Kenosha County

Zoning Board of Adjustment Agenda
Kenosha County Center, Conference Room A
October 15, 2020

Notice is hereby given that a meeting will be held by the Zoning Board of Adjustment Committee on **Thursday, October 15, 2020 at 6:00 p.m.** at the Kenosha County Center Conference Room A, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. **ANNA C. ETAL GUSSARSON - VARIANCE APPLICATION - TOWN OF WHEATLAND**

   ANNA C. ETAL GUSSARSON, 5300 W Belle Plaine Ave, Chicago, IL 60641 (Owner), Jim Burckel, 5300 W Belle Plain Ave, Chicago, IL 60641 (Agent), requesting a variance (Section IV. C. 12.21-5(g): which states that all structures shall be located at least 30' from the right-of-way of all other roads, located at least 10' from a side property line and located at least 25' feet from a rear property line and Section III. Q. 12.18.5-5 & 6 which states that decks and patios shall be located at least 30 feet from the right-of-way of all other roads) to construct a single-family residence to be located 28.6' feet from the right-of-way of 77th Street, at least 2' from the side (east) property line and 4' from the rear property line and an associated deck/patio to be located 16.7' from the right-of-way of 77th Street on Tax Key Parcel #95-4-119-111-1235, Town of Wheatland.

   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: Anna C. Etal Gussarson shall be present at the hearing on Thursday, October 15, 2020 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 Wheatland are requested to be represented at the hearing on Thursday, October 15, 2020 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

Department of Planning and Development

December 2012

VARIANCE APPLICATION

RECEIVED
SEP 14 2020
Kenosha County
Planning and Development

Owner: Anna C. Etal Gussarson

Mailing Address: 5300 W. Belle Plaine Ave

Chicago IL 60641

Phone Number(s): 773-777-9355

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

Parcel Number: 95-4-119-111-1235 Zoning District: R-5

Property Address: 32922 77th Street Shoreland: Yes

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

Current Use: Single-Family Residence (built 1940)

Proposal: To raze the existing s.f. residence and construct a new single-family residence.

REQUIRED BY ORDINANCE		VARIANCE REQUESTED
Section: IV. C. 12.21-5(g) 1	Structures shall be located not less than 30 feet from the right-of-way of all other roads.	House 28.6' Street Yard Setback
Section: IV. C. 12.21-5(g) 4	Structures shall be located not less than 25 feet from the rear property line.	House 4' Rear Yard Setback
Section: IV. C. 12.21-5(g) 3	Structures shall be located not less than 25 feet from the rear property line.	House 2' Side Yard Setback
III. Q. 12.18.5-6	Decks shall be at least 30 feet from a street right-of-way line.	16.7' Street Yard Setback/In Street Yard

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.

Constructing even a minimal sized 800-sq. ft. building footprint would still required deviations from the home's setback dimensions. Given Wisconsin's climate, we feel a one-car carport is fair/minimal to get in and out of the residence. Given there is no rear yard in the design, the front deck/patio will accomodate our intended outdoor recreational uses without visual encumbering 77th Street with a nearer principal structure setback.

(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.

Yes, if modern day setback minimums were followed, we would be unable to construct a minimum 800 sq. ft. first floor livable residence.

(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 property was platted exceedingly small in terms of later dimensions and is grandfathered in as a legal non-conforming lot. The lot was zoned for R-5 Urban Single-Family Residential when the Town of Wheatland adopted county zoning.

(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.

We think our neighbors would appreciate the aesthetics of new construction on this lot. And we think we are doing our best to not physically encroach on the 77th Street right-of-way given it is a sub-standard 20-foot wide private road servicing appx. 10 residences.

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: Jim Burckel Signature: Jim Burckel

Agents Address: 5300 W. Belle Plaine Ave, Chicago IL 60641

Phone Number(s): 773-777-9355

COUNTY OF KENOSHA
Department of Public Works & Development Services

19600 - 75th Street, Suite 185-3
Bristol, Wisconsin 53104
Telephone: (262) 857-1895
Facsimile: (262) 857-1920

ZONING PERMIT APPLICATION

Owner Anna C. Etal Gussarson Date 09-14-2020

Mailing Address 5300 W. Belle Plaine Ave Phone # 773-777-9355

Chicago IL 60641

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

Parcel No. 95-4-119-111-1235 Zoning District(s) R-5

Property Address 32922 77th Street

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

STRUCTURE DESCRIPTION	TYPE OF CONSTRUCTION	SIZE (L' @ H')	SIZE (L' x W')	AREA (sq feet)	HEIGHT (feet)	# OF STORIES
Residential Single-Family Principal Structure	Wood Frame		37' x 33'			

Contractor _____

Address _____

Phone # _____

Agent Jim Burckel

Address 5300 W. Belle Plaine Ave

5300 W. Belle Plaine Ave, Chicago IL 60641

Phone # 773-777-9355

For Office Use Only

Permit No. _____

Foundation Survey Due Date _____

Waiver of Liability Due Date _____

Board Of Adjustments Approval Date _____

Conditional Use Permit Approval Date _____

Sanitation Approval _____

Receipt # _____ Check # _____

Amount _____

THIS ZONING PERMIT IS ISSUED SUBJECT TO:

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

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

Date Permit Issued _____

THE UNDERSIGNED HEREBY ATTESTS THAT THE ABOVE INFORMATION IS TRUE, ACCURATE AND HAS RECEIVED THE ABOVE NOTICE.

NO SIGNATURE NEEDED ON APPLICATION - APPLICANT WILL SIGN ISSUED PERMIT

Director of Planning Operations

Owner/Agent Date

BOARD OF ADJUSTMENTS SCHEDULE FOR 2018 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

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

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.

February 2013

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.

☐ **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 - 75th 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.

- ☐ 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

KENOSHA COUNTY WISCONSIN
Established 1850

SUBJECT PROPERTY

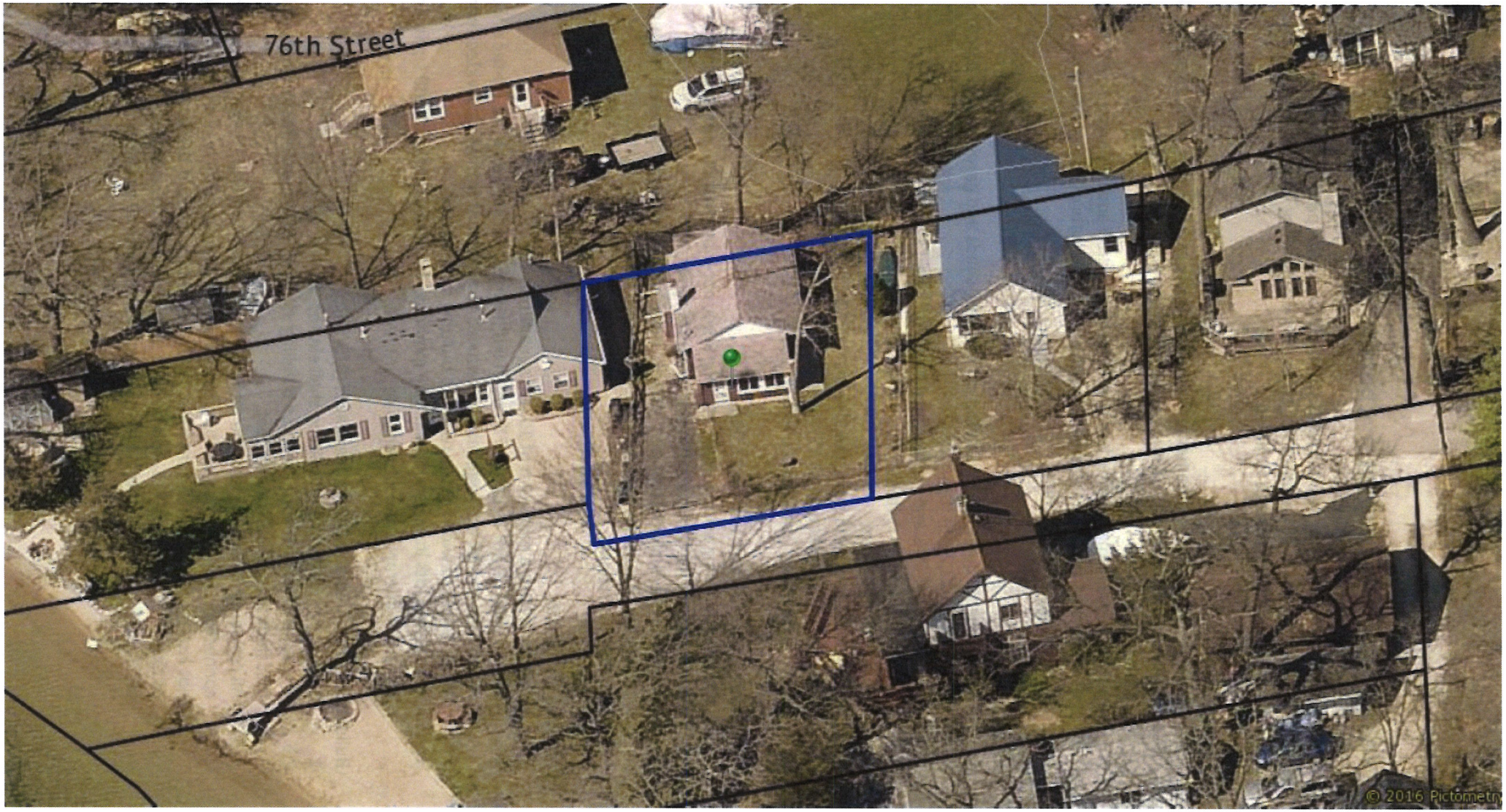
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1 inch = 100 feet

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.

Source: Kenosha County Department of Planning and Development

2016 Oblique (Looking North)



7/2016

12.21-5 R-5 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 4.4 dwelling units per developable net acre, served by public sanitary sewage facilities.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
2 Essential Services
3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Home occupations and professional home offices
3 Small wind energy system
4 Solar energy system
5 Swimming pools and spas (see also section 12.17) (8/6/02)
6 Fences (see also section 12.15) (8/6/02)
7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit
3 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum of 10,000 square feet
2 All lots shall be not less than 75 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 40 feet of frontage provided there is at least 75 feet of width at the required building setback line
3 Unsewered lots in the shoreland. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height
2 The total minimum floor area of a dwelling shall be 1000 square feet with a minimum first floor area of 800 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

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

CHICAGO TITLE INSURANCE COMPANY

Kenosha Branch
5027 Green Bay Road, Suite 114
Kenosha, WI 53144
Telephone Number: (262)657-7823
Fax Number: (262)657-1708

Racine Branch
6800 Washington Avenue
Racine, WI 53406
Telephone Number: (262) 321-3968
Fax Number: (262) 321-4590

TO: SUSAN HARKLESS
205 W. RANDOLPH STREET, SUITE #1750
CHICAGO, ILLINOIS 60606

Attention: ISH@ISHLAW.COM

LETTER REPORT NO. 367645

Amended 8/16/10

WE FIND THAT THE GRANTEE(S) NAMED IN THE LATEST RECORDED CONVEYANCE OF THE REAL ESTATE DESCRIBED BELOW (IS)(ARE):

ANNA C. GUSSARSON, a widow, B. MARIANNE BURCKEL, a widow and JAMES R. BURCKEL, a bachelor

LEGAL DESCRIPTION:
That part of the Northeast Fractional 1/4 of Section 11, Township 1 North, Range 19 East, known as Lot 15 of Spetzman's Subdivision (unrecorded), as laid out and platted by J. G. Skeels, surveyor, in December, 1922, and being more particularly described as follows: Commence at a point on the East line of said 1/4 section 719 feet South from the Northeast corner thereof; run thence South 80° West about 1 1/2 rods to the Northeast corner of said Spetzman's Subdivision, being on the West line of the public road; continue thence South 80° West 350.60 feet to the Northeast corner of said Lot 15 of Spetzman's Subdivision, and the place of beginning; continue thence South 80° West 50 feet to the Northwest corner of said Lot 15; run thence Southerly along the West line of said Lot 15, 68.5 feet to the Southwest corner thereof; run thence Easterly along the South line of said Lot 15, 50 feet to the Southeast corner thereof; run thence Northerly along the East line of said Lot 15, 71.2 feet and to the place of beginning. Said land being in the Town of Wheatland, County of Kenosha and State of Wisconsin.

Tax Key No: 95-4-119-111-1235

Address: 32922 77TH STREET, WHEATLAND, WISCONSIN

THIS REPORT IS LIMITED TO THOSE MATTERS APPEARING SUBSEQUENT TO July 29, 1969 THE DATE OF THE LATEST CONVEYANCE OF RECORD.

REAL ESTATE MORTGAGES AND/OR LEASES:
None

DOCKETED JUDGMENTS, STATE AND FEDERAL TAX LIENS AND CONSTRUCTION LIENS:
None

continued

TO: SUSAN HARKLESS
Attention: ISH@ISHLAW.COM
Order No. 367645

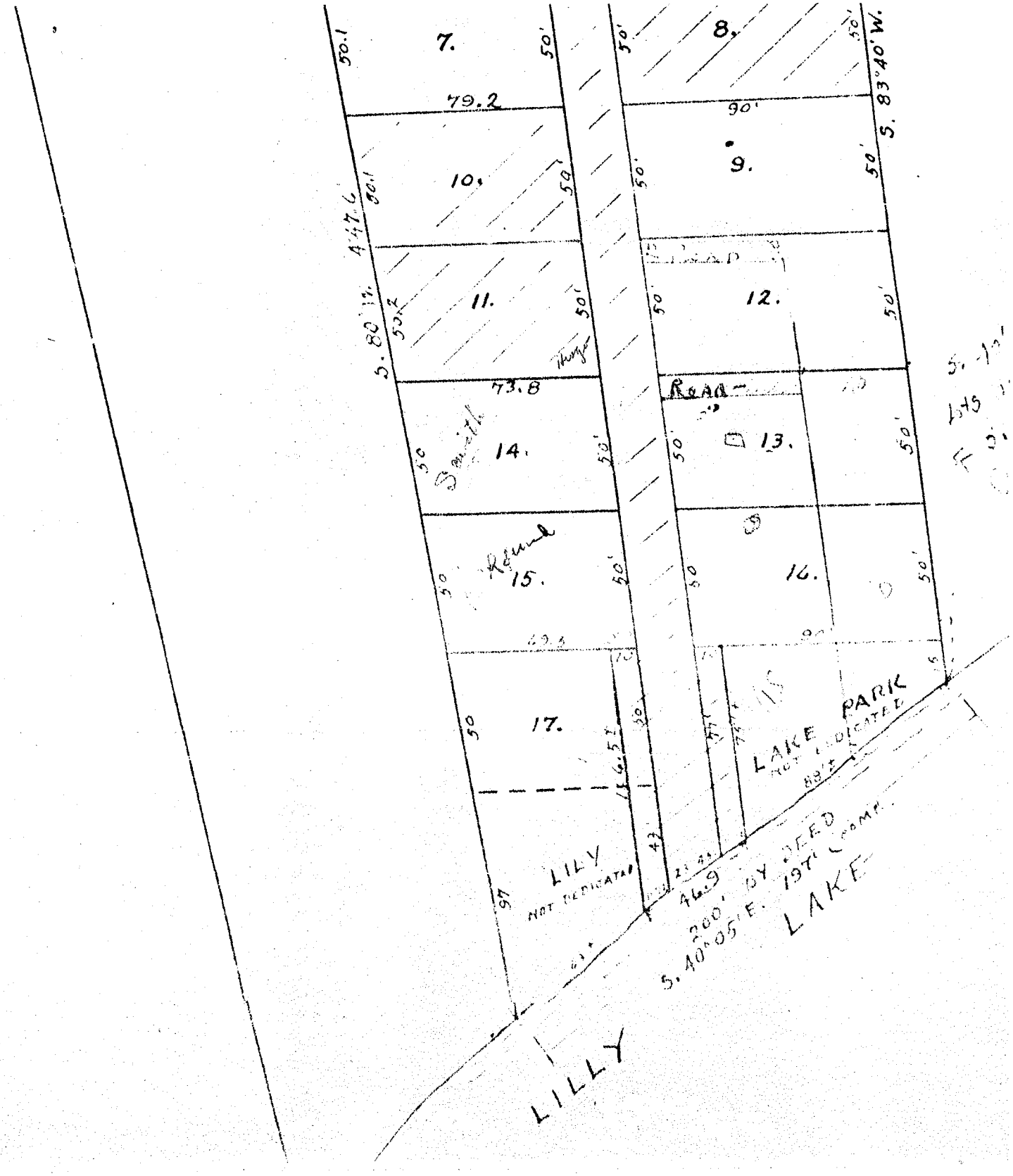
OUTSTANDING REAL ESTATE TAXES:
Taxes for the year 2009 are paid in full in the amount of $1,164.19.

Dated this 20th day of July, 2010 at Kenosha County, Wisconsin at 8:00 A.M., the effective date hereof.

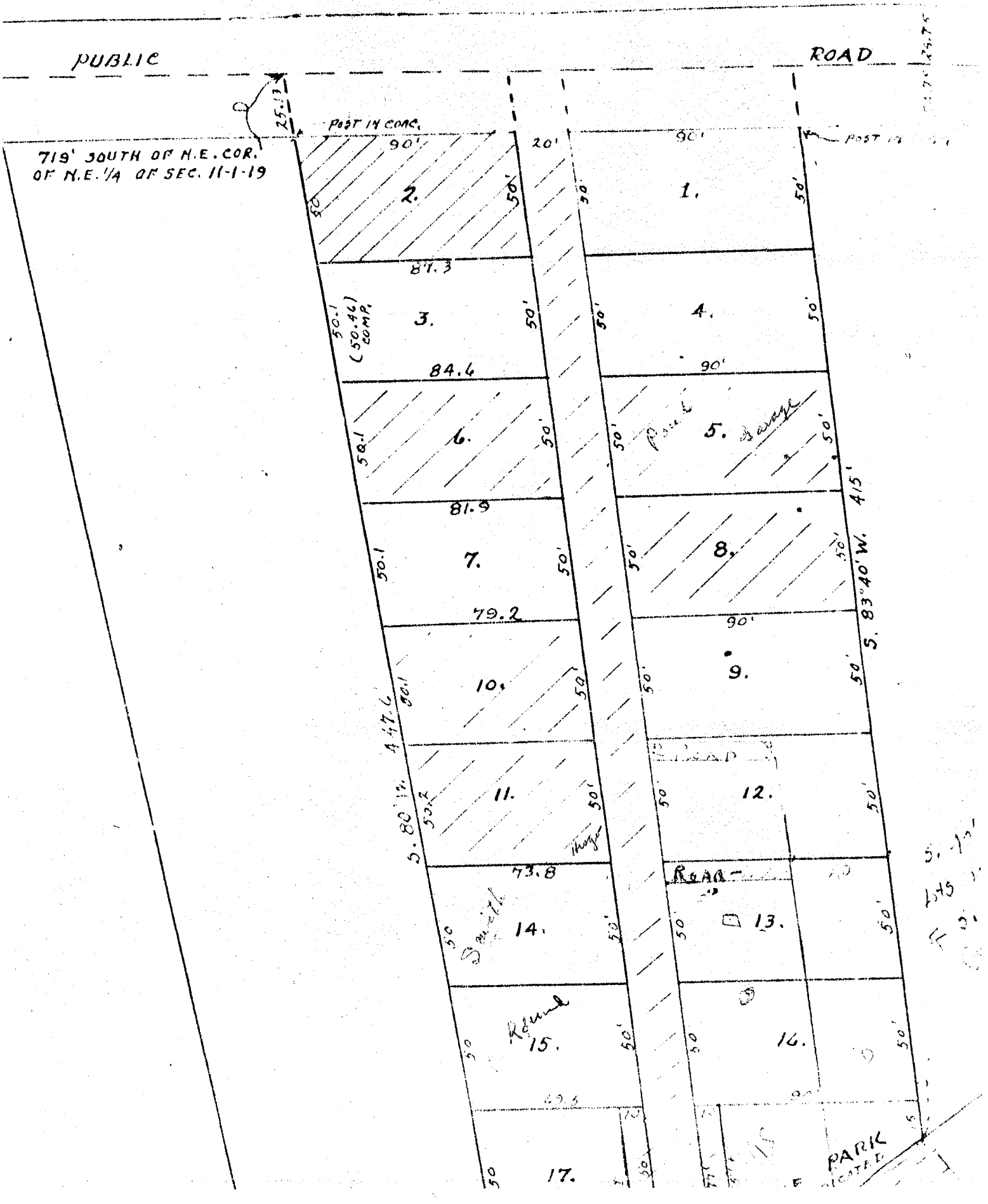
This Report is for informational purposes only. The liability of Chicago Title Insurance Company (CTIC) in issuing this report is limited to a maximum amount of $1,000.00. Such liability is for reasonable care in making this search. This report is not an abstract of title or a title insurance commitment or policy and should not be relied upon in place of such. It is not the intention of CTIC to provide any type of express or implied warranty, guaranty, or indemnity with respect to the accuracy or completeness of the information contained in the report. If this report is to be used by the customer as the search required in order for the customer to issue a title insurance commitment or policy, or if the information contained in this report is resold, the customer does so at their own risk. In order to obtain information from the company which will carry the full liability of a title insurance commitment or policy, CTIC will issue, if requested, a commitment of title insurance and will charge a fee in compliance with rates filed with the Office of the Commissioner of Insurance.

CHICAGO TITLE INSURANCE COMPANY

BY: KIM M. PEREZ


7.
8.
79.2
90'
10.
9.
11.
12.
73.8
14.
13.
15.
16.
17.
LILY
NOT DEDICATED
LAKE PARK
NOT DEDICATED
LILLY
LAKE
S. 83°40' W.
S. 80° 17'
447.6
200' BY DEED
S. 40° 05' E. 197' COMP.

SPETZMAN'S SUBDIVISION (UNRECORDED)
STAKED & PLATTED BY J.G. SKEELS, SURVEYOR DEC. 1922.

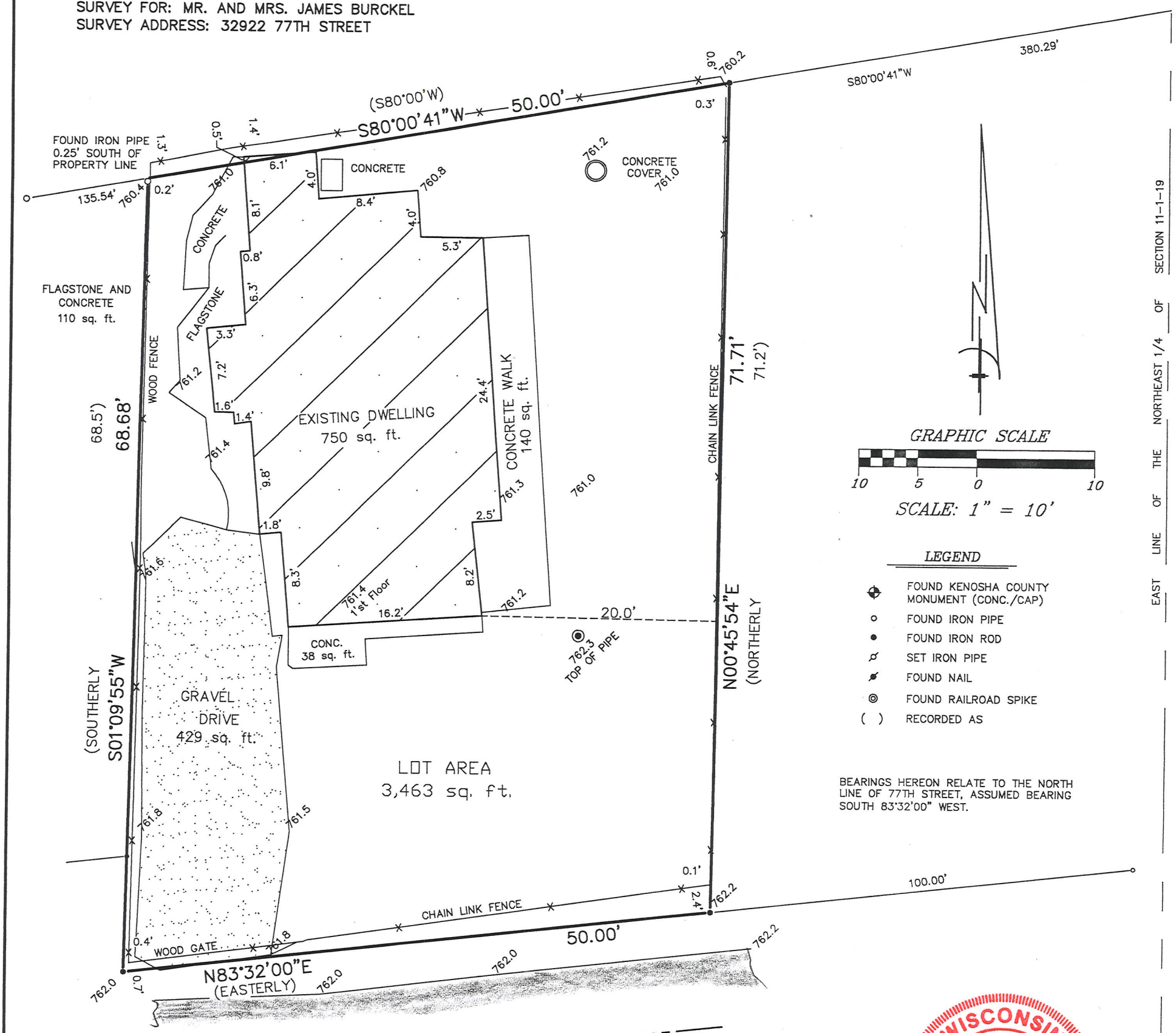


PLAT OF SURVEY
–OF–

NORTHEAST CORNER
SECTION 11–1–19

PART OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 19 EAST, KNOWN AS LOT 15 OF SPETZMAN'S SUBDIVISION (UNRECORDED), AS LAID OUT AND PLATTED BY J.G. SKEELS, SURVEYOR, IN DECEMBER, 1922. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A POINT ON THE EAST LINE OF SAID 1/4 SECTION 719 FEET SOUTH FROM THE NORTHEAST CORNER THEREOF; RUN THENCE SOUTH 80° WEST ABOUT 1 1/2 RODS TO THE NORTHEAST CORNER OF SAID SPETZMAN'S SUBDIVISION, BEING ON THE WEST LINE OF THE PUBLIC ROAD; CONTINUE THENCE SOUTH 80° WEST 350.60 FEET TO THE NORTHEAST CORNER OF SAID LOT 15 OF SPETZMAN'S SUBDIVISION, AND THE PLACE OF BEGINNING; CONTINUE THENCE SOUTH 80° WEST 50 FEET TO THE NORTHWEST CORNER OF SAID LOT 15; RUN THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 15, 68.5 FEET TO THE SOUTHWEST CORNER THEREOF; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 15, 50 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 15, 71.2 FEET AND TO THE PLACE OF BEGINNING. SAID LAND BEING IN THE TOWN OF WHEATLAND, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

SURVEY FOR: MR. AND MRS. JAMES BURCKEL
SURVEY ADDRESS: 32922 77TH STREET



GRAPHIC SCALE

10 5 0 10

SCALE: 1" = 10'

LEGEND

- FOUND KENOSHA COUNTY MONUMENT (CONC./CAP)
- FOUND IRON PIPE
- FOUND IRON ROD
- SET IRON PIPE
- FOUND NAIL
- FOUND RAILROAD SPIKE
- ( ) RECORDED AS

BEARINGS HEREON RELATE TO THE NORTH LINE OF 77TH STREET, ASSUMED BEARING SOUTH 83°32'00" WEST.

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

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

LOT AREA
3,463 sq. ft.

30% LOT AREA
1,039 sq. ft.

EXISTING IMPERVIOUS
1,467 sq. ft.

WISCONSIN
ROBERT J. WETZEL
S-1778
BURLINGTON, WI
LAND SURVEYOR

B.W. SURVEYING, INC.
LAND SURVEYS
MAPPING AND PLANNING
412 N. PINE STREET
BURLINGTON, WI 53105
(262)–767–0225

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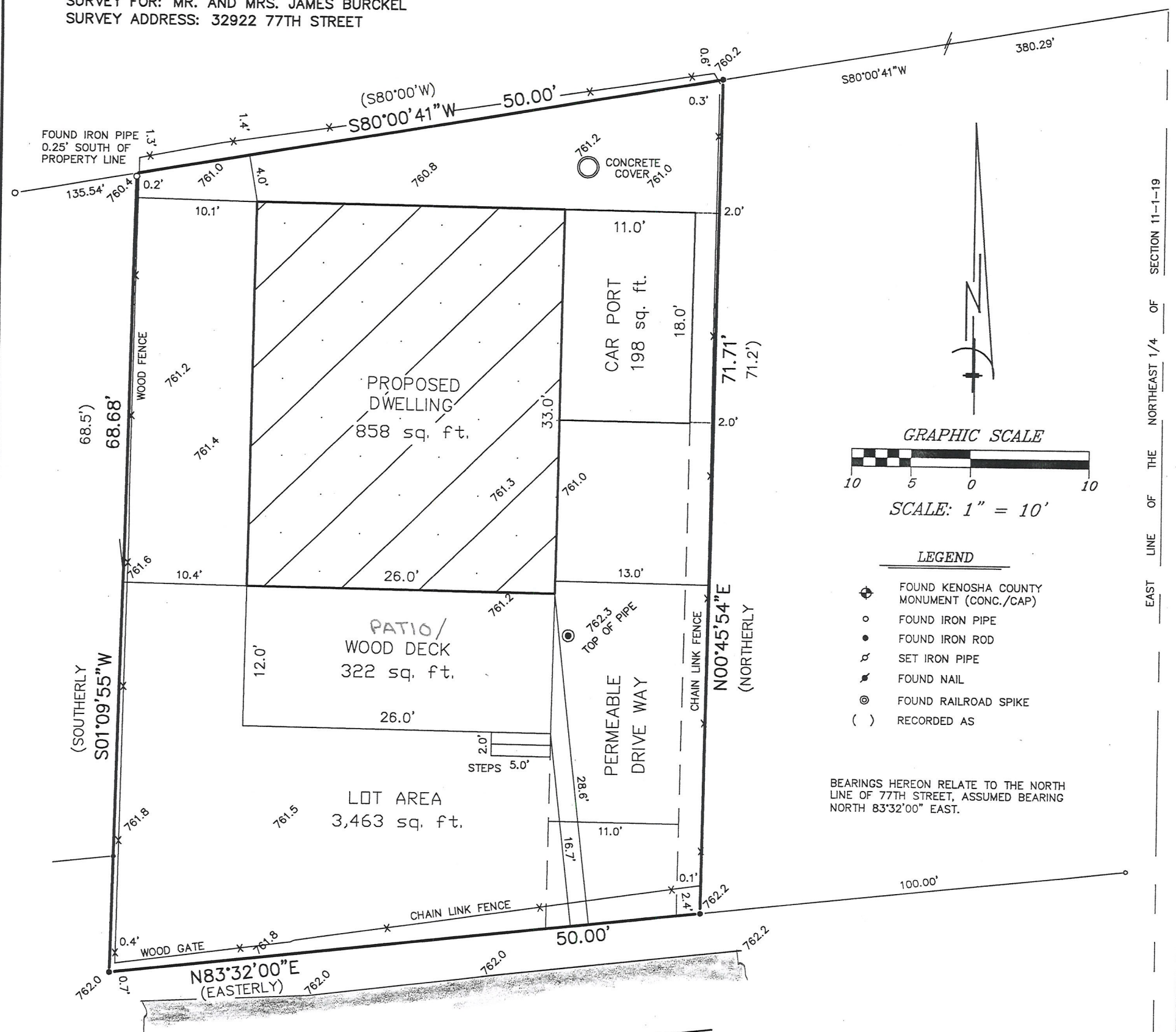
ROBERT J. WETZEL S–1778
REVISED: SEPTEMBER 23, 2019
AUGUST 13, 2019
DATE

9934–E
JOB NUMBER

PLAT OF SURVEY
–OF–

PART OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 19 EAST, KNOWN AS LOT 15 OF SPETZMAN'S SUBDIVISION (UNRECORDED), AS LAID OUT AND PLATTED BY J.G. SKEELS, SURVEYOR, IN DECEMBER, 1922. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A POINT ON THE EAST LINE OF SAID 1/4 SECTION 719 FEET SOUTH FROM THE NORTHEAST CORNER THEREOF; RUN THENCE SOUTH 80° WEST ABOUT 1 1/2 RODS TO THE NORTHEAST CORNER OF SAID SPETZMAN'S SUBDIVISION, BEING ON THE WEST LINE OF THE PUBLIC ROAD; CONTINUE THENCE SOUTH 80° WEST 350.60 FEET TO THE NORTHEAST CORNER OF SAID LOT 15 OF SPETZMAN'S SUBDIVISION, AND THE PLACE OF BEGINNING; CONTINUE THENCE SOUTH 80° WEST 50 FEET TO THE NORTHWEST CORNER OF SAID LOT 15; RUN THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 15, 68.5 FEET TO THE SOUTHWEST CORNER THEREOF; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 15, 50 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 15, 71.2 FEET AND TO THE PLACE OF BEGINNING. SAID LAND BEING IN THE TOWN OF WHEATLAND, COUNTY OF KENOSHA AND STATE OF WISCONSIN.

SURVEY FOR: MR. AND MRS. JAMES BURCKEL
SURVEY ADDRESS: 32922 77TH STREET



LOT AREA
3,463 sq. ft.

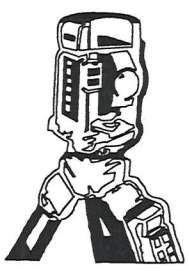
30% LOT AREA
1,039 sq. ft.

PROPOSED IMPERVIOUS
1,378 sq. ft.

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

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

WISCONSIN
ROBERT J. WETZEL
S-1778
BURLINGTON, WI
LAND SURVEYOR



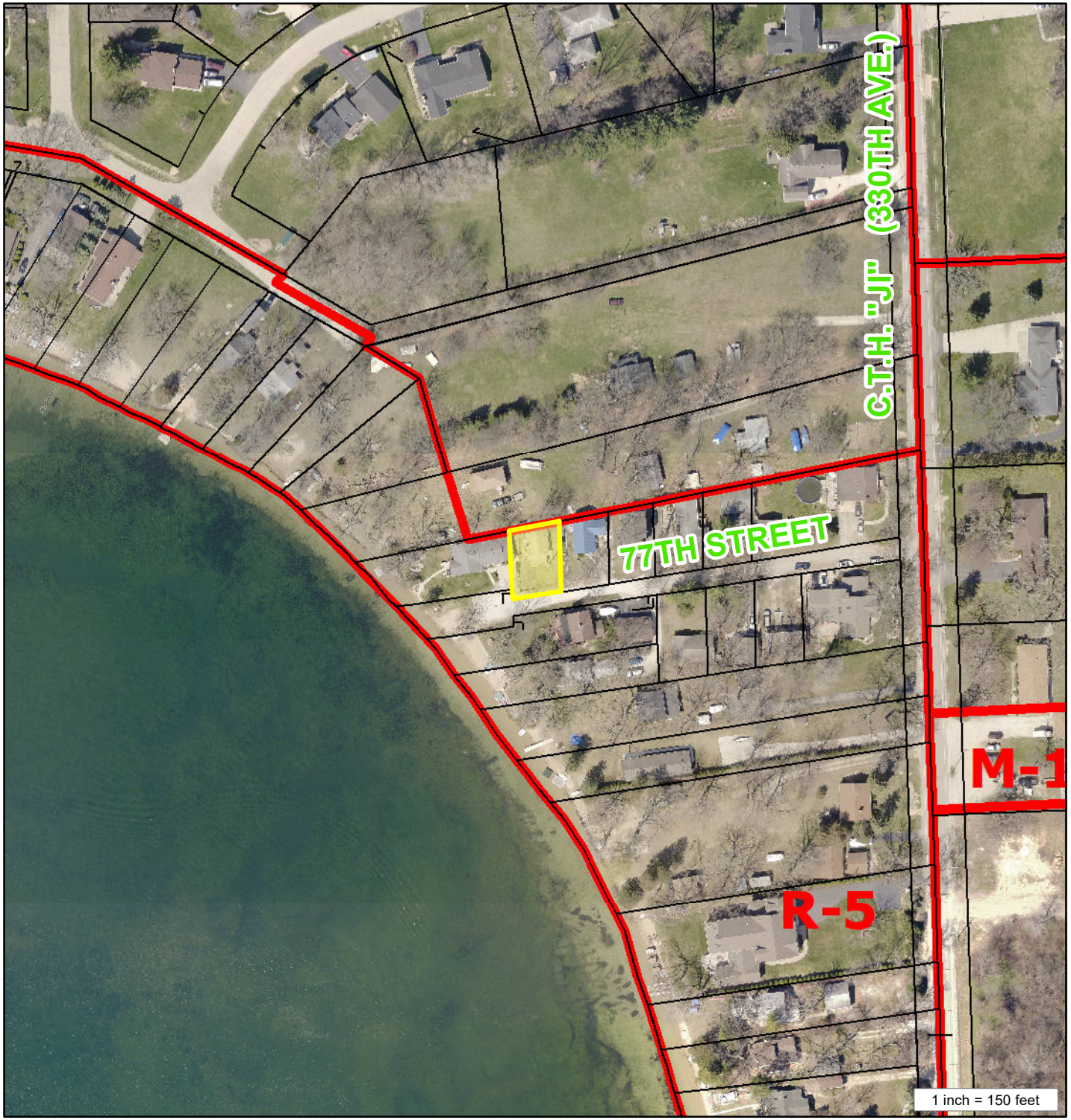
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ROBERT J. WETZEL S–1778

REVISED: SEPTEMBER 23, 2019
AUGUST 13, 2019
DATE

9934–P
JOB NUMBER



Gussarson_Variance.mxd

VARIANCE SITE MAP

PETITIONER(S):

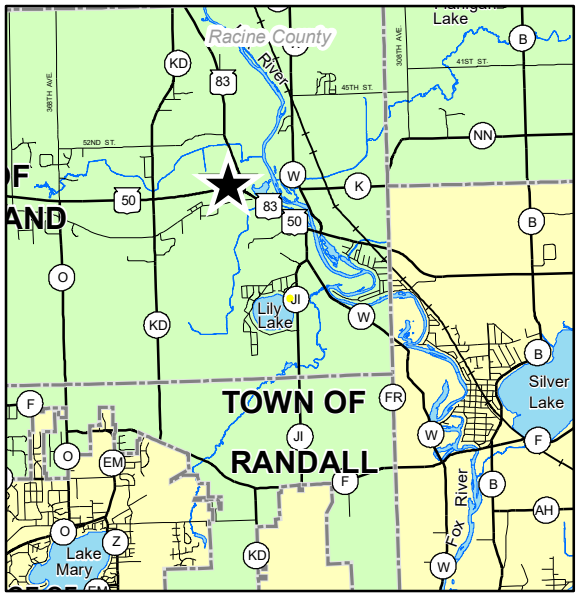
Anna C. Etal Gussarson (Owner)
Jim Burckel (Agent)

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

TAX PARCEL(S): #95-4-119-111-1235

REQUEST:

Requesting a variance (Section IV. C. 12.21-5(g): which states that all structures shall be located at least 30' from the right-of-way of all other roads, located at least 10' from a side property line and located at at least 25' feet from a rear property line and Section III. Q. 12.18.5-5 & 6 which states that decks and patios shall be located at least 30 feet from the right-of-way of all other roads) to construct a single-family residence to be located 28.6' feet from the right-of-way of 77th Street, at least 2' from the side (east) property line and 4' from the rear property lines and an associated deck/patio to be located 16.7' from the right-of-way of 77th Street.



KENOSHA COUNTY
CONSERVATION · PLANNING · DEVELOPMENT