



AGENDA
Zoning Board of Appeals

Wednesday, May 15, 2019 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 July 11, 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 115-18 B(1)(a), pool location, for property located at 368 Indian Bend Road, to allow for a pool in the side yard, and Section 315-51 C(b)(1)(a)(c), fence height, to allow for a 6 foot privacy fence, as the property is on a corner lot.
8. New Business:
 - A. Consideration to approve a Zoning Variance application from Gary & Sherry Schultz for property located at 368 Indian Bend Road, to allow for a pool in the side yard, and for a 6 foot privacy fence, as the property is on a corner lot.
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
Zoning Board of Appeals

Minutes from meeting held Wednesday, July 11, 2018 at 5:30pm at the City of Burlington Fire Station

1. Call to order 5:51 pm
2. Roll call – members present:
 - a. John Lynch Jr
 - b. Suzanne Boutcher
 - c. Tom Steffy
 - d. Lee Verhagen
 - e. Bill SmitzOther Attendees: Gregory Guidry
John Bjelajac
3. Approval of Minutes from May 16, 2018
Motion made by Suzanne Boutcher, second by Tom Steffy – motion carried
4. Citizen comments – none – motion to close made by Tom Steffy, second by Bill Smitz – motion carried
5. Letter and Communications: None
6. Old Business : None
7. Public Hearing – regarding setback for proposed residential building located at 1501 Sara Court to allow a 12.5 setback instead of the standard 25 foot.
Neil Demant – 3D construction presented drawing and photos of proposal
Mike & Jackie Bever – Home Owners presented reasons for request
Motion made to close Public Hearing by Lee Verhagen, second by Suzanne Boutcher – motion carried 5:56 pm
8. New Business: consideration to approve the Zoning Variance Application from Neil Demant regarding the setback at 1501 Sara Court
Motion to Deny the Zoning request made by Lee Verhagen, second by Suzanne Boutcher – Unanimous vote – motion carried – request is denied
9. Adjourn: Motion made by Suzanne Boutcher, second by Bill Smitz – motion carried – meeting adjourned 6:20pm

Minutes prepared by Lee Verhagen

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: Gary & Sherry Schultz
Applicant: Gary & Sherry Schultz
Location: 368 Indian Bend Road
Zoning: Rs-2, Single Family Residential District
Use: Single Family Residence
Variance Requested: A variance to Section 115-18 B(1)(a) of the Zoning Ordinance to allow for a pool in the side yard on a corner lot, instead of the rear yard required.
A variance to Section 315-51 C(b)(1)(a)(c) of the Zoning Ordinance to allow for a 6 foot privacy fence in the front yard on a corner lot, instead of a 4 foot privacy fence in the street yard.

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, MAY 15, 2019 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, 23rd day of April, 2019.

Carina Walters, City Administrator

Published in the Burlington Standard Press
April 25 & May 2, 2019

NOTE: The entire packet is available for viewing at [http://www.burlington-wi.gov/104/Agenda-Minutes under Zoning Board of Appeals Meeting Packet](http://www.burlington-wi.gov/104/Agenda-Minutes%20under%20Zoning%20Board%20of%20Appeals%20Meeting%20Packet)

Three Step Test

To qualify for a variance, the Zoning Board of Appeals must determine if your request meets **all** three criteria of the three-step test:

1) UNIQUE PROPERTY LIMITATIONS: The variance request is due to unique physical limitations of the property, i.e. compliance with the Ordinance(s) is prevented by limitations of the property (steep slopes, drainage or waterways, wetlands, soil types, densely wooded areas, utility and other easements, unusual configuration/dimensions of lot, etc.) which are not generally shared by other properties. **Personal circumstances of an applicant (growing family, personal storage issues; etc.) are not a factor in deciding variances.** Nearby ordinance violations and prior variances do not provide a basis for granting a variance. Minor property limitations, which prevent ordinance compliance and are common to a number of properties, may be addressed by amendment of the Ordinance(s).

2) UNNECESSARY HARDSHIP: Strict application of an ordinance requirement (dimensional standard) would unreasonably prevent the owner from using the property for a permitted purpose. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner. You will be asked to demonstrate that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

The Zoning Board of Appeals will evaluate the hardship in light of the purpose of the zoning restriction at issue. An applicant may not claim hardship because of conditions, which are self-imposed (for example: splitting a lot to create two substandard lots and then claiming hardship). Courts have also determined that loss of profit or financial hardship do not, by themselves, justify a variance. The property owner bears the burden of proving unnecessary hardship.

3) NO HARM TO PUBLIC INTERESTS: A variance will not create substantial detriment to adjacent property, the entire community and the general public. The variance would not undermine the purpose, intent and spirit of the Zoning Ordinance(s) or the public interest.



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	<u>4/1/19</u>
Amount Paid \$	<u>150</u>
Received By	<u>mw</u>
	(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 15.8, 315cbb of the Zoning Ordinance.

Date of previous appeal (if any): Pool location - ch. 115-18(i)(a); Fence height - ch. 315-51 c(i)(b)(a)

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): n/a

Disposition of previous application: n/a

Names and Addresses

Applicant or Appellant: Gary & Sherry Schultz

Owner of the site: Gary & Sherry Schultz

Architect: _____

Professional Engineer: _____

Contractor: tbd

Rh 262-945-9859

Description of the Subject Site

Address of premises affected: 368 Indian Bend Rd, Burlington WI 53105

Lot: 10 Block: 6 Subdivision: Shiloh Hills

Lot size: 99.95 x 128.06 x 96.00 x 129.95

Metes and bounds description (please attach: attached

Zoning district classification: Residential RS-2

Description of existing operation or use: single family residence

Description of the proposed operation or use: add 12x20 pool with concrete

deck & 6' white pvc privacy fence (with 4' at east end of pool deck for security)

Number of employees: n/a

Type of structure: pool & fence

Terms of ordinance: not on side yard, 6' fence to front of house & on side yard

Variance requested: allow pool, deck, fencing as submitted on drawing

Reason for petition: we have a unique property situation that minimizes area in

yard for pool, severely limiting the intended use of our yard, creating a hardship for remaining yard

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.

falls by our handicapped daughter (who pool is for)

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

Rodney & Myndi Gonzalez 376 Indian Bend Rd. Burlington, Timothy & Patricia Spiegelhoff 808 Chantilly Ct Burlington

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: 3/31/19 Owner/Owner's Agent: Gary Schultz Sherry Schultz

Print Signature: Gary Schultz Sherry Schultz

4/21/2019

To: The City of Burlington

From: The Schultz Family at 368 Indian Bend Rd. Burlington

Re: Reason for Petition of Variance

We moved into our home last year. Our family consists of my husband and myself, and our 32 – year old daughter, Kimber, who is severely handicapped with Rett Syndrome. She functions at about an 18-month level. Our previous home had a heated pool, and she would spend several months a year in it. It was the only way she could walk unaided. She is mostly in a wheelchair, and requires 100% assistance to try to walk without it. The pool was her freedom and her exercise, and, we believe kept her from being completely confined to a wheelchair. We would like to put in a pool, here.

Our current backyard is surrounded by beautiful pines and mature fruit trees, one of the main reasons we purchased the property. There is a small rock retaining wall in front of the fruit trees, as it appears we are at the bottom of a hill. There is a small cement patio right off the back of the house.

We have a unique property situation that minimizes the area in our back yard for a pool, severely limiting where we can put it. If you subtract the trees, rock wall, and patio, it leaves us 23 feet of backyard depth, currently in grass.

If we put in a 12' wide pool, with 5 feet all around it, it would take up 22 of the 23 feet of depth of our yard - 12' for the pool + 5' for a deck on the front and + 5' for a deck on the back. The length of the pool is 20' and there would also be a 5' deck on the right and left of the pool.

Putting the pool in the backyard would create a hardship for us, in that there would be hardly any grass left behind the house, as the trees on the left and right take up about 36 feet. That would leave about 15 feet on either side of the pool for grass, assuming there is a 5' deck all around it.

All total, if we were to put the pool in the back yard, it would leave one foot of grass from front to back, and only two areas of 15 feet x 23 feet of grass on each side as usable space, even though our actual green space dimensions are greater than this. It's just that the trees take up quite a bit of space. With the pool, patio/decks and driveway, I believe we would still be in compliance with the amount of building space you allow.

We are asking for a variance to put in a pool on the “side” of our house. It would fit perfectly between the sidewalk and the house. There is 26 feet of width, which would easily accommodate the 12 foot wide pool, plus two 5' decks. It would give us 4 extra feet of width for plants. The length is also perfect, as we have 31 feet of length, which would accommodate the 20 foot long pool plus 10 feet of decking. There would be a fence to hide it from the road.

We also plan on extending our 12 foot deep patio south to meet up with the pool. Our current patio is 12 ' by 18 ' long and we would run an extra 38' or so in length, to the pool. It would

create an L-shaped patio area, running along the back of the house and attaching to the deck on the side where the pool is.

Locating the pool on the side of the house would also allow us to fence it in tight for safety, as we have a 3-year old grandchild and one on the way.

We live on a corner, so I understand Burlington says it's like having two front yards. We are also asking for a variance to put in a 6' privacy fence, 78' of which is on the south side of our side yard (which you call front yard.) Because of how our house is situated on the lot, our side yard does not look like a front yard at all.

While our association rules originally did not allow for privacy fences, the architecture committee that formed when it was first developed, no longer exists. I found two instances of privacy fences currently up in our subdivision, and another instance of white PVC picket fence on our street. There are in-ground pools in our subdivision, which is exactly what we would be putting in. A privacy fence on the side of the house would not interfere at all with the line of sight for traffic on our corner, as there would still be 50 feet open for viewing for traffic.

It is our intention to create a cottage look for our new home. If you look at our previous home, (at 36285 52nd. St. Burlington (Wheatland,)) you would see our pride of ownership, and we have every intention of creating an even more beautiful home here.

We completely understand the reasons behind your ordinances. It is to prevent blight or misuse of the land in Burlington, neither of which we would do. However, to deny us this variance, would severely limit the exercise our daughter needs to, literally, walk. If the pool was in the backyard, she would have very little space to enjoy the grass. She cannot enjoy a public pool, as we have flotation devices "attached" to her. She cannot handle lots of noise and splashing, as it frightens her and causes her to make screaming noises (she cannot talk.) She needs a private setting, (which is another reason for the privacy fence.)

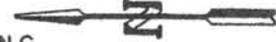
We know it is a very difficult decision for you to make, because you want to keep our city looking beautiful. It is my understanding that variances are well-scrutinized. It may be helpful to think of it this way. In reality we are asking for a change in use of a 26' by 31' piece of land...800 square feet out of the nearly 8 square miles of the entire city of Burlington. I looked it up: one square mile = 27,878,400 square feet. Multiply that by 8 square miles and you've got 223,027,200 square feet in Burlington...and we are only talking about 800 square feet out of 223 million square feet. Oh, and two more feet of height on 78 feet of fence to give her privacy. That is all we are asking for.

We are grateful for the opportunity to present our story. We absolutely love living in Burlington, and want to stay forever. We are not asking for much, in the grand scheme of things...just a chance to give our child the best life we can.

Thank you for giving us that chance.
Gary, Sherry and Kimber Schultz

Plat of Survey

SCALE 1" = 40'



JAHNKE & JAHNKE ASSOCIATES INC.

Consultants in Engineering, Planning, Subdivisions and Surveying

711 W. MORELAND BLVD. -- WAUKESHA, WISCONSIN 53188

TELEPHONE (414) 542-5797 FAX (414) 542-7698

FOR: KETTLE CREEK HOMES RE: FRANCESCHI

LEGAL DESCRIPTION: Lot 10, Block 6, SHILOH HILLS ADDITION NO. 1, being a subdivision of a part of the Northeast 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 31, Town 3 North, Range 19 East, City of Burlington, Racine County, Wisconsin.

Bench Mark 826.43 (USGS) Hydrant at the corner of Highridge Road and Briody Street.

786.4 - Existing elevation

Suggested Residence Grade: First Floor 791.0*

Top of Foundation 790.0*

*suggested grade only

• Iron pipes found

NOTE: No pipes set as part of survey.

NOTE: Expose sanitary sewer lateral before construction to verify gravity flow from the basement.

REFERENCE BEARING: Bearings relate to Grid North of the Wisconsin State Plane Coordinate System, South Zone. The east line of the Northwest 1/4 of Section 31-3-19 being S01°22'42"E.



Escape window to be installed

Extend existing concrete patio

12x20 Pool

Perimeter = 41 pool fence

2' Deck on left
8' Deck on right
5 1/2' deck on top & bottom

6' high white PVC fence surrounding yard where all X's are

BADGER BLUEPRINT CO. 598489

STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS

WE, JAHNKE & JAHNKE ASSOCIATES INC., DO HEREBY CERTIFY THAT WE HAVE MADE THIS SURVEY AND THAT THE INFORMATION AS SHOWN ON THE ABOVE PLAT OF SURVEY IS TRUE AND CORRECT REPRESENTATION THEREOF.

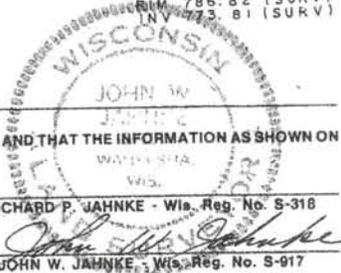
Revised 11/25/98 (Stakeout)

DATED THIS 16th DAY OF October 19 98

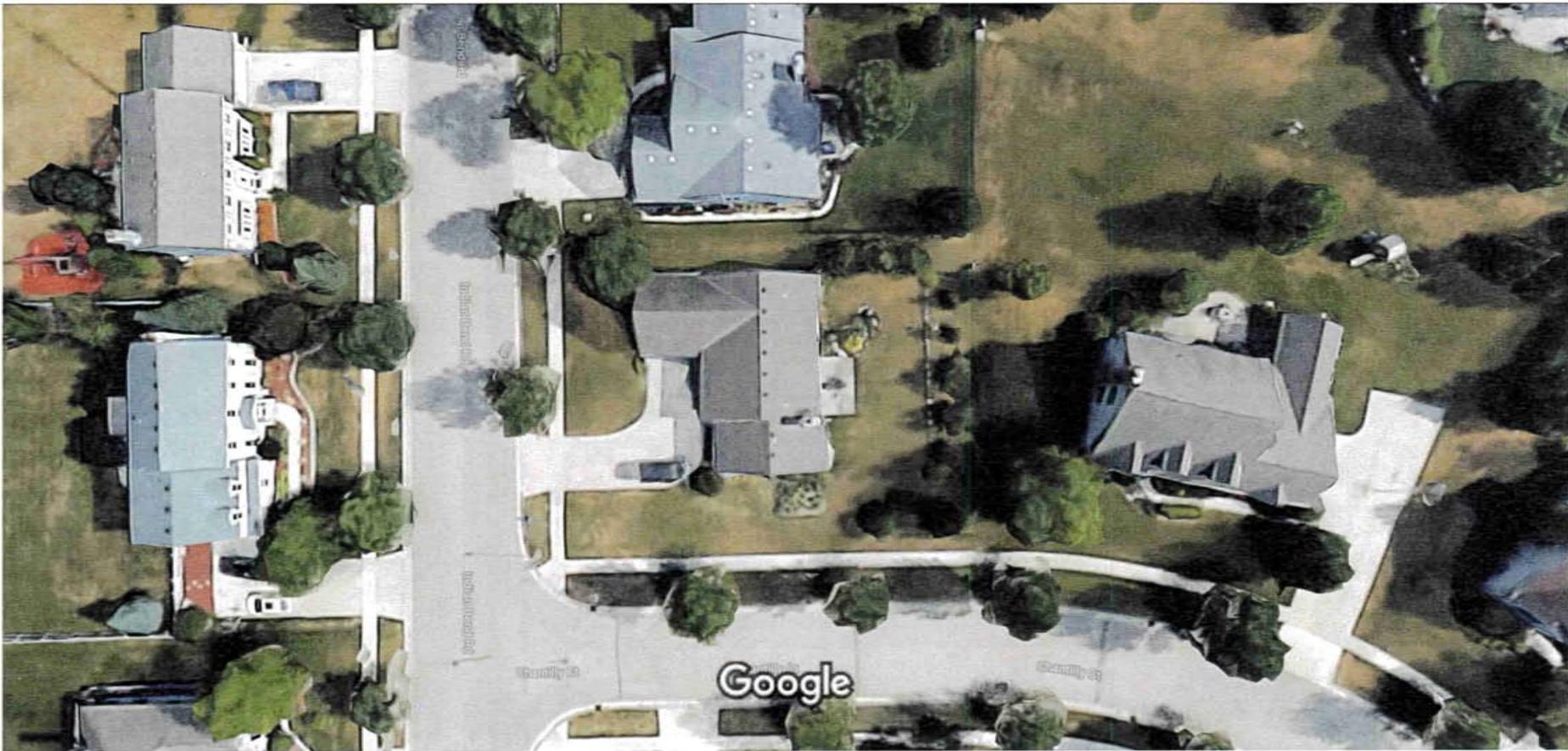
PLAT No. P.S. Racine 463 BOOK Racine 18 PAGE 22

RICHARD P. JAHNKE - Wis. Reg. No. S-318

Richard P. Jahnke
JOHN W. JAHNKE, Wis. Reg. No. S-917



Google Maps



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*City of Burlington, WI
Monday, April 1, 2019*

Chapter 115. Building Construction

§ 115-18. Swimming pools.

- A. Types of pools requiring permits. The following types of pools require a permit:
- (1) Aboveground pools (except wading pools having a depth of less than two feet and which are readily movable).
 - (2) In-ground pools.
 - (3) Public pools. All public pools constructed shall be built and maintained in accordance with the rules of the Wisconsin Department of Health and Family Services, found in Ch. HFS 172, Wis. Admin. Code.
- B. General pool regulations.
- (1) Location.
 - (a) No person, firm or corporation shall have a swimming pool located in the front yard or less than five feet from any lot line or building wall, and in the case of lots bordered on two sides by public streets, no swimming pool may be erected in the area between the setback lines of the main building and the street right-of-way.
 - (b) Swimming pools shall be located away from well and septic systems in accordance with the Wisconsin State Plumbing Code.
 - (2) Access.
 - (a) A fence or other solid structure of not less than four feet in

*City of Burlington, WI
Monday, April 1, 2019*

Chapter 315. Zoning

Article V. Traffic, Loading, Parking, Access, Fences and Landscaping

§ 315-51. Fences.

[Amended 11-19-1990 by Ord. No. 1322(27); 9-1-1992 by Ord. No. 1399(11); 11-18-2003 by Ord. No. 1740(20); 12-20-2016 by Ord. No. 2010(6)]

- A. The construction of a fence anywhere within the City of Burlington shall require application for a fence permit from the Building Inspector, the fee for which shall be in an amount set by the City Council.
- B. Application for a fence permit, when not part of a landscaping plan, shall be made to the Building Inspector and include: the name and address of the applicant; the owner of the site and the contractor; an accurate drawing or plat of survey of the site, inclusive of structures located thereon; the address of the site; the proposed location of the fence superimposed on the drawing or plat of survey; the type, materials, size, height and design of the proposed fence; and any other information the Zoning Administrator may require.
- C. Fence construction is subject to the following limitations:
 - (1) Placement and height.
 - (a) Placement on lot. A fence is permitted on or near the property lines in all districts. No fence shall be closer than three feet from the street right-of-way in the front yard, except a protective fence or a fence that is used to screen a

parking lot from a residential district. Such fences must display their most aesthetic side towards view of the public.

(b) Height.

[1] All districts. Except as otherwise provided in this section, the following height limitations apply in all districts:

[a] Front yard. A fence that consists of at least 80% open space shall not exceed four feet in height. A fence that has less than 80% open space may not exceed three feet in height unless the fence is used to screen a parking lot from a residential district, in which case it shall not exceed four feet in height.

[b] Side and rear yards. A fence may not exceed six feet in height.

[c] Lots with more than one street yard. The above provisions for front yards shall apply in each street yard.

[d] Historic districts. A fence may not be installed without an approved certificate of appropriateness by the Historic Preservation Commission.

[2] Decorative fences.

[a] Decorative fences may be placed in the street yard but shall in no instance be placed within the public right-of-way, provided that they shall not exceed a height of three feet. Decorative fences on corner lots shall comply with the traffic visibility requirements set forth in § **315-46** of this chapter.

[3] Measuring height.

[a] The installed height of a fence shall be measured from the ground to the top of a fence section, and the average height between two posts shall not exceed the limitations in this section.

[b] A post, post cap or ornamental feature of a fence

shall not be allowed to be placed closer to a street right-of-way line than the minimum required building setback of the zoning district within which such accessory uses and detached accessory structures are placed;

- (3) Shall not be closer than five feet to the principal structure;
 - (4) Shall not exceed the height of the principal structure or 25 feet, whichever is less, in all residential districts and in the B-1, B-2, B-2A, B-3, I-1, M-1, M-2, M-3, M-4, PUD (nonresidential) and Q-1 Districts shall not exceed the maximum height limitations of the zoning district within which such accessory uses and detached accessory structures are placed;
[Amended 11-9-2006 by Ord. No. 1812(16); 6-7-2011 by Ord. No. 1925(2)]
 - (5) Shall not occupy more than 20% of the existing rear yard area in all districts except in the B-1, B-2, B-2A, B-3, I-1, M-1, M-2, M-3, M-4, PUD (nonresidential) and Q-1 Districts where such accessory uses and detached accessory structures shall not occupy more than 50% of the rear yard area or side yard area; and
[Amended 11-9-2006 by Ord. No. 1812(16)]
 - (6) Shall not be closer than three feet to any lot line nor 10 feet to any alley line in all residential districts, except in residential districts the required ten-foot setback from the alley line may be reduced to the average of the setback of the abutting structures on each side, but in no case less than five feet.
[Amended 6-3-2008 by Ord. No. 1861(3)]
- D. Off-street parking is permitted in all yards of all districts but shall not be closer than eight feet to a street right-of-way line and four feet to other property lines. Parking lots located within the B-2 Central Business District are exempt from this requirement in accordance with **§ 315-48**.
[Amended 10-1-1991 by Ord. No. 1352(22)]
- E. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- F. Landscaping and vegetation are exempt from the yard requirements of this chapter.

§ 315-55 Additions.

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

§ 315-56 Average street yards.

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district and five feet in any business district except in the B-2 Central Business District.

§ 315-57 Corner lots.

Structures shall provide a street yard as required by this chapter on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. The setbacks on each street shall be the same distance.

§ 315-58 Floodway lands eligible for meeting area requirements.

Where a lot is located partially within the FW Floodway District and a minimum of 50% of the lot is located within any other adjoining use district, that portion of the lot in the FW Floodway District may be utilized to meet the area requirements of the adjoining use district.

§ 315-59 Existing substandard lots.

- A. A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this chapter but which is at least 50 feet wide and 6,000 square feet in area may be used as a single building site,

RECORDED.....

94 DEC -7 PM 2:11

PROTECTIVE COVENANTS

BANK A. LAHR
REGISTER OF DEEDS
The Krismer Family Limited Partnership, (Developer), owner of Shiloh Hills, a subdivision in the City of Burlington, Racine County, Wisconsin declares the following protective covenants:

Shiloh Hills, an exciting new home development has been planned and implemented carefully to retain the beauty of the hills and sunset. These covenants have been established to insure a quality subdivision and retain the value of investment.

1. Lot Division - No lot as platted may be further divided without the approval of the Planning Commission of the City of Burlington.
2. Single-Family Residence - Lots shall be used for single family only - each residence shall have an attached garage for two or three cars.
3. Minimum Square Footage - All dwellings shall have the following schedule of area -- exclusive of porches, basement, garages, patio, breezeways or similar additions.
 - A. One story (ranch) - not less than 1,800 square feet.
 - B. One and one-half story - not less than 2,000 square feet.
 - C. Two story - not less than 2,000 square feet.
 - D. Split level - not less than 2,000 square feet in two upper levels.
 - E. No pre-constructed or kit-type homes.
4. Setbacks - According to City Ordinances.
5. Architectural Approval (Control Committee) - The Architectural Control Committee must give its written approval prior to construction, change or alteration of any of the following:

A. Buildings	E. Swimming Pools
B. Fences	F. Storage Buildings
C. Signs	G. Dog Kennels
D. Walls	H. Structures of Any Kind

Grade Elevation - No lot grade elevation shall be created, changed, or altered without written approval of the Architectural Control Committee.

Protective Covenants
Page two

6. Submission of Plans and Specifications - Complete plans, specifications, and takeout survey shall be submitted in duplicate to the Architectural Control Committee. Such Architectural Control Committee shall have the right to refuse to approve any such plans and specifications which, in its opinion, are not desirable for aesthetic or for any other reasons, and in passing upon such plans and specifications the Architectural Control Committee shall have the right to establish the grade and take into consideration the suitability of the proposed building or other structure in relationship to its location and in relationship to other existing structures; the effect of the proposed structure upon the value of other structures in the Subdivision and other lots in the Subdivision; the materials of which it is to be built; the site upon which it is proposed to be erected; the harmony of the design; the view and outlook from adjacent property, and any and all other considerations which may affect or influence the Architectural Control Committee in attempting to comply with the purposes hereinabove set forth. Such Architectural Control Committee shall have the right to waive infractions or deviations which, in the opinion of the Architectural Control Committee may cause undue hardship. The Architectural Control Committee may grant variances from such minimum requirements herein as to size not to exceed 10% and not in violation of the City Ordinances as then in effect, in such cases as in the opinion of the Committee the essence and spirit of these covenants will be promoted thereby. The Architectural Control Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Architectural Control Committee fails to approve or disapprove within thirty (30) days after duplicate plans and specifications have been submitted to it, approval will be deemed to have been obtained insofar as required by this paragraph only; all other provisions of these restrictions to have full force and effect. Action by said Architectural Control Committee shall be final and conclusive as to persons then or thereafter owning lands in said Subdivision.

Membership - So long as the Developer, or its assigns, shall own any lots in Shiloh Hills, the authority and functions of the Architectural Control Committee shall be lodged in and exercised by such persons as may be appointed for that purpose by Developer, or his assigns, with the right of Developer to revoke such appointment and to appoint successors in substitution thereof. Such appointment, other than the original revocation or substitution, shall be in writing and recorded in the office of the Register of Deeds in and for Racine County, Wisconsin. The initial appointment shall be the following: Helen Krismer, Mike and Lisa Krismer, Pat Krismer. When the Developer no longer owns any lots in the Subdivision, then the Architectural Control Committee shall consist of three (3) members and they shall be elected by the buyers of the lots in the Subdivision, each lot representing one vote. Members of the Architectural Control Committee, except the original Committee and substitutes designated by the Developer, shall serve for three (3) years, or until their successors have been duly elected. Due notice of the election of such Architectural Control Committee shall be filed in the office of the Register of Deeds for Racine County, Wisconsin.

7. Building and Design Criteria

- A. Driveways. Concrete, asphalt or paving bricks from the public street to garage must be completed within twelve (12) months within the issuance of building permit--NO gravel driveways.
 - B. Swimming Pools. No above ground pools will be allowed.
 - C. Dog Kennels and Pets. No exterior detached dog kennels shall be constructed or maintained on any lot. No lot owner shall keep a pet that creates a nuisance.
 - D. Landscaping. A complete landscaping plan must be submitted and approved prior to the approval of building plans, all completed one (1) year after completion of dwelling.
 - E. Antennae. No dish antennae.
 - F. Storage of Vehicles. There shall be no outside storage of boats, trailers, buses, trucks, campers or other vehicle or items deemed to be unsightly by Developer.
 - G. Fences. No fence to be erected shall be higher than four (4) feet from graded surface.
 - H. Outbuildings. No freestanding storage buildings are permitted.
 - I. Sidewalks. All must have sidewalks.
8. Commencement of Construction. Construction of the principal residence must be commenced within two (2) years from the date of purchase of any lot from the Developer.
9. Terms of Covenants. These covenants run with the land and shall be binding on all lot owners for twenty-five (25) years from the date of recording. They shall automatically renew for subsequent successive ten (10) year periods unless owners of a majority of the lots in the subdivision record changes in part or in whole.