



Zoning Board of Adjustment Agenda  
Kenosha County Center, Conference Room A  
September 19, 2019

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, September 19, 2019 at 6:00 p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

**1. JAMES W. BOND - VARIANCE APPLICATION - TOWN OF RANDALL**

JAMES W. BOND, 151 Barbados Way, Fort Myers Beach FL 33931 (Owner), requesting a variance (Section III. P. 12.18.4-7: which states that one large detached accessory structure up to 2,000 sq. ft. shall be permitted on a property between 40,000 sq. ft. and 79,999 sq. ft. in area) to allow the construction of a detached garage addition so that the total square-footage of the detached accessory building is 2,300 sq. ft. on Tax Key Parcel #60-4-119-352-0250, Town of Randall.

Documents:

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

**2. CITIZEN COMMENTS**

**3. APPROVAL OF MINUTES**

**4. OTHER BUSINESS ALLOWED BY LAW**

**5. ADJOURNMENT**

**NOTICE TO PETITIONERS**

The petitioners: James W. Bond shall be present at the hearing on Thursday, September 19, 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 Town of Randall is requested to be represented at the hearing on Thursday, September 19, 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

December 2012

## Department of Planning and Development

### VARIANCE APPLICATION

Owner: James W. Bond

Mailing Address: 151 Barbados Way

Fort Myers Beach L 33931

Phone Number(s): 847-456-0966

RECEIVED  
JUN 20 2019  
Kenosha County  
Planning and Development

*To the Kenosha County Board of Adjustment:*

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

Parcel Number: 60-4-119-352-0250

Zoning District: R-2

Property Address: 11721 344th Avenue

Shoreland: No

Subdivision: Rolling Hills First Addition

Lot(s): 4 Block: 2

Current Use: 1990-built s.f residence, 2016-built 1,469 sq. ft. detached garage.

Proposal: To construct a detached garage addition so that the total footprint of the detached accessory building is 2,300 sq. ft.

#### REQUIRED BY ORDINANCE

Section: III. P. 12.18.4-6 - One large detached accessory building up to 2,000 sq. ft.  
shall be permitted on a property between 40,000 sq. ft.

Section: \_\_\_\_\_ - and 79,999 sq. ft.

Section: \_\_\_\_\_ - \_\_\_\_\_

#### VARIANCE REQUESTED

2,300 sq. ft.

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

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

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

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

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

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(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

*Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome.*

*An applicant may not claim unnecessary hardship because of conditions which are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home or claiming that they need more outbuilding space than that permitted to store personal belongings). Courts have also determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel. The property owner bears the burden of proving unnecessary hardship.*

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(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.*

No.

(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.*

None.

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

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

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

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

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

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# COUNTY OF KENOSHA

## Department of Planning & Development

19600 75<sup>th</sup> 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  $\leq 150$  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.**



# VILLAGE OF TWIN LAKES TOWN OF RANDALL

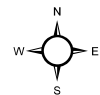
## FIRST

CSM

Kenosha  
County



SUBJECT  
PROPERTY



1 inch = 60 feet

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

352-0240

175.00'

352-

LO

25

175.00'

5

277.00'

# R-2

CSM

352

LO

175.00'

4

352-0250

175.00'

273

277.00'

CSM

35

L

175.00'

352-0260

175.00'

201.14'

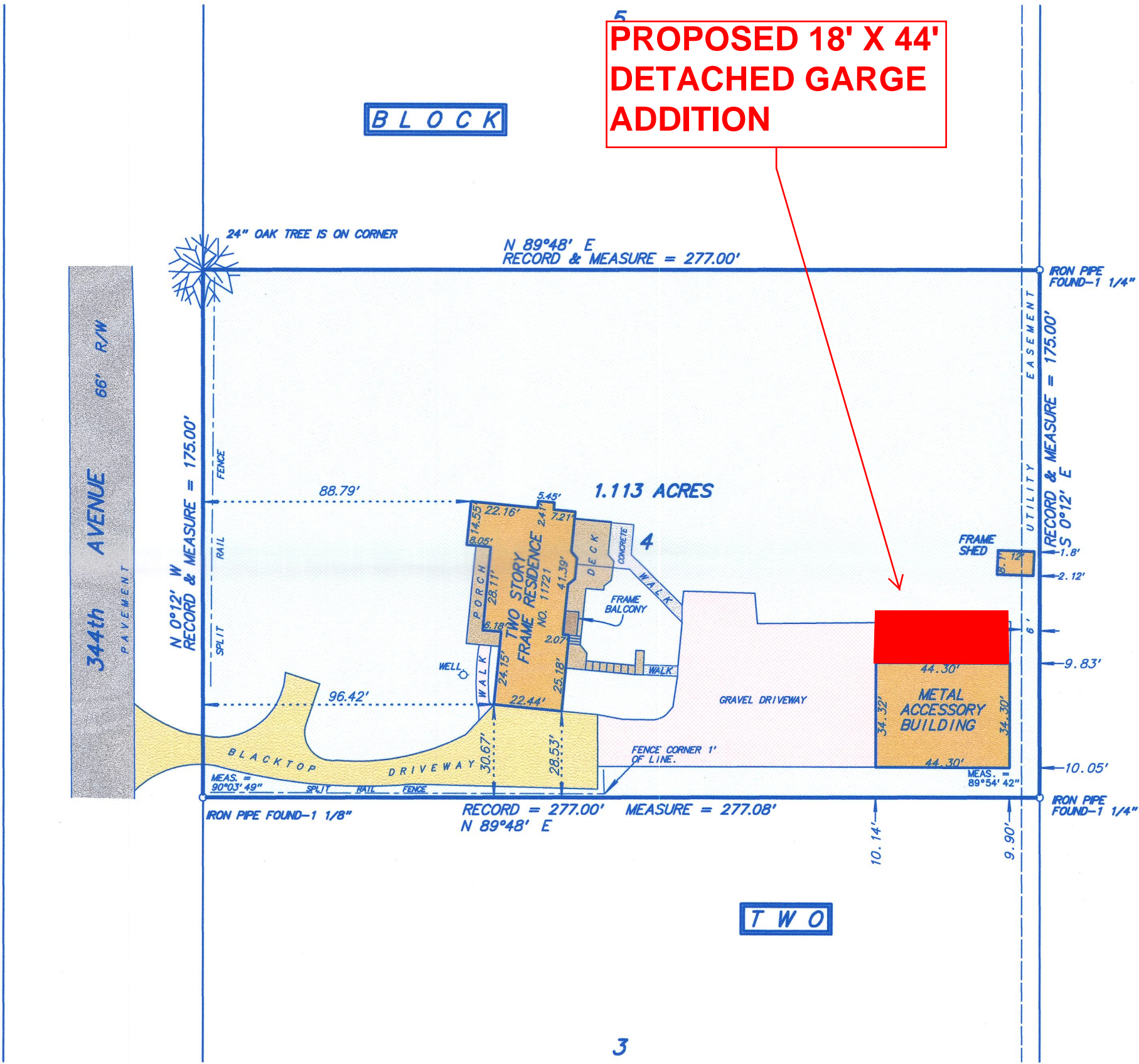


AMBIT LAND SURVEYING  
8120-312th Avenue  
Wheatland, WI. 53105-8934  
Licensed Professionals in  
both Illinois & Wisconsin

# PLAT OF SURVEY OF

PHONE: 262-537-4874  
FAX: 262-537-4221  
EMAIL: ambit@tds.net

Lot 4, Block 2 of ROLLING HILLS FIRST ADDITION, being a subdivision of part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 1 North, Range 19 East of the 4th Principal Meridian, Town of Randall, Kenosha County, Wisconsin.



Fieldwork completed on and date of certification: August 24, 2017

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

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

Dated at Bassett, Wisconsin this 25th day of SEPTEMBER 2017.

Mark A. Bolender  
Mark A. Bolender  
Wisconsin Professional Land Surveyor 1784

SCALE: 1 inch = 40 feet  
ORDERED BY: J. Bond  
JOB NO.: 17156



Jim Bond

ADDITION

(1)

1/8" SCALE

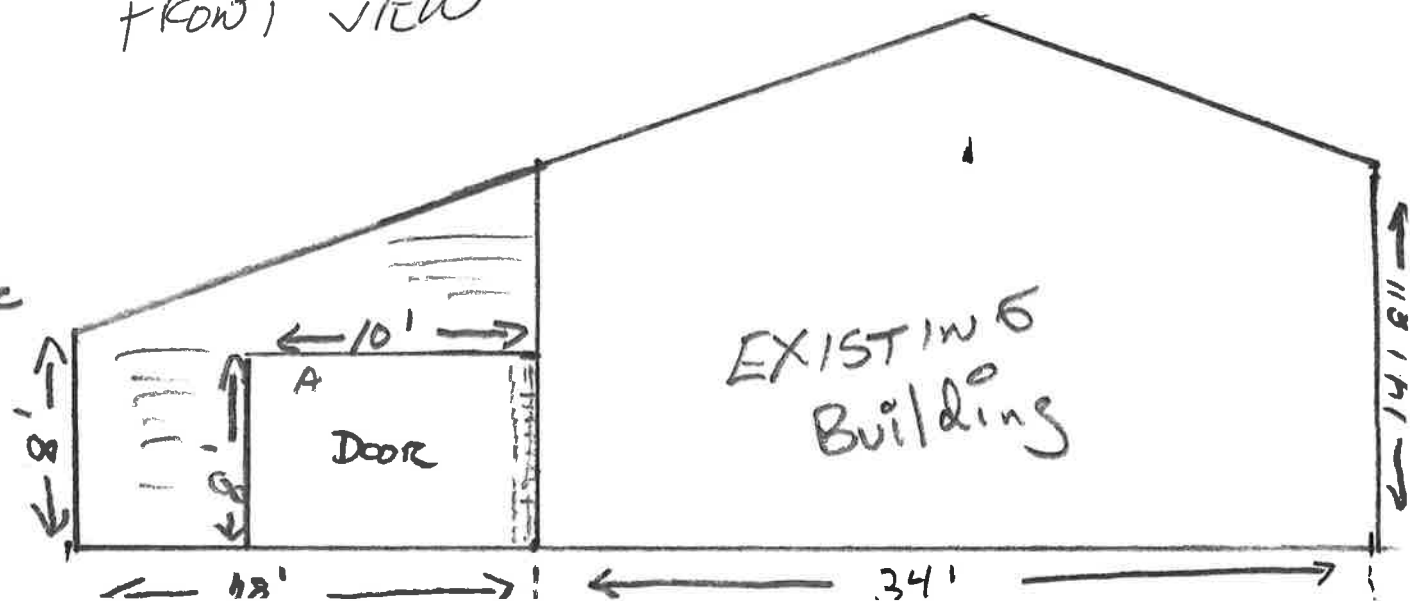
11701 344th Ave

TWIN LAKES WI 53181

847-456-0966

FRONT VIEW

A LAMINATED DOOR HEADER



Jim Bowd

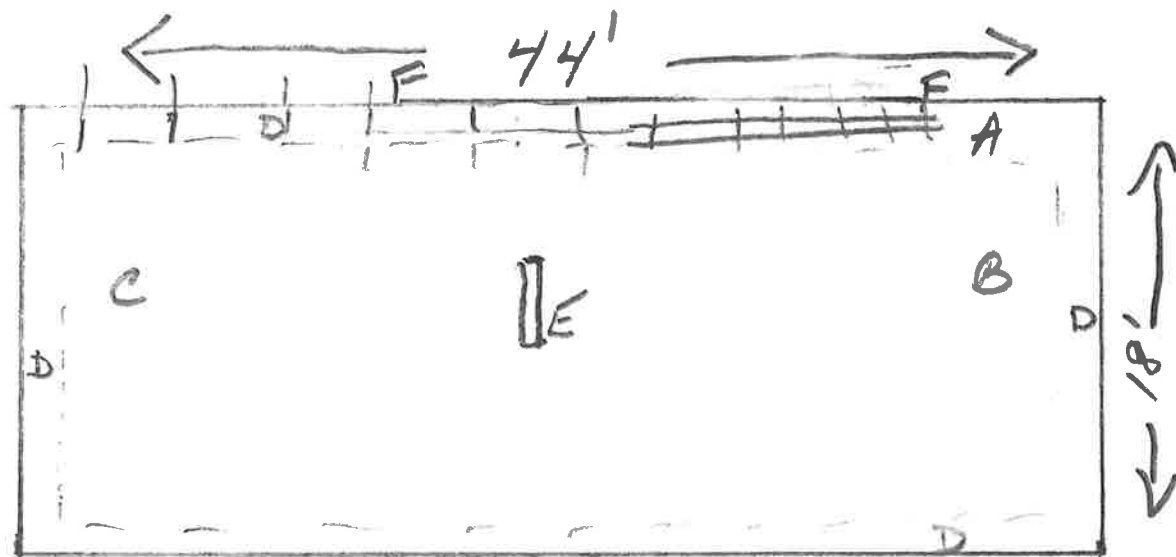
11721 344th Av.

Twin Lakes WI. 53181

847-456-0966

(2)

1/8 SCALE



FOUNDATION

A 12" x 12" Footing

B 6" SLAB

C 6X6 WIRE MESH

D 2 5/8 REINBAR

E 4' x 6" floor DRAIN

F 2" x 4" APPROX  
REBAR 4' O.C.  
792 SQ FT. TIRE 2 5/8 DIA  
AND 2" DIA

JIM BOND

ADDITION

(3)

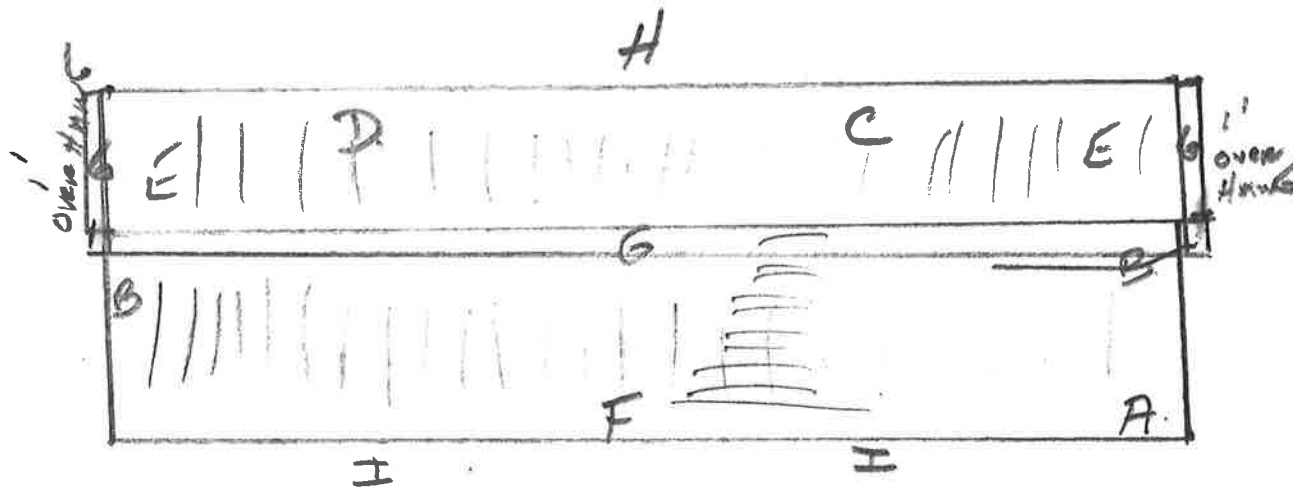
1/8 SCALE

11721 344TH AV.

TWIN LAKES WI.

847-456-0966

ROOF



A 2x6 16" O.C.  
ALL WALLS  
B 1/2 PLYWOOD, CORNERS.  
C TRUSSES 2' O.C.  
D <sup>Roof</sup> 1/2 PLYWOOD, 4/4  
E ROOF SHINGLES  
F SIDING  
G SOFFIT + FASCIA  
H MATCH EXISTING  
4/12 PITCH  
I FROST SHIELD



Store: 3211

Date: 2019-05-18 10:56:09.38

Team Member: SCOTT L.



Use the Design Number to recall this Quote in The Truss Store.

DESIGN: 321159043046

(4)

Truss Type: Mono Vaulted

Sku: 1004547

Span: 19'

Pitch: 4/12

Bottom Pitch: 2/12

Heel Height: 3" 15/16

Left Overhang: 0'

Right Overhang: 0'

Left Cantilever: 0'

Right Cantilever: 0'

Loading: 30-7-0-10

Shipping Truss Length: 19'

Shipping Truss Height: 6' 7" 15/16



Price Each: \$97.63

Quantity: x 21

Total Price: \$2,050.25

Pickup Information:

Menards ANTIOCH Store

Total Price: \$2,050.25

\*Price shown is delivered to the Menards ANTIOCH store.

Comments:

- Today's price, future pricing may go up or down, Tax, labor and delivery from store are not included, Truss picture(s) are for representation only.
- Price shown is delivered to the Menards ANTIOCH store.
- Take this quote to the Building Materials desk to order.
- Loading values are just an estimate. Please contact your local building inspector to verify your code requirements.

This is an estimate. It is given only for general price information. This is not an offer and there can be no legally binding contract between the parties based upon this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY OF THE MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST, BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

Notes:

Attention: SCOTT L.  
CUSTOMER/BUILDING DESIGNER MUST REVIEW AND VERIFY ALL DIMENSIONS AND INFORMATION  
VERIFY QTY, QTY CHANGES PRICE  
LUMBER, PLATING, AND WEBBING ARE SUBJECT TO CHANGE  
VERIFY THAT GUEST WOULD LIKE FLAT BOTTOM CHORD END TRUSSES  
QTR Number: QTREC0591101  
Quoted By: Logan Jacobson

Jim Bonds

1721 344th AV

TWIN LAKES WI 53181

Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0591101	MV1	MONO	21	1	

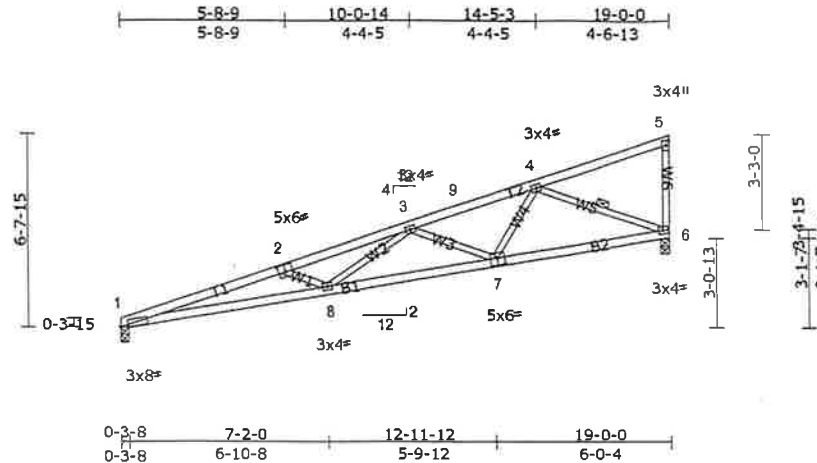
Midwest Manufacturing, Eau Claire, WI

Run: 8:23 S Aug 28 2018 Print: 8:23 S Aug 28 2018 MITek Industries, Inc. Thu May 18 12:53:01

Page: 1

ID:Rhd\_08bqlSS6BB8m7HbYEzFwF3-AKE92xd2wlyfUp0Bh\_JmM.ZaDoyGTyHzMvXl3hzFwE0

(5)



Scale = 1/80.4

Plate Offsets (X, Y): [1:0-3-4,0-0-9], [2:0-3-0,0-3-0], [7:0-3-0,0-3-0]

Loading	(psf)	Spacing	2-0-0	CSI	DEFL	in	(loc)	ldoff	L/d	PLATES	GRIP
TCLL (roof)	30.0	Plate Grip DOL	1.15	TC	0.75	Vert(LL)	-0.29	6	>767	240	197/144
Snow (Ps/Pg)	27.7/40.0	Lumber DOL	1.15	BC	0.80	Vert(TL)	-0.54	1-8	>413	180	
TCOL	7.0	Rep Stress Incr	YES	WB	0.58	Horiz(TL)	0.09	6	n/a	n/a	
BCLL	0.0*	Code	IRC2012/TPI2007	Matrix-R							
BCDL	10.0										
Weight: 60 lb FT = 15%											

#### LUMBER

TOP CHORD 2x4 SPF No.2  
BOT CHORD 2x4 SPF No.2 \*Except\* B1:2x4 SPF 1650F 1.5E  
WEBS 2x3 SPF Stud

**REACTIONS** (lb/size) 1=839/0-3-8, (min. 0-1-8), 6=838/0-3-8, (min. 0-1-10)  
Max Horiz 1=171 (LC 11)  
Max Uplift 1=-73 (LC 10), 6=-113 (LC 14)  
Max Grav 1=884 (LC 20), 6=1035 (LC 20)

**FORCES** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD 1-2=-3704/552, 2-3=-3321/443, 3-9=-1912/242, 4-9=-1802/249  
BOT CHORD 1-8=-623/3493, 7-8=-417/2580, 6-7=-205/1460  
WEBS 2-8=-409/174, 3-8=-59/798, 3-7=-843/202, 4-7=-52/734, 4-6=-1493/253

#### JOINT STRESS INDEX

1 = 0.83, 2 = 0.63, 3 = 0.77, 4 = 0.77, 5 = 0.82, 6 = 0.83, 7 = 0.85 and 8 = 0.74

#### NOTES

- Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2012)=91mph; TCCL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) exterior zone and C-C Exterior (2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- TCLL: ASCE 7-10; Pr=30.0 psf (roof live load); Lumber DOL=1.15 Plate DOL=1.15; Pg=40.0 psf (ground snow); Ps=27.7 psf (roof snow); Lumber DOL=1.15 Plate DOL=1.15; Category II; Exp B; Fully Exp.; Cf=1.10
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3'-08"-00 tall by 2'-00"-00 wide will fit between the bottom chord and any other members.
- Bearing at joint(s) 1 considers parallel to grain value using ANSI/TPI 1 angle to grain formula. Building designer should verify capacity of bearing surface.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 113 lb uplift at joint 6 and 73 lb uplift at joint 1.
- Beveled plate or shim required to provide full bearing surface with truss chord at joint(s) 6.
- This truss is designed in accordance with the 2012 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Jim Bond

11721 344th Ave

Twin Lakes WI 53181

Save

Save As

## **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*

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### **HEARING DATES**

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

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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

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## Department of Planning and Development

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### VARIANCE PROCEDURES BEFORE THE BOARD OF ADJUSTMENTS

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

**VARIANCE PROCEDURES &  
PUBLIC HEARING VARIANCE STANDARDS**

- ☐ 7. Your second meeting will be with the Town Board. **NOTE:** You must attend or the Board will not be able to act on your request.
- ☐ 8. Your third meeting will be with the County Board of Adjustments. **NOTE:** You must attend or the Board of Adjustments will not be able to act on your request. At this meeting you will be asked to brief the Board on your request for a variance and state your reasons for hardship (see Public Hearing Variance Standards handout).
- ☐ 9. If the Board of Adjustments grants your variance request you may obtain your Zoning Permit from the Office of Planning and Development the day after the meeting. The permit will be issued if all requirements from this office have been addressed, including sanitation, if you are the current owner of the property, and subject to signing the Statement of Appeal Process (see attached handout). If you do not sign the Statement of Appeal Process you will need to wait 30 days from the date of approval before the zoning permit can be issued. PLEASE NOTE, THAT ACCORDING TO SECTION VII.B.12.36-15(c) VARIANCES GRANTED BY THE B.O.A. SHALL EXPIRE WITHIN SIX (6) MONTHS FROM THE DATE OF APPROVAL, UNLESS A ZONING PERMIT HAS BEEN ISSUED AND "SUBSTANTIAL CONSTRUCTION" – THE VALUE OF SUCH WORK THAT HAS COMMENDED EQUIVALENT TO 25% OF THE PROJECTED COST OF THE PROJECT AS NOTED ON THE APPLICATION FOR THE ZONING PERMIT, HAS COMMENCED.
- ☐ 10. Follow the Permitting Process for New Construction or for Additions to Existing Structures, Accessory Structures, Decks, Pools, and/or Fences (see handout).
- ☐ 11. If the Board of Adjustments denies your variance you have thirty (30) days to file an appeal with circuit court (see Statement of Appeal Process handout).

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**IMPORTANT TELEPHONE NUMBERS**

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

## **PUBLIC HEARING VARIANCE STANDARDS**

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

### **CHAPTER 12.36-1**      **INTENT**

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

### **CHAPTER 12.36-13**      **STANDARDS AND GUIDELINES**

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



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

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

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### **Statutory Standards**

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

**VARIANCE PROCEDURES &  
PUBLIC HEARING VARIANCE STANDARDS**

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

**NOTES**

# VARIANCE WORKSHEET

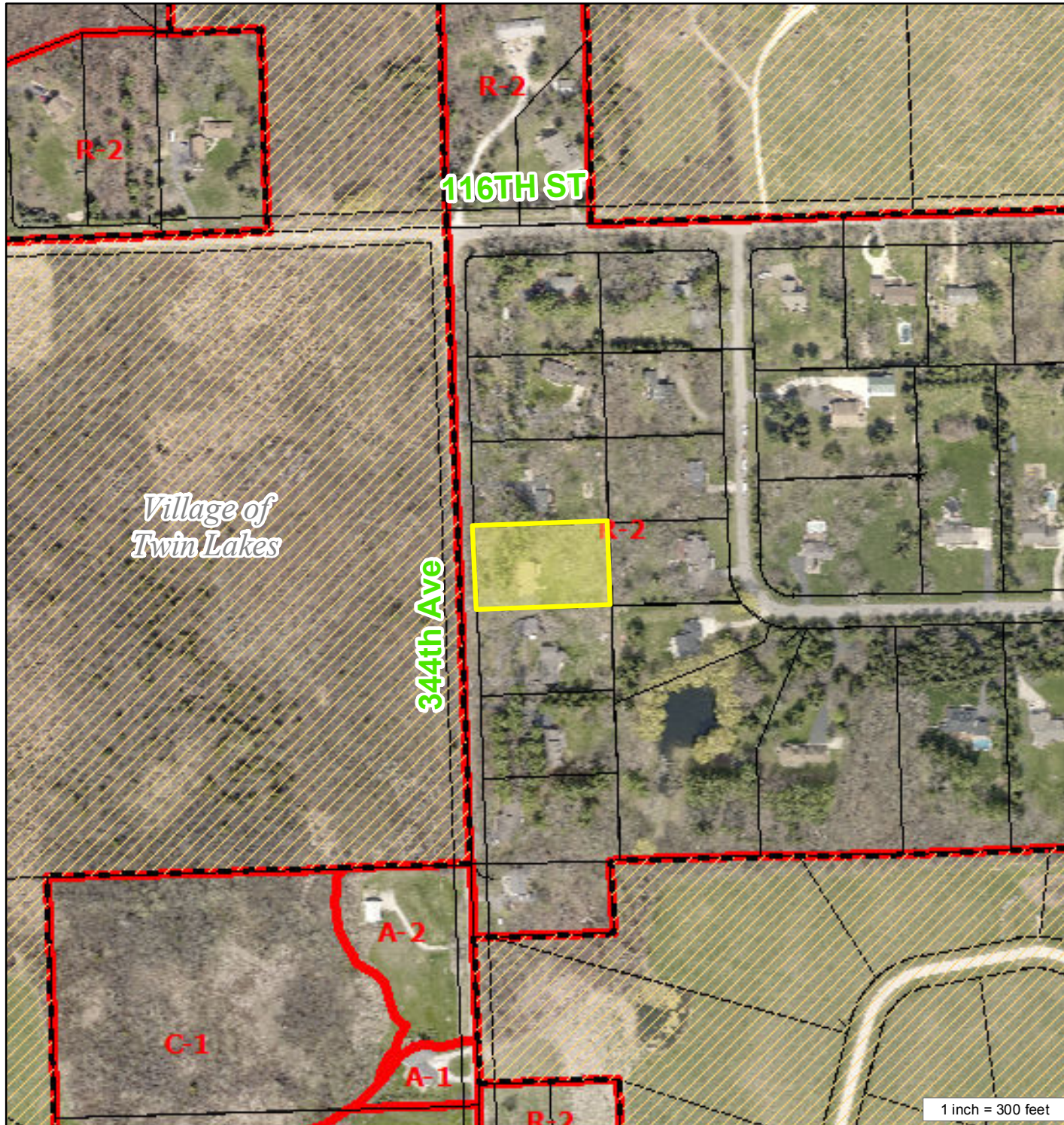
YOUR THREE STATUTORY STANDARDS TO PROVE BEFORE THE BOARD OF  
ADJUSTMENTS. (BE READY TO DISCUSS AT THE MEETING)

UNNECESSARY HARDSHIP -

UNIQUE PROPERTY LIMITATION -

PROTECTION OF THE PUBLIC INTEREST -





## VARIANCE SITE MAP

### PETITIONER(S):

James W. Bond (Owner)

LOCATION: NW 1/4 of Section 35,  
Town of Randall

TAX PARCEL(S): #60-4-119-352-0250

### REQUEST:

Requesting a variance (Section III. P. 12.18.4-7: which states that one large detached accessory structure up to 2,000 sq. ft. shall be permitted on a property between 40,000 sq. ft. and 79,999 sq. ft. in area) to allow the construction of a detached garage addition so the total square-footage of the detached accessory building 2,300 sq. ft. on Tax Key Parcel #60-4-119-352-0250, Town of Randall.

