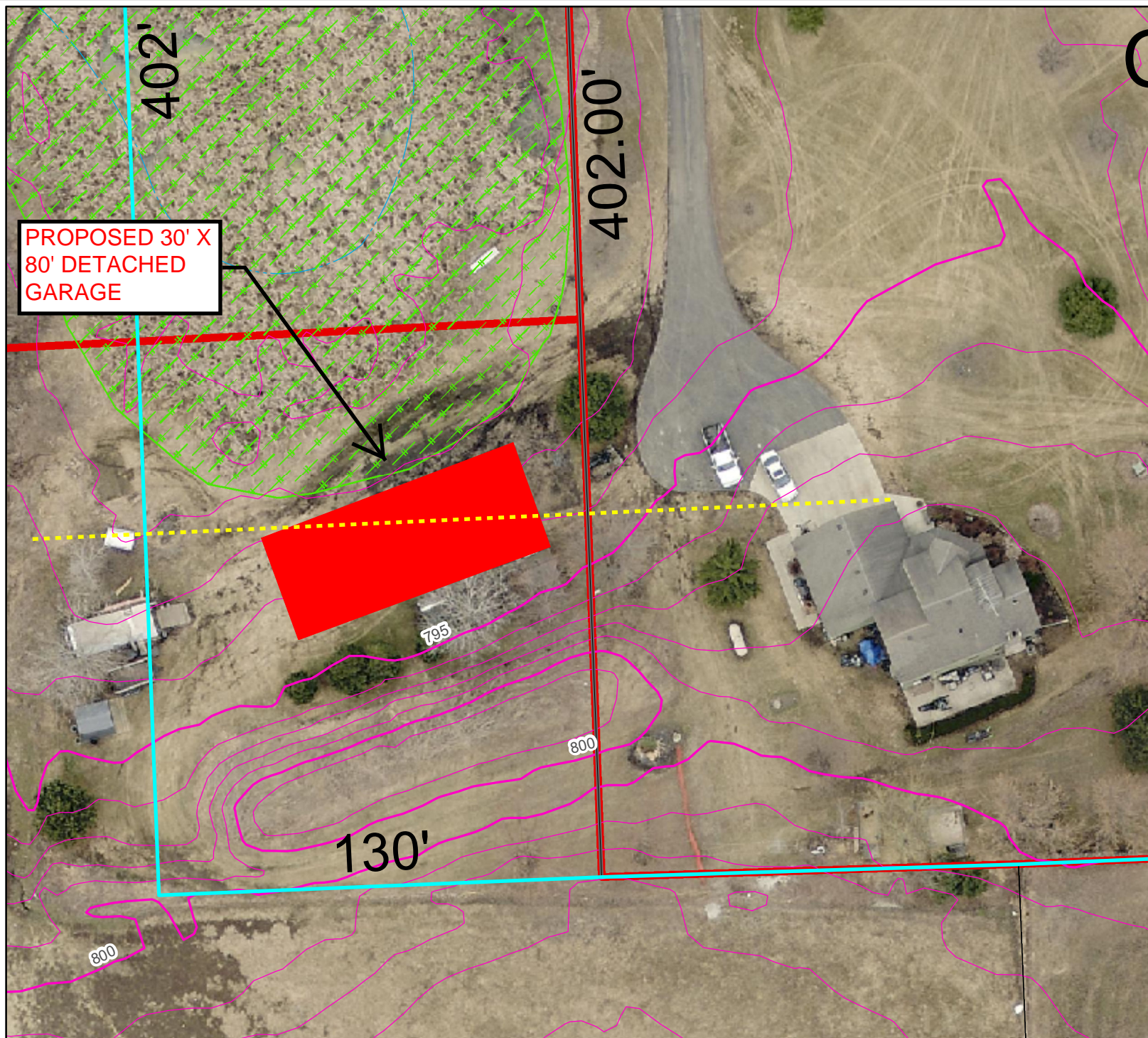
Kenosha County

ZOOMED
(SITE PLAN)



1 inch = 40 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.

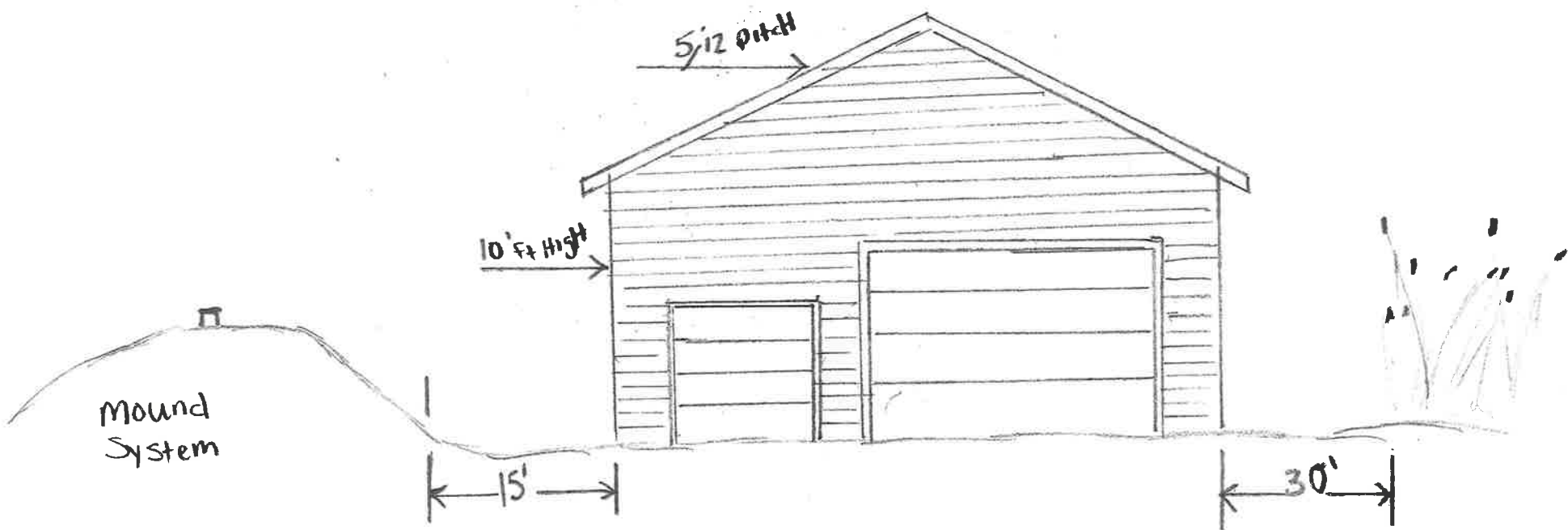


East view

John DeBell

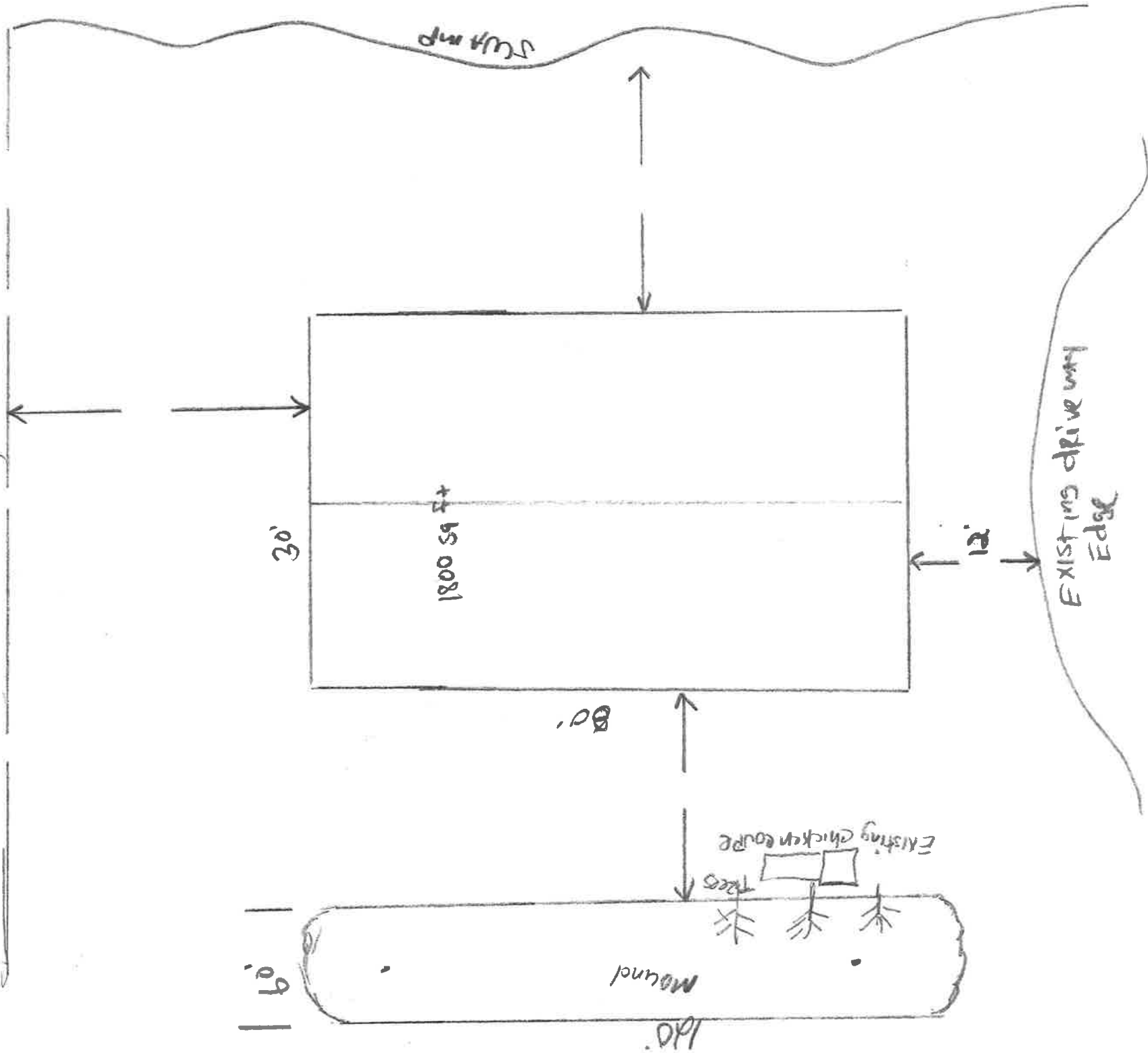
27001 31st St
Salem WI 53168

715 892-4865



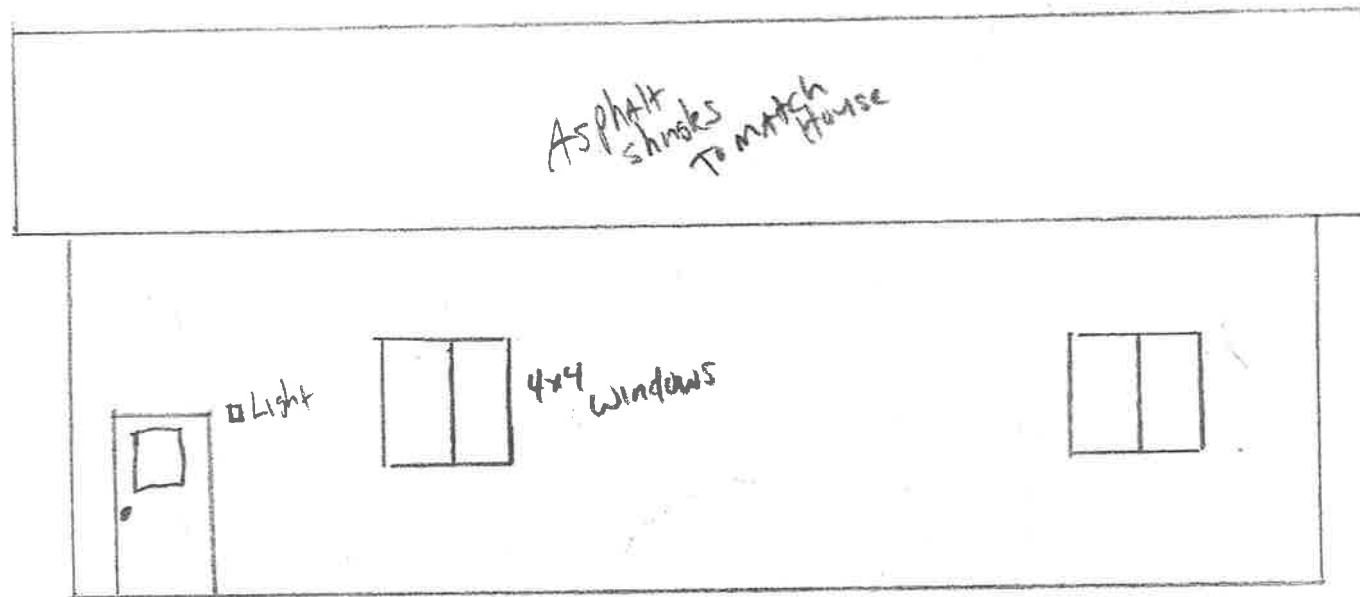
TOP VIEW

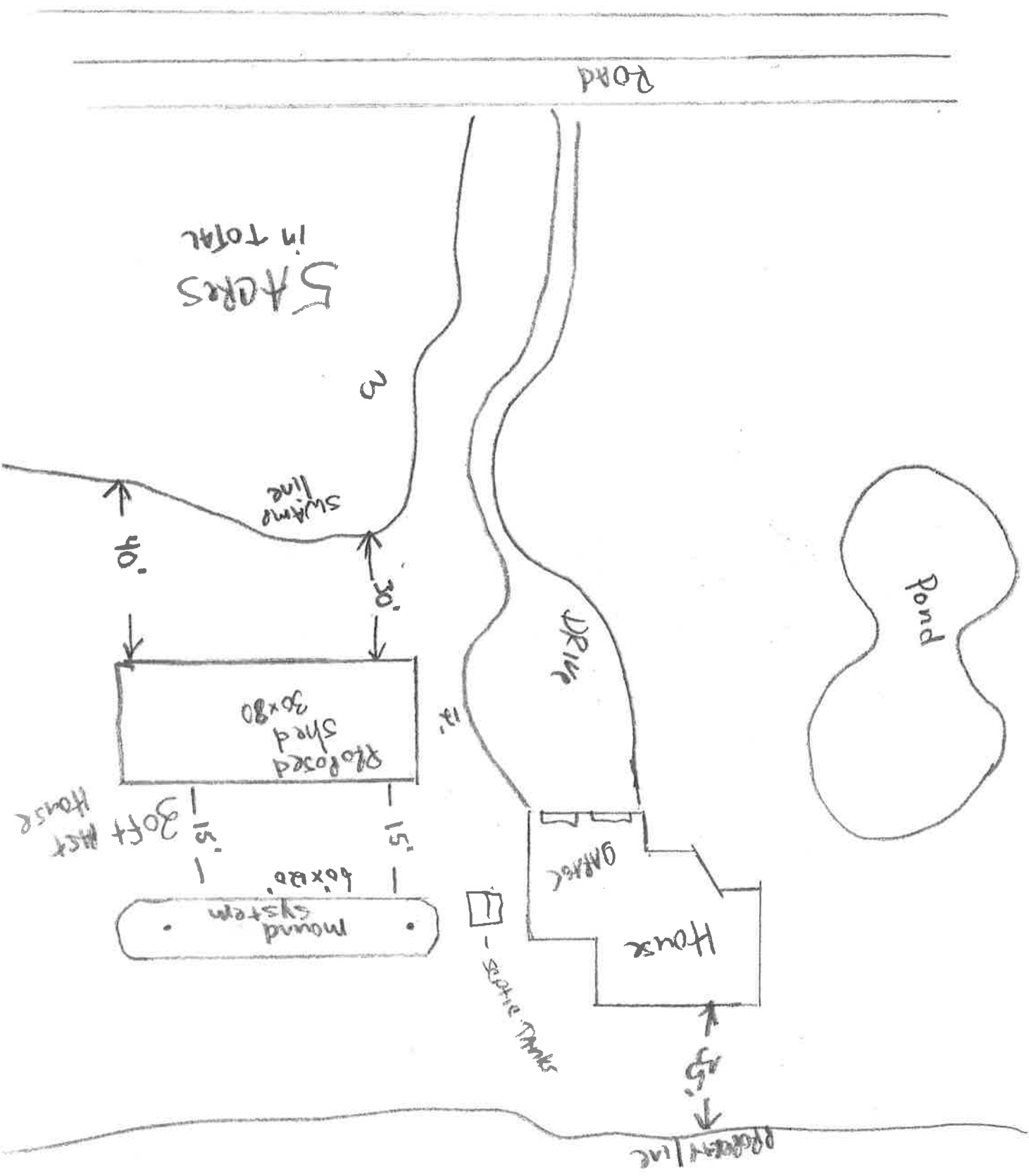
West Line
property



1. All siding will be stained To match house
2. 2x4 TRUSSES $\frac{5}{12}$ pitch
3. 2x4x10 16' on center stud walls
4. SMART BOARD siding
5. Anderson windows
6. Concrete slab for out Building connected to asphalt driveway

South view same without door
North Road side view





PLAT OF SURVEY

Part of the Northeast 1/4 of Section 28, Town 2 North, Range 20 also all of Certified Survey Map numbered 564 as recorded in Volume 1023 on Page 645-646 in the office of Register of Deeds for Kenosha County, Wisconsin, and being more particularly described as follows: Commencing at the Northwest corner of said Quarter Section; thence N 87°41'24" E, (recorded as N 89°37'40" E), along the North line of said Quarter Section 361.54 feet; said point being S 87°41'24" W, (recorded as S 89°37'40" W), 130.00 feet from the Northwest corner of said Certified Survey Map; said point being the point of beginning; thence S 2°22'05" E 435.00 feet; thence N 87°41'24" E 130.00 feet to the Southwest corner of said Certified Survey Map; thence continue N 87°41'24" E parallel with the North line of said Quarter Section, (recorded as N 89°37'40" E) 410.00 feet to the Southeast corner of said Certified Survey Map; thence N 2°22'05" W, (recorded as N 0°25'49" W) 435.00 feet to the North line of said Quarter Section; thence S 87°41'24" W, (recorded as S 89°37'40" W) 540.00 feet to the Point of beginning. Subject to County Trunk Highway "JB" (31st Street) over and across the entire Northerly 33.00 feet. Said land lying and being in the Town Brighton, Kenosha County, Wisconsin.

FOR: DEBELL

SCALE 1" = 100'

♂ = IRON PIPE FOUND.

X = MASONRY NAIL FOUND.

• = COUNTY MONUMENT.

BEARINGS RELATE TO GRID NORTH IN WISCONSIN STATE PLANE COORDINATE SYSTEM.

I have surveyed the above-described property, and the map hereon 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, fences, apparent easements and roadways and visible encroachments, if any.

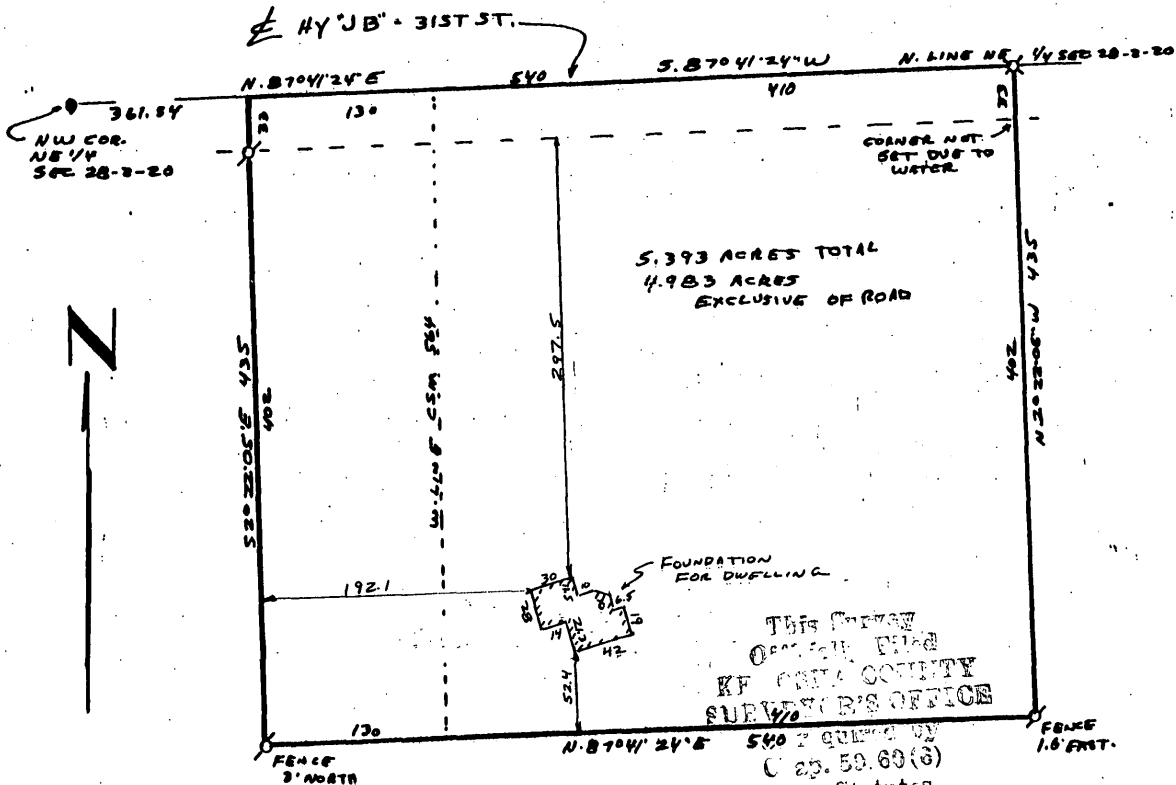
This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto, within one year from date hereof.

Dated at Burlington, this 27th day, of Nov., 1992

John F. Degen

John F. Degen, Land Surveyor S 242
589 N. Pine St. Burlington, WI 53105

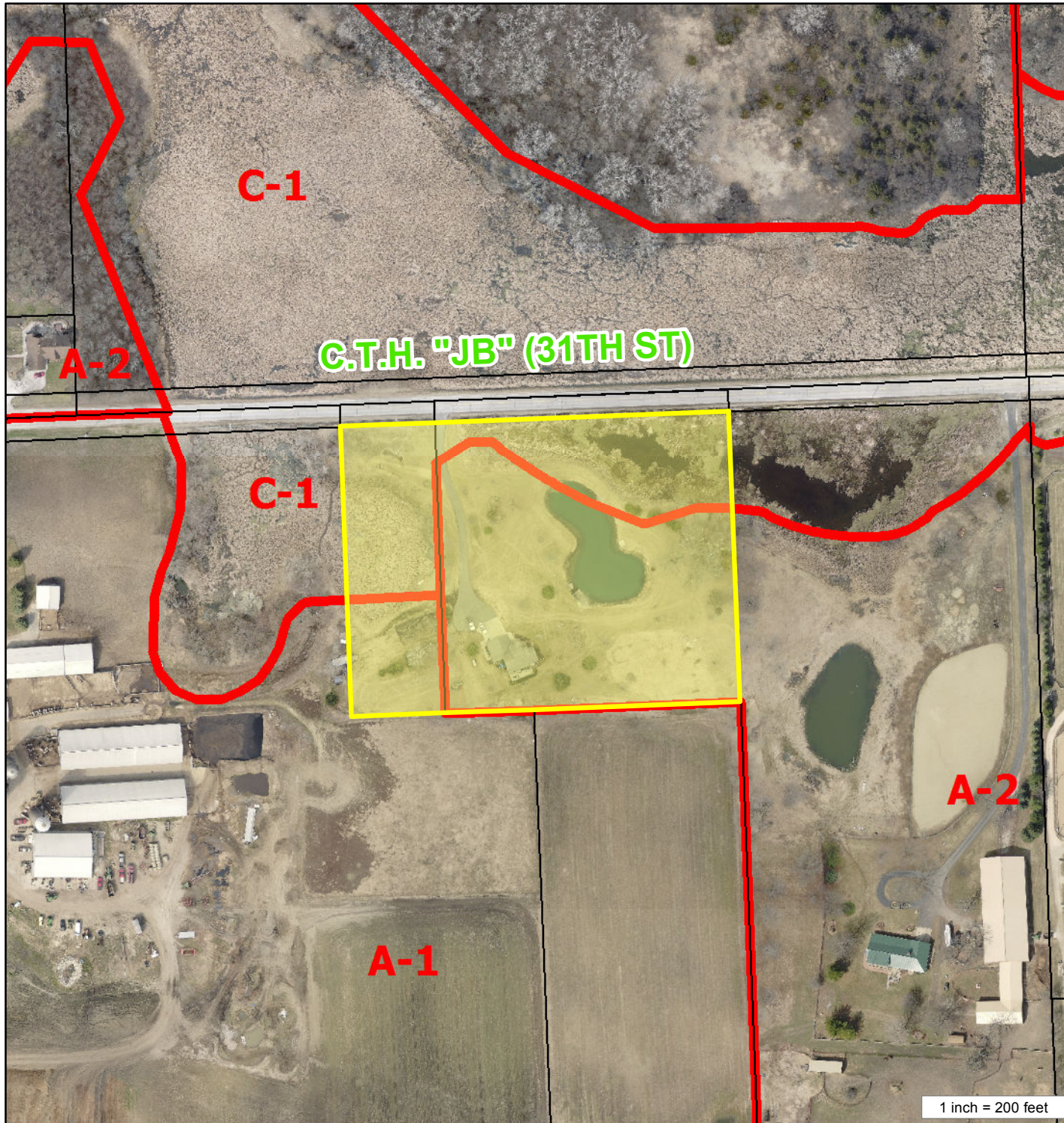
REVISED 3-1-93 TO SHOW
FOUNDATION LOCATION



THIS SURVEY
OFFICIAL FILED
IN THE COUNTY
REGISTER'S OFFICE
C. 25.50.60(3)
Wis. Statutes

By: _____
Date: AUG 02 1993

BN-28-10



VARIANCE SITE MAP

PETITIONER(S):

Jerome J. & Carolyn Debell (Owner)

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

TAX PARCEL(S): #30-4-220-281-0211

REQUEST:

Requesting a variance (Section III. P. 12. 18.4-5: that accessory buildings shall be located in the side or rear yard only) to construct a detached accessory building to be located in the street yard (side or rear yard required) on Tax Key Parcel #30-4-220-281-0211

