

# VILLAGE OF TWIN LAKES

105 East Main Street P O Box 1024 Twin Lakes, Wisconsin 53181 Phone (262) 877-2858 Fax (262) 333-3286

> Board of Appeals Thursday July 11, 2024 5:30PM Village Hall, 105 E. Main Street, Twin Lakes, WI 53181

# AGENDA

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL: Porps, Kuhlmey, Rhamey, Wallerich, Busse
- DISCUSSION/ACTION ON AN APPLICATION FROM: Joseph E Saenger, Sr and Jo Ann Saegner Parcel #86-4-119-322-1200 and 86-4-119-322-1205; 1313 Musial Road, Twin Lakes WI 53181, requesting a variance from municipal code 17.20.030(C) Side Yard Setbacks
- 5. ADJOURN

### \*\*\*MATTERS MAY BE TAKEN IN ORDER OTHER THAN LISTED

\*\*\*Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Clerk Treasurer's office in advance so the appropriate accommodations can be made.



VILLAGE OF TWIN LAKES

105 East Main Street P O Box 1024 Twin Lakes, Wisconsin 53181 Phone (262) 877-2858 Fax (262) 877-4019

MARCH 7, 2023

JOSEPH SAENGER 3550 LINCOLN ST FRANKLIN PARK, IL 60131

**IN RE:** 1313 MUSIAL RD. **PARCEL #** 86-4-119-322-1205

The Building and Zoning Department is in receipt of a request dated February 18, 2024 from Joseph Saenger, for the raising the existing residence and adding a partial second story at 1313 MUSIAL RD, VILLAGE OF TWIN LAKES. The Zoning Permit is denied in accordance with the following Twin Lakes Municipal Code Section(s):

#### 17.20.030. C. Side Yard.

1. There shall be a side yard on each side of a principal structure,

2. All principal structures shall have side yards of no less than ten (10) feet wide on each side. For lot widths greater than eighty (80) feet, the sum of the side yards must not be less than twenty-five (25) feet, and no side yard shall be less than ten (10) feet in width.

The existing residence is located 3.2 feet from the west side lot line, and the proposed height increase and addition are within the required 10' minimum side yard setback.

The Board of Appeals has been established to hear those cases in which an individual or business has been aggrieved by any decision of the Twin Lakes Building Inspector. You may appeal this decision to the Board of Zoning Appeals of the Village of Twin Lakes within **twenty (20) days** from the date of this letter. Applications must be made in writing and conform to the requirements set forth in Chapter 17.40 of the Twin Lakes Municipal Code.

For a *Dimensional Variance*, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The Applicant must also demonstrate that the hardship relates to physical limitations unique to the Applicant's property and must show that the public interest will not be harmed, if a Variance is granted.

For a *Use Variance*, unnecessary hardship exists when compliance with the Municipal Zoning Code would leave the owner with no reasonable use of the property.

Please contact the Village Hall to receive a Board of Appeals Variance Packet, if you choose to request a hearing.

If you have any questions, contact me Thursday at the Twin Lakes Village Hall Building and Zoning Department (262) 977-7719, between the hours of 10:00 am and 1:00 pm.

**Bonnie Schaeffer** Bon 2 Ah

Zoning Administrator Village of Twin Lakes

## **APPLICATION TO THE BOARD OF APPEALS** VILLAGE OF TWIN LAKES, WISCONSIN



### General Information (please type or print clearly)

	Applicant/	Agent	Owner			
Name	JOSEPH SAEN	VGER	JOSEPH SAENGER			
Address	1313 MUSIA	LRD	1313 MUSIAL RO			
Phone		<b>;</b>				
Fax						
Type of Re	equest: 🔀 Varia	nce from Code R	equirements			
	🗌 Арре	al of Administrat	ive Decision			
Property	Information (Attach	additional sheets if r	ecessary)			
Address of I	Property in Question, Tv	vin Lakes, WI				
Legal Description: LOTS 2 + 3 CAREY'S LAKE VIEW PARK SUB SEC 32 TIR 19 (2025 COMB 86-4-119-322-1200 + -1205 1NTO -1201) POC#1959096						
Current Use and Improvements: 800 SQUARE FOOT HOME SINGLE FAMILY						
Proposed Use and Improvements: <u>RAISE HOUSE, ADD FULL BASEMENT - ADD</u> SECOND STORY BEDROOMS - FIRST FLOOR KITCHENT LIVING ROOM						
Dimension	s: Required	Requested	Is this a corner lot? YES $X$	NO		
Street Yar	d <u>25 ft.</u>	25 ft.	Zoning District: The UNI LAKE	~ <b>S</b>		

Left Side Yard **Right Side Yard Rear Yard** Area

Other

Required	Requested	3	
25	ft.	25	ft.
10	ft.	3.2	ft.
10	ft.	34	ft.
25	ft.	55,5	ft.
7962,5 sq.	ft.	7962,5 sq.	ft.

Zoning District: <u>IWIN LAKES</u>

Code Reference (Section No.):	
17. 20.030. C. SIDE YARD	
ALL PRINCIPAL STRUCTURES SHALL	
HAVE SIDE VANDS OF NO LESS THAD	J
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OFFICE USE ONLY		File Number:
Date Application Filed:		Fee Paid/Receipt #: \$900.00
Board of Appeals Action & Date:	-	
Conditions:		

Zoning Permit Applicat Village of Twin Lakes 105 E Main Street - PO Box 1024 Twin Lakes, WI 53181 Phone: 262-977-7719 Fax: 262-333-32	3
Request: Please check all that apply.	Date application was received:
Residential Principal Use 1 or 2 Family \$50.00 Residential Addition \$30.00 Residential Accessory Use \$25.00 Fence \$65.00 Deck \$25.00	
Swimming Pool \$4.00/\$1000.00 Valuation - \$60.00 minimum Commercial Principal Use (includes multi-family) \$100.00 Commercial Addition \$70.00 Commercial Accessory Use \$25.00 Other: Fee:	Fee Paid:

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

e

Owner's Name: JO AND SAFPGER Phone No.:
Mailing Address: 1313 MUSIAL RD TWIN LAKES WI 53181
Applicant's Name: JOSEPH SAENGER Phone No.
Mailing Address: 3550 LINCOLN ST FRANKLIN PARK 16 GO13
Physical Address of Site: 13 13 MUSIAL RO Tax Parcel No: 86-4-119-322-1205
Subdivision Name: CAREYS LAKEVIEWPARE Lot No Block No
Current Zoning of Site: RESIDENTIAL Current Overlay Districts of Site:
Proposed type of structure: SINGLE FAMILY HOME - PAISE & ADDITION/DECK
Proposed use of structure or site: 140 ME
Lot Area <u>7995</u> sq. ft. Proposed Bldg. / Structure Footprint Area <u>992</u> sq. ft.
Existing Building Coverage on Site / Proposed/
Existing Impervious Surface Coverage on Site: 10 % Proposed 12.3 %
Proposed Setbacks: Front <u>a5</u> Rear <u>55.5</u> Left <u>3</u> Right <u>34</u>
Proposed Building Height 30_ft.
Applicant's Signature: Appl Loenge Saenge Date:
OFFICE USE ONLY:
PERMIT FEES: PERMIT ISSUED BY:   Permit \$
Total     \$     Tel:Permit No
CONDITIONS OF APPROVAL:

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APPEAL OF AN ADMINISTRATIVE DECISION: Provide a description of your appeal.							
Village Official(s) who	made the decisi	on vou are	appealing:	Bo	NNIE	SCHAEFFER	
Decision of official(s):_							
Decision of official(s)		1 015					

Describe your appeal: NEAREST EXISTING STRUCTURE IS OVER 35 FREV FROM	
MY PROPERTYLING-I REQUEST A VARIANCE TO PICK THE	
HOUSE UP PUT IN A FULL BASEMENT + AOD AN ADDITION	
TO MAIN HOUSE STRUCTURE FOR 2 BEDROOMS UPSTAIRS	

**VARIANCE:** State in the spaces below how your variance request conforms to the Three Standards Test as described in the attached Q&A document. Attach a separate sheet if necessary.

1) Unnecessary Hardship is present because... ADDING ON TO THE HOMES IS FLOOR TO EXTEND THE FOOTPRINT WILL REQUIRE A COMPLETE TEAR DOWN, ADDITIONALLY THE HIGH WATER TABLE AS YOU MOVE CLOSER TO THE WATER MAKE FOUNDATION WORK MORE EXPENSIVE F CHALLENGING. STAYING WITHIN THE EXISTING FOOTPRINT OF THE BUILDING FOR THE SECOND STURY IS THE SAFEST, FASIEST, MOST COST EFFECTIVE ROUTE,

2) The hardship is due to <u>unique features of the property</u> in that... ROUMS ARE TOO SMALL FOR EVEN STANDARD APPLIANCES, EXAMPLE STORE IS ONLY 24." BED ROOM 1 CAN ONLY FIT & TWIN BED, BEDROOM 2 FITS & FULLS IZE BED IF IT IS CORNERED, BECAUSE OF THE PLACEMENTS OF EXISTING STRUCTURES AT PRESENT IS OVER 35', AND IF I BUILD OUT THERE WOULD BE LESS' RERVIOUS SON.

3) The variance will not be <u>contrary to the public interest</u> because... <u>LOOKING AT THE DRAWINGS</u> YOU CAN SEE I AM TRYING TO MAINTAIN THE COTTAGE LOOK OF THE NEIGHBORHADO, I AM TRYING TO MAINTAIN AS MUCH PERVIOUS SOIL AS POSSIBLE TO KEEP ANY FOODING TO A MINIMUM & THE INATER TABLE TO THE MAXIMUM, REMODELED HOUSE WOULD MEET OR EXEED BYILDING CODES.

#### Signatures

The undersigned person(s) hereby give notice to the Village of Twin Lakes Board of Zoning Appeals, of an appeal and/or request for a variance and grant permission to inspect the property.

APPELLANT: JE Chin	DATE: 3-22-24
APPELLANT: Many Anges	DATE: 3-22-24
Our fair	0, 0,

## VILLAGE OF TWIN LAKES BOARD OF APPEALS TWIN LAKES WISCONSIN

### **AFFIDAVIT OF POSTING**

I JOSEPH SAENGER, state that I am the aggrieved Applicant in the matter to be heard Print Name

Before the Board of Appeals of the Village of Twin Lakes, on Wednesday the \_\_\_\_\_ day of

, 20 , at 6:30 PM. That I have complied with the posting requirements

of the Village of Twin Lakes Zoning Ordinance by placing the customary Notice of Public Hearing Sign on

the subject property as close to the road as possible for all to see. If the subject property is located on a

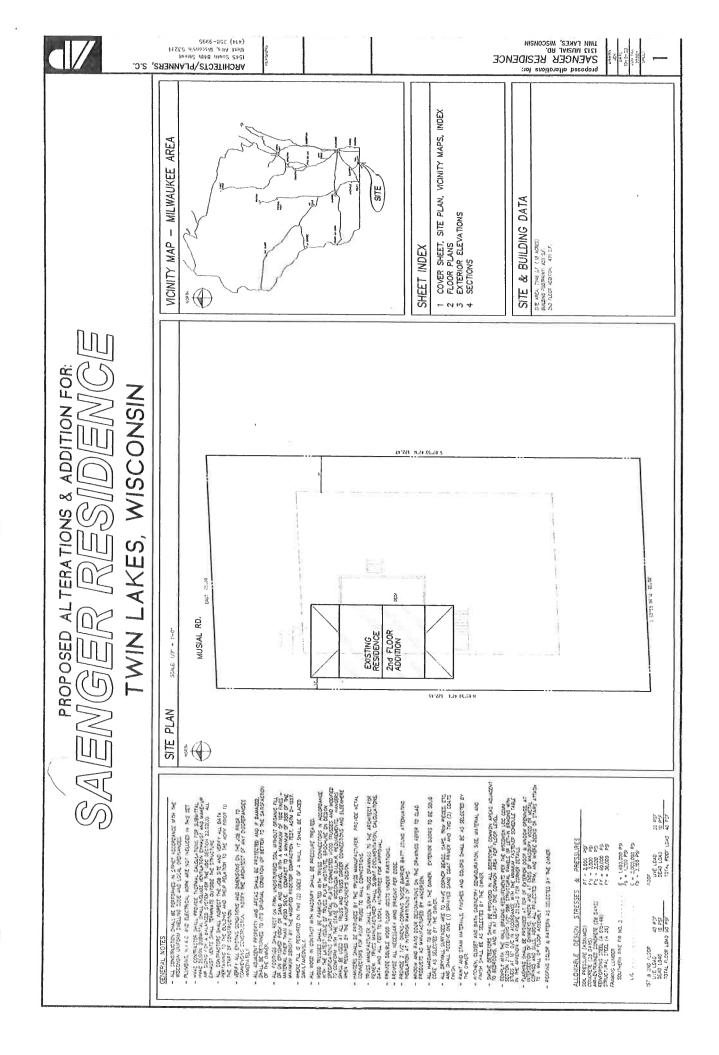
corner lot, the sign is visible from either road access.

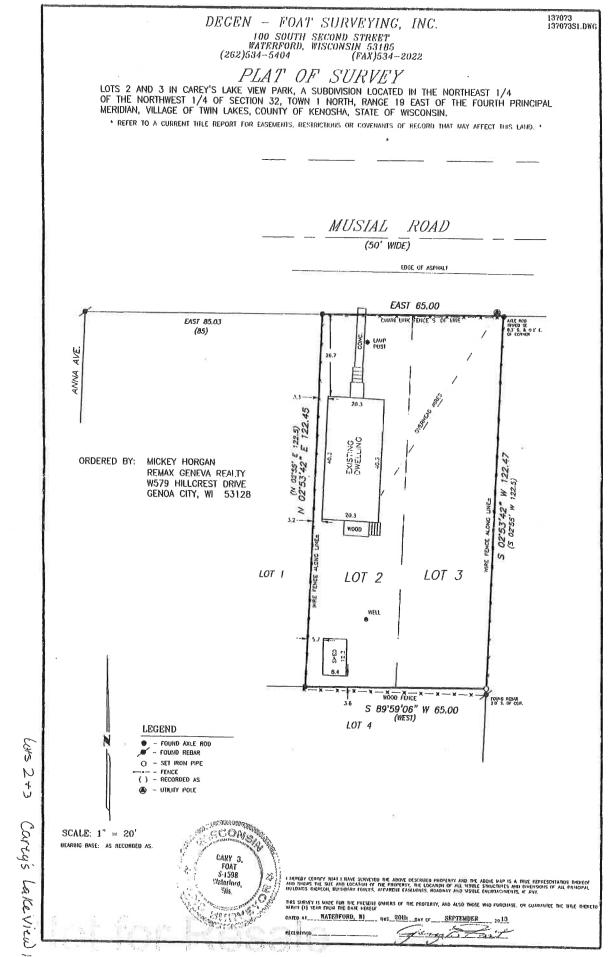
Location of posting: 1313 MUSIAL RO

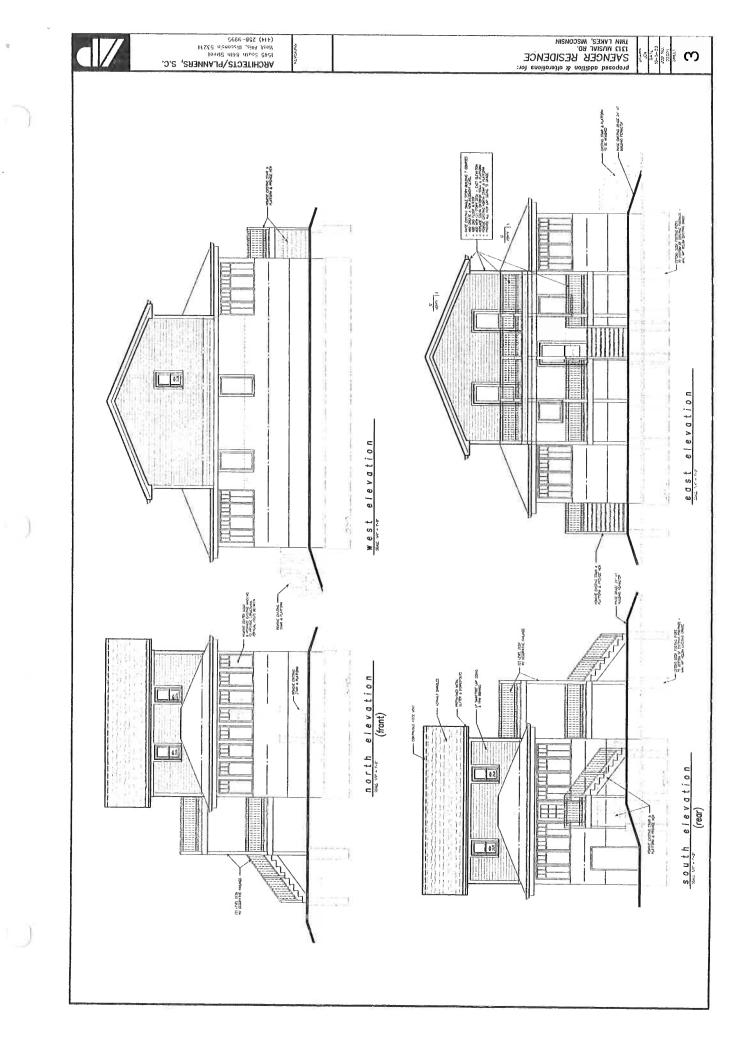
Applicant acknowledges that returning of the Public Hearing Sign must be within 10 days after the Hearing or Applicant forfeits deposit.

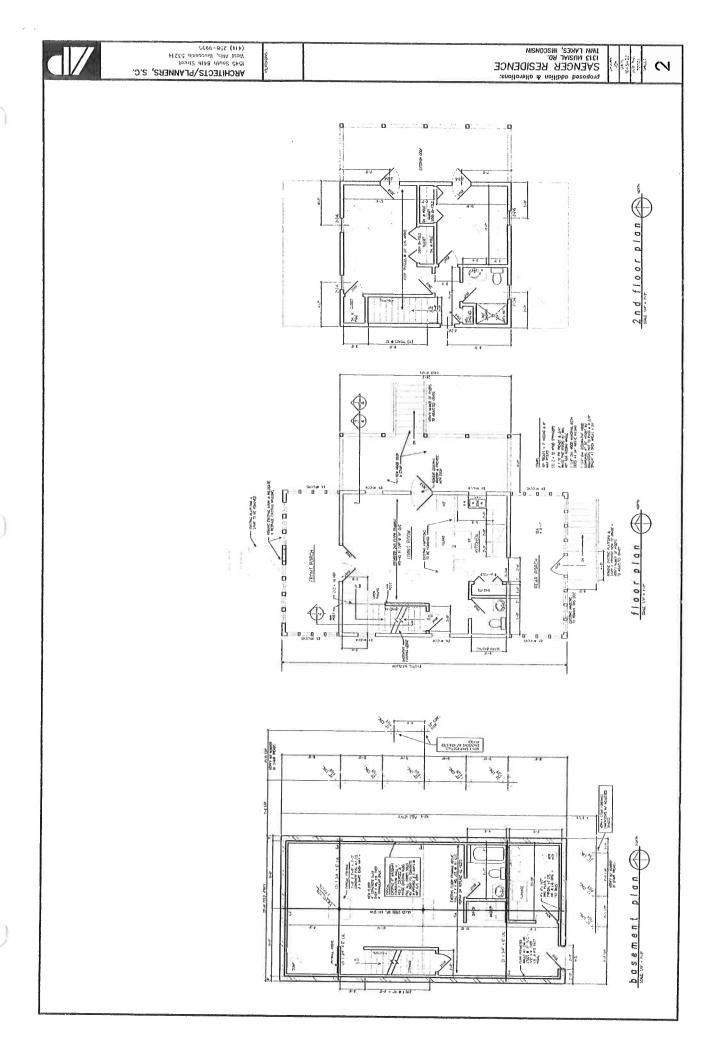
Under penalties of perjury as provided by law, the undersigned declares that the statements set forth in the Affidavit of Posting are true and correct.

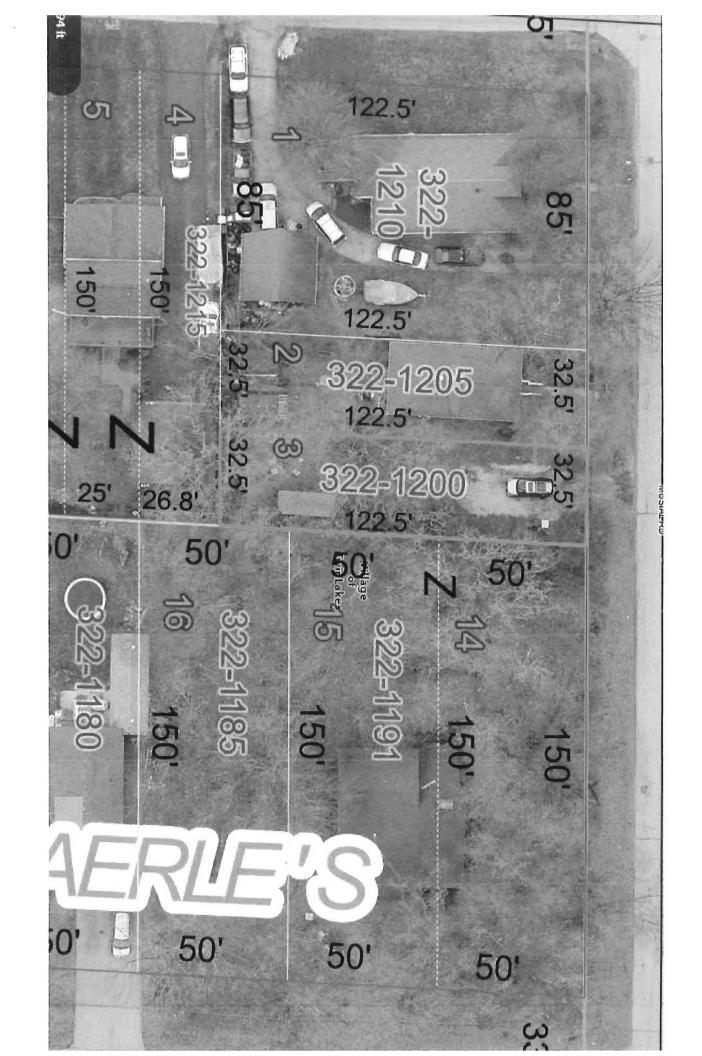
Posting was made on the \_\_\_\_\_\_day of \_\_\_\_\_, 20 \_\_\_\_\_













#### VILLAGE OF TWIN LAKES PARCEL COMBINATION AFFIDAVIT

Name of Owners (as deeded)

JOSEPH E. SAENGER, SR JO ANN SAENGER Tax Parcel Numbers of those parcels to be combined:

86-4-119-322-1200 86-4-119-322-1205

Legal Descriptions of those parcels to be combined:

#### LOTS 2 AND 3, CAREY'S LAKE VIEW PARK SUB SEC 32 T 1 R 19 VILLAGE OF TWIN LAKES, KENOSHA COUNTY, WISCONSIN

Return to: Village of Twin Lakes Attn: Bonnie Schaeffer P.O. Box 1024 <u>Twin Lakes, WI 53181</u> Parcel #: 86-4-119-322-1200 86-4-119-322-1205

Note: This document is intended to combine the legal description of parcels under the same ownership and is not a conveyance per sec. 77.21(1), Wis. Stats.

WHEREAS, the above referenced parcels are being combined for compliance with the Village of Twin Lakes Zoning-Ordinances and/or Chapter 16.70 of the Twin Lakes Code relating to land divisions other than subdivisions.

#### (or)

WHEREAS, the above-referenced parcels are being combined per Section 70.28 of Wisconsin State Statutes regarding assessment as one parcel.

#### STRIKE THE ABOVE PARAGRAPH WHICH DOES NOT APPLY

WHEREAS, the combination of the above-referenced parcels are in compliance with the Village of Twin Lakes Zoning Ordinances; and

WHEREAS, the parcels shall be contiguous for the lots being combined; and

WHEREAS, the Owner(s) have provided verification that parcel ownership is identical for lots being combined; and

WHEREAS, all delinquent taxes have been paid in full, for lots being combined, as verified by the Kenosha County Land Information Office; and

WHEREAS, I (We), the property owner(s) of the referenced parcels are requesting to combine the parcels for the

following reasons: To receive one tax bill.

NOW, THEREFORE, the Owner(s) do (does) agree and understand that the above-referenced parcels shall be combined and shall not be split apart without the approval of the Village of Twin Lakes. Such split shall be in compliance with the Twin Lakes Zoning Ordinances, as well as any other applicable land division control ordinances.

THIS AGREEMENT SHALL BE BINDING UPON ALL SUCCEEDING OWNERS AND CONVEYANCES.

Document #: **1959096** Date: **2024-02-06** Time: **1:36** PM Pages: **3** Fee: **\$30.00** County: **KENOSHA** State: **WI** REGISTER OF DEEDS: **JOELLYN M. STORZ** 

1-15-2024 Date

Property Owner Joseph E. Saenger, Sr

1-15-2024 Date

Property Owner Jo Ann Saenger

Subscribed/sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ January 2024 Notary Public Cook Illinois County,

My Commission Expires <u>12/3/2025</u> This Document was drafted by: <u>Bonnie Schaeffer</u>

2/1/2024 Date aswo 19rino Sabrina Waswo Village Clerk 2/4/24 Jula aulawill 4 nen Supervisor of Property Listings Date Kenosha County Land Information **OFFICIAL SEAL** TIFFANY A SAENGER NOTARY PUBLIC, STATE OF ILLINOIS My Commission Expires 12/3/25

Title: Zoning Administrator

Lots 2 and 3 of Carey's Lake View Park Subdivision, of part of the Northeast Quarter of the Northwest Quarter of Section 32, in Township 1 North, Range 19 East of the Fourth Principal Meridian, according to the plat and survey of said subdivision on file and of record in the Office of the Register of Deeds in and for the County of Kenosha and State of Wisconsin, lying and being in the Village of Twin Lakes, Kenosha County, Wisconsin.

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Village of Twin Lakes 105 East Main St. • PO Box 1024 • Twin Lakes, WI 53181 Phone (262)877-2858 • vhstaff@twinlakeswi.gov

# Affidavit of Posting

I, <u>Joseph Saenger</u>, state that I am the Petitioner in the matter to be heard before the Board of Appeals for the Village of Twin Lakes, on <u>May 23, 2024 at 5:30pm</u>.

I <u>Joseph Saenger</u>, have complied with the posting requirements of the Village of Twin Lakes Zoning Ordinance by placing the customary Notice of Public Hearing Sign on the subject property as close to the road as possible for all to see. If the subject property is located on a corner lot, the sign is visible from either road access.

Date of Posting: April 25, 2024

Location of posting: 1313 Musial Road, Twin Lakes WI 53181

I <u>Joseph Saenger</u>, acknowledge that returning the Public Hearing Sign must be done within 10 days after the Hearing or Applicant forfeits deposit.

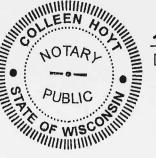
Under penalties of perjury as provided by law, the undersigned declares that the statements set forth in the Affidavit of Posting are true and correct.

Applicant Signature

aleen

Colleen Hoyt Village of Twin Lakes Deputy Clerk <u>deputyclerk@twinlakeswi.gov</u>

Notary Public exp 3/25/2025



4-25-24

Date

Date

Rev: 04/2024

STATE OF WISCONSIN

#### **AFFIDAVIT OF MAILING**

Colleen Hoyt, being first duly sworn on oath, deposes and says that she is a resident of the State of Wisconsin, Kenosha County, Village of Twin Lakes and serves as the Deputy Clerk for the Village of Twin Lakes; that on the April 25, 2024 she deposited with the United States Postal Service, securely enclosed in a stamped envelope with full postage prepaid, a true and correct copy of the following document:

**Notice of Board of Appeals Hearing Village of Twin Lakes** - Joseph E Saenger, Sr and Jo Ann Saenger

This envelope was sent to the following addresses:

Joseph E Saenger, Sr and Jo Ann Saenger 3550 Lincoln St, Franklin Park IL 60131

**MECCIA TRUST-2324 CATHERINE AVE** DANE WIETING-2311 ANNA AVE MOOS FAMILY REV TRUST-2309 HAERLE AVE PATRICK J MCDEVITT-2317 HAERLE AVE MICHAEL J CARDAMONE LIVING TRUST-2323 HAERLE AVE PATRICIA A MUSACHIO TRUST-2316 HAERLE AVE ANDREW T SOMOR-2316 CATHERINE AVE ERIC W SOLIS-2331 ANNA AVE JANICE A MIGON TRUST-1209 MUSIAL RD WASMUND FAMILY TRUST-2308 HAERLE AVE LAWRENCE J PATRON-2304 HAERLE AVE THOMAS O'NEILL-2306 HAERLE AVE ELIZABETH SHAFER-2315 ANNA AVE FRANCIS MCDERMOTT-2320 CATHERINE AVE JOSEPH E SAENGER-1313 MUSIAL RD ROBERT A LEAHEY-2314 ANNA AVE JOHN WALKER-1405 MUSIAL RD JENNIFER L STEARNS REV TRUST-2322 HAERLE ERIC J GRAY-2301 HAERLE AVE DIANE S SMITH REVOCABLE TRUST-2312 HAERLE DONNA MAY FELL REVOCABLE TRUST-2320 HAERLE AVE

KATHERINE BAUER-2312 CATHERINE AVE ARTHUR W MILBRANDT-2333 HAERLE AVE LOUISE STEPHENS-2321 ANNA AVE JANE D RUTKOWSKI-2326 HAERLE AVE WAYNE M MARTIN 2308 ANNA AVE GREGORY L BUCHEIT-1415 MUSIAL RD ANDREW V GUINANE-2313 HAERLE AVE MICHAEL A BARRY-2300 CATHERINE AVE FRANK DELUCA-2336 CATHERINE AVE JACK A JAMES-1401 MUSIAL RD COMPOUND W LLC-1202 MUSIAL RD JASON P DERBY-1317 MUSIAL RD LISA L WALLERICH-2332 ANNA AVE CYNTHIA KLINE-2338 ANNA AVE TIMOTHY JASON SHIDELER LIVING TRUST-2121 HAEGELE DR LOUIS L KENYERI-HAERLE AVE RADFORD C RUMAN-2325 ANNA AVE ANTHONY F SANTIEMMO

Colleen Hoyt

Subscribed and sworn to before me

mmmmm This 23 day of May Sabrina M. Waswo Notary Public, State of Wisconsin My Commission 6/23/2027 ALLAN ALANASA



Village of Twin Lakes 105 East Main St. • PO Box 1024 • Twin Lakes, WI 53181 Phone (262)877-2858 • vhstaff@twinlakeswi.gov

#### <Resident Name and Address>

The enclosed is a notice of a Board of Appeals meeting which is taking place on May 23, 2024 at 5:30pm, Twin Lakes Village Hall. This meeting is concerning a property that is within 400ft of your parcel. This meeting is open to the public. The parcel being discussed is 86-4-119-322-1200, 86-4-119-322-1205: Lots 2 and 3 of Carey's Lake View Park Subdivision:

Board of Appeals Information

Because those who draft a Zoning Ordinance cannot anticipate every land use question that will arise in a community, there needs to be some mechanism to give the Ordinance flexibility. The Board of Appeals authority to grant Variances serves this purpose. A Variance is a permission granted by the Board to build or develop in a way that is inconsistent with the dimensional standards contained in the Zoning Ordinances.

The Variance procedure allows the dimensional standards in an Ordinance to be varied in response to unusual circumstances, which constitute Unnecessary Hardship. A property owner who has been denied a building or development permit, and believes that special conditions unique to the property will cause unnecessary hardship if a Variance is not granted, may request a Variance. The petition for a Variance must be heard by a Board of Appeals at a Public Hearing.

In deciding a Variance request, the Board of Appeals acts as an agent of the local government, not the property owner. It is the Board of Appeals' duty to preserve the Zoning Ordinance without modification as far as possible, while ensuring substantial justice for the property owner.

Thank you for your time,

Colleen Hoyt

Colleen Hoyt Village Deputy Clerk Village of Twin Lakes

#### NOTICE OF BOARD OF APPEALS HEARING VILLAGE OF TWIN LAKES

Notice is hereby given that, a Board of Appeals Hearing will be held MAY 23, 2024 on behalf of Joseph E. Saenger, Sr and Jo Ann Saenger. Applicant Joseph and Jo Ann Saenger are requesting a Variance be granted for an addition to an existing structure, and the addition of a deck. Hearing will be held at 5:30 pm at the Twin Lakes Village Hall, 105 E. Main Street, Twin Lakes, Kenosha County, Wisconsin for the following premise:

Parcel No. 86-4-119-322-1200, 86-4-119-322-1205: Lots 2 and 3 of Carey's Lake View Park Subdivision, of part of the Northeast Quarter of the Northwest Quarter of Section 32, in Township 1 North, Range 19 East of the Fourth Principal Meridian, according to the plat and survey of said subdivision on file and of record in The Office of the Register of Deeds in and for the County of Kenosha and State of Wisconsin, lying and being in the Village of Twin Lakes, Kenosha County, Wisconsin.

17.20.030. C. Side Yard.

1. There shall be a side yard on each side of a principal structure,

2. All principal structures shall have side yards of no less than ten (10) feet wide on each side. For lot widths greater than eighty (80) feet, the sum of the side yards must not be less than twenty-five (25) feet, and no side yard shall be less than ten (10) feet in width.

This Hearing is open to the public to give residents, property owners, and interested parties an opportunity to hear and express their opinions on the above-proposed Variance request.

Dated this 18th Day of April, 2024.

Colleen Hoyt Board of Appeals Clerk

TWIN LAKES REPORT - CLASS II LEGAL NOTICE in Column Ad - 04/26/2025 & 05/01/2025.