

APPLICATION FOR A VARIANCE/APPEAL

Village of Rochester, Wisconsin

Owner: Robert Langley

Applicant/Agent: Scott Bretsch

Address: 35519 Academy Rd.

Date petition filed: 4/4/22 Hearing Date: 4/28/22

Burlington WI. 53105

Municipality: Rochester

Phone (Hm) (wk) 262-909-4607

Zoning district(s): R-8 Suburban Residential Dist. (unanswered)

TO THE ZONING BOARD OF APPEALS: Please take notice that the undersigned was denied a permit or seeks an appeal of the Zoning Administrator for: To construct a 24' x 42' detached garage

at site address 35519 Academy Rd, Section 18, T 3, N, R 19 E Lot(s) - Blk - Subd/CSM - Parcel Id.# 174031918020000 in the

Village of Rochester, Wisconsin, for the reason that the application failed to comply with Chapter 35 (Planning and Zoning) of the Village of Rochester Municipal Code with respect to: The proposed detached garage will be constructed in the street yard of the above referenced property.

Applicant is subject to: 35-78 R-8 Suburban Residential District (Unanswered); Sec. 35-23 Reduction or Joint Use of Lots; Sec. 35-21 B. 3. C. Use Restrictions

of the Village of Rochester Municipal Code.

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

- Property is all/partially located in the shoreland area of Honey Lake
Project is all/partially located in the shoreland area of Honey Lake
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. To build the garage within typical zoning restrictions, would place it in the fenced area, that contains ashes and memorial trees of loved ones. The area is also the most used part of the yard and has had family gardens and gatherings for generations. The west side of the property has large pine trees aswel as driveway and home access issues

2) Describe the exceptional, extraordinary or unusual circumstances that are unique to this lot or structure. Because of the location of the house, at the back of the lot, greatly limits garage locations within zoning restrictions leaving the vast amount of the property unbuildable.

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. The proposed location won't impead veiws or impead sunlight to gardens or buildings, is next to mostly unused property and fair distance from other structures

4) Explain how the request is not based on economic gain or loss and is not self-imposed. The Garage will be used to house personal vehicles and lawn care equipment and tools

Owner/Applicant's Signature Robert Langley Date 4-1-22

Fee pd: \$ 870.00 Ck # 7220 (Payable to Racine County Development Services) Attach required documentation

APPLICATION FOR ZONING PERMIT VILLAGE OF ROCHESTER, WISCONSIN				PERMIT NO.		DATE PERMIT ISSUED		
OWNER: Robert Langley				APPLICANT: Scott Bretsch				
Mailing Address 35519 Academy Rd.				Mailing Address ^(If Corporation, registered name) BuildinPro Professional Carpentry L.L.C. 33200 Cattail Dr.				
City Burlington		State WI		Zip 53105				
Phone (H) 262-909-4607		(W)		Phone (W) 262-716-7246		(H)		
Parcel Id# 176-03-19-18-020-000				Site Address 35519 Academy Rd. Burlington				
Lot	-	Block	-	Subdivision Name	-		CSM #	-
Proposed Construction/ Use			To construct a 24' x 42' detached garage					
New	<input checked="" type="checkbox"/>	Principal Bldg.	<input type="checkbox"/>	Size	(24' x 42')	(- x -)	(- x -)	
Addition	<input type="checkbox"/>	Accessory	<input checked="" type="checkbox"/>	Area (sq ft)	(1008 Sq Ft)	(-)	(-)	
Alteration	<input type="checkbox"/>	Deck	<input type="checkbox"/>	# of Units/ Stories	1 / 1	Building Ht. (Avg ft.)	11.5'	
Conversion	<input type="checkbox"/>	Sign	<input type="checkbox"/>	Peak Ht. (ft)	15'	100yr Floodplain (elevation)	N/A	
Temporary	<input type="checkbox"/>	Other	<input type="checkbox"/>	Eave Ht. (ft)	8'	Flood Protection Elevation	N/A	
Contractor: BuildingPro L.L.C.		Est. Value w/ Labor \$ \$40,000.00		ZONING DIST.		R-8		
Existing Nonconforming?	N/A <input checked="" type="checkbox"/>	*Yes	<input type="checkbox"/>	No	Yard Setbacks		Proposed	OK?
*Structure's Fair Mkt Value	\$ N/A	Cumulative %		Street- 1st		142.2'	yes - yes yes yes	
*>50% of Fair Market Value	N/A <input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Street - 2nd			±191.97'
Structure in Shoreland (per map)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Side - 1st			10'
Structure in Floodplain? (per map)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Side - 2nd			-
Structure in Wetland (per map)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Rear			93'
Substandard Lot?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Shore			>700'
Abutting Lot- Same Owner/ Closely Related	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Acc. Structures %			1209.54/4000
BOA Variance Needed?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	--Date of Approval			
Conditional Use/ Site Plan Needed?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	--Date of Approval		-	
Shoreland Contract Needed?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	--Date of Approval		-	
Additional Zoning Permit Stipulations Listed on Back of this Form?			Yes	<input checked="" type="checkbox"/>	No	(If Yes, see back)		

The applicant hereby certifies that the information submitted on this application (both sides) and attached hereto, is 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 applicable stipulations, Wisconsin laws and Village of Rochester ordinances.

BOA/ Conditional Use/ Site
 Plan Cash/ Check # 3200 Pd: \$ 850.00
 Shoreland Contract Fee Pd: \$
 Other: Pd: \$
 Zoning Permit Fee
 Cash/ Check # Pd: \$ 125.00

Robert Langley 4-1-22
 Signature of Applicant Date
Scott R. Bretsch 4-1-22
 Signature of Secretary of Corporation/ Partner Date
 Scott R Bretsch
 Print Name

Make checks payable to: "Racine County"
 Note*: All fees are nonrefundable

Zoning Administrator Date

ZONING PERMIT REQUIREMENTS

If public municipal sewer serves the property, check here —. Do not complete # 1 – 6 below.

If a private sewage system serves the property, check here X and complete # 1 – 6 below:

- 1) Sanitary Permit # pre-80 Date issued pre-80 Year installed pre-80 Failing? No per owners
- 2) If zoning permit is for an accessory structure without plumbing, check here X and go to #4.
- 3a) If a commercial facility, public building, or place of employment, will there be a change in occupancy of the structure; or will the proposed modification affect either the type or number of plumbing appliances, fixtures or devices discharging to the system? Yes* — No — N/A X
- 3b) If a dwelling, will addition/alteration change the number of bedrooms? Yes* — No — N/A X *If "Yes" above, documentation must be submitted to verify that the system can accommodate a modification in wastewater flow or contaminant load pursuant to SPS 83.25 (2) (d).
- 4) Will construction interfere with setback requirements to private sewage system per SPS 83.43 (8) (i)? Yes — No X If "Yes," provide variance approval date: —
- 5) Has a new sanitary permit been issued to accommodate the structure or proposed modification in wastewater flow or contaminant load and/or County sanitary approval granted? Yes X No —
- 6) Comments pre-80 tank vent location on survey, No plumbing proposed w/i building

POWTS Inspector's Signature: [Signature] Date: 4/4/22
 POWTS License #: 1495214

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin for all new principal structures located on lots less than five (5) acres in size. All zoning permit applications shall be accompanied by plans drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon and any primary and accessory buildings, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building and the number of families and/or employees the building is intended to accommodate. Plans should also include floodplain, wetlands, environmental corridors, easements and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for ordinance enforcement.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. The lot and location of the building thereon shall be staked out on the ground before construction is started. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from the closest point of the ordinary highwater mark of a navigable body of water. All elevations shall be provided in mean sea level datum.

All zoning permits issued pursuant to this ordinance are **valid for Twenty Four (24) months**, unless substantial construction has commenced and is continuing, otherwise such zoning permits shall become null and void and a new zoning permit is required.

Applicant Initials

ADDITIONAL ZONING PERMIT STIPULATIONS (check all that apply)

- Proposed structure is for personal use only. No business, commercial or industrial use is allowed.
- X All disturbed soils must be reseeded and mulched, or sodded immediately upon completion of project.
- X Must install the following within 14 days of completion of roof: gutters and downspouts which outlet onto splashblocks or into drain tiles; or a hard surface material that extends at least 16" beyond the dripline of the structure.
- X All excess soil not used for backfilling project must be removed from the shoreland area within 10 days of excavation.
- A hard surface material must be placed beneath the deck to prevent soil erosion.
- X All existing yard grade elevations will remain unchanged.
- Adequate off-street parking must be provided in accordance with Chapter 15- Sec. 6.08, Village of Rochester Municipal Code.
- Driveway access shall be 12 feet wide for 1 & 2-family dwellings and a minimum of 24 feet wide for all other uses.
- It is the responsibility of the property owner to comply with any restrictive covenants associated with this property and obtain all necessary federal, state, and local permits, approvals, and licenses and comply with all applicable codes and regulations.
- X Proposed construction will not be located within a utility of drainage easement.
-

ZONING BOARD OF APPEALS VARIANCE/APPEAL APPLICATION REQUIREMENTS

Submit the following to the Village of Rochester Zoning Administrator.

1. Completed Zoning Permit & Variance/Appeal Applications. The Village of Rochester will provide the originals or the forms may be obtained at <http://www.rochesterwi.us>
2. A letter signed by the owner granting permission for an agent to apply or act on the owners behalf, if applicable.
3. 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.
 - 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.
4. Hearing & publication fees are due at the time of filing, are nonrefundable and do not guarantee approval of the variance/appeal request. Contact the Municipal Clerk's office for the current fees. Checks should be made payable to Village of Rochester.
5. It is the applicant's responsibility to post a sign on the subject property at least fourteen days prior to the public hearing advising the public of a pending application for variance. (Sign is obtainable from Village Clerk upon receipt of a \$75.00 refundable deposit).

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 the Zoning Administrator.

Additional data may be requested of you and the following also applies to this variance/appeal request:

- Stake or flag any proposed construction at the site and clearly post the address on the lot.
- 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 6 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 Village of Rochester staff and the Board of Appeal members to enter onto the subject property in regards to investigating this variance/appeal petition.

Owner/Applicant Signature:

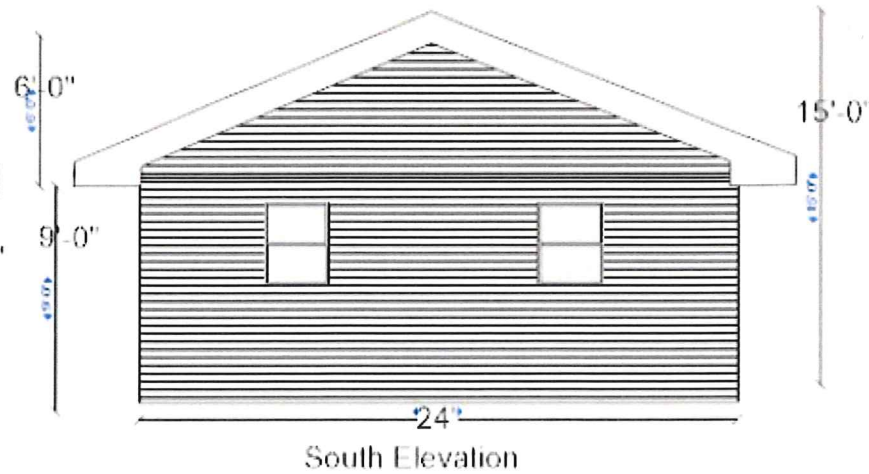
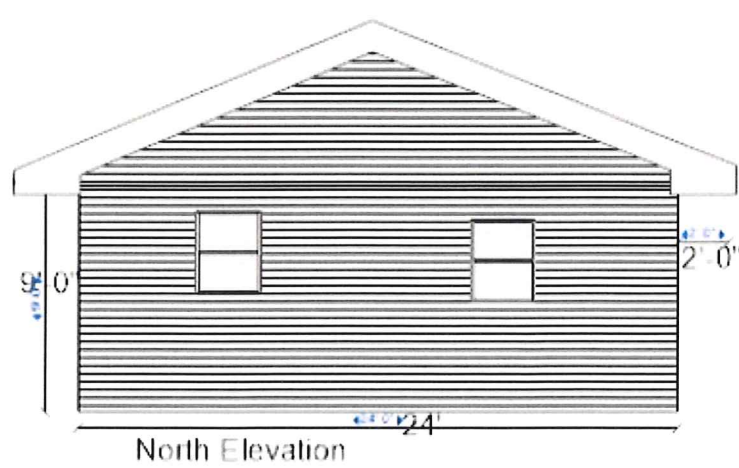
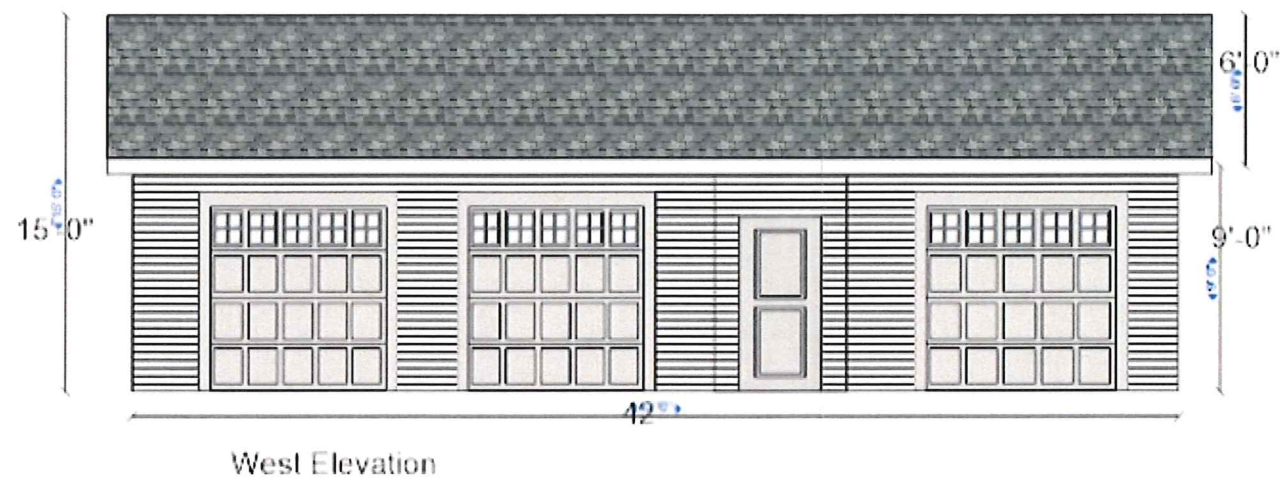
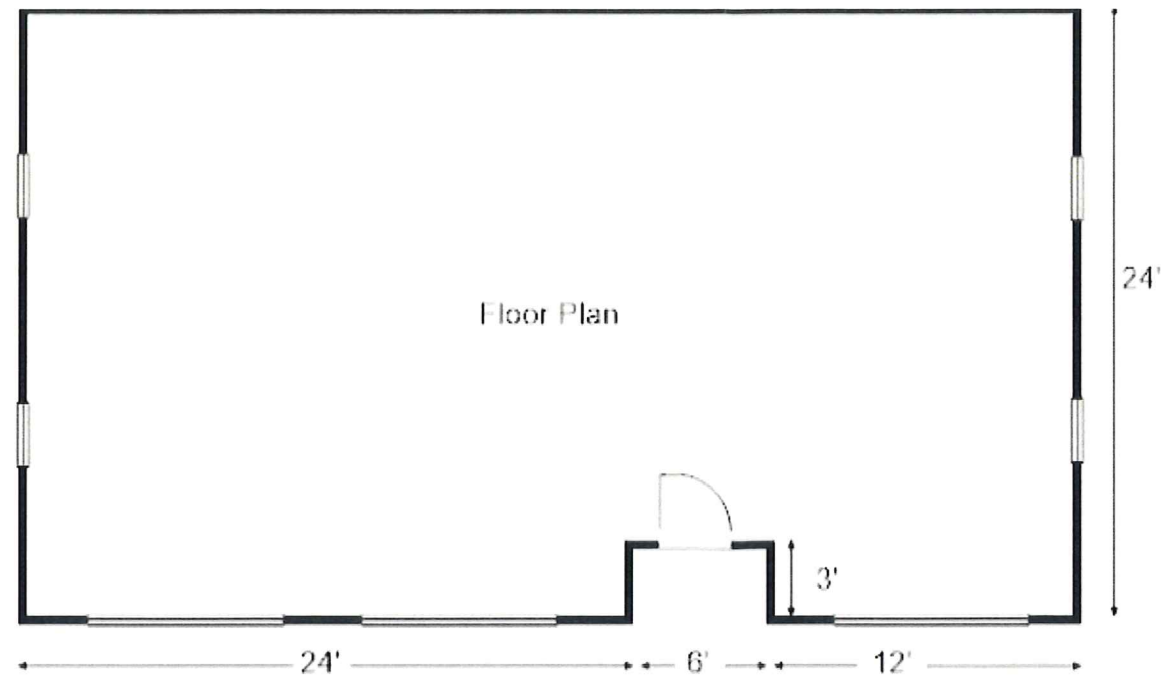
Robert Langley

Date:

4-1-22

Note: Due to legal notification requirements, a hearing on your application will be scheduled no sooner than one month from the date a complete application is filed with payment of applicable fees.



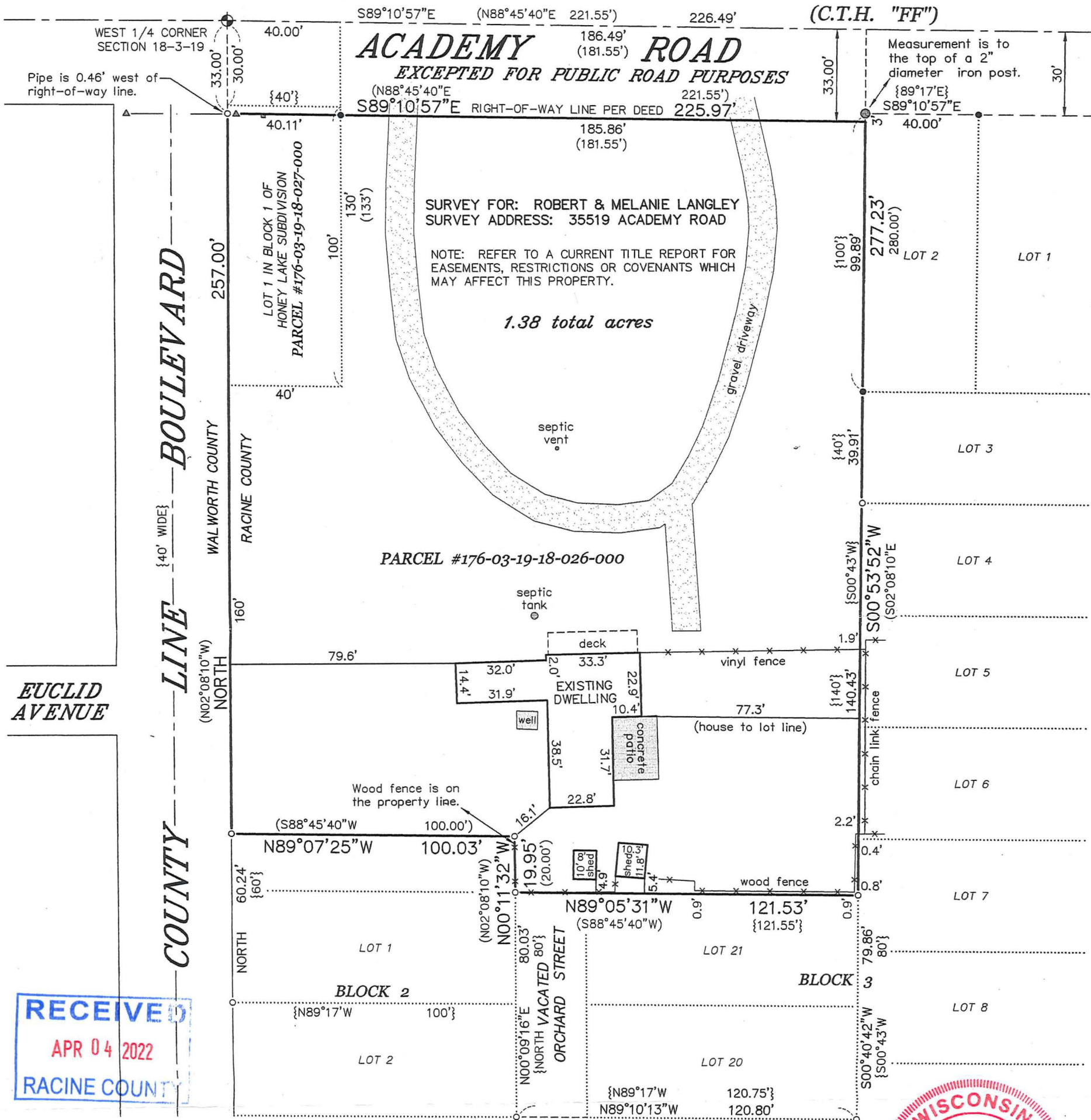


RECEIVED
 APR 04 2022
 RACINE COUNTY

PLAT OF SURVEY
-OF-

"Existing Conditions"

PARCEL I.D. NO. 176-03-19-18-026-000: PART OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 19 EAST, LYING IN THE VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN AND DESCRIBED MORE COMPLETELY AS FOLLOWS: COMMENCE AT A STANDARD RACINE COUNTY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 AND RUN NORTH 88°45'40" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 18-3-19 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE RUNNING NORTH 88°45'40" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 18-3-19 A DISTANCE OF 181.55 FEET TO A POINT; THENCE RUN SOUTH 02°08'10" EAST 33.00 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 2, BLOCK 3, HONEY LAKE SUBDIVISION; THENCE CONTINUE SOUTH 02°08'10" EAST 280.00 FEET; THENCE SOUTH 88°45'40" WEST 121.53 FEET; THENCE NORTH 02°08'10" WEST 20.00 FEET; THENCE SOUTH 88°45'40" WEST 100.00 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19, SAID POINT BEING 20 FEET NORTHERLY OF THE NORTHWEST CORNER OF LOT 1, BLOCK 2, HONEY LAKE SUBDIVISION; THENCE NORTH 02°08'10" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 160.00 FEET; THENCE NORTH 88°45'40" EAST 40 FEET; THENCE NORTH 02°08'10" WEST 133 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 AND THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 33.00 FEET FOR THE PURPOSE OF A PUBLIC ROAD.
PARCEL I.D. NO. 176-03-19-18-027-000: LOT 1 IN BLOCK 1 OF HONEY LAKE SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF. SAID LAND BEING IN THE VILLAGE OF ROCHESTER, COUNTY OF RACINE AND STATE OF WISCONSIN.



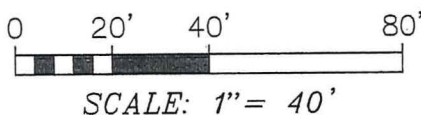
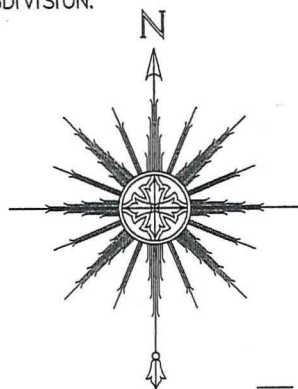
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RACINE COUNTY

BEARINGS HEREON RELATE TO THE EAST LINE OF COUNTY LINE BOULEVARD. ASSUMED BEARING OF NORTH AS PLATTED ON HONEY LAKE SUBDIVISION.

"I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A CORRECT REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR 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."

SATTER SURVEYING, LLC
LAND SURVEYS, MAPPING AND PLANNING
272 ORIGIN STREET
BURLINGTON, WI 53105
262-661-4239



LEGEND

- ◆ FOUND BRASS CAPPED CONCRETE MONUMENT
- FOUND 1-5/16" O.D. IRON PIPE
- FOUND 1" O.D. IRON PIPE
- () RECORDED AS PER DEED
- { } RECORDED AS PER HONEY LAKE SUBDIVISION PLAT
- ▲ UTILITY POLE
- UTILITY BOX
- OVERHEAD UTILITY LINES



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Thomas L. Satter
THOMAS L. SATTER S-2850

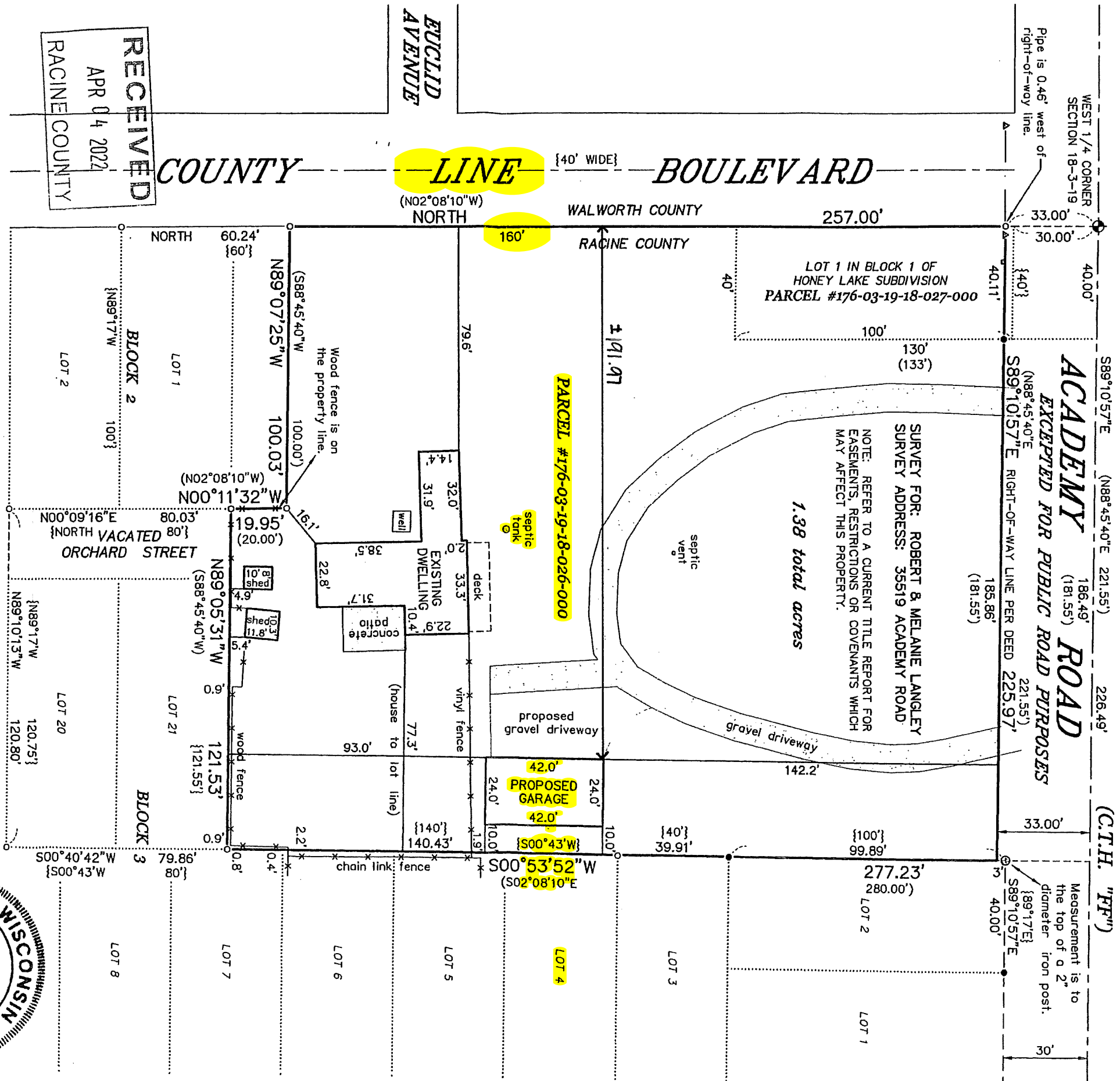
JANUARY 24, 2022
DATE

112115
JOB NUMBER

PLAT OF SURVEY
-OF-

"Proposed"

PARCEL I.D. NO. 176-03-19-18-026-000: PART OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 19 EAST, LYING IN THE VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN AND DESCRIBED MORE COMPLETELY AS FOLLOWS: COMMENCE AT A STANDARD RACINE COUNTY MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 AND RUN NORTH 88°45'40" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 18-3-19 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE RUNNING NORTH 88°45'40" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 18-3-19 A DISTANCE OF 181.55 FEET TO A POINT; THENCE RUN SOUTH 02°08'10" EAST 33.00 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 2, BLOCK 3, HONEY LAKE SUBDIVISION; THENCE CONTINUE SOUTH 02°08'10" EAST 280.00 FEET; THENCE SOUTH 88°45'40" WEST 121.53 FEET; THENCE NORTH 02°08'10" WEST 20.00 FEET; THENCE SOUTH 88°45'40" WEST 100.00 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19, SAID POINT BEING 20 FEET NORTHERLY OF THE NORTHWEST CORNER OF LOT 1, BLOCK 2, HONEY LAKE SUBDIVISION; THENCE NORTH 02°08'10" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 160.00 FEET; THENCE NORTH 88°45'40" EAST 40 FEET; THENCE NORTH 02°08'10" WEST 133.00 FEET FOR THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18-3-19 AND THE POINT OF BEGINNING, EXCEPTING THEREFROM THE NORTH 33.00 FEET FOR THE PURPOSE OF A PUBLIC ROAD. SAID PARCEL I.D. NO. 176-03-19-18-027-000: LOT 1 IN BLOCK 1 OF HONEY LAKE SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF. SAID LAND BEING IN THE VILLAGE OF ROCHESTER, COUNTY OF RACINE AND STATE OF WISCONSIN.

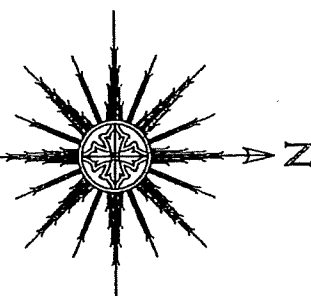


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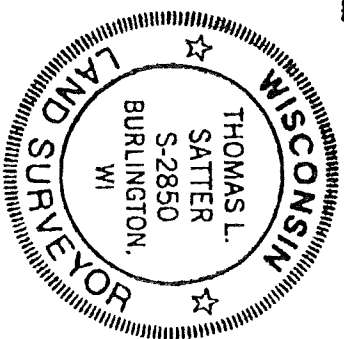
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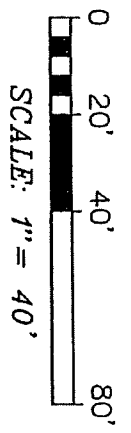
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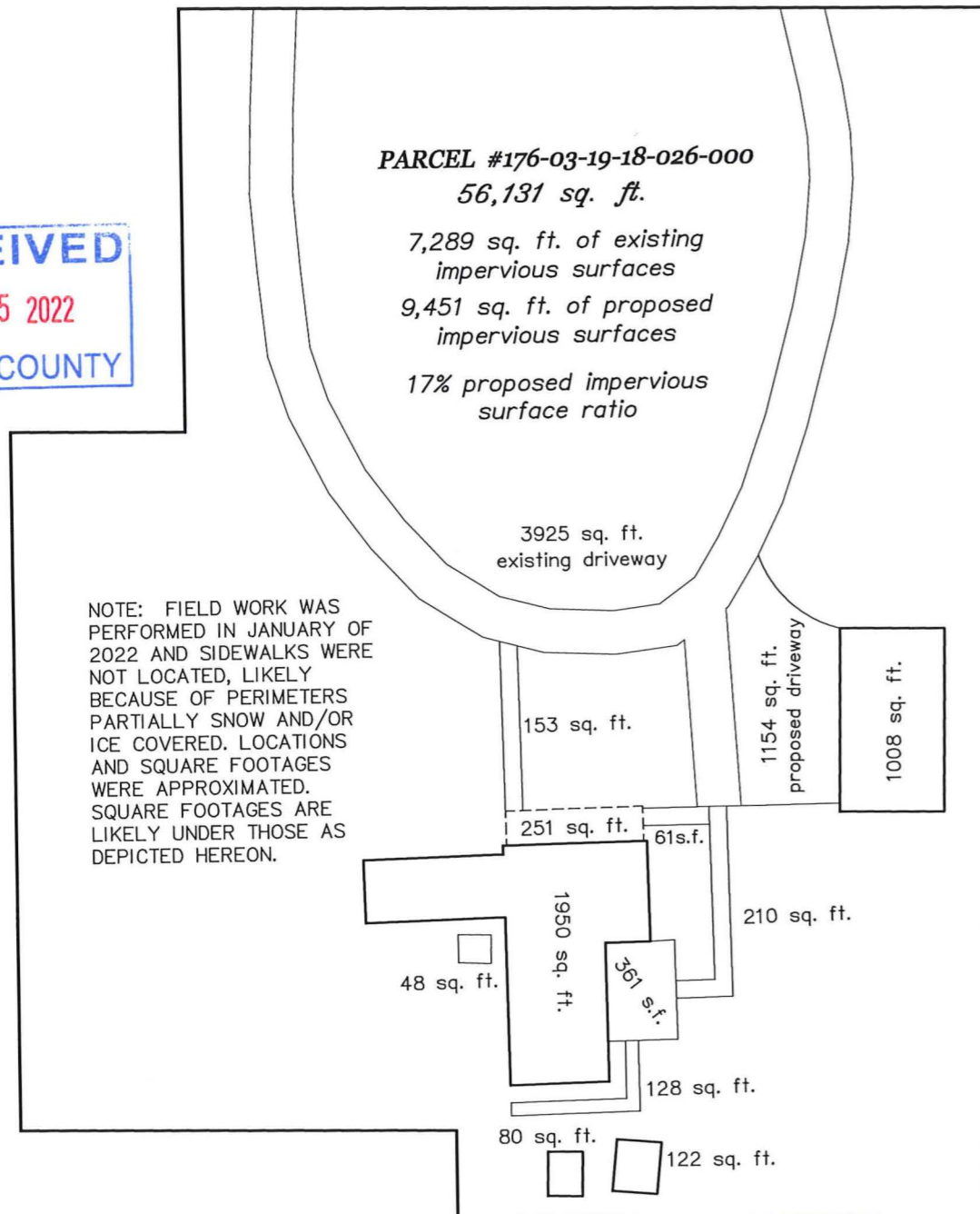


REVISED: 4/4/22
JANUARY 24, 2022
DATE
JOB NUMBER 112115

IMPERVIOUS SURFACE BREAKDOWN FOR 35519 ACADEMY ROAD, BURLINGTON, WI 53105

ACADEMY ROAD

RECEIVED
APR 05 2022
RACINE COUNTY



NOTE: FIELD WORK WAS PERFORMED IN JANUARY OF 2022 AND SIDEWALKS WERE NOT LOCATED, LIKELY BECAUSE OF PERIMETERS PARTIALLY SNOW AND/OR ICE COVERED. LOCATIONS AND SQUARE FOOTAGES WERE APPROXIMATED. SQUARE FOOTAGES ARE LIKELY UNDER THOSE AS DEPICTED HEREON.