

APPLICATION FOR ZONING PERMIT VILLAGE OF ROCHESTER, WISCONSIN				PERMIT NO.	DATE PERMIT ISSUED
OWNER: <u>Gerald & Kathleen Weinkauff Rev. Trust</u>				APPLICANT: <u>James Kempton</u>	
Mailing Address: <u>548 Abbey Lane</u>				Mailing Address: <u>1100 Heritage Rd</u> <small>(If Corporation, Registered name)</small>	
Burlington, WI 53105				Burlington WI 53105	
City State Zip				City State Zip	
Phone (H) <u>262-216-1939</u> (W)				Phone (W) <u>707-497-0181</u> (H)	
Parcel Id# <u>170031915079000</u>				Site Address <u>548 Abbey Lane</u>	
Lot	<u>30</u>	Block	-	Subdivision Name	<u>Scotsdale Sub.</u>
Proposed Construction/ Use				<u>To construct a 10' x 12' covered porch adjacent to residence for wheelchair access</u>	
New	<input checked="" type="checkbox"/>	Principal Bldg.	<input checked="" type="checkbox"/>	Size	<u>(10' x 12')</u>
Addition		Accessory		Area (sq ft)	<u>(120. ft²)</u>
Alteration		Deck		# of Units/Stories	<u>1 / 1</u>
Conversion		Sign		Peak Ht. (ft)	<u>13'4"</u>
Temporary		Other		Eave Ht. (ft)	<u>8'</u>
				Building Ht. (Avg ft.)	<u>10'8"</u>
Contractor: <u>1st onsite</u>				Est. Value w/ Labor \$ <u>TBD</u>	ZONING DIST. <u>R-8</u>
Existing Nonconforming?	N/A	*Yes	No	Yard Setbacks	Proposed
*Structure's Fair Mkt Value	\$ <u>N/A</u>	Cumulative %		Street- 1 st (Vergon)	<u>50'</u>
*>50% of Fair Market Value	N/A	Yes	No	Street - 2 nd (Abbey)	<u>40'</u>
Structure in Shoreland (per map)	Yes	(No)	(No)	Side - 1 st (exist)	<u>25'</u>
Structure in Floodplain? (per map)	Yes	(No)	(No)	Side - 2 nd	-
Structure in Wetland (per map)	Yes	(No)	(No)	Rear (exist)	<u>± 201'</u>
Substandard Lot?	Yes	(No)	(No)	Shore	-
Abutting Lot- Same Owner/ Closely Related	Yes	(No)	(No)	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 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 # 2947 10097 Pd: \$ 810.00
 Shoreland Contract Fee Pd: \$ _____
 Other: _____ Pd: \$ _____
 Zoning Permit Fee Cash/ Check # _____ Pd: \$ _____

J. Kempton 4/25/22
 Signature of Applicant Date
JAMES L. KEMPTON
 Signature of Secretary of Corporation/ Partner Date

 Print Name
SMD
 Zoning Administrator Date

Make checks payable to: "Racine County"

Note*: All fees are nonrefundable

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 _____ and complete # 1 – 6 below:

- 1) Sanitary Permit # _____ Date issued _____ Year installed _____ Failing? _____
- 2) If zoning permit is for an accessory structure without plumbing, check here _____ 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 _____
- 3b) If a dwelling, will addition/alteration change the number of bedrooms? Yes* _____ No _____ N/A _____ *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 _____ 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 _____ No _____
- 6) Comments _____

POWTS Inspector's Signature: _____ Date: _____

POWTS License #: _____

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.
- All disturbed soils must be reseeded and mulched, or sodded immediately upon completion of project.
- 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.
- 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.
- 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.
- Proposed construction will not be located within a utility of drainage easement.
-

APPLICATION FOR A VARIANCE/APPEAL

Village of Rochester, Wisconsin

Owner: Gerald & Kathleen A. Weinkauff Rev. Trust

Applicant/Agent: owner

Address: 548 Abbey Lane
Murrlington, WI 53105

Date petition filed: 4/25/2022 Hearing Date: 5/20/22

Municipality: Rochester

Phone (Hm) 262-716-1939 ~~(W)~~ 262-210-1892

Zoning district(s): R-8

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: Construction of a 10'x12' covered porch addition to the existing residence for wheelchair access

at site address 548 Abbey Ln, Section 15, T 3 N, R 19 E
Lot(s) 70 Blk - Subd/CSM Scotsdale Sub. Parcel Id.# 174031915079000 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 covered porch addition will have an insufficient street yard setback & a deed restriction will not be recorded requiring the 10'x12' addition be removed within thirty (30) days from the time the structure is no longer serving the handicapped or disabled person.

Applicant is subject to: Section 35-38 R-8, Suburban Residential District (unsewered); Sec. 75-23, Reduction or Joint Use of Lots; Sec 35-180 B.10.C; modifications

_____, of the Village of Rochester Municipal Code.

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. IF JERRY WILL BE IN A WHEEL-CHAIR IN THE FUTURE

(Please see attached)

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

Please 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.

(Please see attached)

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

Please see attached

Owner/Applicant's Signature Gerald Weinkauff

Kathleen Weinkauff Date 4-28-2022

Fee pd: \$ 850.00 Ck # 10097 (Payable to Racine County Development Services) · Attach required documentation



Answers to questions 1 - 4 on application for a variance/appeal

1. If Jerry will be in a wheelchair in the future, we need to have access to get a wheelchair into the house. There is no other entry way that we would be able to use to get this to happen. It would be best to have this area covered from the elements. We will follow all ADA requirements.
2. By building this gable roof and stoop, it will not interfere with any site lines from Vergon Dr. to Abbey Lane. There would not be any safety issues either when turning off of Vergon Drive on to Abbey Lane.
3. Approval of this variance would not create any concerns from our neighbors. We have spoken with many of them already, and they support us in this decision. We have attached letters from some of our neighbors that show that they agree.
4. This request is based only on a need for handicap accessibility into our home. Our builder is doing a lot of the inside work to meet ADA standards and requirements; ie. making hallways and doors wider and installing a handicap accessible shower for Jerry.



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:

Gerald Weinlauf Kathleen Weinlauf

Date:

4-28-2022

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.



Attention: Village of Rochester,
Brian Jensen, Zoning Administrator for Racine County

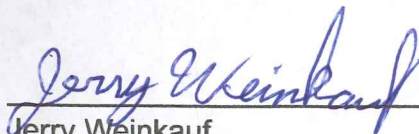
RE: Jerry & Kathy Weinkauff, 548 Abbey Lane, Burlington WI 53105

Due to continuing medical issues, we are requesting a variance from yard setbacks on Abbey Lane to build a gable roof over a 10' X 12' front stoop which also would include a ramp going up to the front elevation of the house. This will be all ADA approved.

Although I have been fighting Multiple Sclerosis for over 25 years, it has been trying to get the best of me. I spent 7 weeks in the hospital last fall with Co-Vid pneumonia and I had an MS exacerbation. My doctors were concerned about my kidneys, liver and other organs. I was not able to walk, and then our house burned and I got worse.

I went into a therapy program where I worked for 3+ hours a day, 7 days a week, for over three weeks. I did get better. In the process of rebuilding our house, we would like to get a roof over the front stoop along with a ramp where the existing sidewalk is. This would help both of us and our family if the MS continues to get worse.

Thank you for your consideration of this matter.



Jerry Weinkauff

4-25-2022

Date



Kathy Weinkauff

4-25-2022

Date

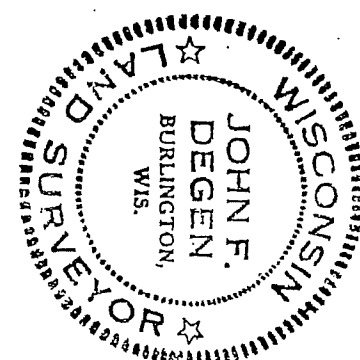


LOT 30, EXEMPT FROM EASEMENTS, LOCATED IN SECTION 15, T. 30 N., R. 19 E. OF THE 4TH P.M., TOWNSHIP OF BOWENSBURY, COUNTY OF MADISON, STATE OF WISCONSIN.

I HEREBY CERTIFY THAT THE LAND DESCRIBED ABOVE WAS MEASURED UNDER MY DIRECTION AND THAT THE PLAT THEREON IS A CORRECT REPRESENTATION THEREOF.

John F. Degen
 JOHN F. DEGEN, LAND SURVEYOR
 589 N. PINE ST., BURLINGTON, WIS.

FROM: RAY GAUGER SCALE 1" = 50'
 READINGS REFER TO THE DATUM USED IN THE PROPOSED PLAT OF SOUTHWEST SUBDIVISION.
 0 - 1" IRON PIPE 15' - 2" IRON PIPE



REVIEWED ON SEPTEMBER 14, 1983 TO SHOW PROPOSED DRILLING SPACING ON SITE WITH WOOD STAKES.

$$276.54 \times 150' = 41481'$$

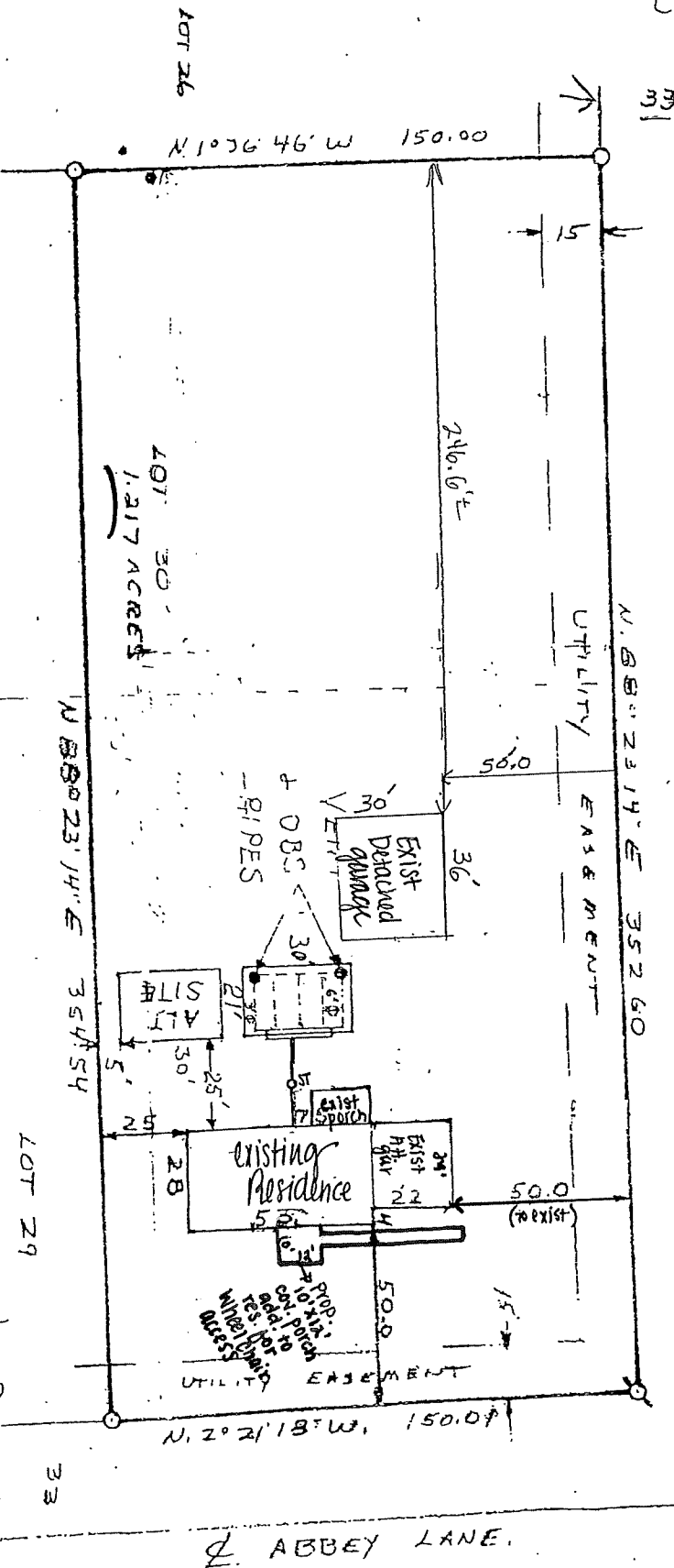
$$\frac{41481'}{20\%} = 8296.2$$

$$30' \times 45' = 1350' = 41481' = 3\%$$

VERGON DRIVE

John Degen

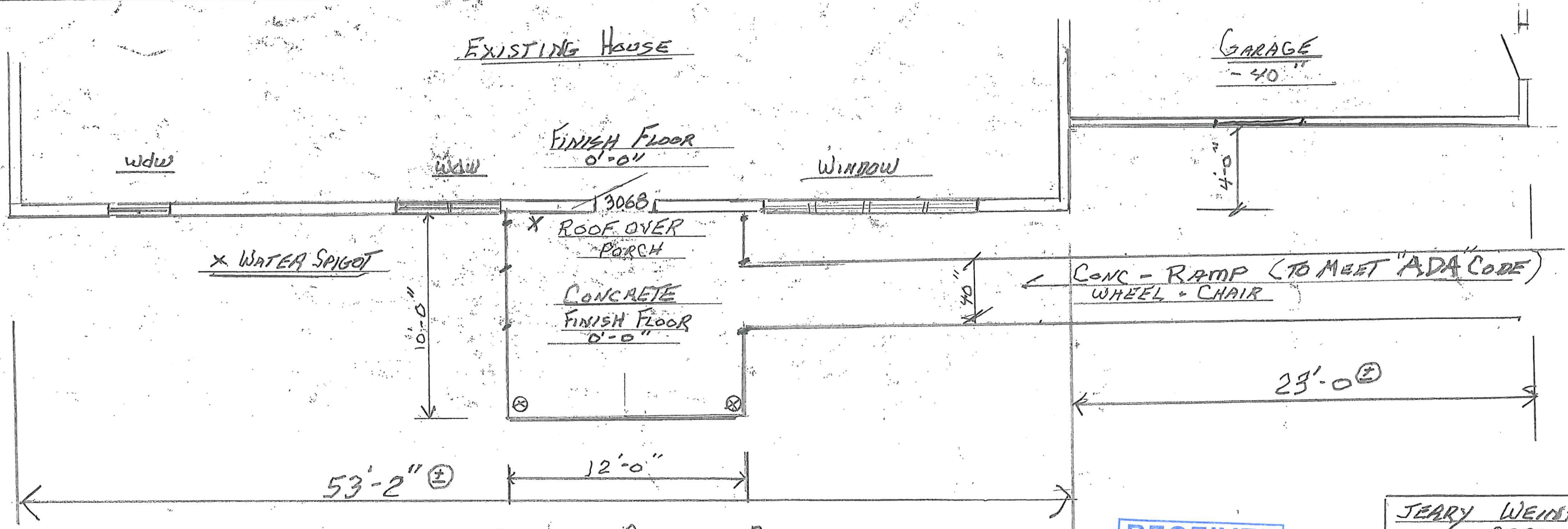
Raymond Degen
 Sept. 20, 1983
 MP 4497



8-3

DEGEN

Dennis Kempfer 7/16/08



PROPOSED COVERED PORCH
FLOOR PLAN

RECEIVED
APR 25 2022
RACINE COUNTY

JEARY WEINBAUF
APRIL 2022
3/16" = 1'-0"

April 28, 2022

RE: Variance for 548 Abbey Lane, Burlington WI

We are neighbors of Jerry & Kathy Weinkauf who live at 548 Abbey Lane, Burlington WI. They have discussed with us what they want to build on the front of their house. I believe this front gable roof and larger stoop would make it a lot easier for Jerry to enter the house if he gets wheelchair bound.

We fully agree with this decision.

Terance Klaus
Name 539 ABBEY LANE

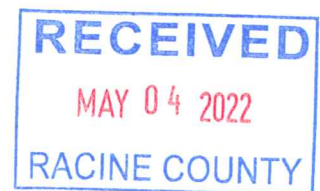
4/29/2022
Date

Name

Date

Comments:

ABSOLUTELY NO PROBLEM WITH THIS
HOME IMPROVEMENT FOR EASIER ACCESS
FOR JERRY



April 28, 2022

RE: Variance for 548 Abbey Lane, Burlington WI

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We fully agree with this decision.

T. Thomas + Nancy Dixon 4-29-22
Name Date

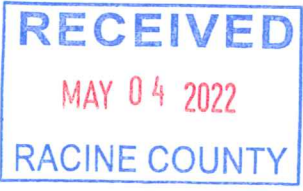
30731 Vergon Drive, Burlington WI
Address

Name Date

Address

Comments:

I have helped Jerry get back up several times after he has fallen at home. He deserves to have an easier time of life. Thanks Tom D



April 28, 2022

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We fully agree with this decision.

Earl Squire 4/28/22
Name Date

437 Abbey Lane Burlington, WI 53105
Address

Name Date

Address

Comments:



April 28, 2022

RE: Variance for 548 Abbey Lane, Burlington WI

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We fully agree with this decision.

Tom Koch

4-28-22

Name

Date

606 Abbey Ln.

Address

Krista Koch

4-28-22

Name

Date

606 Abbey Lane Burlington WI

Address

Comments:

Jerry suffers from a debilitating, life altering health condition that impairs his ability to get around. If he falls he is unable to get back up. We have helped him up from the ground on numerous occasions in the last couple years. Please consider allowing the variance to their house which will allow him to continue to live in their home with as much grace, dignity and independence as possible



April 28, 2022

RE: Variance for 548 Abbey Lane, Burlington WI

We are neighbors of Jerry & Kathy Weinkauff who live at 548 Abbey Lane, Burlington WI. They have discussed with us what they want to build on the front of their house. I believe this front gable roof and larger stoop would make it a lot easier for Jerry to enter the house if he gets wheelchair bound.

We fully agree with this decision.

GARY G. LESPERANCE *Gary G. Lesperance* 4-28-22

Name

Date

601 ABBEY LANE BURLINGTON, WI 53105

Address

KATHLEEN L. LESPERANCE *Kathleen L. Lesperance* 4-28-22

Name

Date

601 Abbey Lane Burlington, WI 53105

Address

Comments:

