



# COUNTY OF KENOSHA

December 2012

## Department of Planning and Development

### VARIANCE APPLICATION

Owner: Janet M. & David E. Banas

Mailing Address: 40723 93rd Street

Genoa City WI 53128

Phone Number(s): 708-254-8648

RECEIVED  
FEB - 5 2024  
Kenosha County  
Planning and Development

To the Kenosha County Board of Adjustment:

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

Parcel Number: 60-4-119-192-1200 Zoning District: R-5

Property Address: 40723 93rd Street Shoreland: Yes

Subdivision: Benedict Subdivision Lot(s): 1 Block: -

Current Use: 1947-built single-family residence & 2007-built detached

Proposal: To raze the existing residence & detached garage and build  
a new single-family residence w/ attached garage. The Parcel  
Includes land in both Kenosha & Walworth County (see plat of Survey)

#### REQUIRED BY ORDINANCE

Section: IV. C. 12.21-5(g)1 - All structures shall be located at least 30 feet from the  
right-of-way of all other roads.

Section: IV. C. 12.21-5(g)1 - All structures shall be located at least 75 feet from the  
ordinary high water mark of any navigable waterway.

Section: IV.C. 12.20-2 (f) 4 - Pitch of the Roof to be no less that a 5/12

#### VARIANCE REQUESTED

5 feet for Safety of Occupants  
in the Residence.

37 feet for Safety of the  
Occupants in the Residence

Requesting a 4/12 Pitch as  
standard for Mission Style  
Design

Section: III. Q. 12.18.5-5 Patios within the shoreyard shall not exceed 200  
square feet in area

Approx, 991 Sq Ft of  
outside patio

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.

(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.*

**A Hardship Variance is requested due to serious safety concerns for the occupants of the home. The current living quarter's location relative to the curvature of 93<sup>rd</sup> Street when travelling in the westbound direction has in the past caused serious damage to the living quarters and substantial risk of harm to the occupants. On three separate occasions vehicles travelling from east to west on 93<sup>rd</sup> Street have missed the curve in the road and have struck the residence as summarized below and detailed in this Application.**

**July 28<sup>th</sup>, 2023 -- Kenosha County Incident Number 23-331792, ( Hit and Run ) ( Report and Photos Attached ) ( Resulted in Physical Damage to County and Personal Property Vehicle )**

**March 2007 – An intoxicated driver of a tandem axial truck missed the curve and drove through the kitchen, living room and garage. Fortunately, the occupants of the house arrived 5 minutes after the accident. Damage to the Dwelling was over \$ 100,000. ( See Detailed Pictures Attached in this Application ).**

**August 1989 -- A vehicle missed the curve, hit the garage, and travelled down the hill ending up approx. 40 feet from the lake shore. ( Pictures Attached)**

- 3) Do unique physical characteristics of your property prevent compliance with the ordinance? If yes, please explain.

**As the location of the existing 1947 house poses Hazardous and Life-Threatening conditions to the Occupants in the Living Quarters of the current home, a request to relocate a planned new home with alternative setbacks is being requested through this Hardship Variance Application. For your reference in considering this Hardship Variance, I believe it is worth noting that several of the current setbacks of this 1947 home are less than the current codes require with a current setback of (15') from the Road Right of Way and an approximate (54') setback from the High-Water Mark on the Lake Side. In addition, the southern edge of the paved shoulder of 93<sup>rd</sup> Street has been remains an abundantly wide shoulder of approx. 8 feet from the edge of the road and approx. 20 feet from the centerline of 93<sup>rd</sup> Street. Therefore, for the placement of the anticipated new residence, I am requesting a further reduced setback from the Right of Way of the Road of 5 feet. This 5 foot setback will be from the Right of Way to the " Non-Living Quarters ( The Garage)  of the structure. In addition, I am requesting a reduced Setback from the Ordinary High-Water Mark so as to provide a Substantial SAFER location for the Living Quarter and occupants as depicted in the attached site plan.**

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*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.*

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- (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.*

**The main purpose for granting this Variance would be to ensure the safety of the occupants in the living quarters from serious injury or death. The requested relocation of the house will not interfere with the site line view of either property owner on the east or west property lines nor the general community.**

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

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

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

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

Phone Number(s): 708-254-8648

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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) 857-1920

### **ZONING PERMIT APPLICATION**

1. What is the Property Address (must include house number) or Tax Key Parcel Number? (60-4-119-192-1200)

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

Property Owner Name: Janet M. & David E. Banas

Property Owner Mailing Address: 40723 93rd Street, Genoa City WI 53128

Property Owner Phone Number: 708-254-8648

Property Owner Email Address: [dbanas@msc-hobart.com](mailto:dbanas@msc-hobart.com)

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

Applicant Name: David Banas

Applicant Mailing Address: 40723 93rd Street, Genoa City WI 53128

Applicant Phone Number: 708-254-8648

Applicant Email Address: [dbanas@msc-hobart.com](mailto:dbanas@msc-hobart.com) :

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

Contractor Name:

Contractor Mailing Address:

Contractor Phone Number:

Contractor 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 |
|---|----------------------|------------------------|------------------------|-----------------|---------------|--------------|
| Residential Single-Family Principal Str |                      |                        |                        |                 |               |              |
|   |                      |                        |                        |                 |               |              |
|   |                      |                        |                        |                 |               |              |
|   |                      |                        |                        |                 |               |              |

6. This section is only applicable for properties within the unincorporated townships of Kenosha County (townships of Brighton, Paris, Randall, Somers & Wheatland).

If you are proposing to construct a principal building such as a new residence or new commercial building, an addition thereto, or a detached accessory building >150 sq. ft. in area, 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.

This section is not applicable for sheds ≤150 sq. ft. in area or other accessory structures such as decks, fences and pools.

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 for properties within the Village of Somers.

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).

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.*

Choose one of the following options:

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.**

40723 93RD ST  
GENOA CITY, WI 53128

ISSUED FOR:  
REVIEW

THESE DRAWINGS, SPECIFICATIONS AND ALL COPIES THEREOF ARE AND SHALL REMAIN THE PROPERTY OF WRN ARCHITECTURE, LLC. THEY SHALL BE USED ONLY WITH RESPECT TO THIS PROJECT AND ARE NOT TO BE USED ON ANY OTHER PROJECT OR WORK WITHOUT PRIOR WRITTEN PERMISSION FROM WRN ARCHITECTURE, LLC.

DATE: 2023-12-11

## SCHEMATIC SITE PLAN



Search

## Layers

### Air Photos:

- None      2020      • 2015
- 2010      • 2005      • 2000
- 1995      ● 1990      ● 1985
- 1980      ● 1975      ● 1970
- 1967      ● 1963      ● 1937

### Map Layers:

- ☒ Address\_Points
- ☒ Buildings
- ☒ Places
- ☒ SchoolDistricts
- ☒ Voting
- ☒ Geodetic
- ☒ Streets
  - ☐ Toggle all Layers
  - ☐ StreetCenterlines
  - ☐ Right-of-Ways
  - ☐ Pavement Edges
- ☒ Water\_Features
  - ☐ Toggle all Layers
  - ☐ Water Features
  - ☐ Water Feature Text
- ☒ Cadastral
  - ☐ Toggle all Layers
  - ☐ Tax Pins
  - ☐ Property Dimensions
  - ☐ Easements
  - ☐ Right-of-Ways
  - ☐ Parcels
  - ☐ Certified Survey Maps

Advanced Tools

## Graphics

Buffer

Legend

Results





Search

Layers

Air Photos:

|                          |      |                          |      |                          |      |
|--------------------------|------|--------------------------|------|--------------------------|------|
| <input type="checkbox"/> | None | @                        | 2020 | <input type="checkbox"/> | 2015 |
| <input type="checkbox"/> | 2010 | <input type="checkbox"/> | 2005 | <input type="checkbox"/> | 2000 |
| <input type="checkbox"/> | 1995 | <input type="checkbox"/> | 1990 | <input type="checkbox"/> | 1985 |
| <input type="checkbox"/> | 1980 | <input type="checkbox"/> | 1975 | <input type="checkbox"/> | 1970 |
| <input type="checkbox"/> | 1967 | <input type="checkbox"/> | 1963 | <input type="checkbox"/> | 1937 |

Map Layers:

☐ Address Points

☐ Buildings

☐ Places

☐ School Districts

☐ Voting

☐ Geodetic

Streets

☐ Toggle all Layers

☐ Street Centerlines

☐ Right-of-Ways

☐ Pavement Edges

Water Features

☐ Toggle all Layers

☐ Water Features

☐ Water Feature Text

Cadastral

☐ Toggle all Layers

☐ Tax Pins

☐ Property Dimensions

☐ Easements

☐ Right-of-Ways

☐ Parcels

☐ Cellified Survey Maps

☐ Condominiums

Advanced Tools

Graphics

Buffer

Legend

Results

Map Scale:

1" = 100 ft





Search

Layers

- ☐ Toggle all Layers
- ☒ Pleasant Prairie Floodplain
- ☒ Pleasant Prairie Shoreland
- ☐ Pleasant Prairie Zoning
- ☐ Pleasant Prairie Wetlands
- ☒ Pleasant Prairie Urban
- Reserves
- ☐ Pleasant Prairie Land Use **0**

City\_Zoning

- ☐ Toggle all Layers
- ☐ Major Streets
- ☒ Ailvort Overlay Zoning

Districts

- ☐ Flood Flinge Overlay
- ☒ Shoreland Wetland Overlay
- ☐ Harbor Park Overlay Ois tiict
- ☒ Pike Creek Neighbhorhood

Overlay

- ☐ Planned Development Overlay
- ☐ zoning

Land\_Use

- ☐ Toggle all Layers
- ☐ Salem Phase 1 (to 2025) **0**
- ☐ Bristol Phase 1 (to 2015) **0**
- ☒ Bristol Phase II (2015- 2025) **0**
- ☐ Land Use Plan 2035 **0**

Floodplain

- ☐ Toggle all Layers
- ☐ Dam Flood Shadow Profile
- ☐ Special Flood Hazard Area

Enviromental

- ☒ Toggle all Layers

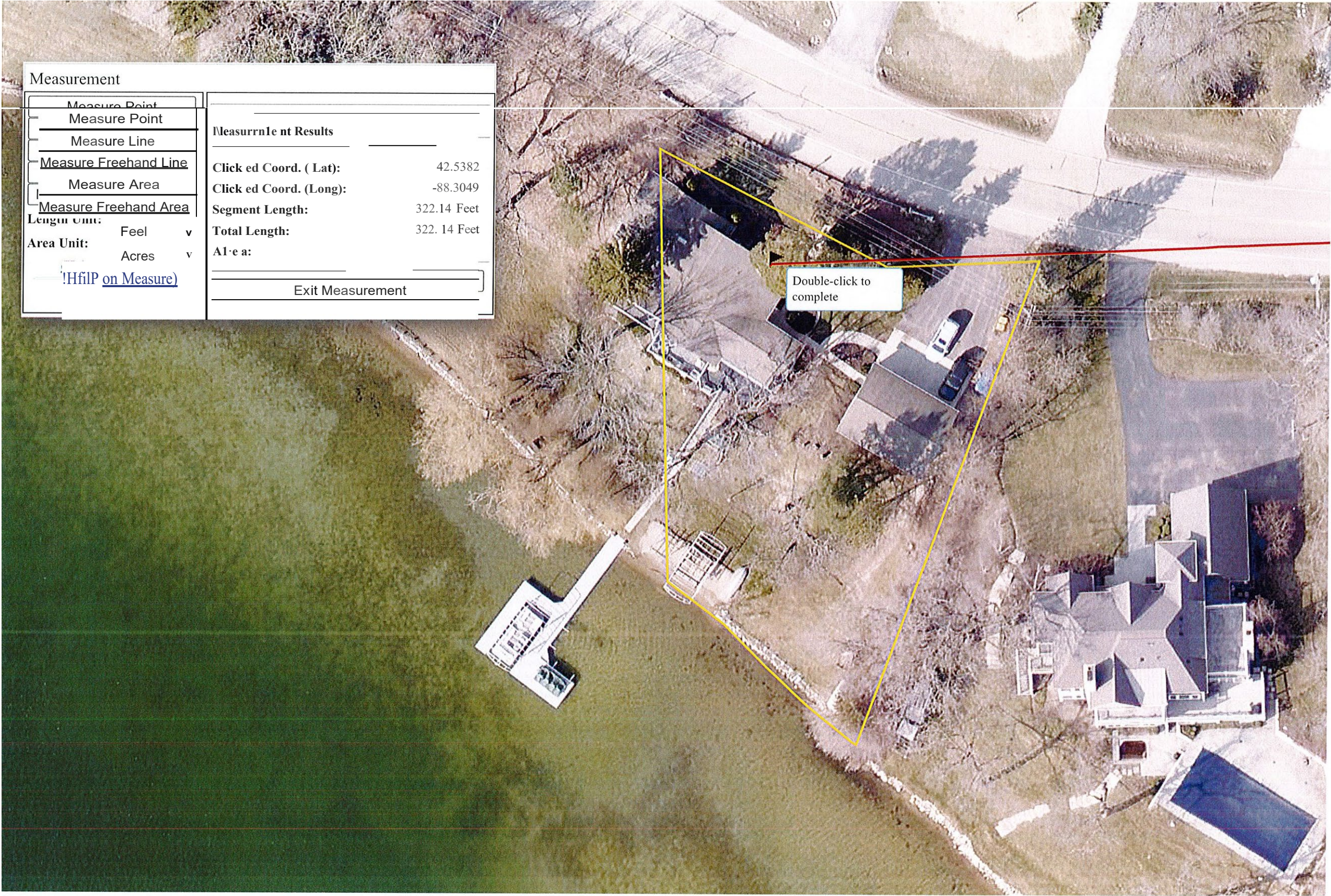
Advanced Tools

Graphics

Buffer

Legend

Results







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

2021 PLAT OF SURVEY  
OF

PHONE: 262-537-4874

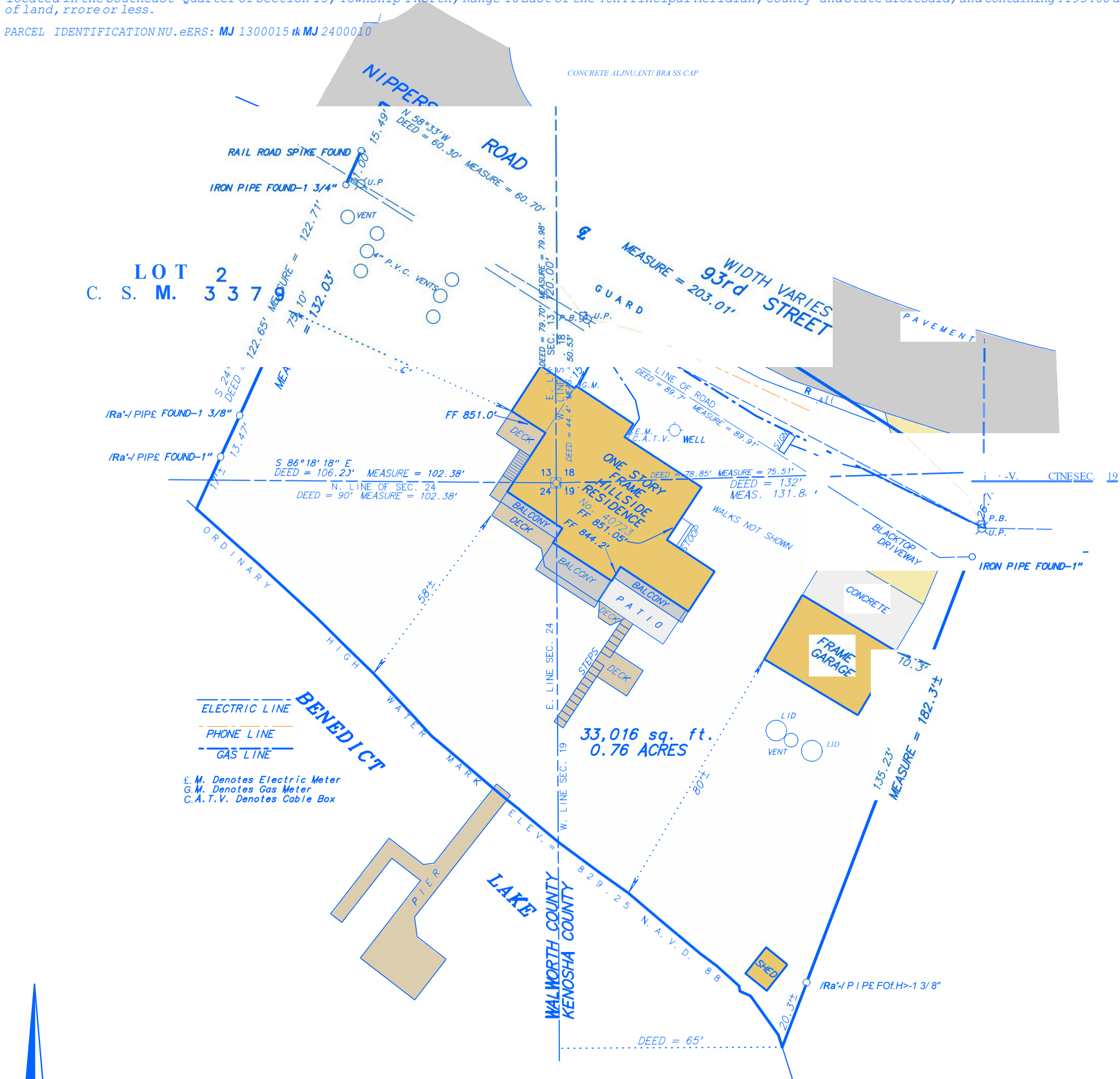
FAX: 262-537-4221

EMAIL: ambit@tds.net

A piece of land lying and being in the Northeast quarter of Section 19, Township 1 North, Range 19 East of the 4th Principal Meridian, particularly described as follows: BEGINNING at the northwest corner of said Section 19; THENCE east along the north line of said Section 132 feet; THENCE southwesterly to a point on the north shore of Benedict's Lake 65 feet directly east of the west line of Section 19; THENCE westerly along the shore of said lake to the westerly line of Section 19; THENCE north along Section line to the PLACE OF BEGINNING. Said land being in the Town of Randall, County of Kenosha and State of Wisconsin. ALSO That part of the Southwest Quarter of Section 18, Township 1 North, Range 19 East of the 4th Principal Meridian, which is situated on the south side of the Highway which runs in a Northwesterly and Southeasterly direction between Powers Lake and Benedict Lake and across said Quarter Section and more particularly described as: ca. IENCING at the southwest corner of the Southwest Quarter of said Section 18; THENCE North along the west line of said Quarter Section 44.4 feet to the south line of the road which runs in a Northwesterly and Southeasterly direction between Powers Lake and Benedict Lake and across said Quarter Section; THENCE Southeasterly along the south line of said road 89.7 feet to the south line of said Quarter Section; THENCE West along the south line of said Quarter Section 78.85 feet to the PLACE OF BEGINNING.

A triangular piece of land, containing 9/100 acre, more or less, in Section 24, Bloanfield Township, Walworth County, Wisconsin, further described as follows: BEGINNING at the northeast corner of Section 24, Township 1 North, Range 18 East of the 4th Principal Meridian, Walworth County, Wisconsin; THENCE West 90 feet along the north section line of said section to the shore line of Lake Benedict; THENCE in a southeasterly direction along the shore line of Lake Benedict to the east line of said section; THENCE north along the east line of said section to the POINT OF BEGINNING. ALSO BEGINNING at the southeast corner of Section 13, Township 1 North, Range 18 East of the 4th Principal Meridian, Township of Bloanfield, County of Walworth, State of Wisconsin THENCE North on the east line of section 13 a distance of 79.70 feet to a point in the center of a public highway; THENCE North 58 degrees 33 minutes West on the center line of said highway 60.30 feet; THENCE South 24 degrees 45 minutes West 122.65 feet; THENCE South 86 degrees 18 minutes 18 seconds East 106.29 feet to the southeast corner of section 13 and the PLACE OF BEGINNING. Said parcel of land is located in the Southeast Quarter of Section 13, Township 1 North, Range 18 East of the 4th Principal Meridian, County and State aforesaid, and containing .193468 acres of land, more or less.

PARCEL IDENTIFICATION NUMBERS: MJ 1300015 tk MJ 2400010



ORTHOMETRIC HEIGHT (GROUND ELEVATION) IS DETERMINED FROM USING GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS), THE VERTICAL DATUM BASIS IS NAVD88 AND THE GEOID MODEL IS GEOID12B CONUS

THIS SURVEY IS A RETRACEMENT OF SURVEYS BY ROBERT J. WETZEL DATED JULY 12, 2007 & FRANKLIN J. LEHMAN DATED MAY 5, 2000.

Fieldwork completed on and date of certification: March 5, 2021

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

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

Dated at Wheatland, Wisconsin this \_\_\_ day of \_\_\_\_\_ 2021.

SCALE: 1 inch = 30 feet

ORDERED BY: D. Banas

JOB NO.: 21006

Mark A. Bolender  
Wisconsin Professional Land Surveyor - 1784



## 2007 Vehicle Damage





## *2007 Vehicle Damage*



## 1989 Vehicle Damage





July 29, 2023,  
Vehicle Damage





0FL0G0ZM17  
2023-00331792

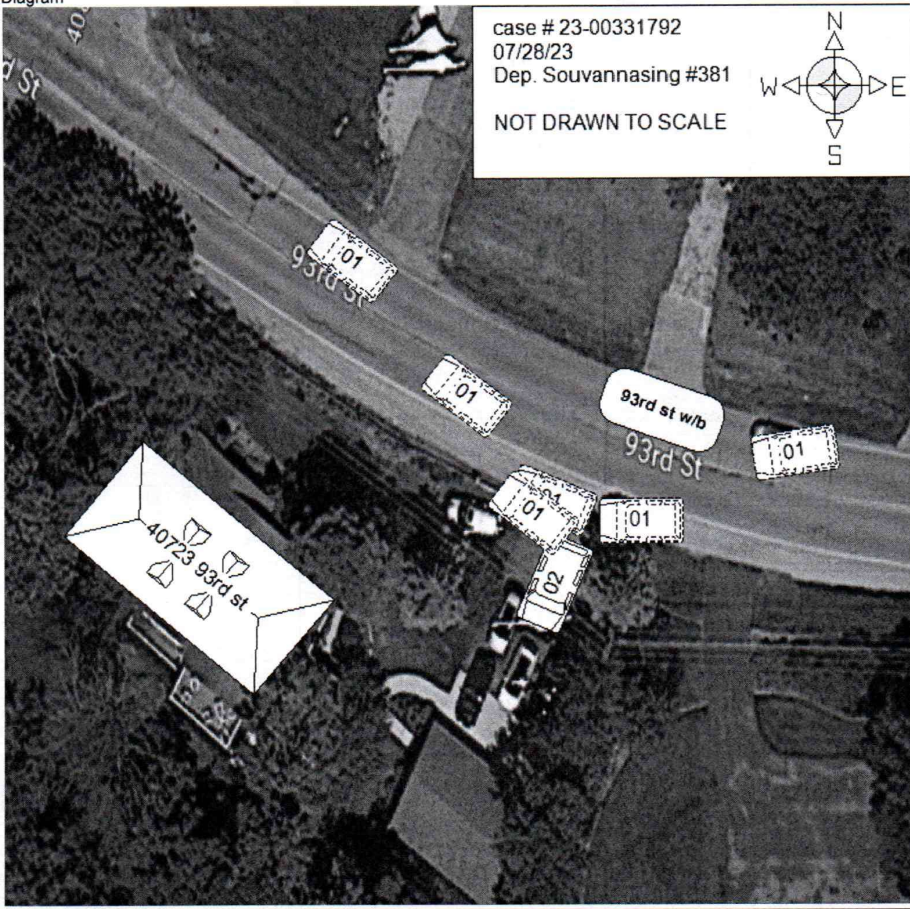
# WISCONSIN MOTOR VEHICLE CRASH REPORT

KENOSHA COUNTY SHERIFFS DEPART  
1000 55TH STREET  
KENOSHA, WI 53140  
(262) 605-5100

0FL0G0ZM17

|  |   |                                       |  |   |
|--|---|---------------------------------------|--|---|
| Document Number Override                       | Primary Crash Document #                        | Agency Crash Number                   | Investigating Officer/Deputy<br><b>DEPUTY MATTHEW SOUVANNASING</b> |   |
| Crash Date<br><b>07/28/2023</b>                | Crash Time<br><b>09:12 PM</b>                   | Date Arrived<br><b>07/28/2023</b>     | Time Arrived<br><b>09:29 PM</b>                                    |   |
| Date Notified<br><b>07/28/2023</b>             | Time Notified<br><b>09:13 PM</b>                | Total Units<br><b>02</b>              | Total Injured<br><b>00</b>   | Total Killed<br><b>00</b>                 |
| <input type="checkbox"/> On Emergency          | <input checked="" type="checkbox"/> Hit and Run | <input type="checkbox"/> Lane Closure | <input type="checkbox"/> Work Zone                                 | <input type="checkbox"/> Trailer or Towed |
| <input type="checkbox"/> Government Property   | <input type="checkbox"/> Active School Zone     | School Bus Related<br><b>NO</b>       | Tags   |   |
| <input checked="" type="checkbox"/> Reportable | Crash Type<br><b>DT4000 (STANDARD CRASH)</b>    | <input type="checkbox"/> Amended      | <input type="checkbox"/> Secondary Crash                           |   |

## Description

|   |   |
|---|---|
| Diagram<br>  | Reconstruction By<br><br>Photos By<br><br>Additional Information<br><b>NONE</b> |
| <input checked="" type="checkbox"/> I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.   |   |
| UNIT 1 WAS TRAVELING W/B ON 93RD ST. UNIT 1 CROSSED THE CENTER LINE AND HIT THE GUARD RAIL ON THE SOUTH SIDE OF 93RD ST. UNIT 1 REVERSED AND HIT UNIT 2 THAT WAS PARKED AT THE DRIVE WAY OF 40723 93RD ST. UNIT 1 DROVE FORWARD, STRIKING THE GUARD RAIL A 2ND TIME AND THEN CONTINUED TRAVELING W/B ON 93RD ST. UNIT 1 WAS NOT ON SCENE WHEN DEPUTIES ARRIVED. |   |

0FLOG0ZM17  
2023-00331792

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

KENOSHA COUNTY SHERIFFS DEPART  
1000 55TH STREET  
KENOSHA, WI 53140  
(262) 605-5100

Location

|  |              |               |
|--|--------------|---------------|
| ON 93RD ST<br>97 FT S<br>OF NIPPERSINK RD<br>IN THE TOWN OF RANDALL<br>IN KENOSHA COUNTY | Latitude     | Longitude     |
|  | 42.538319139 | -88.305015577 |
|  | X Coordinate | Y Coordinate  |
|  | 392836.59375 | 4710373       |
| Structure Type   |              |               |
| NO STRUCTURE   |              |               |

Crash Scene

|                                 |                                     |                     |
|---------------------------------|-------------------------------------|---------------------|
| First Harmful Event             | First Harmful Event Location        |                     |
| MOTOR VEH IN TRANSPORT          | ON ROADWAY                          |                     |
| Manner of Collision             | Light Condition                     |                     |
| 04 - REAR TO REAR               | DARK/LIGHTED                        |                     |
| Road Surface Condition(s)       | Roadway Factor(s)                   |                     |
| WET                             | NONE                                |                     |
| Environment Factor(s)           |                                     |                     |
| Weather Conditions              |                                     |                     |
| Weather Condition(s)            |                                     |                     |
| RAIN                            |                                     |                     |
| Animal Type                     | Relation To Trafficway              |                     |
|                                 | TRAFFICWAY - ON ROAD                |                     |
| Crash Classification - Location | Crash Classification - Jurisdiction |                     |
| PUBLIC PROPERTY                 | NO SPECIAL JURISDICTION             |                     |
| Tribal Land                     | Access Control                      | Special Study       |
|                                 | NO CONTROL                          |                     |
| Within Interchange Area         | Junction Location                   | Intersection Type   |
| NO                              | NON-JUNCTION                        | NOT AN INTERSECTION |

Unit Summary

|                       |                                    |                                     |   |                     |                           |
|-----------------------|------------------------------------|-------------------------------------|---|---------------------|---------------------------|
| UNIT<br>01            | Unit Status                        | Vehicle Operating As Classification |   | Unit Type           |                           |
|                       | HIT AND RUN                        | D CLASS                             |   | AUTOMOBILE          |                           |
|                       | Vehicle Type                       |                                     |   |                     | Operating As Endorsements |
|                       | (SPORT) UTILITY VEHICLE            |                                     |   |                     |                           |
|                       | Total Occs                         | Train/Bus # Recorded                | Total # Citations Issued                    | Total Trailers      | Total HazMat Types        |
|                       | 1                                  |                                     | 1   | 0                   | 0                         |
|                       | Insurance?                         | Direction Of Travel                 | <input type="checkbox"/> Pre CrashTire Mark | Speed Limit         | Total Lanes               |
|                       | UNKNOWN                            | UNKNOWN                             |   | 35                  | 2                         |
|                       | Most Harmful Event: Collision With | Special Function                    | Emergency Motor Vehicle Use                 |                     |                           |
|                       | MOTOR VEH IN TRANSPORT             | UNKNOWN                             | UNKNOWN                                     |                     |                           |
| Traffic Way           | Traffic Control                    | Traffic Control Inoperative/Missing |   |                     |                           |
| UNKNOWN               | UNKNOWN                            | UNKNOWN                             |   |                     |                           |
| Surface Type          | Road Curvature                     | Road Grade                          |   |                     |                           |
| UNKNOWN               | UNKNOWN                            | UNKNOWN                             |   |                     |                           |
| Truck Bus or HazMat   |                                    |                                     |   |                     |                           |
| NO                    |                                    |                                     |   |                     |                           |
| VEHICLE<br>01         | Vehicle                            |                                     |   |                     |                           |
|                       | License Plate Number               | Plate Type                          | St  | Country of Issuance |                           |
|                       | APR6542                            | AUT - AUTOMOBILE                    | WI  | UNITED STATES       |                           |
|                       | Vehicle Identification Number      | Make                                | Year  | Model               |                           |
|                       | 1GKEV137X7J107992                  | GM                                  | 2007  | ACADIA              |                           |
|                       | Color                              | Body Style                          | Bus Use                                     |                     |                           |
|                       | WHI - WHITE                        | UT - SPORT UTILITY VEHICLE          |   |                     |                           |
| Initial Contact Point | Vehicle Damage                     |                                     |   |                     |                           |
| 99 - UNKNOWN          |                                    |                                     |   |                     |                           |
| Extent Of Damage      | 16 - VEHICLE NOT AT SCENE          |                                     |   |                     |                           |
| VEHICLE NOT AT SCENE  |                                    |                                     |   |                     |                           |





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2023-00331792

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

KENOSHA COUNTY SHERIFFS DEPART  
1000 55TH STREET  
KENOSHA, WI 53140  
(262) 605-5100

|                      |  |  |   |
|----------------------|--|--|---|
| UNIT<br>VEHICLE      | Towed Due To Damage<br><b>NOT TOWED</b>  | Vehicle Removed By<br><b>OPERATOR</b>                              |   |
|                      | What Driver Was Doing<br><b>NEGOTIATING CURVE</b>  | Vehicle Factors  |   |
|                      | Driver Prior Action Other  | <b>UNKNOWN</b>   |   |
|                      | Driver Actions<br><b>SPEED TOO FAST/COND, UNSAFE BACKING, FAILURE TO CONTROL, RAN OFF ROADWAY, FAILED TO KEEP IN DESIGNATED LANE</b> |  |   |
| 01<br>01             | Owner Name<br><b>LYNETTE S DELPH<br/>(815) 319-9087</b>  | Owner Address<br><b>N6578 FOREST RD<br/>DELAVAN, WI 53115 , US</b> |   |
|                      | <b>Sequence Of Events</b>  |  |   |
| 01                   | Event<br><b>MOTOR VEH IN TRANSPORT</b>   |  |   |
| 02                   | Event<br><b>CROSS CENTERLINE</b>   |  |   |
| 03                   | Event<br><b>GUARDRAIL FACE</b>   |  |   |
| 04                   | Event  |  |   |
| UNIT<br>INDIVIDUAL   | <b>Individual</b>  |  |   |
|                      | Driver   | Citations Issued<br><b>0</b>                                       | Sex   |
|                      |  | Date of Birth  | Race  |
|                      | Address  | Driver License Number  |   |
| 01<br>001            | <b>Safety Equipment</b>  |  |   |
|                      | On Duty Crash  |  | Safety Equipment                            |
|                      | Row<br><b>01 - FRONT ROW</b>   | Seat Position<br><b>07 - LEFT</b>                                  | <b>RESTRAINT USE UNKNOWN</b>                |
|                      | Helmet Use   |  | Helmet Compliance                           |
|                      | Eye Protection   |  | Tint Compliance                             |
|                      | <b>Injury</b>  |  | Airbag                                      |
|                      | Injury Severity<br><b>NO APPARENT INJURY</b>   |  | <b>NOT APPLICABLE</b>                       |
|                      | Ejected<br><b>NOT APPLICABLE</b>   | Ejection Path<br><b>NOT EJECTED/NOT APPLICABLE</b>                 | Trapped/Extricated<br><b>NOT APPLICABLE</b> |
|                      | Medical Transport<br><b>NOT TRANSPORTED</b>  |  | EMS Agency Identifier                       |
|                      | Hospital   |  | EMS Run #                                   |
| <b>Distracted By</b> |  |  |   |
| Distracted By Source |  |  |   |
| Distracted By Action |  |  |   |
| <b>Non Motorist</b>  |  |  |   |
| Striking Unit #      |  | Location   |   |





0FLOG0ZM17  
2023-00331792

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|  |  |  |  |   |   |
|--|--|--|--|---|---|
| UNIT<br>INDIVIDUAL                                 | Prior Action   |  |  |   |   |
|  | Action   |  |  |   |   |
|  | Action Other   |  |  | To/From School                                |   |
|  | Suspected Alcohol Use                                      |  | Suspected Drug Use                             |   |   |
|  | Alcohol Test Given<br>TEST NOT GIVEN                       |  | Alcohol Test Type                              | Alcohol Test Results                          |   |
|  | Drug Test Given<br>TEST NOT GIVEN                          |  | Drug Test Type                                 | Drug Test Results                             |   |
|  | Drug Type  |  |  |   |   |
|  | Individual Condition<br>NOT OBSERVED                       |  |  |   |   |
|  | <b>Violations</b>  |  |  |   |   |
|  | 01   | UTC Number<br>BI4094650                  | Issue To?<br>V01                               | Statute Number<br>346.675(1)                  | Description<br>VEHICLE OWNER'S LIABILITY FOR FSA-UNATTENDED VEHICLE |
| <b>Unit Summary</b>                                |  |  |  |   |   |
| UNIT<br>02   | Unit Status<br>LEGALLY PARKED                              |  | Vehicle Operating As Classification<br>D CLASS |   | Unit Type<br>AUTOMOBILE   |
|  | Vehicle Type<br>(SPORT) UTILITY VEHICLE                    |  | Operating As Endorsements                      |   |   |
|  | Total Occs<br>0  | Train/Bus # Recorded                     | Total # Citations Issued<br>0                  | Total Trailers<br>0                           | Total HazMat Types<br>0   |
|  | Insurance?<br>YES  | Direction Of Travel<br>NOT ON ROADWAY    | <input type="checkbox"/> Pre Crash Tire Mark   | Speed Limit<br>N/A                            | Total Lanes<br>0  |
|  | Most Harmful Event: Collision With<br>PARKED MOTOR VEHICLE |  | Special Function<br>NO SPECIAL FUNCTION        | Emergency Motor Vehicle Use<br>NOT APPLICABLE |   |
|  | Traffic Way<br>PARKING LOT OR PRIVATE PROPERTY             |  | Traffic Control<br>NO CONTROL                  | Traffic Control Inoperative/Missing<br>NO     |   |
|  | Surface Type<br>BLACKTOP (BITUMINOUS)                      |  | Road Curvature<br>CURVE RIGHT                  | Road Grade<br>LEVEL                           |   |
|  | Truck Bus or HazMat<br>NO                                  |  |  |   |   |
|  | <b>Vehicle</b>   |  |  |   |   |
|  | UNIT<br>VEHICLE<br>02                                      | License Plate Number<br>105ZKF           |  | Plate Type<br>AUT - AUTOMOBILE                | St<br>WI  |
| Vehicle Identification Number<br>JTEBU5JR2G5390289 |  | Make<br>TOYOTA                           | Year<br>2016                                   | Model<br>4RUNNER                              |   |
| Color<br>WHI - WHITE                               |  | Body Style<br>UT - SPORT UTILITY VEHICLE |  | Bus Use                                       |   |
| Initial Contact Point<br>05 - RIGHT REAR CORNER    |  | Vehicle Damage                           |  |   |   |
| Extent Of Damage<br>MINOR DAMAGE                   |  | 05 - RIGHT REAR CORNER                   |  |   |   |



0FLOG0ZM17  
2023-00331792

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CRASH REPORT


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(262) 605-5100

|                                 |                                      |                         |                    |                              |
|---------------------------------|--------------------------------------|-------------------------|--------------------|------------------------------|
| UNIT<br>INDIVIDUAL<br>01<br>001 | Prior Action                         |                         |                    |                              |
|                                 | Action                               |                         |                    |                              |
|                                 | Action Other                         |                         |                    | To/From School               |
|                                 | Suspected Alcohol Use                |                         | Suspected Drug Use |                              |
|                                 | Alcohol Test Given<br>TEST NOT GIVEN |                         | Alcohol Test Type  | Alcohol Test Results         |
|                                 | Drug Test Given<br>TEST NOT GIVEN    |                         | Drug Test Type     | Drug Test Results            |
|                                 | Drug Type                            |                         |                    |                              |
|                                 | Individual Condition<br>NOT OBSERVED |                         |                    |                              |
|                                 | <b>Violations</b>                    |                         |                    |                              |
|                                 | 01                                   | UTC Number<br>BI4094650 | Issue To?<br>V01   | Statute Number<br>346.675(1) |

Unit Summary

|            |  |                                       |  |                     |   |  |
|------------|--|---------------------------------------|--|---------------------|---|--|
| UNIT<br>02 | Unit Status<br>LEGALLY PARKED                              |                                       | Vehicle Operating As Classification<br>D CLASS |                     | Unit Type<br>AUTOMOBILE                       |  |
|            | Vehicle Type<br>(SPORT) UTILITY VEHICLE                    |                                       |  |                     | Operating As Endorsements                     |  |
|            | Total Occs<br>0  | Train/Bus # Recorded                  | Total # Citations Issued<br>0                  | Total Trailers<br>0 | Total HazMat Types<br>0                       |  |
|            | Insurance?<br>YES  | Direction Of Travel<br>NOT ON ROADWAY | <input type="checkbox"/> Pre Crash Tire Mark   | Speed Limit<br>N/A  | Total Lanes<br>0                              |  |
|            | Most Harmful Event: Collision With<br>PARKED MOTOR VEHICLE |                                       | Special Function<br>NO SPECIAL FUNCTION        |                     | Emergency Motor Vehicle Use<br>NOT APPLICABLE |  |
|            | Traffic Way<br>PARKING LOT OR PRIVATE PROPERTY             |                                       | Traffic Control<br>NO CONTROL                  |                     | Traffic Control Inoperative/Missing<br>NO     |  |
|            | Surface Type<br>BLACKTOP (BITUMINOUS)                      |                                       | Road Curvature<br>CURVE RIGHT                  |                     | Road Grade<br>LEVEL                           |  |
|            | Truck Bus or HazMat<br>NO                                  |                                       |  |                     |   |  |

Vehicle

|                             |   |  |  |              |                                      |
|-----------------------------|---|--|--|--------------|--------------------------------------|
| UNIT<br>VEHICLE<br>02<br>02 | License Plate Number<br>105ZKF  |  | Plate Type<br>AUT - AUTOMOBILE           | St<br>WI     | Country of Issuance<br>UNITED STATES |
|                             | Vehicle Identification Number<br>JTEBU5JR2G5390289                                    |  | Make<br>TOYOTA                           | Year<br>2016 | Model<br>4RUNNER                     |
|                             | Color<br>WHI - WHITE  |  | Body Style<br>UT - SPORT UTILITY VEHICLE |              | Bus Use                              |
|                             | Initial Contact Point<br>05 - RIGHT REAR CORNER                                       |  | Vehicle Damage                           |              |                                      |
|                             | Extent Of Damage<br>MINOR DAMAGE  |  | 05 - RIGHT REAR CORNER                   |              |                                      |
|                             |  |  |  |              |                                      |



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KENOSHA, WI 53140  
(262) 605-5100

|                 |    |    |   |   |
|-----------------|----|----|---|---|
| UNIT<br>VEHICLE | 02 | 02 | Towed Due To Damage<br><b>NOT TOWED</b>                         | Vehicle Removed By<br><b>OWNER</b>  |
|                 |    |    | What Driver Was Doing<br><b>LEGALLY PARKED</b>                  | Vehicle Factors   |
|                 |    |    | Driver Prior Action Other                                       | <b>NOT APPLICABLE</b>   |
|                 |    |    | Driver Actions<br><b>NO CONTRIBUTING ACTION</b>                 |   |
| UNIT            | 04 | 03 | Owner Name<br><b>ABIGAIL L SEREMEK</b><br><b>(708) 738-9956</b> | Owner Address<br><b>40723 93RD ST</b><br><b>GENOA CITY, WI 53128 , US</b> |
|                 |    |    | <b>Sequence Of Events</b>                                       |   |
|                 |    |    | Event<br><b>MOTOR VEH IN TRANSPORT</b>                          |   |
|                 |    |    | Event   |   |
| UNIT            | 04 | 03 | Event   |   |
|                 |    |    | Event   |   |
|                 |    |    | Event   |   |
|                 |    |    | <b>Policy Holder</b>  |   |
| UNIT            | 04 | 03 | Insurance Company<br><b>GEICO-ADVANTAGE-INSURANCE-CO</b>        | Individual<br><b>ABIGAIL SEREMEK</b>                                      |

## **BOARD OF ADJUSTMENTS SCHEDULE FOR 2022 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 20</u></b>  | Filing Date: December 20<br>Published: Jan. 7 & Jan. 12  | <b><u>JULY 21</u></b>      | Filing Date: June 21<br>Published: July 8 & July 13      |
| <b><u>FEBRUARY 17</u></b> | Filing Date: January 17<br>Published: Feb. 4 & Feb. 9    | <b><u>AUGUST 18</u></b>    | Filing Date: July 18<br>Published: Aug. 5 & Aug. 10      |
| <b><u>MARCH 17</u></b>    | Filing Date: February 17<br>Published: March 4 & March 9 | <b><u>SEPTEMBER 15</u></b> | Filing Date: August 15<br>Published: Sept. 2 & Sept. 7   |
| <b><u>APRIL 21</u></b>    | Filing Date: March 21<br>Published: April 8 & April 13   | <b><u>OCTOBER 20</u></b>   | Filing Date: September 20<br>Published: Oct. 7 & Oct. 12 |
| <b><u>MAY 19</u></b>      | Filing Date: April 19<br>Published: May 6 & May 11       | <b><u>NOVEMBER 17</u></b>  | Filing Date: October 17<br>Published: Nov. 4 & Nov. 9    |
| <b><u>JUNE 16</u></b>     | Filing Date: May 16<br>Published: June 3 & June 8        | <b><u>DECEMBER 15</u></b>  | Filing Date: November 15<br>Published: Dec. 2 & Dec. 7   |

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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**

## **Department of Planning and Development**

### **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.
- 

### **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 -