

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Larry Kempken + Sons Builders, LLC Applicant/Agent: Nicholas Kempken
 Address: 30928 Lawn Drive Date petition filed: 11-11-2021 Hearing Date: 12-7-2021
Waterford, WI 53185 Municipality: Burlington
 Phone (Hm) 262-534-2595 (Wk) 262-492-7600 Zoning district(s): R-7/PUD

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: Construct a two-family residence with two attached garages, full basement, and two attached uncovered decks

7336 +
 at site address 7338 Woodland Court, Section 18, T 02 N, R 19 E
 Lot(s) 9 Blk Subd/CSM Arbor View Communities Parcel Id.# 002021918003090
 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: Proposed two-family residence will have an insufficient street yard setback.

Applicant is subject to: Article VI, Division II R-7, Multifamily Residential District; and Section 20-1017 Reduction or Joint Use Act VI div. 39 PUD Planned Unit Development overlay District

_____, 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
- N/A Property is all/partially located in the floodplain area of N/A
- N/A Project is all/partially located in the floodplain area of N/A
- N/A 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 [Signature] Date 11/11/21

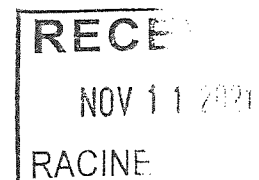
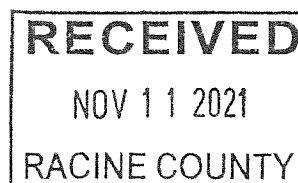
Fee paid: \$ 450.00 Check # 4906 (Payable to Racine County Planning) •Please attach required documentation

1. This will make the corner of the garage of the southern unit be clipped at a forty-five degree angle and not allow for a sixteen foot wide overhead garage door. Due to wind bracing requirements, we will not have the required length for the microlam header to allow for a sixteen foot wide garage door. Therefore, this will make it impossible to park two vehicles in the garage. The setback requirements will require this building to be located eight feet further back from Woodland Ct. This will change the look and appearance of the subdivision as this building will not be in line with the previous two existing buildings. Also, there is a drainage ditch (which carries run-off from across Arbor Lane) located so close to the back of the building and attached deck so there will be no feasible way to have any back yard. We cannot fill in drainage ditch and block flow of run-off to the retention pond located at the Northern end of Woodland Ct.

2. The two parcels that we developed previously were located twenty-five feet off of Woodland Ct. Due to the utility easement on this parcel, we would have to move the building eight feet further back and clip the corner of the southern unit's garage, which will not allow for a two car garage, as well as not keep the buildings in line for aesthetics. There is a drainage ditch which allows for run-off from across Arbor Lane to flow to a retention pond located at the Northern cul-de-sac of Woodland Ct. This cannot be filled in as to not block the water flow for proper drainage. Due to the location of the ditch, there is no functional area for a back yard or even an easy way to mow and maintain a grassy area.

3. Woodland Ct. is a private road that is not maintained by the Town of Burlington. The residents of Woodland Ct (Woodland Ct. Property Owner's Association) pay for maintenance of this road as well as snow removal of this road. Also, approval of this variance would keep the aesthetics of the neighborhood intact, as well as allow for the back yard of this building to be functional.

4. We had purchased four parcels in this development four years ago. We were given two sets of blue prints with building specifications (one is eighty feet wide and another is smaller at seventy-six feet wide) All of the previous buildings in the development are eighty feet wide so we built the first three buildings as such. To properly allow for this building, we are proceeding with the seventy-six foot wide plan. Without completely changing the footprint of the building, we cannot make this building fit on this parcel. We would like to stick to the uniformity of the previous buildings to keep the aesthetics intact while also giving prospective buyers a functional unit with a two car garage and reasonable back yard to enjoy.



APPLICATION FOR ZONING PERMIT

RACINE COUNTY, WISCONSIN (Rev. 11/20)

PERMIT NO. _____

DATE PERMIT ISSUED _____

OWNER Larry Kempken & Sons Builders LLC

APPLICANT Nicholas Kempken

Mailing Address 32705 Seidel Dr.

Mailing Address 30421 Barnes Ln.

Burlington WI 53105

Waukegan WI 53185

Phone (H) 262-534-2595 (W) 262-492-7600

Phone (H) 262-492-7600 (W) 262-492-7600

Parcel Id. # 002-02-19-18-003-090

Site Address 7336 Woodland Ct.

Municipality Burlington Section(s) 18 Town 02 North, Range 19 East

Lot 9 Block - Subdivision Name Arbor View Communities CSM # -

Proposed Construction/Use Two-family residence with two attached garages, full basement, and two attached uncovered decks

New	<input checked="" type="checkbox"/>	Principal Bldg.	<input checked="" type="checkbox"/>	Size (54.33' x 76') (10' x 16') (- x -)
Addition	<input type="checkbox"/>	Accessory	<input type="checkbox"/>	Area (sq ft) (2102 per unit) (-)
Alteration	<input type="checkbox"/>	Deck	<input type="checkbox"/>	# of Units/Stories <u>1 / 1</u> Building Ht.-Avg. (ft.) <u>15'</u>
Conversion	<input type="checkbox"/>	Sign	<input type="checkbox"/>	Peak Ht. (ft.) <u>21'</u> 100-Yr. Floodplain Elev. <u>-</u>
Temporary	<input type="checkbox"/>	Other	<input type="checkbox"/>	Eave Ht. (ft.) <u>9'</u> Flood Protection Elev. <u>-</u>

Contractor Larry Kempken & Sons Builders LLC Est. Value w/Labor \$ 350,000 ZONING DISTRICT R-7/PUD

Existing Nonconforming?	<u>N/A</u>	<input checked="" type="checkbox"/> * Yes	<input type="checkbox"/> No	Yard Setbacks	Proposed	OK?
*Structure's Fair Mkt Value \$	<u>N/A</u>	Cumulative %		Street-1 st	<u>16.5'</u>	
*>50% of Fair Market Value?	<u>N/A</u>	Yes	<input type="checkbox"/> No	Street-2 nd	<u>14'</u>	<u>Yes</u>
Structure in Shoreland? (per map)		Yes	<input checked="" type="checkbox"/> No	Side-1 st	<u>10'</u>	<u>Yes</u>
Structure in Floodplain? (per map)		Yes	<input checked="" type="checkbox"/> No	Side-2 nd	<u>-</u>	<u>-</u>
Structure in Wetland? (per map)		Yes	<input checked="" type="checkbox"/> No	Rear	<u>29'</u>	<u>Yes</u>
Substandard Lot?		Yes	<input checked="" type="checkbox"/> No	Shore	<u>-</u>	<u>-</u>
Abutting Lot-Same Owner/Closely Related?		Yes	<input checked="" type="checkbox"/> No	Total Acc. Structures	<u>-</u>	<u>-</u>
BOA Variance Needed?		Yes	<input checked="" type="checkbox"/> No	Date of Approval	<u>-</u>	
Conditional Use/Site Plan Needed?		Yes	<input checked="" type="checkbox"/> No	Date of Approval	<u>-</u>	
Shoreland Contract Needed?		Yes	<input checked="" type="checkbox"/> No	Date of Approval	<u>-</u>	

Additional Zoning Permit Stipulations Listed on Back of this Form? Yes No (If "Yes," see back)

The applicant hereby acknowledges receipt of notice contained herein and certifies that submitted information/ attachments are true and correct to the best of the knowledge and belief of the signer, and that all construction/ use will be done in accordance with the Zoning Ordinance, applicable stipulations, and Wisconsin laws.

BOA/Conditional Use/Site Plan Pd: \$ 450.00

Nich Kempken 11/11/21
Signature of Owner /Applicant Date

CC Date/Check/Cash # 4906

NICHOLAS KEMPKEN
Print Name(s)

Shoreland Contract Fee Pd: \$ _____

Zoning Permit Fee Pd: \$ 600.00

Notes (revisions, extensions, etc.)

Other: Pd: \$ _____

STM
(Staff Initials)

if shoreland erosion review fee is included above Zoning Administrator

Make checks payable to "Racine County Development Services" - Note: ALL FEES ARE NONREFUNDABLE (OVER)

PIN 0020219-18-003090

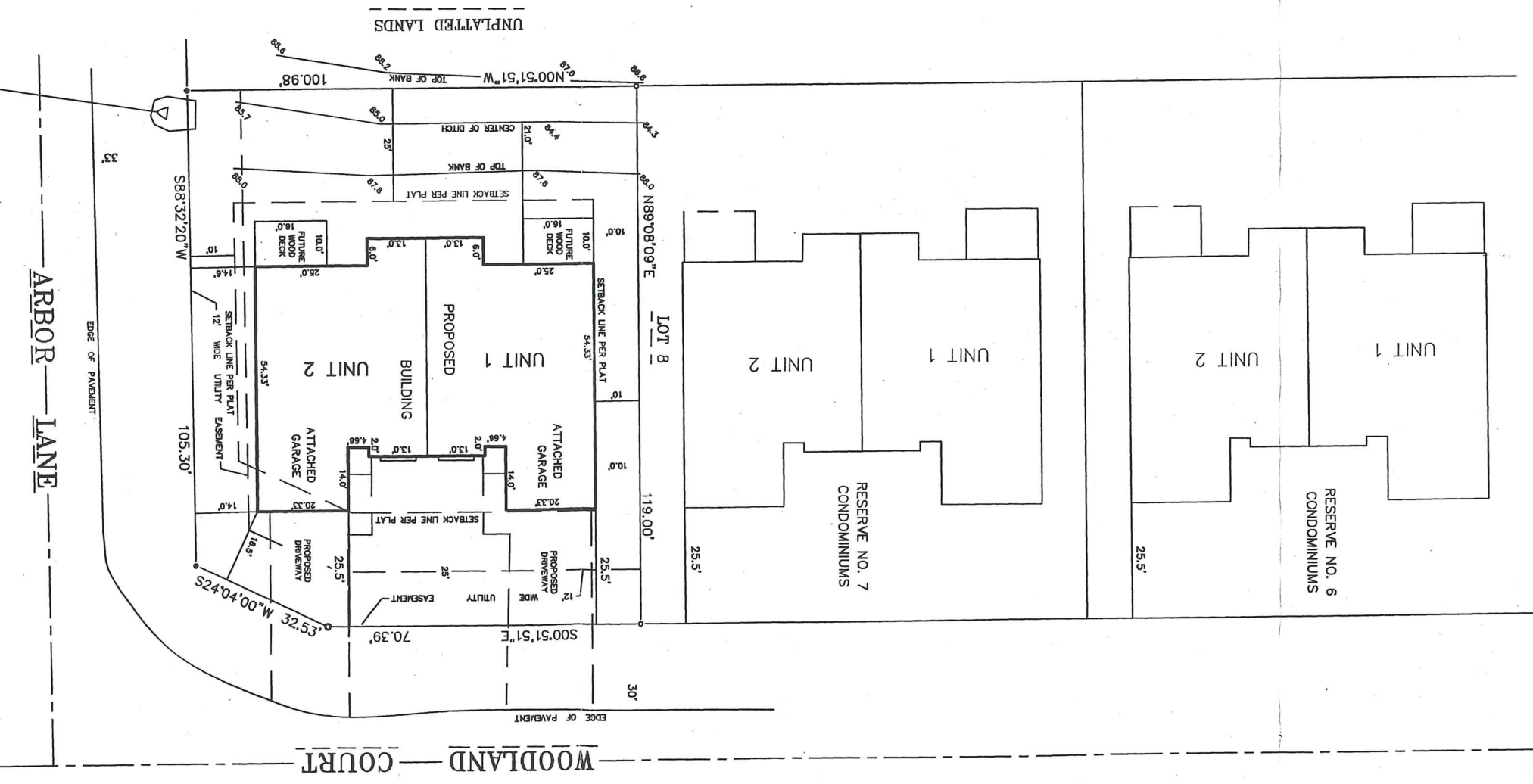
**PLAT OF SURVEY
FOR
PROPOSED VARIANCE**

PROPERTY DESCRIPTION:

LOT 9, ARBOR VIEW COMMUNITIES, AS RECORDED IN VOLUME 34 OF PLATS, PAGE 642 AS DOCUMENT NO. 2135267 ON JUNE 7, 2007 IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN AND BEING A SUBDIVISION OF PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2053, RECORDED IN VOLUME 6 OF CERTIFIED SURVEY MAPS ON PAGE 281 IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

TAX KEY NO. 002-02-19-18-003-090

SURVEY FOR: LARRY KEMPKEN AND SONS BUILDERS, LLC
30928 LAWN DRIVE
WATERFORD, WI 53185



- LEGEND**
- FOUND 2" IRON PIPE
 - FOUND 1" IRON PIPE
 - SET IRON PIPE



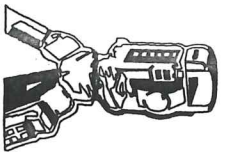
BEARINGS HEREON RELATE TO THE NORTH LINE OF LOT 9 OF ARBOR VIEW COMMUNITIES, ASSUMED BEARING NORTH 89°08'09" EAST.

I, hereby certify, that I have surveyed the above described property, and thereon shown the correct representation thereof and shown the size and location of the several lots and boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any.

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

B.W. SURVEYING, INC.

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



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

Robert J. Wetzel
ROBERT J. WETZEL
S-1778

DRAWN BY:	bw	DATE:	NOVEMBER 10, 2021
CHECKED BY:	bw/dw	DRAWING NO.:	10492-VARIANCE
JOB NO.:	10492	SHEET	1 OF 1

RECEIVED
NOV 11 2021
RACINE COUNTY