

APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Tobias + Loric Hall Applicant/Agent: Tobias + Loric Hall
Address: 7054 S. English Settlement Ave Date petition filed: 12/7/23 Hearing Date: 1/3/2024
Burlington, WI 53105 Municipality: Burlington
Phone (Hm) 414-581-4712 (wk) 414-581-4712 Zoning district(s): 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 construct a Single-family residence with attached garage and full basement

at site address 7036 S. English Settlement Ave, Section 12, T 2 N, R 19 E
Lot(s) 1 Blk - Subd/CSM 3124 Parcel Id.# 002021912011001
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 proposed single-family residence with attached garage will have an insufficient street yard setback and full basement

Applicant is subject to: Article VI, Division 24, A-2 General Farming and Residential District II, and Sec. 20-1017 Reduction or joint use

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
Project is all/partially located in the shoreland area of /
Property is all/partially located in the floodplain area of /
Project is all/partially located in the floodplain area of /
Property is all/partially located in a wetland area. 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 Date

Fee paid: \$ 450.00 Check # 1597 (Payable to Racine County Planning) •Please attach required documentation

APPLICATION FOR ZONING PERMIT
 RACINE COUNTY, WISCONSIN (Rev. 02/22)

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER Tobias + Lorie Hall
 Mailing Address 7054 S Eng Settlement
Burlington WI 53105
 City State Zip
 Phone (414) 581-4712
 Email lorie.hall@wi.rr.com

APPLICANT Same
 Mailing Address _____
 City State Zip _____
 Phone _____
 Email _____

Parcel Id. # 002021912011001 Site Address 7036 S English Settlement Ave
 Municipality Burlington Section(s) 12 Town 2 North, Range 19 East
 Lot 1 Block - Subdivision Name _____ CSM # 3124
 Proposed Construction/Use _____

New Principal Bldg. Size (____ x ____) (____ x ____) (____ x ____)
 Addition _____ Accessory _____ Area (sq ft) (____) (____) (____)
 Alteration _____ Deck _____ Peak Ht. (ft.) _____ 100-Yr. Floodplain Elev. _____
 Conversion _____ Sign _____ Eave Ht. (ft.) _____ Flood Protection Elev. _____
 Temporary _____ Other _____ Building Ht.-Avg. (ft.) _____

Contractor _____ Est. Value w/Labor \$ _____ ZONING DISTRICT A-2
 Existing Nonconforming? N/A _____ Yes _____ No _____ Yard Setbacks Proposed OK?
 Structure in Shoreland? (per map) Yes _____ No _____ Street-1st _____
 Mitigation or Buffer Needed? Yes _____ No Street-2nd _____
 Structure in Floodplain? (per map) *Yes _____ No Side-1st _____
 *Structure's Fair Market Value \$ _____ Cumulative % _____ Side-2nd _____
 *>50% of Fair Market Value? N/A _____ Yes _____ No _____ Shore _____
 Structure in Wetland? (per map) Yes _____ No Rear _____
 Substandard Lot? Yes _____ No _____ Total Acc. Structures _____
 BOA Variance Needed? Yes No _____ Date of Approval _____
 Conditional Use/Site Plan Needed? Yes _____ No _____ Date of Approval _____
 Shoreland Contract Needed? Yes _____ No Date of Approval _____
 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 Lorie Hall 12/7/2023
 CC Date/Check#/Cash #1597 Signature of Owner /Applicant/Agent Date
 Shoreland Contract Fee Pd: \$ _____ Lorie Hall
 CC Date/Check#/Cash _____ Print Name(s)
 Zoning Permit Fee Pd: \$ _____
 CC Date/Check#/Cash _____ Notes (revisions, extensions, etc.)
 Other: _____ Pd: \$ _____ JPL

if shoreland erosion review fee is included above Zoning Administrator (Staff Initials)

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

PIN 0020219 - 12 - 011001

ZONING BOARD OF ADJUSTMENT/APEALS
VARIANCE/APEAL APPLICATION REQUIREMENTS

Submit the following to the Racine County Development Services office, 14200 Washington Ave., **by the filing date:**

1. Completed **Zoning Permit & Variance/Appeal Applications**. Note that Development Services has blank forms.
2. A **letter** signed by the owner granting permission for an agent to apply or act on the owners behalf, if applicable.
3. **Names & complete mailing addresses of all property owners** within 100' of property & across the street.
There are 2 - see attached
4. **Twelve copies of a plat of survey or scaled plan** that identifies all property lot lines with dimensions.
 - a. **Show dimensions and location** of all existing and proposed structures on the lot (include overhangs, decks, stoops, stairs, retaining walls, etc.) and their closest distance from the property lines, road right-of-way and ordinary high water mark of any abutting navigable body of water. Closest shore and street yard setback distances should also be shown for structures on abutting lots when needed for averaging these setbacks.
See Exhibit 4 - only request is the front line setback of 60' - won't invest in architect or another survey until approved
 - b. **Lots located in a shoreland or floodplain area** require the 1st floor and slab elevations of structures. Also show existing and proposed yard grades at the corners of the proposed structure, at the limits of any proposed backfill and at the lot corners. Delineate the location and label the elevation of nearby 100-year floodplain and show the extent of any wetlands. Elevations are to be tied into mean sea level datum. Also, see "c" below.
 - c. Attach a **Conditional Use** form along with required plans for parking, lighting, landscaping, private sewage system, etc. for any conditional use. See the Conditional Use Application Requirements form for details.
 - d. **Plans must be specific!** Conditions of approval will not allow for additions, deletions or changes.
Variance request for front lot line setback of 60' only - all other setbacks will be met
5. **Hearing & publication fees** are due at the time of filing, are nonrefundable and do not guarantee approval of the variance/appeal request. Fees are as follows: **Variance/Appeal - \$450; Variance w/shoreland conditional use - \$600; Variance w/conditional use - \$600.** Checks should be made payable to **Racine County**.

To avoid invalidating your hearing, **refrain from contacting or directing correspondence to Board members** prior to the public hearing, including at any on-site visits. Any questions/correspondence can be directed to Development Services (886-8440). Additional data may be requested of you and **the following also applies** to this variance/appeal request:

Note: request is for 60' front setback - won't invest in architect/survey until variance approved

- **Stake or flag any proposed construction** at the site and clearly post the address on the lot.
- **Contact the municipal Clerk** to see if you need to attend a local meeting for their review and recommendations.
(NOTE: Approval/Denial authority by County Board of Adjustment ONLY).
- **The owner, agent, or attorney must be present** at the public hearing to provide testimony and show that the provisions of the Zoning Ordinance will be met including that the project is not contrary to the public interest, there is a unique property limitation, and an unnecessary hardship will exist without approval.
- Approval may require **obtaining a zoning permit** and doing **substantial work within 9 months**. No permit can be secured until the approval letter is generated, which can take up to **10 working days**. The applicant may be at risk if construction begins **within 30 days** of filing of the decision as an aggrieved party has appeal rights.
- **By signing below** the applicant acknowledges that the above information has been read and is understood, and that the owner has given permission to Racine County staff, Municipal staff, and the Board of Adjustment/Appeal members to enter onto the **subject property in regards to investigating this variance/appeal petition.**

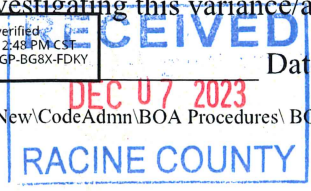
Owner/Applicant Signature: Lorie Hall

dotloop verified
11/24/23 2:43 PM CST
RWHL-QIGP-BG8X-FDKY

Date: 11/24/2023

Tobias Hall
dotloop verified
11/24/23 5:16 PM CST
ATOM-GKHX-BRU1-KZ7U

L:PWDS New\CodeAdmn\BOA Procedures\ BOA Variance App Requirements rev. 12/2019



Application for a Variance/Appeal – Additional Requirements for Application

Applicants: Tobias and Lorie Hall

Property Address: 7036 S English Settlement Ave Burlington

Names & complete mailing addresses of all property owners within 100’ of property & across the street.

Per Exhibit 1, the property owners referenced are:

To the North – Audrey and Peter Janssen (who were prior owners of the property in question)

| Return to search results | | Property Summary |
|--|---|---|
| Owner (s): JANSSEN, AUDREY P JANSSEN, PETER G | | Location: Sect. 12, T2N,R19E |
| Mailing Address: AUDREY P JANSSEN PETER G JANSSEN 1820 SPRING ROSE RD VERONA, WI 53593 Request Mailing Address Change | | School District: 0777 - BURLINGTON SCHOOL DIST |
| Tax Parcel ID Number: 002-02-19-12-011-002 | Tax District: 002-TOWN OF BURLINGTON | Status: Active |
| Alternate Tax Parcel Number: | Government Owned: | Acres: 18.2200 |
| Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): LOT 2, CSM 3124 VOL10 PG198 FROM 002021912011000 IN 2014 FOR 2015 ROLL **TOTAL ACRES** 18.22 | | |
| Site Address (es): <i>(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)</i> ENG SETTLEMENT AVE S BURLINGTON, WI 53105 | | |
| Printer Friendly Page View Property Info Sheet View Interactive Map | | |

To the South – Note – we own the duplex. While the Town of Burlington was supposed to correct this record, I see it still has the wrong addresses as 7050 is on the parcel with 7036.

| Return to search results | | Property Summary |
|---|---|---|
| Owner (s): HALL, TOBIAS J HALL, LORIE L | | Location: Sect. 12, T2N,R19E |
| Mailing Address: TOBIAS J HALL LORIE L HALL 7054 S ENGLISH SETTLEMENT AVE BURLINGTON, WI 53105 Request Mailing Address Change | | School District: 0777 - BURLINGTON SCHOOL DIST |
| Tax Parcel ID Number: 002-02-19-12-011-003 | Tax District: 002-TOWN OF BURLINGTON | Status: Active |
| Alternate Tax Parcel Number: | Government Owned: | Acres: 1.8400 |
| Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): Lot 3, CSM 3124 VOL10 PG198 #2381930 FROM 002021912011000 IN 2014 FOR 2015 ROLL **TOTAL ACRES** 1.84 **DEED IN ERROR** | | |
| Site Address (es): <i>(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)</i> 7050 ENG SETTLEMENT AVE S BURLINGTON, WI 53105 7052 ENG SETTLEMENT AVE BURLINGTON, WI 53105 | | |
| Printer Friendly Page View Property Info Sheet View Interactive Map | | |

Across the Street – which is actually Kenosha County

| Tax Year | Prop Type | Parcel Number | Municipality | Property Address | Billing Address |
|--|----------------------------|-------------------|-------------------------------------|---------------------------------|---|
| 2023 | Real Estate | 30-4-220-073-0500 | 002 - TOWN OF BRIGHTON | BURLINGTON RD | ANN M GROSSMAN MICHAEL J GROSSMAN 25537 52ND ST SALEM WI 53168 |
| Tax Year Legend: \$ = owes prior year taxes X = not assessed \$ = not taxed Delinquent Current | | | | | |
| Property Summary | | | Property Addresses | | |
| Parcel #: | 30-4-220-073-0500 | | Primary ▲ | Address | |
| Alt. Parcel #: | 3042200730500 | | <input checked="" type="checkbox"/> | BURLINGTON RD KANSASVILLE 53139 | |
| Parcel Status: | Current Description | | Owners | | |
| Creation Date: | 1/1/1994 | | Name | Status | Ownership Type |
| Historical Date: | | | | | Interest |
| Acres: | 24.070 | | GROSSMAN, ANN M | CURRENT OWNER | |
| Zoning: | A-2 (26.25 acres, 100.00%) | | GROSSMAN, MICHAEL J | CURRENT CO-OWNER | |

ArcGIS WebMap



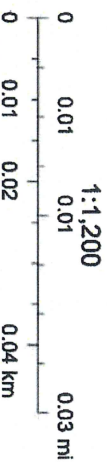
December 14, 2022

- Quarter Quarter Section
- Quarter Section
- Sections

- Tax Parcels
- Municipal Boundaries
- Water lines

- Waterbody
- 2020 Spring Aerial
- Red: Band_1

- Green: Band_2
- Blue: Band_3



Racine County, SEWRPC, Esri, Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

CERTIFIED SURVEY MAP NO. _____
 BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, RACINE COUNTY, WISCONSIN.

EAST 1/4 CORNER
 SECTION 12-2-19
 N. 241,346.63'
 E. 2,487,435.37'

SURVEY FOR: PETER G. AND AUDREY P. JANSSEN
 1820 SPRING ROSE ROAD
 VERONA, WI 53593

ZONED: A-2

SETBACKS:

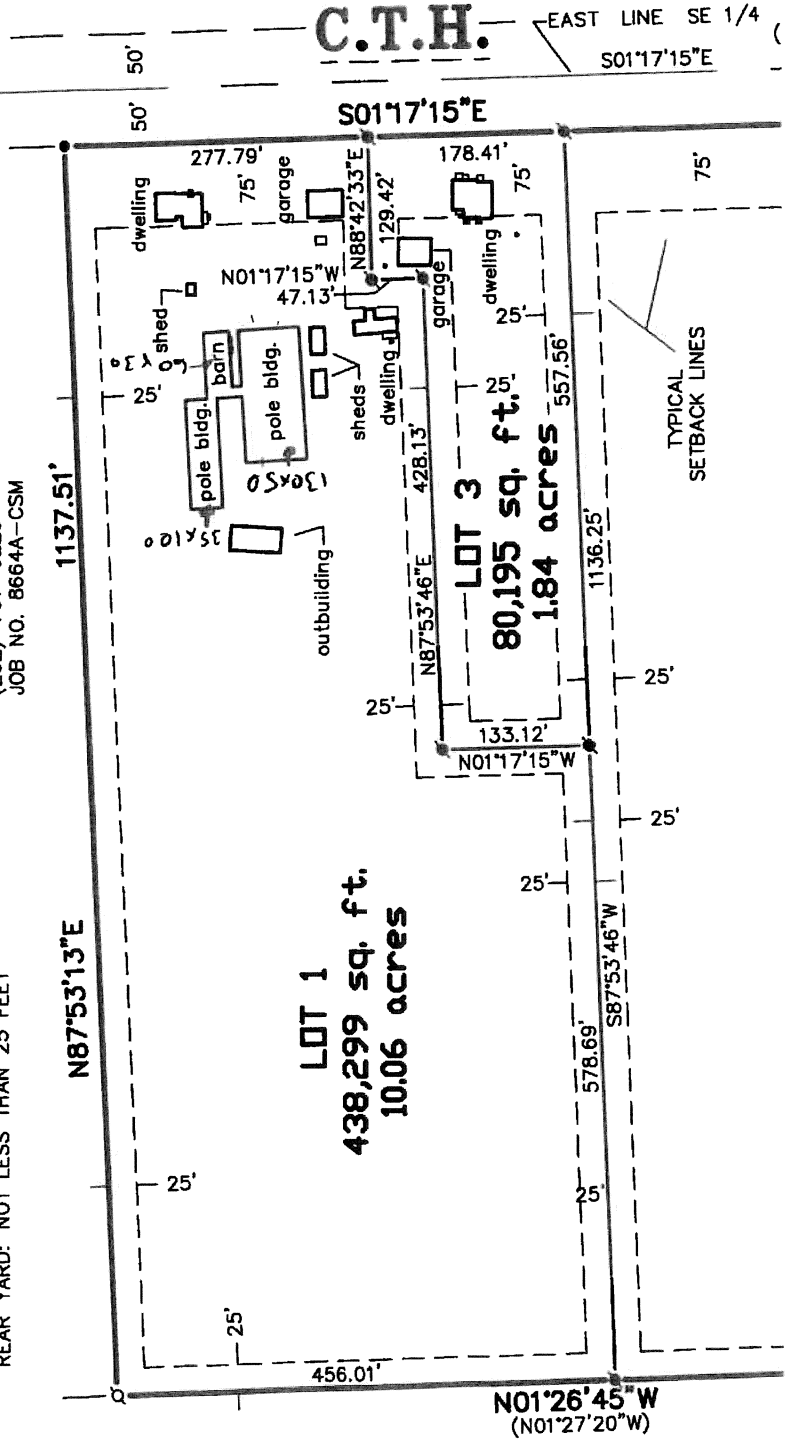
STREET YARD: NOT LESS THAN 75 FEET

SIDE YARD: NOT LESS THAN 25 FEET

REAR YARD: NOT LESS THAN 25 FEET

PREPARED BY: B.W. SURVEYING, INC.

412 N. PINE STREET
 BURLINGTON, WI 53105
 (262)-767-0225
 JOB NO. 8664A-CSM



APPLICATION FOR A VARIANCE/APPEAL

Racine County, Wisconsin

Owner: Tobias and Lorie Hall

Applicant/Agent: Tobias and Lorie Hall

Address: 7054 S English Settlement Ave

Date petition filed: 11/24/2023 Hearing Date: 12/07/2023

Burlington, WI 53105

Municipality: Town Of Burlington

Phone (Hm) 414-581-4712 (Wk) 414-581-4712

Zoning district(s): A2

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:

Note: We are making this request in advance of finalizing our plans for 7036 S English Settlement Ave, based on fact-finding completed with Racine County Zoning.

at site address 7036 S English Settlement Ave, Section 12, 2N, N, R 19

Lot(s) Blk Subd/CSM Parcel Id.# 002-02-19-12-011-001

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:

This is a non conforming property in two respects: 1. It currently has two houses (7036 and 7050) and 2. The setback for 7036 doesn't meet the front setback of 75' required in 2023.

Applicant is subject to: As a non-conforming property, we are limited to investing 1/2 the value of 7036 that was established in 1971 if we keep 7050 as a residence. To build a new house, the requirement is to have 75 foot front set back and 25 foot side setback.

, of the Racine County Zoning Ordinance.

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

NA Property is all/partially located in the shoreland area of

NA Project is all/partially located in the shoreland area of

NA Property is all/partially located in the floodplain area of

NA Project is all/partially located in the floodplain area of

NA Property is all/partially located in a wetland area. 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 Lorie Hall Tobias Hall

dotloop verified 11/24/23 2:36 PM CST NF50-66XR-DIEX-ZW3Q

dotloop verified 11/24/23 5:16 PM CST AUFA-TC03-GYTU-AUPJ

Fee pd: \$ Ck # (Payable to Racine County Development Services) Attach required documentation

Application for a Variance/Appeal - Attachment

Applicants: Tobias and Lorie Hall

Subject Property Address: 7036 S English Settlement Ave Burlington

History of this property: Background

In 2014, the prior owner worked with Racine County Zoning to divide all the land and houses she owned on the corner of Hwy 142 and Hwy J into smaller parcels. As you can see on the GIS (Exhibit 1), three lots were created with Bushnell Rd frontage. And there were 3 additional parcels created with frontage on S English Settlement Ave. You can see the corner lot has frontage on both Hwy 142 and Hwy J. (See Exhibit 1 for an overhead view of the result of the land division that was completed.)

The property associated with this variance request is identified as:

| | | | |
|--|---|---|--|
| Owner (s): HALL, TOBIAS HALL, LORIE L | | Location: Sect. 12, T2N,R19E | |
| Mailing Address: TOBIAS HALL LORIE L HALL 7054 S ENGLISH SETTLEMENT AVE BURLINGTON, WI 53105 Request Mailing Address Change | | School District: 0777 - BURLINGTON SCHOOL DIST | |
| Tax Parcel ID Number: 002-02-19-12-011-001 | Tax District: 002-TOWN OF BURLINGTON | Status: Active | |
| Alternate Tax Parcel Number: | Government Owned: | Acres: 10.0600 | |
| Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.): Lot 1, CSM 3124 VOL10 PG198 FROM 002021912011000 IN 2014 FOR 2015 ROLL **TOTAL ACRES** 10.06 | | | |
| Site Address (es): (Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.) 7036 ENG SETTLEMENT AVE S BURLINGTON, WI 53105 | | | |

Racine County approved creating this parcel as non-conforming when the owner was allowed to keep two houses (7036 and 7050) on the property along with all the accessory buildings.

Our understanding from the prior owner is:

The house at 7036 was moved from Bong at the same time the duplex at 7052/7054 was moved. Our understanding is they dug new foundations prior to the move. Our experience in working with both homes is the foundations don't meet today's standards in terms of structure and/or functionality. While we have invested money to add internal drain tile and a sump pump for the duplex, we haven't done so at 7036 as there has been movement on the West wall and we have had a tenant in the house since we purchased it.

The other reality of the houses is they aren't constructed well. This was confirmed when we installed new windows and siding at 7052/7054. While we expected poor insulation, we didn't expect to uncover framing with pieces of scrap lumber and windows that weren't flashed.

While our preference is to keep 7050 as a rental, knowing we are providing shelter for our tenant at a below market rate, we have been told that to do that we would need to limit the investment in 7036 to 50% of the value that would have been established in 1971. Clearly, that guideline makes any remodel/addition financially impossible with 2023 constructions costs. In fact, we wouldn't even be able to add a garage with those limits.

Why this request?

Our objective is to have an ADA accessible 3-bedroom 2.5 bathroom with an attached garage and full basement at 7036; which is the backdrop for the answers to the required questions.

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

We understand the following:

- A. *The current rules regarding making improvements to 7036 are only an option if we agree that 7050 will no longer be a home and instead an accessory building. While we are disappointed to not provide this housing for our tenant, we are in agreement that she will vacate within 30 days of occupancy of the new/improved home at 7036.*
- B. *Under the current rules, we are allowed to repair/replace and create additions to the house at 7036 as long as we don't extend the footprint to make it closer to the road and keep the house within 25 feet of the side lot line. (We have the specifics of this in writing from Racine Zoning.) So, with this option, the house at 7036 will remain about 50 feet from the front lot line. (See Exhibit 2 for what that placement would look like.)*



While Exhibit 3 shows the overhead view of the buildings, this picture is from the South corner of 7052/7054.

The facts of the property are:

- *The barn that is closest to the road will remain at the current set back (Building A in Exhibit 3); that setback is about 50 feet which is less than 75 feet.*
- *The duplex at 7052/7054 will remain at the current setback (Building B in Exhibit 3); that setback is about 50 feet which is less than 75 feet.*

- *The three existing barns behind the farmhouse will remain where they are. (Buildings C, D and E in Exhibit 3).*
- *The driveways that connect the homes and the buildings will remain where they are.*
- *A new septic for 7036 and 7050 was installed in 2014 and the tanks are between the house and the barns. The septic will remain where it is, with the tanks located between the pole barns and existing house.*
- *The updated electrical service is located just South of the house at 7036 and the goal is to work around its placement as that service was updated a few years ago and it connects to the outbuildings.*
- *We will remove the shed that is located between the current house and outbuildings.*

Our unique situation:

- *When we purchased this property in 2014, our intent was to continue to make improvements to the houses and buildings while keeping the homes as rentals and the outbuildings for personal use.*
- *We were interested in purchasing the property at 7052/7054 because it was quite run down and we didn't want it to deter from the investments we were making. We did have a chance to purchase it as a private sale in 2019. The improvements we have made to the property have been substantial.*



Front of duplex when we purchased it in 2019.



Front view of duplex today.

- *We bought a lot in Coyote Ridge in 2015 and our plan was to build our 'final home' on that lot when we sold our property on Bonn's Trl. The beauty of the parcel was the close proximity to the hobby farm, which would be great upon retirement as the property is for hobbies.*
- *We did sell our primary residence on Bonns Trl in October 2022.*
- *Our plans for our retirement phase changed when our adult daughter became disabled. With that change, we are currently living in one side of the duplex (7054) while she is living on the other side (7052).*
- *While the lot in Coyote Ridge is close, the reality is we need to be within walking distance of her in order to provide her with the best living situation possible for now and into the future.*
- *With that information as a backdrop, the hobby farm is where we need to be as we look ahead to move into our 'last home'.*

While our absolute preference would be to keep the house at the current setback, so we can create a nice size private backyard, we have played around with different setbacks and floor plans and have come up with what we feel is a very reasonable request.



7036 English Settlement Ave – As it sits on the lot today

Our request is to build a new home with a front setback of 60'. In doing so, we are:

- *Giving up the ongoing monthly income from the 1-bedroom home at 7050.*
- *Positioning the house (7036) so it is more closely aligned with the existing barn between this parcel and the house to the South. You can see the barn needs repairs, but our intent is to make them and save it.*



Current setback for front barn, which is at about the same front setback as both the farmhouse and the duplex.