## County of Kenosha

## VARIANCE APPLICATION

Owner: Carly Gift Trust<br>Mailing Address: 331 S Knight<br>Park Ridge IL 60068

Phone Number(s): 847-417-0732

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: 60-4-119-182-0290 Zoning District:
Property Address: 8539 406th Avenue Shoreland: Yes

Subdivision: A C Hesing's Powers Lake Subdivision
Lot(s): 27 R-3
es 1965-built s.f. residence, 1950-b -built detached garage
Proposal: To re-construct a residence and detached garage on the property in a manner that will locate the detached garage in the street yard.

| REQUIRED BY ORDINANCE | VARIANCE REQUESTED |
| :---: | :---: |
| Section:III. P. 12.18.4-5 - Detached accessory buildings shall be | $\underline{\text { Street Yard Placement }}$ |
| located in the side or rear yard only. |  |
| Section: |  |
| Section: |  |

An Area Variance is authorization by the Kenosha County Board of Adjustments to vary one or more of the dimensional or physical requirements of the applicable zoning law, code or ordinance in connection with some proposed construction.
The burden will be on you as property owner to provide information upon which the board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. You or your agent must convince the zoning board to make a ruling in your favor. The board must make its decision based only on the evidence submitted to it at the time of the hearing. Unless you or your agent is present, the board may not have sufficient evidence to rule in your favor and must then deny your application.
(1) Describe alternatives to your proposal such as other locations, designs and construction techniques. Attach a site map showing alternatives you considered in each category below:
(A) Alternatives you considered that comply with existing standards. If you find such an alternative, you can move forward with this option with a regular permit. If you reject compliant alternatives, provide the reasons you rejected them.
AS A SO' WIDE, LONG NARNON LANCE PROPERTY,
 as allowed.
(B) Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons you rejected them.

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& \text { BUT WITH BOL BUILABLE WIDTH ON THIS } \\
& \text { PROPKRTY, THERE WOULD BF MINIMAL } \\
& \text { ROOM FOR HOUSE ENTRY PAST THE GARAGE, }
\end{aligned}
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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.






（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 whet properties mut prevent compliance with the ordinance requirements．The circumstances of an applicant forowhrg family，need for a larger garage，otc．）are not a factor in deciding variances．Nearby ordinance violations．prior variances or hack 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 ba mitigated．
These interests are listed as objectives in the purpose stexmont of an ordinance and may inotude：drainage，waste impact，and fire safety and building code requirements．






The understwhed hereby attests that the above stake information is tue ard actuate and further gives permission to Planning 覑 Development staff and Bosid of Adjustment members to view the premises，in relation to the Appeal request made herein，during reasonable daylight hours．


Phone Numbers）： $2<2\} \quad 248-8341 \times 1$

## ZONING PERMIT APPLICATION

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

8539 406th Ave. Genoa City WI 53128
2. Who owns the subject property (property owner)?

Property Owner Name: Carly Gift Trust, Russ Carynksi
Property Owner Mailing Address: 331 S. Knight Ave, Park Ridge IL 60068
Property Owner Phone Number: 847-417-0732
Property Owner Email Address: carnica@aol.com
3. Who is constructing the proposed structures (contractor)?

Contractor Name: Jonathan Wittrock
Contractor Mailing Address: N5380 Kennel Road, Ekhorn WI 53121
Contractor Phone Number: 262-749-0887
Contractor Email Address: Jon@Jtimothybuilders.com
4. Who is applying for and will be signing for this permit (applicant)?

Applicant Name: J. Timothy Builders
Applicant Mailing Address: N5380 Kennel Road, Elkhorn WI 53121
Applicant Phone Number: 262-749-0887
Applicant Email Address: Jon@Jtimothybuilders.com
5. What is it you are proposing to construct?

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

| STRUCTURE DESCRIPTION | $\begin{array}{\|c\|} \hline \text { TYPE OF } \\ \text { CONSTRUCTION } \\ \hline \end{array}$ | $\begin{gathered} \hline \text { SIZEE (FENCE) } \\ \left(L^{\prime} @ H^{\prime}\right) \\ \hline \end{gathered}$ | $\begin{gathered} \hline \text { SIZE (BLDG.) } \\ \left(L^{\prime} \times W^{\prime}\right) \\ \hline \end{gathered}$ | $\begin{gathered} \text { AREA } \\ \text { (sq. feet) } \end{gathered}$ | $\begin{gathered} \hline \text { HEIGHT } \\ \text { (feet) } \\ \hline \end{gathered}$ | $\begin{gathered} \text { \#OF } \\ \text { STORIES } \\ \hline \end{gathered}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Accessory Structure | Wood Frame | $35 \times 27$ |  | 945 | 20 | 1.5 |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

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 $\qquad$ May 15, 2020 (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 $>150 \mathrm{sq}$. ft. in area. This section is not applicable for new principal structures, sheds $\leq 150 \mathrm{sq}$. 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 COMPL YING 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.wigov/topic/wetlands/locating.htmI OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER (262) 884-2300.


### 12.21-3 R-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-3 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 2.2 dwelling units per developable net acre, served only 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
$5 \quad$ Swimming pools and spas (see also section 12.17) (8/6/02)
$6 \quad$ Fences (see also section 12.15) (8/6/02)
$7 \quad$ 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 substation
4 Bed and breakfast establishments (8/9/94)
(e) Lot Area and Width

1 Lots shall have a minimum area of 20,000 square feet
2 All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line
(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height
2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24 -feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than $5 / 12$, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)
(g) Yards

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

1 Public sanitary sewer
2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section $12.05-1(\mathrm{~d})$ of this ordinance is fully complied with.

## P. ACCESSORY BUILDING REGULATIONS

### 12.18.4-1 PERMIT REQUIRED

No accessory building shall hereinafter be located, directed, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit from the Division of Planning Operations and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code. The accessory building shall also meet all the structural requirements of local and State codes.

### 12.18.4-2 DISTRICTS

Accessory buildings may be located in all districts except the C-1 Lowland Resource Conservancy District and FPO Floodplain Overlay District.

### 12.18.4-3 APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such accessory building shall first be presented to the Division of Planning Operations for examination and approval as to proper size, location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the accessory building. Such plans shall also include vertical elevations of the accessory building.

### 12.18.4-4 CLASSIFICATION

Agricultural buildings, on lots of at least 10 acres, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, A-3 and A-4 agricultural districts shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirement of the agricultural districts.

Buildings on non-conforming lots in the A-1, A-2, A-3, or A-4 districts less than 10 acres shall be considered accessory buildings and shall comply with the provisions of this section.

### 12.18.4-5 LOCATION

Accessory buildings shall be detached from the principal structure, provided that the accessory building:
(a) Is on the same lot and then permitted only after their principal structure is present or under construction.
(b) Shall be located in the side or rear yard only.

### 12.18.4-6 SIZE

Accessory building size is based upon lot size according to table 12.18.4-12.

### 12.18.4-7 SETBACKS

Accessory buildings shall have the following setbacks. (see table 12.18.4-12)
(a) A building separation of at least 10 feet between all buildings and structures.
(b) A minimum 5-foot side and rear yard setback on lots equal to or less than 39,999 square feet, unless zoned $\mathrm{R}-9, \mathrm{R}-10$ or $\mathrm{R}-11$ in which case the setback shall be 10 feet.
(c) A minimum 10-foot side and rear yard setback on lots equal to or greater than 40,000 square feet.
(d) Detached accessory buildings in all other districts shall meet the minimum setback requirements as outlined in each district.

### 12.18.4-8 HEIGHT

Accessory buildings shall have the following height. (see table 12.18.4.12)
(a) A maximum height of 15 feet for buildings (shed, gazebos, pool house) equal to or less than 150 square feet.
(b) A maximum height of 17 feet for buildings greater than 150 square feet and equal to or less than 720 square feet
(c) A maximum height of 20 feet for buildings greater than 720 square feet.
(d) A maximum height of 24 feet for buildings greater than 3,000 square feet.

### 12.18.4-9 NUMBER OF BUILDINGS

The number of accessory buildings permitted per lot are as follows: (see table 12.18.4-12)
(a) One of each: shed, gazebo, pool house equal to or less than 150 square feet.
(b) One accessory building, greater than 150 square feet, on lots equal to or less than 79,999 square feet.
(c) Two accessory buildings, greater than 150 square feet, on lots equal to or greater than 80,000 square feet.
(c) If the total number of detached accessory buildings existing on a parcel exceeds the total number permitted in the district, no additional buildings or additions to existing buildings shall be permitted unless buildings in excess of the district standard are removed.

### 12.18.4-10 OPEN SIDED/SCREENED STRUCTURES (BUILDINGS) SUCH AS GAZEBOS AND SCREEN HOUSES

Open sided and/or screened structures (buildings) such as gazebos, and screen houses are permitted in the shoreyard setback area provided that the following is satisfied in accordance with §59.692(1v), Stats.
(a) The part of the structure (building) that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.

TOWN OF RANDALL
ATTN: TREASURER
34530 BASSETT ROAD
BURIIINGTON WI 53105

STATE OF WISCONSIN
REAL ESTATE PROPERTY TAX BILL FOR 2019
TOWN OF RANDALL.
KENOSHA COUNTY
Bill A: $\quad 410900764$
Parcel t: $\quad 60-4-219-182-0290$
At. Parcel ह: 6041191820290
Total Due For Full Payment
$513,480.16$
pay to Locel Troemire by Jan 31, 2028
orpay installments of:


## Amount Enclosed \$

REAL ESTATE PROPERTY TAX BILL FOR 2019

CARLY GTFT TRUST
331 S KNIGHT
PARK RTRGE 1\% 60068

STATE OF WISCONSIN
TOWN OE RANDALLI
KENOSHA COUNTY
CARLY GIFT TRUST 331 S KNIGHT PARK RIDGE IL 60068

BILL NUMBER: 410900764
"EPPORTANT: Corretpondonce thatid retw to parcel number:




SES 1B, T 01 N, R IS S; NHE
PLAT: 2940 HES ANGS PEUERS IAKE SUB, A C
BHOCK/CONDO: k/A 27
149-E LOT $2 T$ A R HBSTNG: 4 POWERS wakE SUB SEC
18 T 1 R 19 TOGGHHER WIVTH REPARIAN RTGHIS ETG 41106 p916 v*362 P663 306 \#1380447 DOC: *:
parcel ti: $60-4-119-182-0290$
A1. Prarcel \#: 5041191625290
Propenty Addres:: 8539 406T4 AVE




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