



**AGENDA**  
**Zoning Board of Appeals**

**Wednesday, July 11, 2018 at 5:30 p.m.**  
City of Burlington Fire Station – 165 W. Washington Street

John Lynch, Jr.  
Suzanne Boutcher  
Tom Steffy  
Lee Verhagen  
Bill Smitz

1. Call to order
2. Roll Call
3. Approval of minutes from May 16, 2018
4. Citizen Comments
5. Letter and Communications: None
6. Old Business: None
7. Public Hearing:
  - A. A Public Hearing to hear Public comment regarding the consideration of a variance from Section 315-17F(1), setbacks, for property located at 1501 Sara Court, to allow for a 12.5 foot street yard setback.
8. New Business:
  - A. Consideration to approve a Zoning Variance application from Neil Demant for property located at 1501 Sara Court, to allow for a 12.5 foot street yard setback instead of a 25 foot street yard setback for the proposed new single family home.
9. Adjourn

NOTE: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.

City of Burlington  
Board of Zoning Appeals Minutes

Date of Meeting: May 16 2018

Members Present: John Lynch Jr., Tom Steffy, Suzanne Boutcher, Lee Verhagen

Other Appearances: Gregory Guidry, Zoning Administer  
John Bjelajac, City Attorney

1. The meeting was called to order at 5:30pm.
2. A motion was made by Lee Verhagen to approve the August 16 2017 minutes and seconded by Suzanne Boutcher.
3. City attorney John Bjelajac provided a review of the 2 types of variances and the criteria for approval.
4. Old business - none.
5. Public Hearing A: to hear Public comment regarding the consideration of a variance from Section 315-71D, signs, for property located at 1456 S. Pine Street, to install a 149 square foot sign on the west side and to allow a 149 square foot sign on the north side face the public street.

Comments from public in regards to the size and location of the sign asking for clarification that it will not impact the vision and cause the intersection to become dangerous for motorists to navigate.

Public hearing was closed

6. Public Hearing B: to hear Public comment regarding the consideration of a variance from Section 315-51C(1), fences, for property located at 1149 Hidden Creek Lane, to install a fence at the sidewalk on a corner lot.

No public comments.

Public hearing was closed.

7. A Public Hearing C: to hear Public comment regarding the consideration of a variance from Section 315-31F(1), setback and yards, for property located at 171 Industrial Drive, to allow for a 15 foot street yard setback.

No public comments

Public hearing was closed.

8. New Business A: discussion about the sign size and placement was broken into two separate variances, one for use and one for area, for clarification purposes. After the discussion a motion to approve variance #1 for area was passed 4-0. A motion to approve variance #2 for use was approved 4-0.

9. New Business B: Discussion in regards to the fence was broken into two separate variances, one for location of the fence and one for the height and vision through the fence as it relates to the intersection vision triangle. After a lengthy discussion it was

suggested the fence height transition from 42" down to 36" within the vision triangle to eliminate the requirement of being 80% visible. A motion to approve variance #1 was made by Suzanne Boutcher, seconded by Lee Verhagen and was passed 4-0. A motion to approve the variance #2 was made by Suzanne Boutcher, seconded by Lee Verhagen and was passed 4-0.

10. New Business C: A discussion was held in regards to the hardships created by a combination of circumstances preventing reasonable usage of the property. A motion to approve the use variance was made by Lee Verhagen and approved by Tom Steffy. The motion passed 4-0.
11. At 6:41 a motion to adjourn the meeting was made, seconded and passed.

Lee Verhagen  
Zoning Board of Appeals

THE ZONING BOARD OF APPEALS IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on  
Proposed Zoning Variance Permit  
Rs-2, Single Family Residential District

TO WHOM IT MAY CONCERN:

**NOTICE** is hereby given that the Zoning Board of Appeals of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to receive evidence pertinent to its consideration of an appeal from:

**Owner:** Michael & Jacquelyn Bever  
**Applicant:** Neil Demant of 3D Construction  
**Location:** 1501 Sara Court  
**Zoning:** Rs-2, Single Family Residential District  
**Use:** Single Family Residence  
**Variance Requested:** A variance to Section 315-17F(1) of the Zoning Ordinance to allow for a 12.5 foot street yard setback, instead of the required minimum of a 25 foot street yard setback from the property line.

**NOTICE IS FURTHER GIVEN** that a hearing on the above-mentioned Zoning Variance Request will be held by the Zoning Board of Appeals at the Fire House, in the City of Burlington on:

**WEDNESDAY, JUNE 20, 2018 DURING THE MEETING OF THE ZONING BOARD OF APPEALS SCHEDULED TO BEGIN AT 5:30 P.M. OR SHORTLY THEREAFTER**

CITY OF BURLINGTON  
ZONING BOARD OF APPEALS

Dated at Burlington, Wisconsin, 29<sup>th</sup> day of May, 2018.

Carina Walters, City Administrator

*Published in the Burlington Standard Press  
May 31<sup>th</sup> & June 7<sup>th</sup>, 2018*



CITY OF BURLINGTON

Building & Zoning Department  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

For Office Use Only	
Date Filed	5/05/18
Amount Paid \$	150
Received By	KA
	(Initials)

ZONING FORM NO. 4  
MODEL APPEAL OR APPLICATION

TO THE ZONING BOARD OF APPEALS FOR ZONING VARIANCE

Instructions

Appeals and applications shall be filed with the Zoning Administrator. The Zoning Administrator shall refuse appeals or applications that are not complete or are not legible.

Appeals

I hereby acknowledge of written notification of the Zoning Administrator's permit refusal or notice of violation and do, therefore, appeal to the Board of Zoning Appeals for one of the following (check one):

- 1. Review, reversal or modification of the Zoning Administrator's permit refusal, correction order or interpretation.
- 2. A variance to Section 315-17F(1) of the Zoning Ordinance.

Date of previous appeal (if any): \_\_\_\_\_

Application

I hereby apply for one of the following (please check one):

- 1. An interpretation of the regulations of the Zoning Ordinance or the boundaries of the Zoning Map.
- 2. Permission to substitute a more restrictive non-conforming use for an existing one.
- 3. A determination that an unspecified or unclassified use is permitted in a district.
- 4. A temporary use permit.

Date of previous application (if any): \_\_\_\_\_

Disposition of previous application: \_\_\_\_\_

Names and Addresses

Applicant or Appellant: Neil Demant (3D Construction)

Owner of the site: Michael & Jacquelyn Bever

Architect: 3D Construction

Professional Engineer: \_\_\_\_\_

Contractor: 3D Construction

Description of the Subject Site

Address of premises affected: 1501 Sara CT

Lot: 65 Block: \_\_\_\_\_ Subdivision: Murphy Farms

Lot size: \_\_\_\_\_

Metes and bounds description (please attach: \_\_\_\_\_

Zoning district classification: RS-2

Description of existing operation or use: vacant

Description of the proposed operation or use: Single Fam home

Number of employees: \_\_\_\_\_

Type of structure: Single Fam home

Terms of ordinance: \_\_\_\_\_

Variance requested: NE Set back, would like to be over

Reason for petition: \_\_\_\_\_

Attachments

The following required items shall be attached for all appeals and applications:

Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plate of survey shall show the location, elevation and use of any abutting lands their structures within forty (40) feet of subject site.

Names and Addresses of all abutting and opposite property owners within 300 feet of the area.

Additional Information as may be required by the Plan Commission, City Engineer, Zoning, Building, Plumbing or Health Inspectors.

Fee Receipt from the Treasurer in the amount of \$ 150.00.

An appeal of the Zoning Administrator's permit refusal, correction order or interpretation shall be accompanied by a statement as to why the Zoning Administrator's decision is in error. An appeal for a variance shall be accompanied by a statement of facts listing the appellant's special conditions that would cause a literal enforcement of the Zoning Ordinance to result in practical difficulty or unnecessary hardship. An application for a determination of unclassified uses shall be accompanied by a complete description of the process, operation of use and comparisons with similar uses.

Date: 5/25/18 Owner/Owner's Agent: Neil Domant  
Print  
Signature: Neil Domant



20911 White Ash Road, Unit C, Union Grove, WI 53182 (262) 763-4600 Fax (262) 324-1246  
3dconstructionwi.com

Zoning Board of appeals,

May 25<sup>th</sup>, 2018

Acting as Builder and agent for Michael & Jaquelyn Bever, I am requesting your review of our request of variance on lot 85 in Murphy farms sub-division.

I've attached a site plan, showing footprint of purposed home positioned for your approval. We would like to be over the 25' set back line on the North East corner. The reason is, the cul-de-sac on Sara court is creating a difficult condition for positioning a house on. Given the position of neighboring existing home, and the size of lot 86 to the west, we feel this is the only way to lay the home out. We also feel the "front" elevation of house facing Devon road will look the best, as Devon has the most traffic. Further, the "view" of the lot is North West, and the rear elevation facing this direction is most desirable, and will prevent rear of home facing directly into future neighbor's home on lot 86. Lot 86 is a very small lot, and anyone who builds there will also need to be at the 8' minimum distance from property line, and we would like to prevent either neighbor from looking directly into one another's homes.

We've placed the North East corner just short of the 12' utility easement line. I feel we are still a comfortable distance from curb, giving plenty of space for city walks, and trees. I strongly feel placing the home in this way is the most aesthetically pleasing, natural looking for the lot, and also grading elevations. I've also attached a full set of architectural plans. I plan to utilize a partial exposure on a portion of rear elevation. It is not yet shown on plans until exact grades are shot, and we can determine exact locations.

Please consider our request, and in the meantime, please feel free to call me @ 262-206-0607 with any questions. I'm also available to meet on site before hearing on June 13<sup>th</sup> if necessary.

Respectfully,

A handwritten signature in black ink that reads "Neil Demant". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Neil Demant

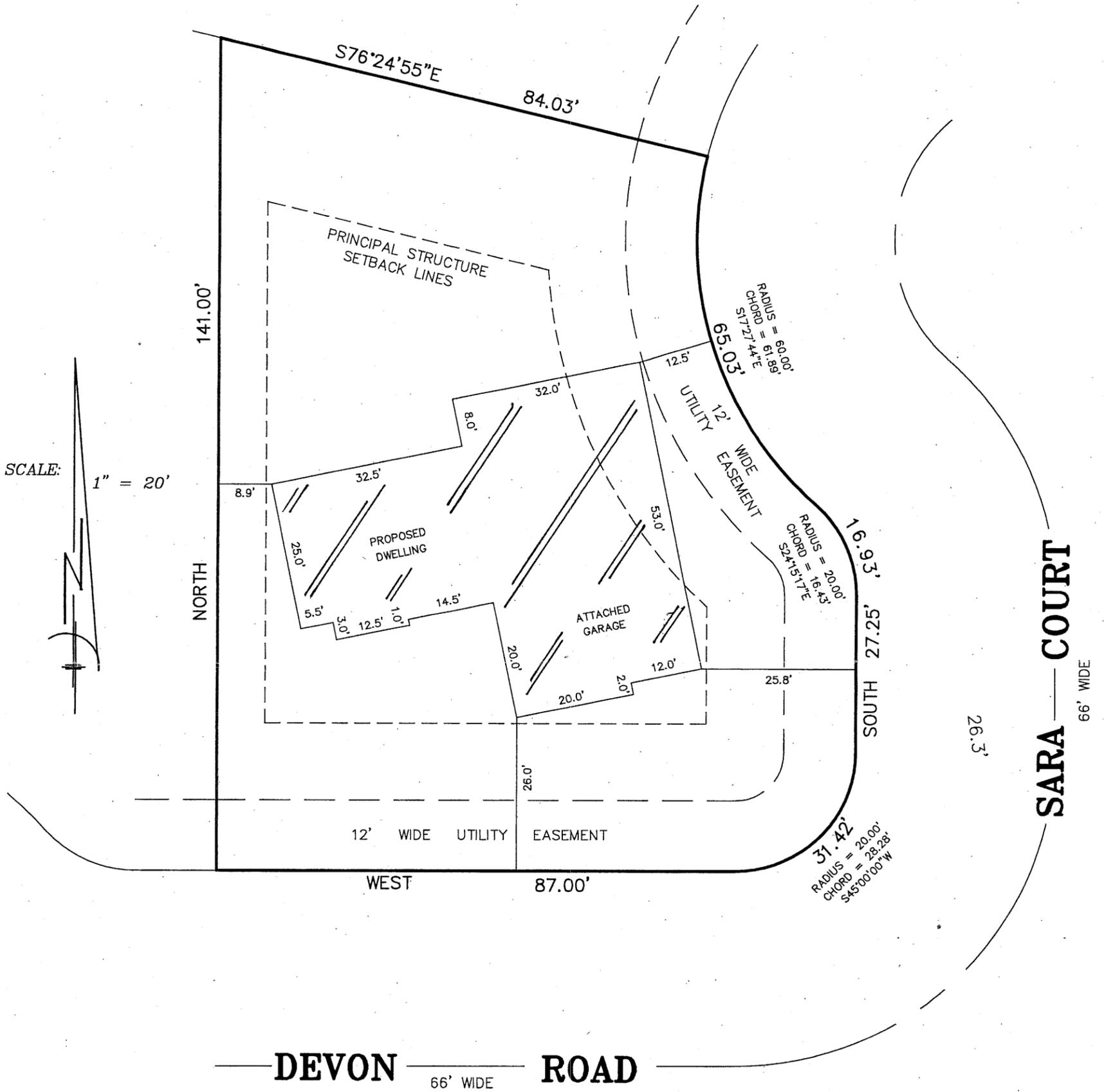
President, 3D-Construction Inc.

**SITE PLAN**

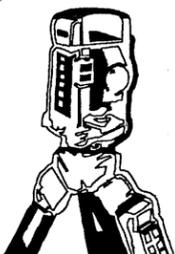
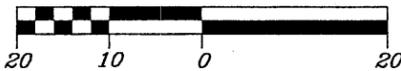
**-OF-**

LOT 85 OF "FOX RIVER LANDING AT THE MURPHY FARM ADDITION NO. 1", BEING A PART OF GOVERNMENT LOT 1 IN SECTION 27, PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, PART OF GOVERNMENT LOT 5 IN SECTION 22 AND PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, ALL IN TOWN 3 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN.

PREPARED FOR: 3D CONSTRUCTION  
 SURVEY LOCATION: 1501 SARA COURT



GRAPHIC SCALE



**B.W. SURVEYING, INC.**

LAND SURVEYS  
 MAPPING AND PLANNING  
 412 N. PINE STREET  
 BURLINGTON, WI 53105  
 (262)-767-0225

*Robert J. Wetzel*  
 ROBERT J. WETZEL S-1778

MAY 25, 2018  
 DATE

9633  
 JOB NUMBER