



# COUNTY OF KENOSHA

December 2012

## Department of Planning and Development

### VARIANCE APPLICATION

RECEIVED

JUL 13 2020

Kenosha County  
Planning and Development

Owner: Adam M. & Tiffany R. Warren

Mailing Address: 32901 49th Street

Burlington WI 53105

Phone Number(s): 262-26-0581  
206

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: 95-4-219-351-0440

Zoning District: R-3

Property Address: 32901 49th Street

Shoreland: No

Subdivision: Fox River Pines

Lot(s): 9 Block: 3

Current Use: Single-Family Residence (built 1987), shed.

Proposal: To construct a 37'x30' detached garage in the street yard and to be located 37 feet from the right-of-way of 49th Street.

#### REQUIRED BY ORDINANCE

Section: III. P. 12.18-4 Acc. Bldgs. shall be located in the  
side or rear yard only.

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

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

#### VARIANCE REQUESTED

Street Yard Location

\_\_\_\_\_

\_\_\_\_\_

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.

Attached Garage - House has a wood foundation and would not be easy or preferred to attach garage to. Also house is Bi-Level and would have to have entrance to house in master bedroom from garage

(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.

(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.

Steep hill - In rear of house there is a very steep hill that would require a foundation and large concrete walls to build garage into hill to stay in side rear yard.

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

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

I do not believe this variance will effect anyone or anything in the community. My direct neighbor already has a garage in his front yard. And by avoiding digging in steep hill will prevent erosion.

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: R. W.

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

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

Phone Number(s): 262 206 0581





# 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?

32901 49th St Burlington WI 53105

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

Property Owner Name: Adam M. & Tiffany R. Warren

Property Owner Mailing Address: 32901 49th Street

Property Owner Phone Number: 262-206-0581

Property Owner Email Address: avarren@gonpl.com

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

Contractor Name: American Garage Builders

Contractor Mailing Address: 576 Linnestad Drive Sun Prairie WI 53590

Contractor Phone Number: 608-834-9335

Contractor Email Address:

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

Applicant Name: Adam and Tiffany Warren

Applicant Mailing Address: 32901 49th St Burlington WI 53105

Applicant Phone Number: 262 206 0581

Applicant Email Address: @ avarren@gonpl.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	TYPE OF CONSTRUCTION	SIZE (FENCE) (L' @ H')	SIZE (BLDG.) (L' x W')	AREA (sq. feet)	HEIGHT (feet)	# OF STORIES
Accessory Structure			34x30	1020	18	1

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

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

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

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

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

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

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

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

or

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

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

If so, what type of material and how much?

IF ISSUED, THIS ZONING PERMIT IS ISSUED SUBJECT TO:

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

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

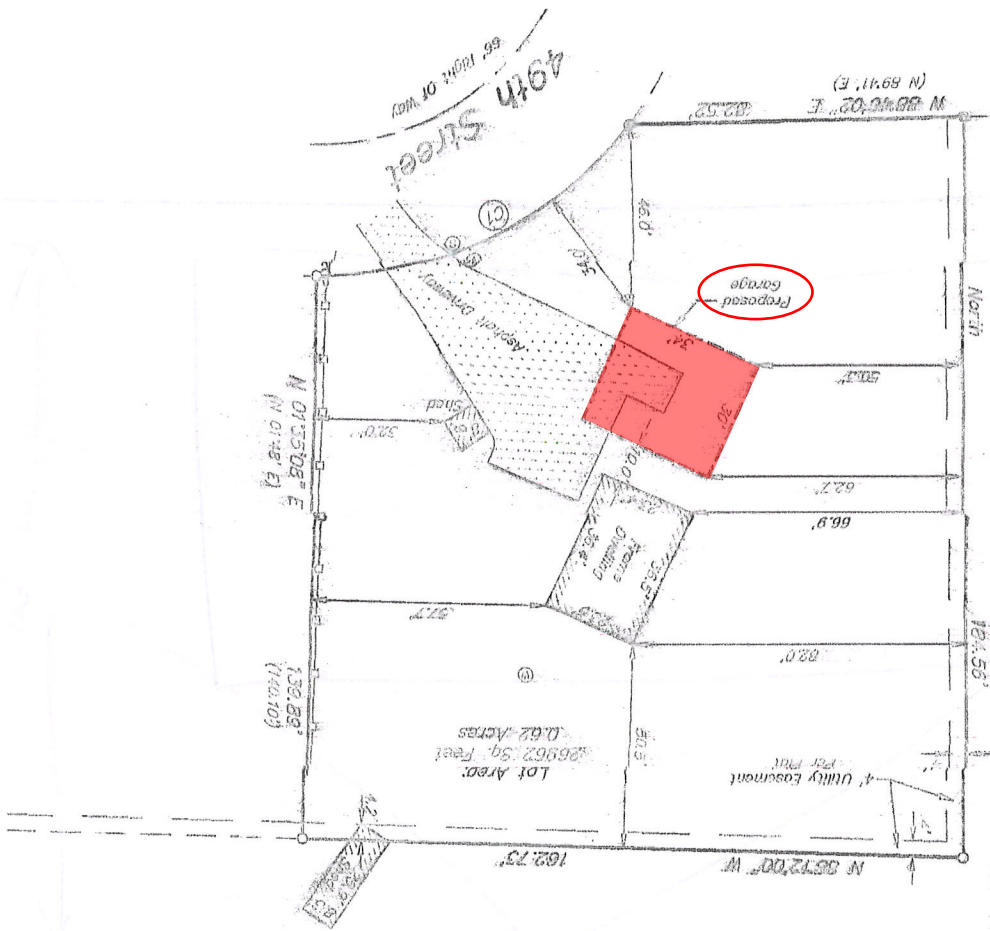
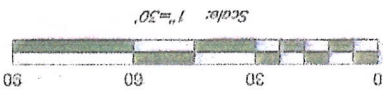
# Plot of Survey

Property Address: 32901 49th Street, Burlington, Wisconsin.  
 Property Description: Lot 9, Block 3, Fox River Pines Subdivision, located in the Northeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of Section 35, Township 2 North, Range 19 East of the Fourth Principal Meridian, Township of Wheatland, County of Kenosha, State of Wisconsin.  
 March 11, 2020  
 Revised Drawing: 3-12-20  
 Prepared for: James R. Taylor & Son's

Survey No. 20013

**Legend**

- = Found Iron Rod
- = Found Iron Pipe
- ⊙ = Well
- ⊗ = Septic Tank
- ⊕ = Septic Vent
- ⊖ = Power Pole
- ⊗ = Split Rail Fence
- (130.00') = Distance Per
- (11.25') = Bearing Per
- First if other than measured



Curve	Radius	Arc Length	Chord Length	Chord Bearing
C1	96.91'	88.15'	88.15' (85.79')	N 63°37'04" E

Changes Shown On This Plot On  
 Survey Are Based On The Last On  
 Of Lot 9, Block 3, Fox River Pines  
 Subdivision With A Bearing Of Due  
 North For Recorded Subdivision Plat.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED  
 TRACT AND SHOW THE SIZE AND LOCATION OF THE PROPERTY  
 HIS EXISTING BOUNDARIES, THE LOCATION OF ALL VISIBLE  
 MONUMENTS AND PERMANENT EVIDENCE OF BOUNDARY LINES,  
 THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT  
 OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE  
 MORTGAGE OR GUARANTEE THE TITLE HEREIN WITHIN ONE (1) YEAR  
 FROM THE DATE HEREOF. TITLE WAS NOT PROVIDED FOR THIS SURVEY.  
 THE SURVEYING INSTRUMENTS THAT I HAVE USED FOR THIS SURVEY  
 WERE CALIBRATED AND FOUND TO BE ACCURATE.

Signed: *Michael P. Casey*  
 Professional Land Surveyor S-2462



Professional Land Surveyors  
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 Mukewago, WI 53150  
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 Website: surveysa.com

