

# 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 aerals 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.

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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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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.*

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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 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

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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 ≤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:

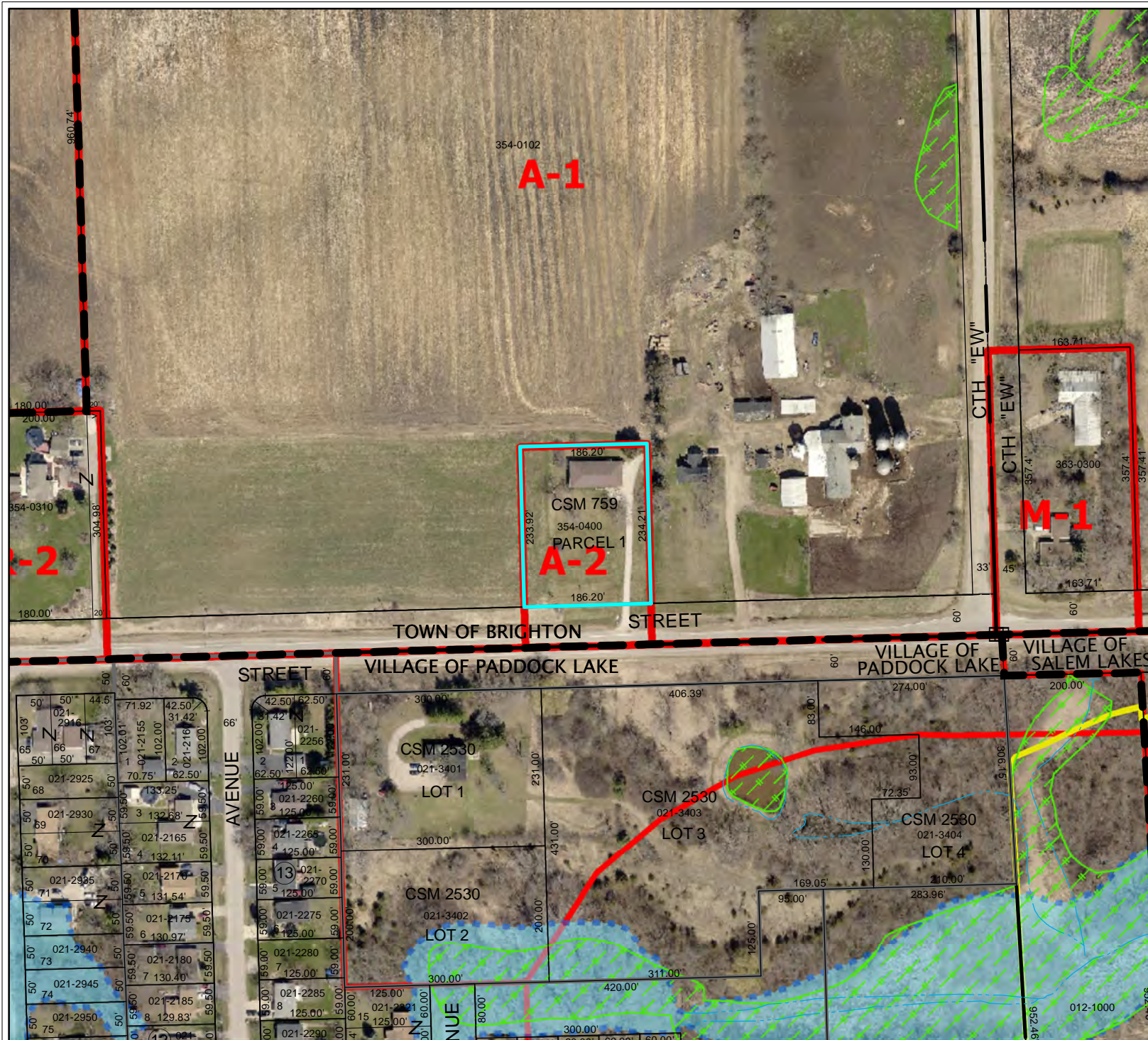
1. ANY FEDERAL, STATE OR LOCAL RESTRICTIONS AND/OR DEED RESTRICTIONS.
2. EACH APPLICANT FOR A ZONING PERMIT IS CHARGED WITH KNOWLEDGE OF THE MUNICIPAL ZONING ORDINANCE. COPIES OF THE TEXT OF THIS OR PORTIONS THEREOF AND COPIES OF THE OFFICIAL ZONING MAPS ARE AVAILABLE FOR SALE, COPYING OR INSPECTION 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.

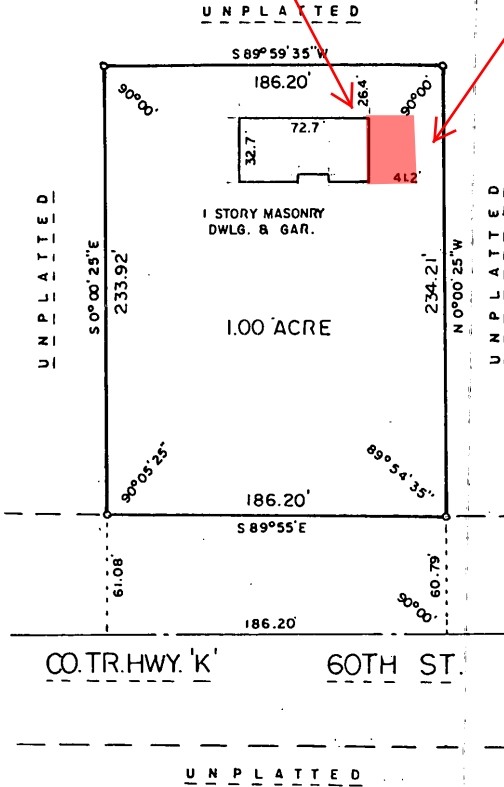


Source: Kenosha County Department of Planning and Development

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

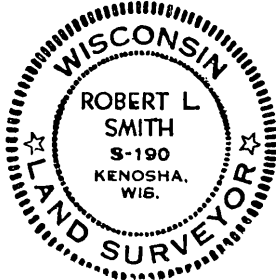
505.00'

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 1/4 section 505.00 feet S 89°59'35"W from the southeast corner of said 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.



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

CHM. ....  
FRED C. SCHMALFELDT

OWNER: Wendolyn Reiter  
Route 1  
Bristol, Wis.  
53104

CERTIFIED SURVEY  
MAP NO. 759

CSM 759



# North Facing Oblique



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## **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 -

## **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