

PH ITEM # 4

+ ASDA Real Estate LLC  
6320 McHenry St.  
Burlington, WI 53105

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: RNR Properties / Bob Epping  
Address: 30621 52nd St.  
Salem WI 53168  
Phone (Hm) 708 771 9900 (wk) \_\_\_\_\_

Applicant/Agent: ASDA Real Estate / Andrew Naber  
Date petition filed: 8/12/21 Hearing Date: SEP. 7, 2021  
Municipality: Town of Burlington - Racine County  
Zoning district(s): M4, M-3, A-2

TO THE ZONING BOARD OF ADJUSTMENT/APPEALS: Please take notice that the undersigned was denied a permit or seeks an appeal of the Zoning Administrator for: \_\_\_\_\_ to allow possible future extractions within the M-4 quarrying district to be less than two hundred (200) feet from any property line and to allow a shared driveway to traverse the district abutting the highway to service a use/structure in a different zone that is not permitted in the zoning district abutting the highway

at site address at and adjacent to 6320 McHenry St., Section 037, T 7 N, R 19 E  
Lot(s) 178 Blk \_\_\_\_\_ Subd CSM 3140 Parcel Id. # 00201906022020, 00201907001010, 00201907001001  
in Racine County, Wisconsin, for the reason that the application failed to comply with Chapter 20 (Zoning) of the Racine County Code of Ordinances with respect to: the possible future extractions within the M-4 quarrying district will be less than two hundred (200) feet from any property line and the shared driveway will traverse the district abutting the highway to service a use/structure in a different zone that is not permitted in the zoning district abutting the highway

Applicant is subject to: Art VI Div. 24 A-2 General Farming and Residential District II; Art VI Div 29 M-3 Heavy Industrial District; Art VI Div. 30 M-4 Quarrying District; Sec 20-1017 Reduction of Joint Use and Sec. 20-1089 Driveway Access.

\_\_\_\_\_, of the Racine County Zoning Ordinance.

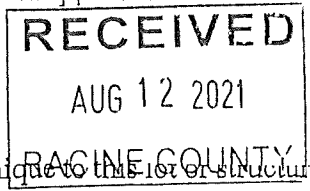
Check applicable below: (Underline or circle the word "all" or "partially" below, as needed)

- N/A Property is all/partially located in the shoreland area of \_\_\_\_\_ N/A
- N/A Project is all/partially located in the shoreland area of \_\_\_\_\_
- N/A Property is all/partially located in the floodplain area of \_\_\_\_\_
- N/A Project is all/partially located in the floodplain area of \_\_\_\_\_
- X Property is all/partially located in a wetland area. N/A Project is all/partially located in a wetland area.

Indicate below or attach separate pages showing how your application meets the legal criteria for a variance.

1) Explain how the Ordinance creates an unnecessary hardship and in the absence of approval no feasible use can be made of the property:

- See attached -



2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure.

- See attached -

3) Describe how the approval would not create substantial detriment to adjacent property or materially impair or be contrary to the purpose and spirit of zoning or the public interest.

- see attached -

4) Explain how the request is not based on economic gain or loss and is not self-imposed.

- See attached -

Owner/Applicant's Signature Andrew Naber Date 8-10-21

Fee paid: \$ 450.00 Check # 10908 (Payable to Racine County Planning) •Please attach required documentation

Date: 8/12/2021

**OWNER:**

RNR PROPERTIES  
BOB EPPING  
30621 52<sup>ND</sup> ST  
SALEM, WI 5316

**APPLICANTS:**

ASDA REAL ESTATE  
ANDREW NABER  
6320 MCHENRY ST  
BURLINGTON, WI 53105

**APPLICANTS:**

RNR PROPERTIES  
BOB EPPING  
30621 52<sup>ND</sup> ST  
SALEM, WI 53168

Re: Request for Variance: Insufficient Future Mining Setback & Traversing zoning districts that do not allow for the same uses

**Purpose / Goal:**

The goal is to eliminate the existing ASDA driveway due to its high risk of danger to those using the driveway and those traveling on HWY P for the following reasons:

- County complaints of gravel washing onto HWY P because of the steep driveway.
- Steep Driveway causes blind spots due to buildings
- Emergency vehicles blow their horns when passing due to the danger
- Semis must back out on HWY P and a loader pulling them up
- Excessive amount (2-3 tons) of salt is needed each winter that washes onto road and beyond



Opportunity to relocate driveway via an easement on adjacent RNR Property. This requires a 0' setback on West and North property line for 3 main reasons. 1) eliminate excessive snow drifts from west field filling between hill and shop 2) allows for next land use on RNR M4 property which is future sand and gravel extraction 3) tie in current grades

**1) Explain how the ordinance creates unnecessary hardship and in the absence of approval no feasible use can be made of the property.**

To eliminate the existing dangerous driveway, ASDA and RNR had to lower the grade (see pictures) to soften the grade to make driveway useable. In future RNR needs to have a 0' setback on West/North property line to create a 3:1 slope in order to tie in grade with lower driveway that went across RNR property to make driveway work. Easement entrance will be utilized by current garbage trucks and future equipment for sand and gravel extraction. Similar types of equipment will be using the easement. The current grades cause unmanageable snow drifts that would shut down the road. Current grades give the land a degraded future use for both neighboring parties.

**2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure**

Topography of the land compromised to create new driveway/easement and prohibits functional use of proposed driveway and future mining. The West/North property line on RNR Properties that runs the length of the Driveway needs to be at 3:1 slope in order to tie in the grades to accommodate driveway. This would eliminate the snow issues and would make it a functional driveway and real estate.

**3) Describe how the approval would not create substantial detriment to adjacent property or materially impair or be contrary to the purpose and spirit of zoning or the public interest:**

Approval eliminates ASDA's dangerous entrance and allows for safer traffic conditions. Approval of zero-foot setback for future mining allows to tie in the current and future grades. Adjacent property owners are proponents of creating a safer driveway alternative and allows for functional future land use between both properties.

**4) explain how the request is not based on economic gain or loss and is not self-imposed:**

Approving the 0' setback on both M4 property lines / 3:1 slope, allows for a successful & safer driveway relocation and future land use with grades that tie into functional driveway and solves the issue of snow drifts which would shut down driveway. The adjacent property owner agrees to a 3:1 slope in lieu of property given up for the easement and would allow to correct the grades that were compromised to cut in driveway.

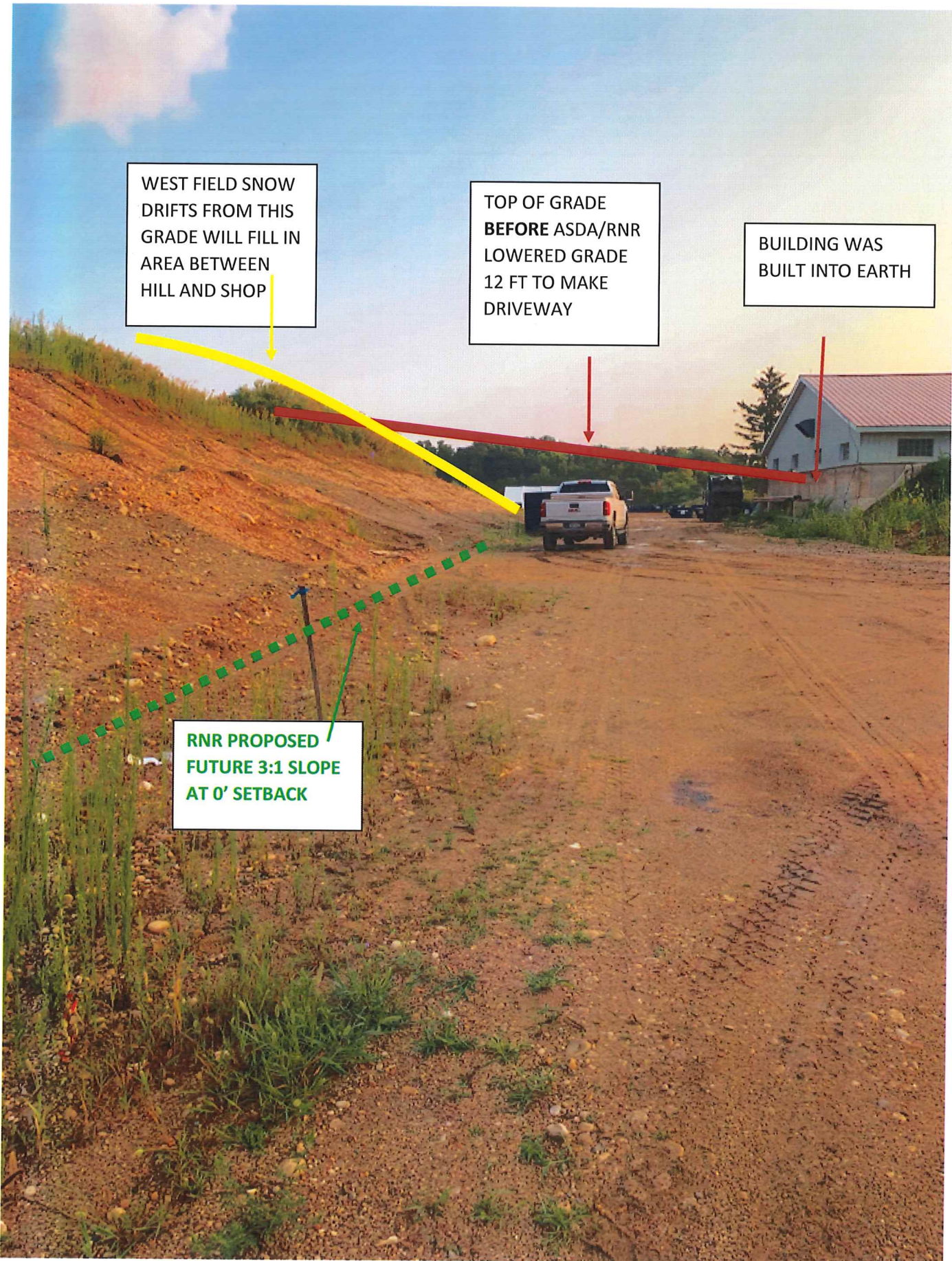


WEST FIELD SNOW  
DRIFTS FROM THIS  
GRADE WILL FILL IN  
AREA BETWEEN  
HILL AND SHOP

TOP OF GRADE  
**BEFORE** ASDA/RNR  
LOWERED GRADE  
12 FT TO MAKE  
DRIVEWAY

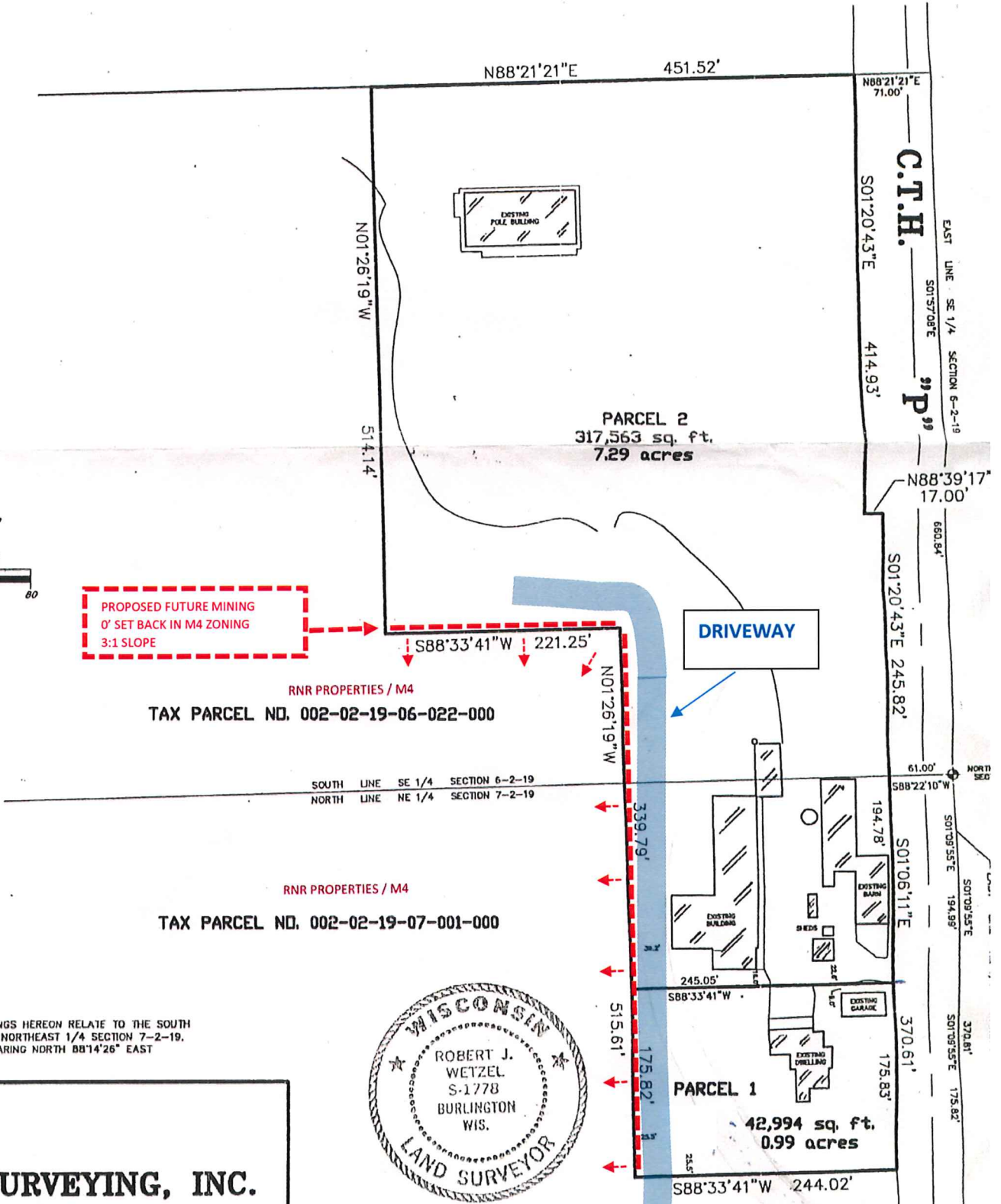
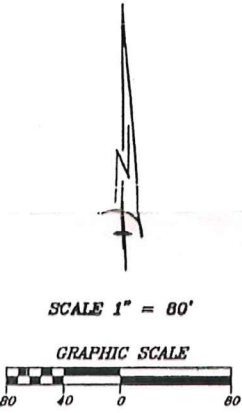
BUILDING WAS  
BUILT INTO EARTH

RNR PROPOSED  
FUTURE 3:1 SLOPE  
AT 0' SETBACK





FOR: BEAR REALTY



NOTE: BEARINGS HEREON RELATE TO THE SOUTH LINE OF THE NORTHEAST 1/4 SECTION 7-2-19. ASSUMED BEARING NORTH 88°14'26" EAST



THIS IS NOT AN ORIGINAL PRINT UNLESS THIS SEAL IS RED.

*Robert J. Wetzel*  
ROBERT J. WETZEL S-1778

**B.W. SURVEYING, INC.**

412 N. PINE STREET  
BURLINGTON, WI 53105  
(262)-767-0225

DRAWN BY:	RNR DRIVEWAY ENTRANCE HWY P	DATE:	DE
CHECKED BY:	RW	DRAWING NO.:	
JOB NO.:	8708	SHEET	1

ILLUSTRATION SHOWS PROGRESSION OF GRADE CHANGES (NOT TO SCALE)

