



Agenda

Zoning Board of Appeals
Municipal Building, 625 52nd Street – Room 204, Kenosha, WI
Tuesday, December 5, 2023
5:00 pm

Amy Lonergan, Chairperson
Brandon Gray, Vice-Chairperson
Mitch Ferraro

Mathew Loewen
Aishia Nunez
Shane Hollerich - Alternate

Call to Order
Roll Call

Approval of the Minutes from the Meeting held October 24, 2023

1. Request for Administrative Appeal from Greg Stock for orders to remove a gravel parking pad [Section 6.01 A.2.] for a property at 7843 19th Avenue; Zoning – Rs-3- Single-Family Residential District; District 13. PUBLIC HEARING
2. Discussion on dates and times for regular scheduled monthly meetings.

Commissioners' Comments

*IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4030 BY NOON
OF THIS MEETING DATE TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.*

ZONING BOARD OF APPEALS
Minutes
October 24, 2023

MEMBERS PRESENT: Amy Lonergan, Brandon Gray, Mathew Loewen, Shane Hollerich

MEMBERS EXCUSED: Mitch Ferraro, Aishia Nunez

STAFF PRESENT: Brian Wilke, Development Coordinator

The meeting was called to order at 5:00pm by Ms. Lonergan, roll call was taken and quorum was present.

Citizens Comments - None

Ms. Lonergan had opening remarks:

Welcome Shane Hollerich, alternate, as an acting board member for today's meeting.

A motion was made by Mr. Loewen, seconded by Mr. Gray to approve the amended minutes of July 25, 2023. The amendment corrected spelling of a name. The motion passed. (Ayes 4, Noes 0)

1. Variance Request from JRC Specialty Leasing, LLC for Relief from the Minimum Rear Yard Setback [Section 3.14 F.3.a.] for a property at 6209 28th Avenue; Zoning – M-2 Heavy Manufacturing District and B-2 Community Business District; District 12. PUBLIC HEARING

Mr. Wilke went over the Staff report.

Mr. Wilke noted the following facts must apply:

- a) **Preservation of Intent** – No variance shall be granted which is inconsistent with the purpose and intent of the regulations for the district in which the use, building or structure is located. No variance shall have the effect of permitting a use in any district that is not a listed permitted use, accessory use, or conditional use in that particular district.
- Staff Comment: *The intent of setbacks in any Zoning District are to allow for access to the building and separation from neighboring buildings for fire and safety reasons. In this case, the buildings are existing and at one time were divided in to two parcels where the rear yard setback was not complied with. The parcels were combined not at the applicant's request but at the request of Kenosha County.*

Granting of a Variance would preserve the intent of the Zoning Ordinance.

- b) **Exceptional Circumstances** – There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, building, structure, or intended use that do not apply generally to other similar lots, buildings, structures or uses in the same district, and the granting of the Variance should not be of so general or recurrent nature as to amount to an Amendment of this Ordinance or a Rezoning.

➤ Staff Comment: *This is a unique situation to this property. As stated earlier, the applicant purchased two parcels and assumed them to remain as two parcels. Due to previous errors discovered from before the time this owner purchased the parcels, the parcels were combined by Kenosha County. He is trying to redivide the parcels legally through a Certified Survey Map to return the parcel boundaries to the previous scenario.*

There is an exceptional circumstance that warrants a Variance.

- c) **Economic Hardship and Self-Imposed Hardship not grounds for Variance** - No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

➤ Staff Comment: *The request may be for economic gain so that the owner could individually sell off one or both of the parcels. But the request is not solely for economic gain. The request may also be considered self-imposed as the applicant is responsible for creating the new lot split. However, the lot split is simply returning the parcel configuration to it's previous layout.*

The hardship is not solely economic nor is it self-imposed.

- d) **No Variance shall be granted that is contrary to the health, safety and general welfare of the City of Kenosha.**

➤ Staff Comment: *The buildings currently exist on the existing combined parcel. No building construction or alteration is occurring that will make these buildings closer to one another or to another building or parcel. In fact, with the split, Staff has required confirmation from a licensed architect that the two buildings split from one another will meet all applicable Fire and Building Codes, which is information we did not previously have.*

A Variance would not be contrary to the health, safety or general welfare of the City of Kenosha.

Mr. Wilke stated Staff feels all four criteria have been met and recommends approval of the variance.

Public Hearing opened.

Anthony Nudo, 600 52nd Street, Attorney with Terry & Nudo, LLC, was available for questions.

Public Hearing closed.

Ms. Lonergan asked Staff if there has been any contact from the surrounding neighbors?

Mr. Wilke stated a couple of neighbors reached out to find out what it was about and no one had any objections.

Ms. Lonergan stated she had contacted Mr. Nudo and he sent her a full history title search of the properties. It was available if anyone would like to see it.

Mr. Gray asked the applicant what was the reason for the back and forth because of tax purposes? Do they plan on doing anything with the building?

Mr. Nudo stated they are looking at possibly selling one of the buildings.

Mr. Gray asked if the buildings were connected over the two parcels? He was looking at the certified survey map and noticed a staircase in between the buildings.

Mr. Nudo stated yes it is connected. Otto Nelson connected it and they were using it through transfers. As part of the Certified Survey Map application it was required for them to get an architect to certify that it was compatible with code and met code. It does meet code and they are recording an easement and maintenance agreement if the Variance is approved. People cannot use it for egress and ingress, it will just be used for emergency egress and both owners would have to maintain the area.

Mr. Gray asked if there was any conflict with the fire code?

Mr. Nudo replied there is a record on file with the review from the architect that the fire rating has been checked out.

Ms. Lonergan stated that the exceptional circumstance in this situation is very unusual and feels the intent was always to have two separate parcels. They have two separate zonings, the lot to the north is zoned M-2 Heavy Manufacturing and lot to the south is zoned B-2 Community Business.

Mr. Gray asked what is the reason for the suddenness and could there be future conflict with the county in trying to do this again?

Mr. Nudo replied no and stated that this followed from the Certified Survey Map split and it was recently approved by the City Plan Commission, Board of Public Works and Common Council. If this gets approved tonight we can record the Certified Survey Map along with other documents required by Common Council. He does not see how the County can come back.

A motion was made by Mr. Gray, seconded by Mr. Loewen to approve requested variance. On a roll call vote the motion passed. (Ayes 4, Noes 0)

Board Member Comments –

Ms. Lonergan noted she was grateful for the Staff and wishes the applicant the best with his project.

A motion to adjourn was made by Mr. Gray, seconded by Mr. Loewen. The motion passed. (Ayes 4, Noes 0) The meeting adjourned at 5:14 pm.

Certification that the minutes have been approved by the Zoning Board of Appeals.

Rich Schroeder, Deputy Director of City Development

Meeting Minutes Prepared by: Laurie Bauman, City Development



ZONING BOARD OF APPEALS
Staff Report – Item #1

Tuesday, December 5, 2023 at 5:00 pm
Municipal Building
625 52nd Street – Room 204 – Kenosha, WI 53140

Request for Administrative Appeal from Greg Stock for orders to remove a gravel parking pad [Section 6.01 A.2.] for a property at 7843 19th Avenue; Zoning – Rs-3- Single-Family Residential District; District 13. PUBLIC HEARING

NOTIFICATIONS AND APPROVAL REQUIREMENTS:

Aldersperson Wilson, District 13, has been notified. Pursuant to Section 9.07 C. of the Zoning Ordinance, property owners within 100 feet of the proposed appeal have been notified. The Zoning Board of Appeals is the final review authority.

LOCATION AND ANALYSIS:

Site: 7843 19th Avenue (Parcel Number: 06-123-07-251-010)

Zoning: Rs-3 Single-Family Residential District

1. On October 27, 2023, the Department of City Inspections issued orders to property owner Greg Stock at 7843 19th Avenue. The cause for the orders was a gravel parking pad installed by Mr. Stock in the front yard of his residence adjacent to the paved driveway, and the paved driveway leads to the rear yard of the house and a two-car detached garage. The orders directed Mr. Stock to cease parking on the gravel pad immediately upon receipt of the orders. The orders indicated that Mr. Stock was in violation of Section 6.01 A.2. of the Zoning Ordinance which states:
“Off-street parking in residentially-zoned districts (RR-1, RR-2, RR-3, RS-1, RS-2, RS-3, RG-1, RG-2) shall be limited to the property's backyard or driveway apron as defined in Section 12 of this Ordinance, except for periods of a declared snow emergency.”
2. Section 12.0 of the Zoning Ordinance defines driveway aprons as *“...that surface paved or graveled located on private property a minimum of nine (9) feet in width which extends from the street right-of-way to the accessory building or its termination, whose intended use is egressing and ingressing the property with motor-driven vehicles. The width of the driveway apron shall not exceed the width of the driveway approach at the property line, unless a variance is obtained therefor.”* The key component of this definition related to this case is that the driveway apron width (on private property) shall not exceed the width of the driveway approach (in public right-of-way). The parking pad on Mr. Stock’s private property exceeds the width of the driveway approach in the public right-of-way. The definition also indicates that a driveway apron terminates to an accessory building or its termination. It does not provide for parking in front of a residence.
3. Mr. Stock has included the attached application which includes his reasoning for placing of the gravel pad. He indicates that his neighbor installed a fence (potentially over the lot line) which has limited the use of Mr. Stock’s driveway to be able to park his four cars and open the doors due to the narrow width.

All of the following facts and conditions shall apply to the appeal request in order to approve the appeal.

- a. That there is a reasonable difference of interpretation as to the specific intent of the word, term, rule, regulation, provision and restrictions of the Ordinance.

- Staff Comment: The rules of a driveway apron width are clear in the Zoning Ordinance. The applicant's parking pad is clearly wider on the private property side than the driveway approach in the public right-of-way.

Staff believes there is no other interpretation of the rules governing parking on a residential property.

b. That the resulting interpretation will not grant a special privilege to one (1) property inconsistent with other properties or uses similarly situated.

- Staff Comment: Staff has not permitted any similar type of parking pads on other residential properties within the City.

Granting of the appeal would grant a special privilege to this property and set a precedent for future properties to construct the same gravel pad adjacent to the driveway apron in front of a residence.

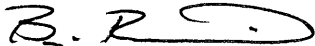
c. That the resulting interpretation is in the best interest of the City of Kenosha and consistent with the spirit and intent of this Ordinance.

- Staff Comment: The spirit and intent of the Zoning Ordinance is to limit off-street parking to a paved driveway, a garage, and/or the rear yard of the property.

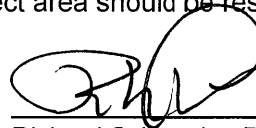
Granting of the appeal would not meet the spirit or intent of the Zoning Ordinance.

RECOMMENDATION:

Since the request for an appeal does not meet all of the standards needed to grant an Administrative Appeal, Staff recommends denial of the appeal and recommends the subject area should be restored with grass.



Brian Wilke, AICP, Development Coordinator



Richard Schroeder, Deputy Director



FOR OFFICE USE ONLY

Date Filed _____
 Receipt Number _____
 Meeting Date _____

APPLICATION FOR ADMINISTRATIVE APPEAL
 Form #CD171 (rev. 11/23)

Property Owner GREGORY STOEK Phone Number 262 654 4522
496 4522
 Owner's Address 7843 - 19th St KENOSHA WI

If the applicant is other than the property owner, a notarized signature of the property owner authorizing the applicant to act on his/her behalf is required

Applicant GARY ORR STOEK Phone Number 262 454 4522
496 4522
 Applicant's Address 7843 19th Kenosha WI
 Address of Appeal 7843 19th Kenosha WI
 (if the property is undeveloped, a parcel number is required)

Specific Appeal Being Requested MADLY PARKING PLACE IN FRONT OF
MY HOME I AM HANDICAPPED AND THE NEIGHBORS
FENCE MAKE IT IMPOSSIBLE TO PARK MORE THAN 2
CARS IN MY DRIVE WAY THIS IS A NECESSARY LIFE
 Attach the necessary supplemental forms as defined in the "ADMINISTRATIVE APPEAL APPLICATION INSTRUCTIONS"
HAVE LIC

Documentation: On a separate sheet(s) of paper, provide justification of your request.

I hereby authorize the staff of the Department of City Development to inspect the premises of the above-described property. I hereby affirm that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

[Signature]
 Signature (Owner or Agent for Owner)

11-11-2023
 Date

HAVE SPOKE WITH
OUR

ALOR BMMW APPROVED

I HAVE LESS THAN 100 INCHES TO MOVE A
CAR BETWEEN FENCE & HOUSE I BELIEVE
THE FENCE MAY BE ON MY PROPERTY.
NO SURVEY WAS MADE BEFORE INSTALLATION
I LOST USE OF MY 2 CAR GARAGE
TO HARD TO BACK DOWN DRIVEWAY

YOURS

GRAY STICK



GARY D. ROBERTS
DIRECTOR OF INSPECTIONS

Gregory Stock
Lorna Stock
7843 19th Ave
Kenosha, WI 53143

October 27th, 2023

Notice of Zoning Violation

ORDER TO CORRECT

Mr. and Mrs. Stock,

The Department of City Inspections received a complaint from Alderman Wilson who was contacted by a constituent, complaining that you are parking a vehicle in your front yard. Upon investigation, it was found that you put down some crushed gravel or other covering in part of your front yard (to the right of your wheelchair ramp if looking at the home from the street) to park your vehicle. Kenosha Zoning Ordinance states that you can park your vehicle in your rear yard and on your driveway apron only. Parking in the front yard is prohibited.

Please see below the sections that are in violation:

Section 2.01 of the Zoning Ordinance (as defined in 6.01.A.2) - No building, structure, land or water shall hereafter be used or developed, and no building, structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered or converted, except in conformity with all regulations specified in this Ordinance, for the zoning district in which such building, structure, land or water is located.

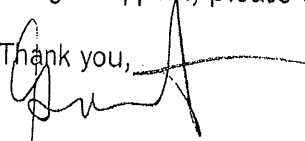
Section 6.01.A.2 of the Zoning Ordinance - Off-street parking in residentially-zoned districts (RR-1, RR-2, RR-3, RS-1, RS-2, RS-3, RG-1, RG-2) shall be limited to the property's backyard or driveway apron as defined in Section 12 of this Ordinance, except for periods of a declared snow emergency.

I am aware that the City installed some signage in front of your home to assist you with having a dedicated parking space for your vehicle. Please use the space that was allowed

and immediately cease parking in the front yard of your home. Failure to do so could result in further enforcement measures.

If you have any questions or concerns, you can reach me at 262-653-4414. If you disagree with this notice and finding of a violation of the Zoning Code, you may appeal with a written appeal filed with the Kenosha Zoning Board of Appeals. For more information on filing an appeal, please contact the Department of City Development at 262.653.4030.


Thank you,

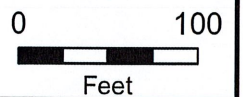


Gary D. Roberts
Director, City Inspections

Stock
Request for Administrative Appeal




 Subject Property




6.01. - Parking Requirements.

In all districts, there shall be provided at the time any building or structure is erected, enlarged, or expanded, off-street parking spaces in accordance with the following requirements:

A. **General Rules for Determining Parking Requirements.** In computing the number of off-street spaces required, the following rules shall govern:

1. Adjacent on-street curb parking shall not be considered as part of the required supply of off-street parking, except where permitted in Section 6.01.A.8. of the Zoning Ordinance, "B-4 Mixed-Use District Requirements."
-  2. Off-street parking in residentially-zoned districts (RR-1, RR-2, RR-3, RS-1, RS-2, RS-3, RG-1, RG-2) shall be limited to the property's backyard or driveway apron as defined in Section 12 of this Ordinance, except for periods of a declared snow emergency.
 - a. Off-street parking spaces for multifamily developments of three (3) or more units per building which are located directly in front of attached or detached garages shall not be considered when determining the number of required off-street parking spaces as outlined in Section 6.01.F. of this Ordinance.
3. Where the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, parking shall be provided for such increase in intensity of use.
4. Where the determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while any fraction equal to or in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.
5. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.
6. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Off-street parking spaces for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of the uses being served. Further, no parking space or portion thereof shall serve as a required space for more than one (1) use.
7. **B-3 Central Business District Requirements.**
 - a. For the purpose of encouraging the development and redevelopment of property within the B-3 Central Business District, the following reduced parking requirements shall apply:

Drive-thru Facility. An improvement to a new or existing building which expands the use and physical characteristics of the property so as to permit patrons and customers who are operators or passengers in a motor vehicle, to receive a service or obtain a product on or from the exterior of the property.

 **Driveway Apron.** Shall mean that surface paved or graveled located on private property a minimum of nine (9) feet in width which extends from the street right-of-way to the accessory building or its termination, whose intended use is egressing and ingressing the property with motor-driven vehicles. The width of the driveway apron shall not exceed the width of the driveway approach at the property line, unless a variance is obtained therefor.

Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling Unit. Two (2) or more rooms in a residence designed for and occupied by not more than one (1) family for living and sleeping purposes and containing only one (1) kitchen. Dwelling unit shall be the unit of measure in determining minimum lot area and parking requirements.

Dwelling Unit Efficiency. One (1) room in a residence designed for and occupied by not more than two (2) persons for living and sleeping purposes and containing a kitchenette.

Egg Production—Commercial. An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

Elderly shall mean a person of the age of fifty-five (55) years or greater.

Elderly Housing. Multiple-family development designed, constructed, and managed for exclusive and permanent occupancy by elderly resident.

Encroachment. Any fill, structure, equipment, building, use or development in the floodway.

Environment Control Facility. Means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting applicable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Equal Degree of Hydraulic—Encroachment. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.



Oct 27, 2023 2:18:57 PM
7843 19th Avenue
Kenosha County
Wisconsin



Oct 27, 2023 2:18:30 PM
7843 19th Avenue
Kenosha County
Wisconsin



NOTICE OF PUBLIC HEARING

***Petition for Administrative Appeal
7843 19th Avenue (Stock)***

The Zoning Board of Appeals will hold a public hearing on a Petition for Administrative Appeal. The owner of the property at 7843 19th Avenue is appealing orders to remove a gravel parking pad installed in front of the residence.

You are being notified of this public hearing as the owner of property located within one hundred (100') feet of the proposed Appeal.

The public hearing will be held at the Zoning Board of Appeals meeting as follows:

***Zoning Board of Appeals – Tuesday, December 5, 2023 at 5:00pm
Municipal Building, 625 52nd Street, Kenosha, Room 204***

The public hearing provides an opportunity to voice any concerns or ask any questions about the Administrative Appeal.

Questions regarding this Appeal should be directed to Brian Wilke, City Development, Room 308. If you are unable to attend, but have concerns/information you would like presented at the meeting, please call 262.653.4049 or email bwilke@kenosha.org.

BRW:llb
Enclosure



ZONING BOARD OF APPEALS
Staff Report – Item #2

Tuesday, December 5, 2023 at 5:00 pm
Municipal Building
625 52nd Street – Room 204 – Kenosha, WI 53140

Discussion on dates and times for regular scheduled monthly meetings.

NOTIFICATIONS AND APPROVAL REQUIREMENTS:

N/A

LOCATION AND ANALYSIS:

Site: N/A

Zoning: N/A

1. Staff is recommending that a schedule of 2024 meeting dates for the Zoning Board of Appeals be established for the benefit of the Board members' schedules as well as the public for making applications.
2. The bylaws for the Board of Zoning Appeals state that meetings must be held at 5:00 pm but do not specify a day of the week or the frequency of meetings in a month. Staff is suggesting to meet one Tuesday of each month, and that Tuesday should be during the week in between regularly scheduled City Plan Commission meetings. A copy of the proposed schedule with meeting dates and filing dates is attached.
3. If no items are submitted for a regularly scheduled meeting, that meeting will be canceled and Board members will be notified.

RECOMMENDATION:

A recommendation is made to establish the meeting schedule as attached.

Brian Wilke, AICP, Development Coordinator

Richard Schroeder, Deputy Director

**CITY OF KENOSHA – ZONING BOARD OF APPEALS
2024 Filing Dates and 2024 Meeting Schedule**

DOCUMENTS TO BE FILED	MEETING DATE
Friday, December 8, 2023	Tuesday, January 9, 2024
Friday, January 12, 2024	Tuesday, February 13, 2024
Monday, February 12, 2024	Tuesday, March 12, 2024
Friday, March 8, 2024	Tuesday, April 9, 2024
Friday, April 12, 2024	Tuesday, May 14, 2024
Friday, May 10, 2024	Tuesday, June 11, 2024
Friday, June 7, 2024	Tuesday, July 9, 2024
Friday, July 12, 2024	Tuesday, August 13, 2024
Friday, August 9, 2024	Tuesday, September 10, 2024
Friday, September 13, 2024	Tuesday, October 15, 2024
Friday, October 11, 2024	Tuesday, November 12, 2024
Friday, November 8, 2024	Tuesday, December 10, 2024

All regular meetings will be held as follows:

Time and Place: 5:00pm in Room 204, Municipal Building at 625 52nd Street, Kenosha