

**CITY OF ELKHORN
ZONING BOARD OF APPEALS
AGENDA**

April 25, 2024, 6:00 p.m.

**Council Chambers, City Hall,
311 Seymour Ct., Elkhorn, Wisconsin, 53121**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) MOTION AND ACTION TO NAME CHAIRPERSON
- 4) MOTION TO ADJOURN INTO A PUBLIC HEARING/READ PUBLIC NOTICE - Variance for 10' rear yard setback located on a vacant lot off County Road H and Proctor Drive (Tax Key: YA 414900001)
- 5) COMMENTS BY ZONING ADMINISTRATOR
- 6) PRESENTATION BY THE PETITIONER OR AGENT
- 7) COMMENTS BY INTERESTED PROPERTY OWNERS OR THEIR AGENTS
- 8) REBUTTAL
- 9) REBUTTAL BY OPPOSITION
- 10) CLOSE HEARING
- 11) DELIBERATION BY BOARD OF APPEALS MEMBERS
 - a. The Board may adjourn into closed session by a motion and roll call vote per SS 19.85(1)(a): "Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body." If they do go into closed session, the Board will reconvene into open session immediately thereafter.
- 12) ACTION BY BOARD ON VARIANCE REQUEST
- 13) DISCUSSION ON UPDATES TO ZONING BOARD OF APPEALS ORDINANCE
- 14) ADJOURNMENT

Dated this 17th Day of April 2024

**CITY OF ELKHORN
NOTICE OF PUBLIC HEARING**

ZONING VARIANCE

Notice is hereby given that a public hearing will be held before the Board of Appeals of the City of Elkhorn on April 25, 2024 at 6:00 P.M. or soon thereafter as the matter may be heard in the Council Chambers, City Hall, 311 Seymour Court, Elkhorn, WI for the purpose of hearing all interested parties, their attorneys or agents with respect to the request submitted by Joseph Doherty to allow for a variance granting a 10' rear yard setback of the parcel. Section 17.5-3 of the Elkhorn Zoning Ordinance states that rear yard setbacks for M-1 districts be 25', but 50' where adjacent to residential properties. The property is located on a vacant lot off County Road H and Proctor Drive and is more precisely identified by the following tax parcel ID number:

YA414900001

The City of Elkhorn will attempt to accommodate anyone with special needs if requests are made a sufficient time in advance. The City Clerk can be reached at: (262) 723-2219.

Dated this 25th day of March 2024.

Allison Schwark
Zoning Administrator

Publish 2x: 04/11/24 & 04/18/24
Elkhorn Independent

PLANNING REQUEST

FOR OFFICE USE ONLY

PC# _____

CITY OF ELKHORN - DEPARTMENT OF BUILDING AND ZONING
311 SEYMOUR COURT., P.O. BOX 920 • ELKHORN, WI 53121
PHONE: (262)741-5124 • FAX: (262) 741-5135

Notice: This document is an Official City of Elkhorn Document. All submittals must be made on Official City of Elkhorn Documents.

1. General Project Information:

Project Tax Key #: YA414900001 Project Address: LOT 1 CERTIFIED SURVEY NO. 4149
Project Title (if any): Elk Storage

2. Applicant, Agent & Property Owner Information:

Applicant's Name: Joseph Doherty Company: Sirdome, Midwest Storage Associates Inc.
Street Address: N 8206 High Ridge Rd City/State: Elkhorn /Wisconsin Zip: 53121
Telephone: (262)903-6016 Fax: () Email: joe@6sigma-wi.com

Agent: _____ Company: _____
Street Address: _____ City/State: _____ Zip: _____
Telephone: () Fax: () Email: _____

Owner, if different from Applicant: _____
Street Address: _____ City/State: _____ Zip: _____
Telephone: () Fax: () Email: _____

3. Planning Request (Check all that apply)

- Site Plan and Architectural Review _____ \$175.00 plus \$.04 per sq. ft. (Floor Area)
- Conditional Use Permit _____ \$275.00
- Rezone _____ \$325.00
- Land Use Amendment _____ \$350.00
- Planned Unit Development _____ \$325.00
- Preliminary Plan _____ \$200.00 plus \$20.00 per lot
- Final Plat _____ \$200.00 plus \$20.00 per lot
- Certified Survey Map _____ \$200.00 plus \$20.00 per lot
- Project Concept Review _____ \$150.00
- Conceptual Land Division _____ \$100.00 plus \$3.00 per acre
- Joint Conditional Use & Rezoning _____ \$575.00
- Joint Rezoning & Certified Survey Map _____ \$500.00 plus \$20.00 per each new lot
- Zoning Board of Appeals/Adjustment _____ \$325.00

CITY OF ELKHORN
COST RECOVERY CERTIFICATE AND AGREEMENT
PURSUANT TO SECTION 3.04 OF THE MUNICIPAL CODE OF
THE CITY OF ELKHORN

Notice to Applicant: This document is an Official City of Elkhorn Document. All submittals must be Official City of Elkhorn Documents.

The undersigned Applicant hereby acknowledges and agrees to be bound by Ordinance No 1066 as codified at Section 3.04 of the City of Elkhorn Municipal Code, providing for City recovery of all costs and disbursements incurred in the process of considering requests by an Applicant related to the City of Elkhorn Zoning or Subdivision Code. The Applicant further agrees in consideration of the City's incurring cost and hiring of the City for all costs recoverable pursuant to the terms of the above numbered ordinance within the time period set forth in the ordinances.

Purpose of Application Variance for 10' Sideyard holding rear
Project Name Elk Storage yard on north side against rail road
(AVERAGE REAR YARD = 43.7')
Physical Address LOT 1 CERTIFIED SURVEY NO. 4149

Tax Key # YA414900001 Phone # 262-903-6016

Contact Name (if different from applicant) _____

Mailing Address N 8206 High Ridge Rd

City Elkhorn State WI Zip 53121

Billing address (if different) _____

City _____ State _____ Zip _____

Dated this 19th day of March, 2024

APPLICANT: Joseph Doherty
(Printed Name)

[Signature]
(signature)

Original: City Records
Copy: Applicant
Copy City: Attorney

Project #: 7576.23

Note to Applicant: The City Engineer, City Attorney and other City professionals and City staff, if requested by the City to review your request, will bill for their time at an hourly rate which is adjusted from time to time by agreement with the City. Please inquire as to the current hourly rate you can expect for this work. In addition to these rates, you will be asked to reimburse the City for those additional costs set forth in Section 3.04 of the Municipal Code.



PETITION FOR VARIANCE

CITY OF ELKHORN BOARD OF APPEALS

DATE FILED: 3/18/2024 \$325.00 made payable to City of Elkhorn
 Owner Applicant: Joseph Doherty, Sirdume Inc.
 Name: ELK Storage,
 Address: _____
 Phone: _____ Fax: _____
 Legal description of property: NE 1/4, 1/4, S, T, N, R, E, City of Elkhorn
 Physical Address: C.T.H. "H"
 Tax parcel number: YA 414900001
 Lot area & dimensions: 3.43 ACRES (330 x 450')
 Zoning District (s): M-1
 Project Description: LOT 1 OF CSM 4149
 Required by Ordinance Variance Requested
CONSIDERATION OF REAR YARD LOCATION.

NO VARIANCE TO THE PROVISIONS OF THE CITY OF ELKHORN MUNICIPAL CODE SHALL BE GRANTED BY THE BOARD OF APPEALS UNLESS IT FINDS THAT ALL OF THE FOLLOWING FACTS AND CONDITIONS EXIST.

(1) **Preservation of Intent.** The variance request is consistent with the purpose and intent of the City of Elkhorn Municipal Code because .

All lots & lands adjacent to Railroad R.O.W. in the Elkhorn Industrial Park have been considered for rear yards when abutting. This is also true of properties along it in most all of the city. It is best to preserve green spacing along the rail corridor.

(2) **Exceptional Circumstances.**

(2a) **Unique Property Limitations.** Compliance with the terms of the Municipal Code is prevented by unique features of this property .

This property is first planned had frontage on Proctor Drive but it was replatted with a city bike path around it. It has over 360' of frontage along the old rail road row with road access. All other properties abutting the old rail road have their rear yard against it which include the neighbor Sweetener Supply. Their side yard abutts our side yard proposed.

(2b) **Unnecessary Hardship.** Unnecessary hardship is present because

Due to the elevation and grade of the railroad a 10' side yard against is not practical. Alta survey provided suggested the front yard to be 50 feet and plans were adjust but found to be only 30' by wide and no watermain easement was shown that the city has claimed existed as result land plan was changed to what it is now. City claims a 42' watermain easement for the front of the property (over 300' of it)

(3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. The hardship is not economic or self-imposed because

The rear yard should be against the railroad r.o.w. not the neighbors side yard. The side we propose would be fully landscaped with continuous planting and no access for drives or storage.

(4) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights

Rights to develop within the property with only one side yard while preserving railroad right of way, setbacks, waterman easements, pile rail offsets and other conditions is challenging

(5) Absence of Detriment. That the variance will not create substantial detriment to adjacent property .

The reduction of 2.5' to a 10' side yard increases the privacy to the neighbor without an adjoining road and removes dunnage onto the property which now exists. (see maps and drawing attached.)

Attach a plat of survey of your site and a copy of detailed construction plans.

IF YOU QUALIFY FOR A VARIANCE

- The Board may grant only the minimum variance necessary while preserving the purpose and intent of the zoning ordinances.
- The Board may impose conditions on project design, construction activities or operation of a facility to assure that public interests are protected.
- A variance granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- A variance decision may be appealed to circuit court by an aggrieved party within 30 days of filing of the decision in the office of the board. For this reason you may choose to delay construction on your project until after the appeal period has expired in order to minimize the risk that the court may overturn the Board of Appeals decision and void your variance.
- Because a property rather than its owner may qualify for a variance (unique property limitations test), a variance transfers to subsequent property owners.

Signed: 
(Applicant/Agent/Owner)

Date: 03/18/24

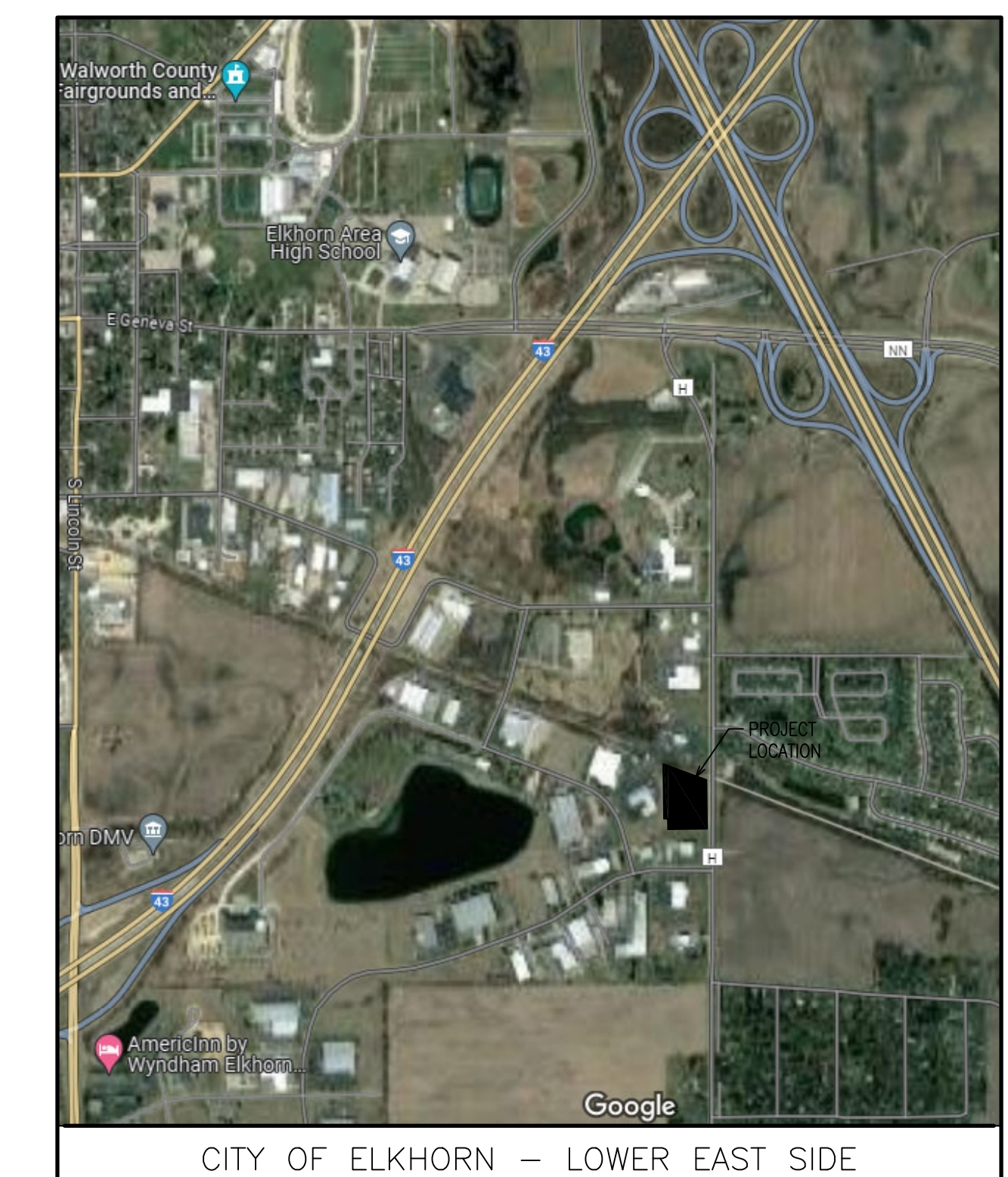
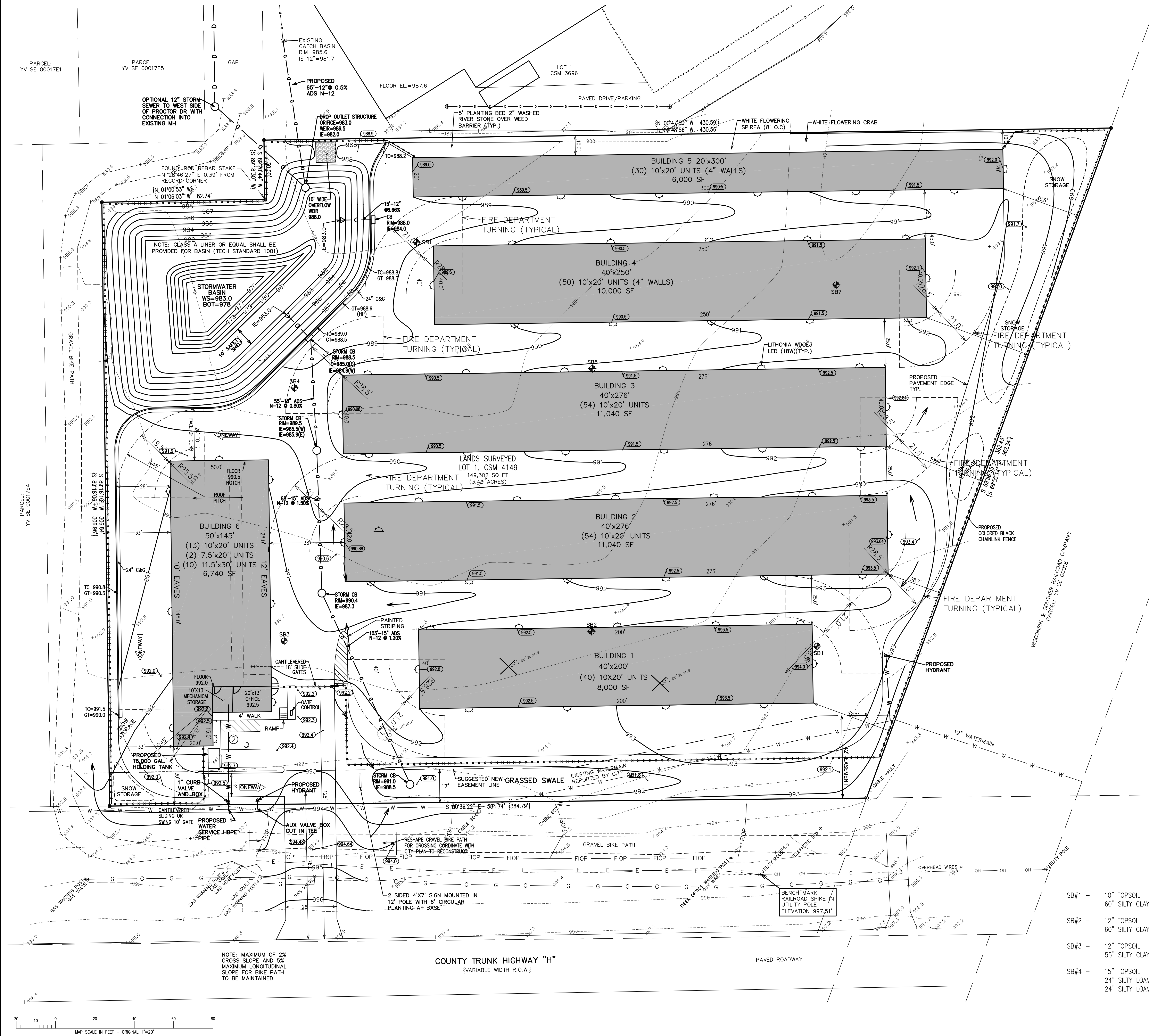
Remit to: City of Elkhorn
Zoning and Building Department
311 Seymour Court
Elkhorn, WI 53121

SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN

LOT 1 OF CERTIFIED SURVEY MAP NO. 4149

LOCATED IN PART OF THE NE 1/4 & SE 1/4 OF THE SE 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 17 EAST,
CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

ASSIGNED THE EASTERLY BOUNDARY OF LOT 1
S 00°34'22" E PER RECORD C.S.M.



- LEGEND**
- = IRON PIPE FOUND 1 3/8" O.D.
 - = IRON REBAR FOUND 3/4" O.D.
 - ⊕ = SOIL BORING
 - [XXX] = RECORDED AS
 - = EXISTING GROUND ELEVATION
 - - - - = EXISTING LAND CONTOURS
 - — — = PROPOSED LAND CONTOURS
 - = DIRECTION OF WATER FLOW
 - ▬▬▬▬ = PROPOSED TOP OF CURBED CONCRETE WALK
 - ▬▬▬▬ = PROPOSED FINISHED GRADE
 - TF = TOP OF FOUNDATION ELEVATION
 - FF = FIRST FLOOR ELEVATION
 - TC = TOP OF CURB ELEVATION
 - GT = GUTTER ELEVATION

SHEET 1 - SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN
 SHEET 2 - SITE PLAN WITH LANDSCAPING AND LIGHTING
 SHEET 3 - SPECIFICATIONS AND DETAILS
 SHEET 4 - FLOOR PLANS AND BUILDING ELEVATIONS (TYP)

SITE SUMMARY

TOTAL LAND AREA: 149,302 S.F. 3.43 ACRES
 TOTAL AREA DISTURBED: 149,302 S.F. (3.43 ACRES) (NOI REQUIRED)
 ZONING: M-1

PROPOSED BUILDINGS: 52,820 S.F. 1.21 ACRES 36.0%

BUILDING 1: 8,000 SF	(20) 10'x20' UNITS
BUILDING 2: 11,040 SF	(27) 10'x20' UNITS
BUILDING 3: 11,040 SF	(27) 10'x20' UNITS
BUILDING 4: 10,000 SF	(25) 10'x20' UNITS
BUILDING 5: 6,000 SF	(30) 10'x20' UNITS
BUILDING 6: 6,740 SF	(32) 8'x12.5' UNITS CLIMATE CONTROLLED (2) 7.5'x20' UNITS (13) 10'x20' UNITS

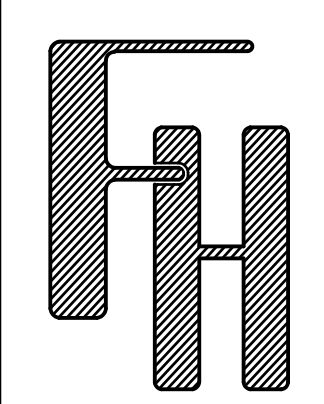
PROPOSED NEW PAVEMENT AREA = 63,243 S.F. 1.45 ACRES 42.3%

PROPOSED NEW PARKING = CARS w/ HANDICAP

NOTE: 4" CONCRETE SLABS WITH CONTROL JOINTS AT WALL LINES OR 10'00" MAX. SOIL BEARING VALUE ESTABLISHED @ 2,000 PSF FOR ALL BUILDING.

REAR YARD SETBACK TO RAILROAD R.O.W. (AVERAGE 43.7')

- | | |
|--|---|
| SB#1 - 10" TOPSOIL
60" SILTY CLAY LOAM (DRY) | SB#5 - 10" TOPSOIL
30" SILTY LOAM (WET)
24" SILTY LOAM (VERY WET) |
| SB#2 - 12" TOPSOIL
60" SILTY CLAY LOAM (MOIST) | SB#6 - 12" TOPSOIL
30" SILTY LOAM (MOIST)
24" SILTY CLAY LOAM (MOIST) |
| SB#3 - 12" TOPSOIL
55" SILTY CLAY LOAM (MOIST) | SB#7 - 10" TOPSOIL
36" CLAY LOAM (DRY)
24" SILTY CLAY LOAM (MOIST) |
| SB#4 - 15" TOPSOIL
24" SILTY LOAM (MOIST)
24" SILTY LOAM (WET) | |



ELK STORAGE

WORK ORDERED BY -
 MIDWEST STORAGE ASSOCIATES INC.
 18206 HIGH RIDGE ROAD
 ELKHORN, WI 53121

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING - ARCHITECTURE - SURVEYING
 7 RIDGWAY COURT P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098 e-mail: office@farris-hansen.com

REVISIONS

1/11/2024 - DHS	ADD BUILDINGS AND NOTES
1/29/2024 - DHS	SITE GRADING PLAN
02/09/2024 - TS	ADVANCE
02/15/2023 - TS	ADVANCE
02/23/2024 - TS	ADVANCE
03/08/2024 - TS	ADVANCE
03/13/2024 - TS	ADVANCE
03/21/2024 - TS	ADVANCE
04/10/2024 - TS	ADVANCE

PROJECT NO.
7576.23

DATE
12/15/2023

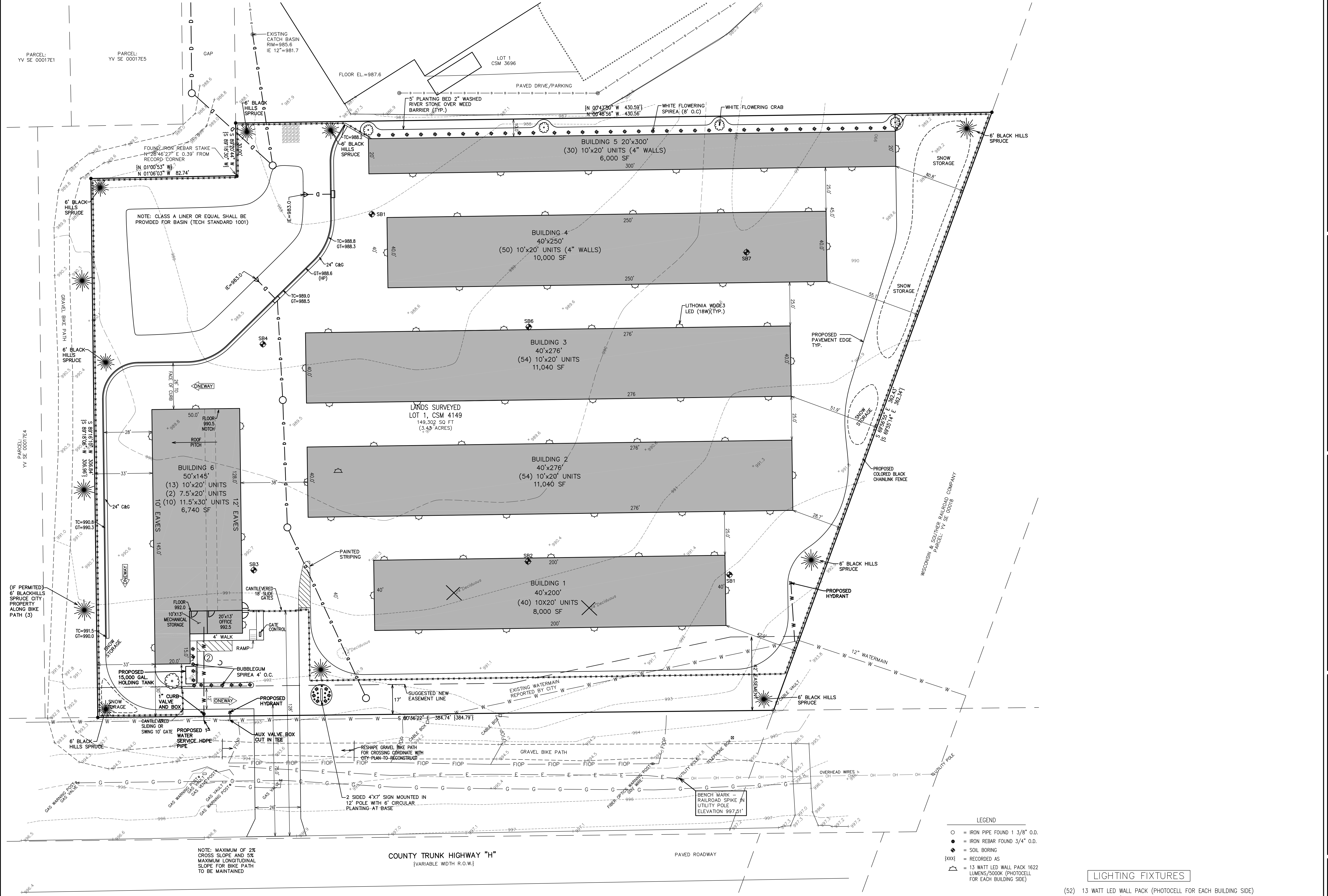
SHEET NO.
1 OF 4

SITE PLAN WITH LANDSCAPING AND LIGHTING

LOT 1 OF CERTIFIED SURVEY MAP NO. 4149

LOCATED IN PART OF THE NE 1/4 & SE 1/4 OF THE SE 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 17 EAST,
CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

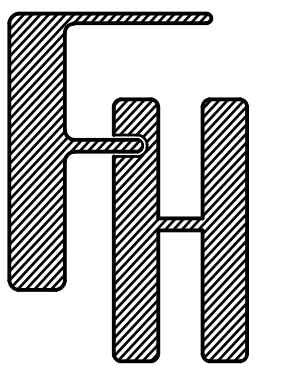
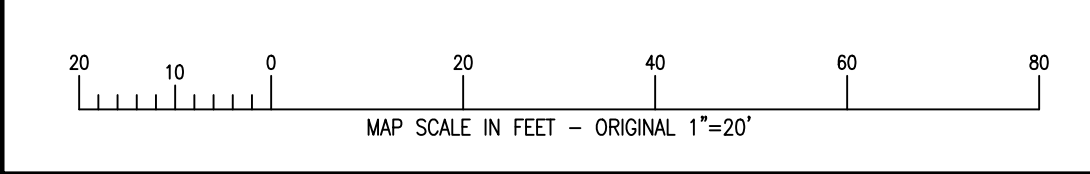
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- LEGEND**
- = IRON PIPE FOUND 1 3/8" O.D.
 - = IRON REBAR FOUND 3/4" O.D.
 - ⦿ = SOIL BORING
 - [xxx] = RECORDED AS
 - ☀ = 13 WATT LED WALL PACK 1622 LUMENS/5000K (PHOTOCELL FOR EACH BUILDING SIDE)

LIGHTING FIXTURES

(52) 13 WATT LED WALL PACK (PHOTOCELL FOR EACH BUILDING SIDE)
1622 LUMENS | 5000K



ELK STORAGE

WORK ORDERED BY -
SIRDOME, MIDWEST STORAGE ASSOCIATES INC.
N8206 HIGH RIDGE ROAD
ELKHORN, WI 53121

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE: (262) 723-2098 e-mail: office@farris-hansen.com

REVISIONS	
1/11/2024	- DHC ADDED BUILDINGS AND NOTES
1/29/2024	- DHC SITE GRADING PLAN
02/09/2024	- TS ADVANCE
02/15/2023	- TS ADVANCE
02/23/2024	- TS ADVANCE
03/08/2024	- TS ADVANCE
03/13/2024	- TS ADVANCE
03/21/2024	- TS ADVANCE
04/10/2024	- TS ADVANCE

PROJECT NO. **7576.23**
DATE **12/15/2023**
SHEET NO. **2 OF 4**

10. STOOPS AND ENTRIES
 Concrete flatwork shall be constructed in accordance with the requirements of Section 602 of the "State Specifications." The work shall be constructed over a minimum 8 inches of compacted gravel. All flatwork concrete shall be 6 inches with fiber mesh and control joints at maximum 12 feet on center of the maximum width of concrete.

11. DRAINAGE SWALES & OFF PAVEMENT GRADING
 Drainage swales and off pavement grading shall be constructed in accordance with details of line, grade and configuration shown on the plans and as specified under Sub-section 629.3.6 of the "State Specifications". Temporary bale ditch checks, sediment traps, diversions, silt fence, etc., shall be used to minimize erosion throughout construction.

12. SALVAGE, STOCKPILE & REPLACEMENT OF TOPSOIL
 All topsoil on areas to be disturbed shall be stripped and stockpiled in areas as indicated on the plans or otherwise approved by the ENGINEER/OWNER. Or surplus may be moved off site initially.

13. TIME PERIOD FOR PAVING
 Paving maybe delayed for up to two (2) years to allow for any initial settlement. Installation of the binder course shall occur during the same year a the base course material has been consolidated. The pavement surface course is to be placed at a minimum of 2 years after the initial binder lift has been placed.

14. SEEDING, MULCHING & FERTILIZER
 Preparation of all seed beds, sowing, and other requirements shall be in accordance with Section 630 of the "State Specifications". All seeded areas shall be mulched in accordance with Section 627 of the "State Specifications".

15. EROSION CONTROL
 The Contractor shall use the current Wisconsin Department of National Resources Construction Site Erosion & Sediment Control Standards as a reference and guide for erosion control practices.

16. EROSION MAT
 The CONTRACTOR shall place erosion mat over all seeded areas as required to control erosion as shown on the plans and/or as directed by the ENGINEER. Erosion mat shall be placed in accordance with the procedures recommended by the manufacturer and Section 628.3.2 of the "State Specification" or as directed by the engineer.

17. DETENTION/TEMPORARY SEDIMENT BASIN AND OUTLET STRUCTURE
 The storm water basin shall be built at the beginning of the project and maintained throughout. Slopes shall be seeded, fertilized and mulched with a Kentucky bluegrass mix having rye or oats for a fast stabilizing ground cover; Seed Mixture No. 40 applied as specified in Section 17. The grading shall be blended into the natural features on each side of the basin. This basin will be used as a temporary sediment basin during construction.

18. DEWATERING
 All site, basin or trench dewatering shall be done by acceptable methods in strict accordance with technical standards (Code No. 1061) W DNR. No dewatering is anticipated but if needed, discharge shall be into the storm water basin and/or sediment trap at rates that can be accommodated (ENGINEER to approve).

19. PERMITS
 Contractor shall be responsible for all permit conditions concerning erosion control and County site permit conditions along with the State NOI permits. Drainage that leaves the site must be controlled and erosion prevented. It will be very important to prevent tracking of mud or other materials off site onto the roadways. If this occurs it must be immediately cleaned by power brush or other acceptable means. Anti-tracking mats are to be created and maintained as shown.

20. STORM SEWER CONSTRUCTION
 All excavations within established roadways, proposed parking, or driveways shall be backfilled with granular material conforming to Section 8.43.4. Consolidation of backfill within these established areas shall be by mechanical compaction as defined in Section 2.6.14(b). All other trenches shall be backfilled in maximum 18-inch lifts with excavated material and mechanically compacted with heavy-duty backhoe or other heavy equipment mounted compactors up to subgrade of planned surface.

21. STANDARD SPECIFICATIONS
 All work under this project shall be done in accordance with the "Standard Specifications for the Sewer and Water Construction in Wisconsin," Sixth Edition, December 22, 2003, and its Addendums, hereinafter referred to as the "Standard Specifications" and its amendments and corrections. Specifications contained herein shall supersede these standard specifications as indicated only to modify, alter or extend them.

22. UNCLASSIFIED EXCAVATION
 Unclassified excavation shall consist of all excavations necessary to provide a subgrade at suitable elevations such that roadways, drives, parking, storm basin, building sites and lands adjacent thereto can be constructed to finished elevations shown on the plans by application of stone base course and pavement or topsoil replacement as applicable.

23. EXCAVATION AND BACK FILL
 Excavate to elevations and dimensions required for performance of the work. Placement of backfill, excavations and base for floor slabs shall be coordinated with the concrete SUBCONTRACTOR.

24. COMPACTION
 All fill material placed in embankment and under buildings and drives shall be compacted in lifts with suitable material. A geotechnical engineer may be employed by the OWNER to do inspections and provide for testing.

25. CRUSHED AGGREGATE BASE COURSE
 Crushed aggregate base course shall be ten inches (10") thick for drives & parking areas and placed in a minimum of two lifts and shall conform to Gradation No. 2 as specified in accordance with the "State Specifications" Section 305.2. All crushed aggregate base course shall be compacted with water truck, grader and vibrator roller.

26. BITUMINOUS CONCRETE PAVEMENT
 Bituminous concrete pavement shall be Type E=0.3 constructed of 2.0 inch thickness of binder course material with a 5 percent asphalt cement content and a 1" - 1/2" inch thickness of surface course materials with a 5.5 percent asphalt cement content (tolerance of + 0.5 percent maximum as asphalt cement content permitted). (OWNER may delay paving operations)

27. CONCRETE
 All concrete used on this project shall be air-entraining, 6-bag mix with a minimum 28 day compressive strength of 4,000 psi. All requirements of Section 501 of the "State Specifications" shall apply unless otherwise modified herein or waived by the ENGINEER. Course aggregate shall be proportioned between Size No. 1 and No. 2 to provide suitable workability with a 6 percent air content plus or minus 1.5 percent.

10. STOOPS AND ENTRIES
 Concrete flatwork shall be constructed in accordance with the requirements of Section 602 of the "State Specifications." The work shall be constructed over a minimum 8 inches of compacted gravel. All flatwork concrete shall be 6 inches with fiber mesh and control joints at maximum 12 feet on center of the maximum width of concrete.

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 Preparation of all seed beds, sowing, and other requirements shall be in accordance with Section 630 of the "State Specifications". All seeded areas shall be mulched in accordance with Section 627 of the "State Specifications".

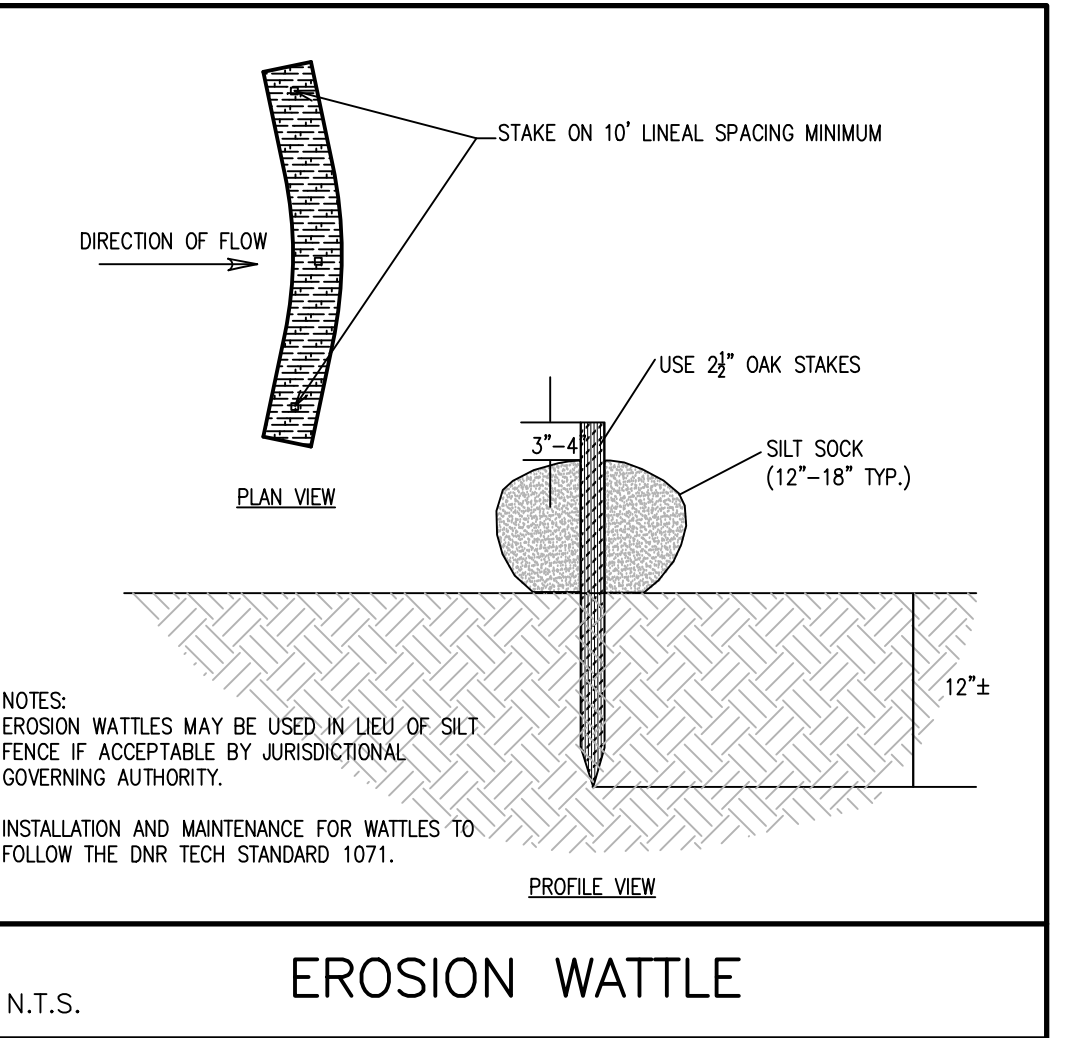
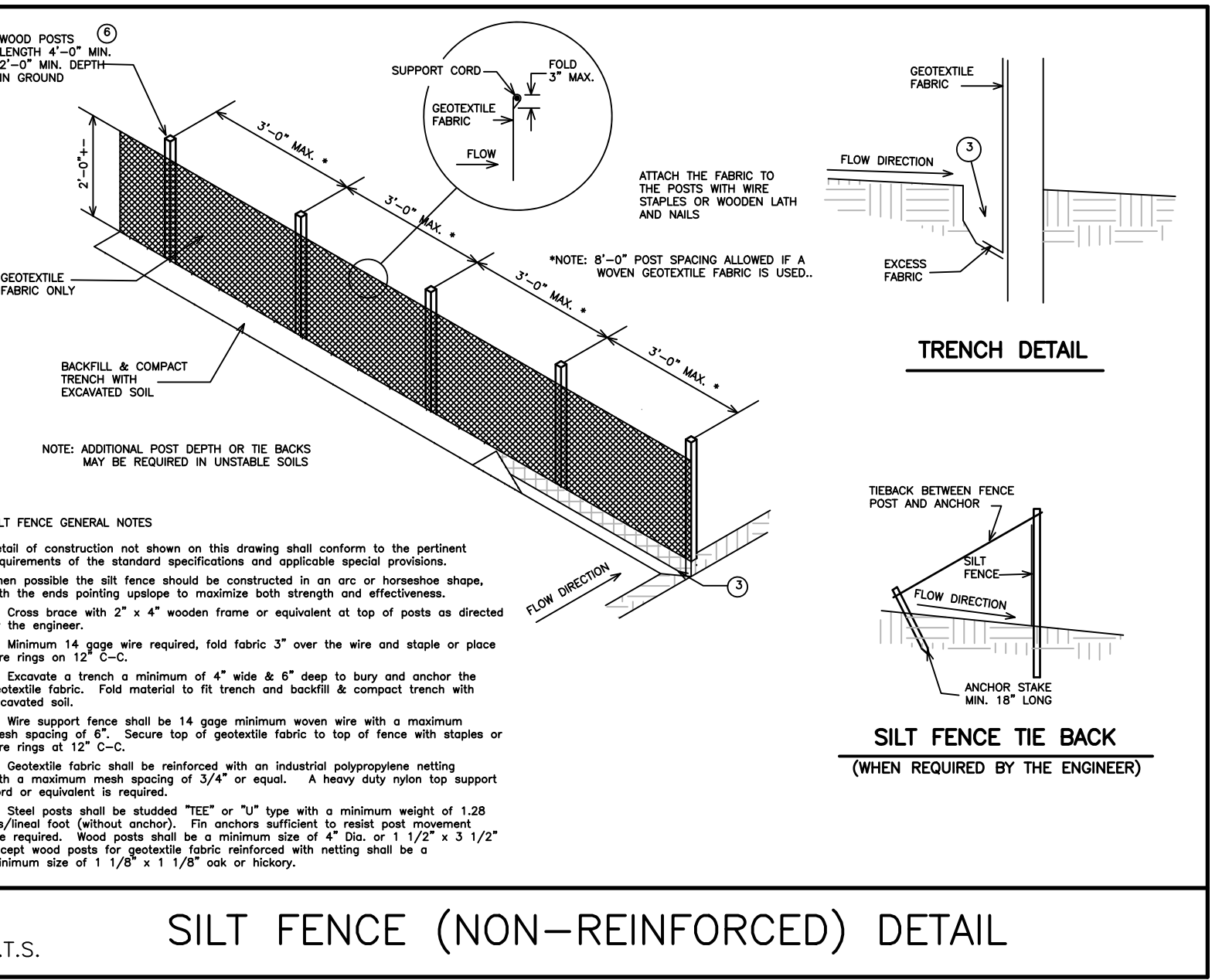
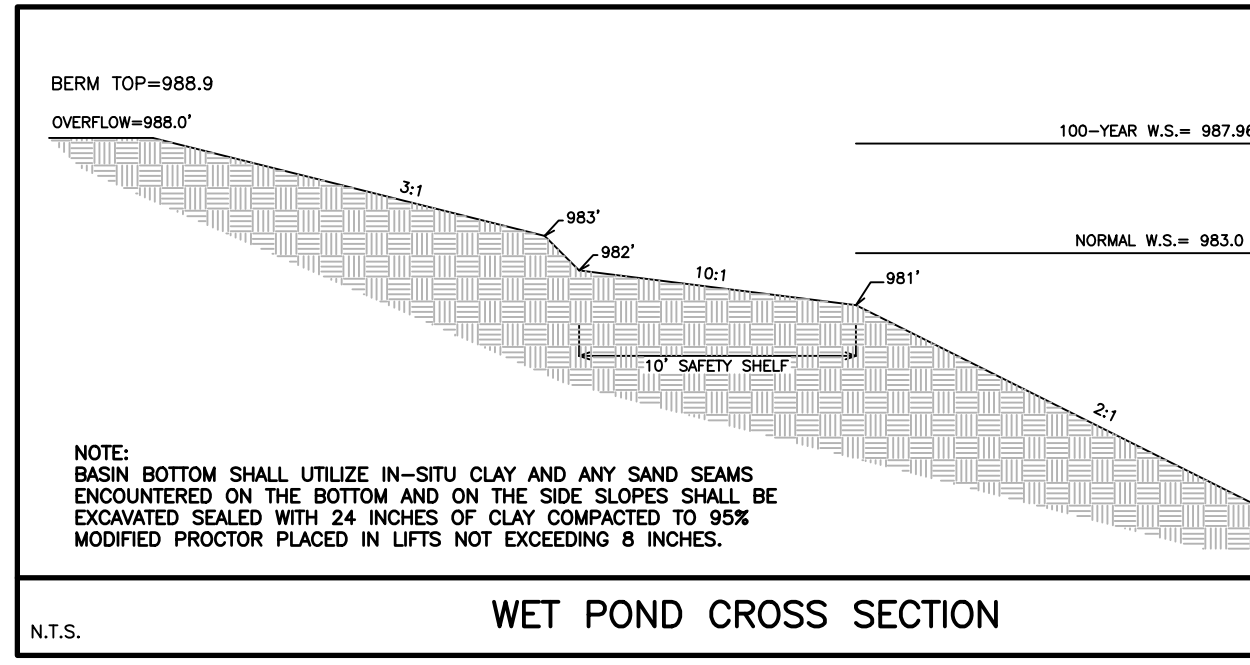
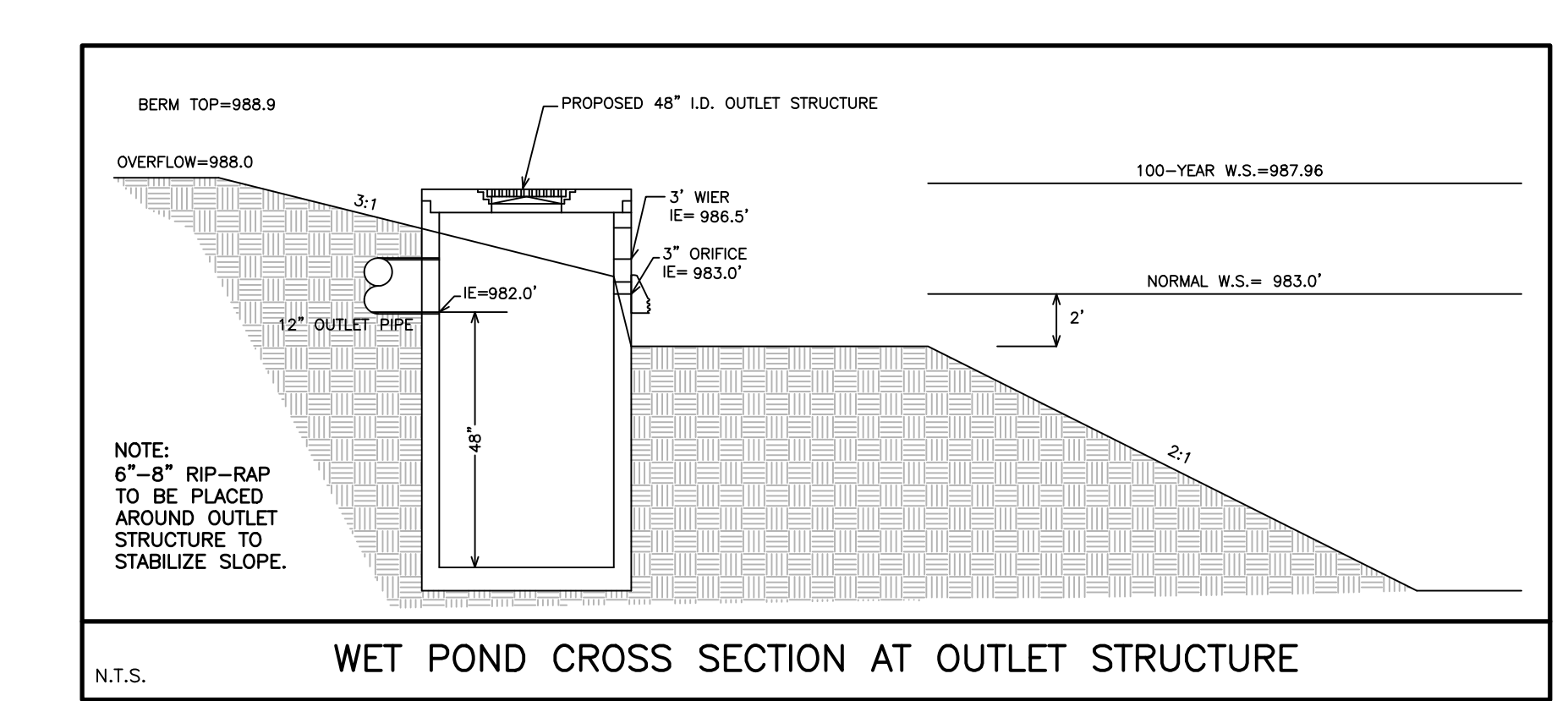
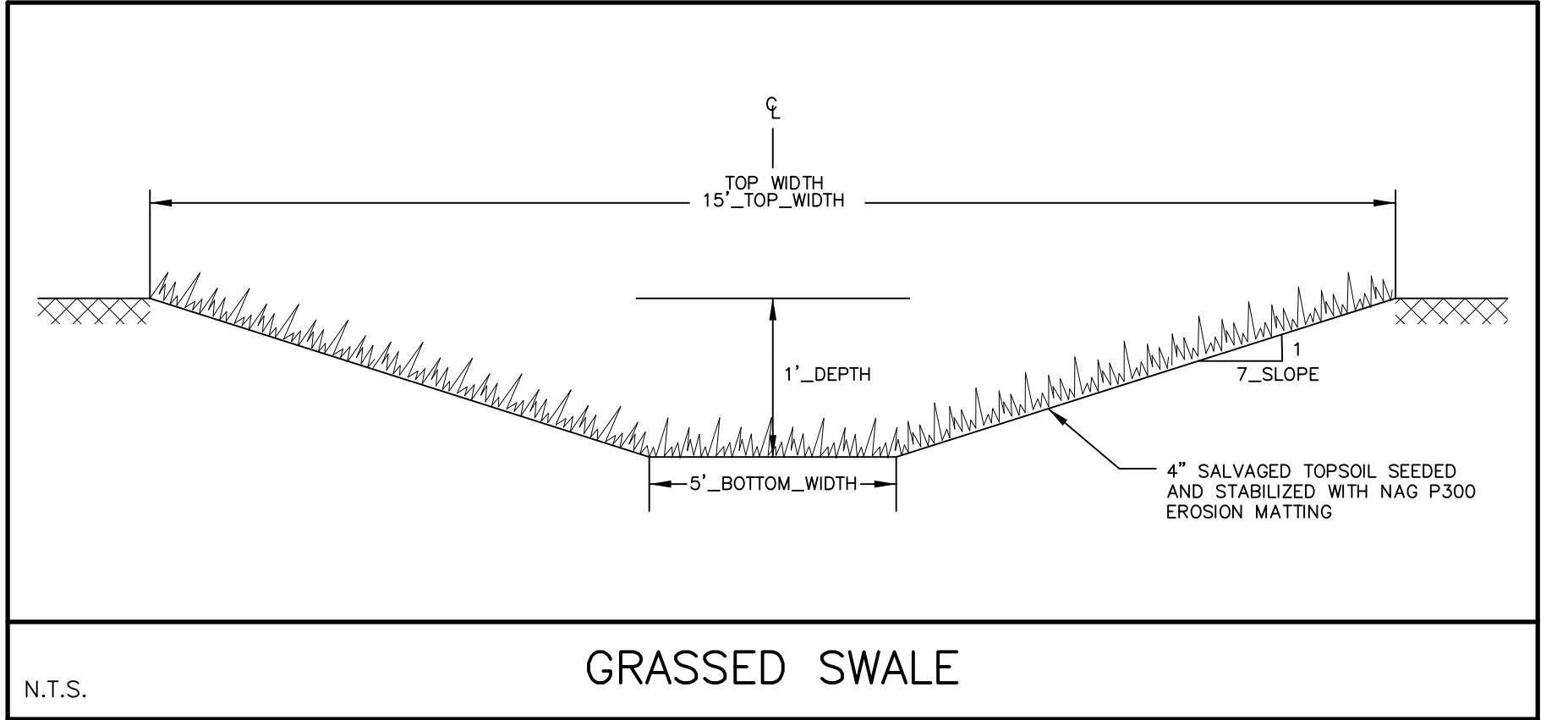
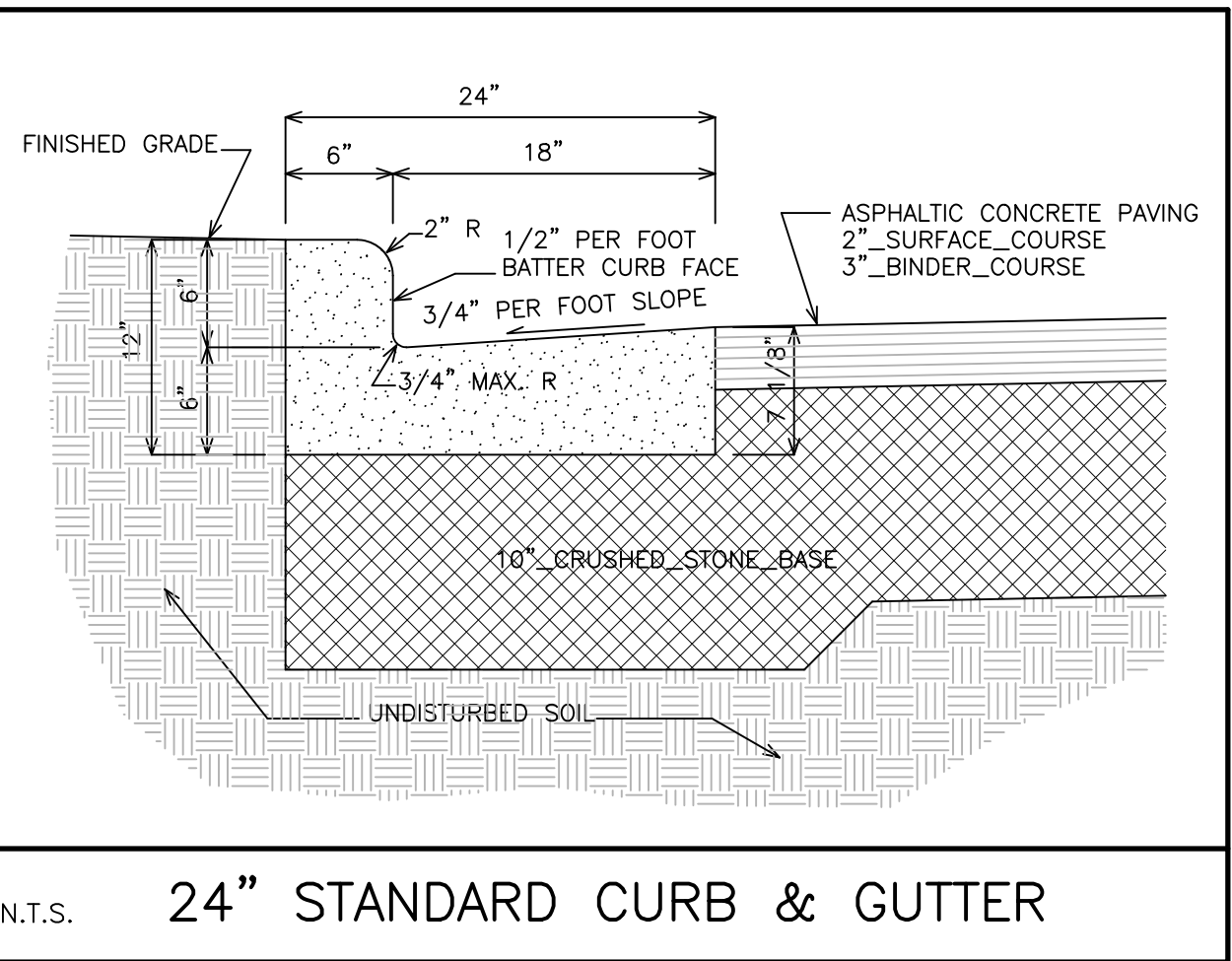
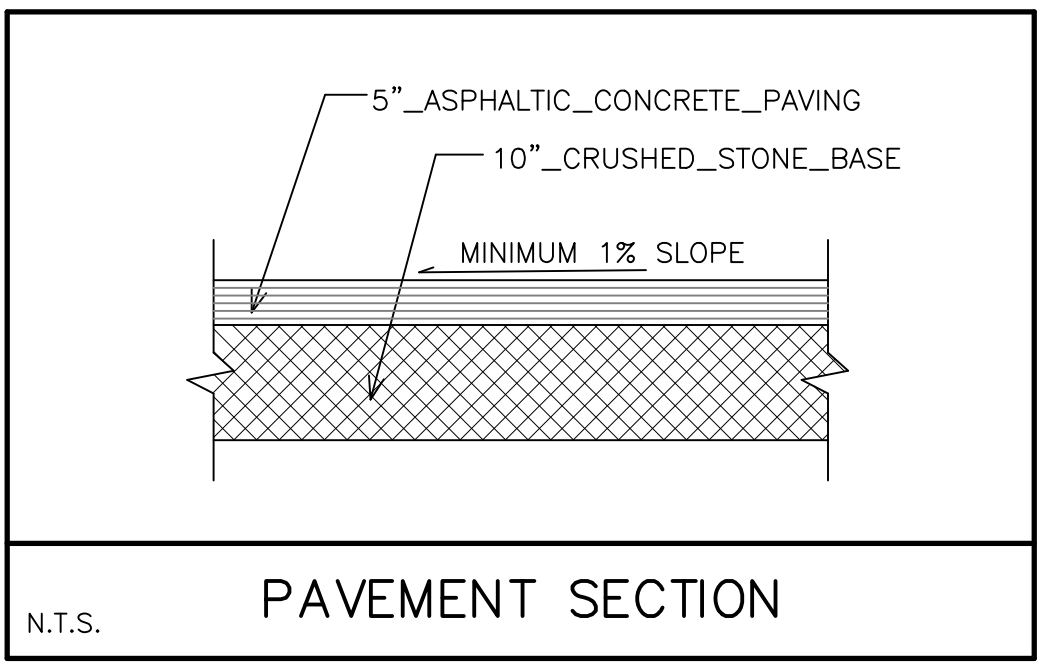
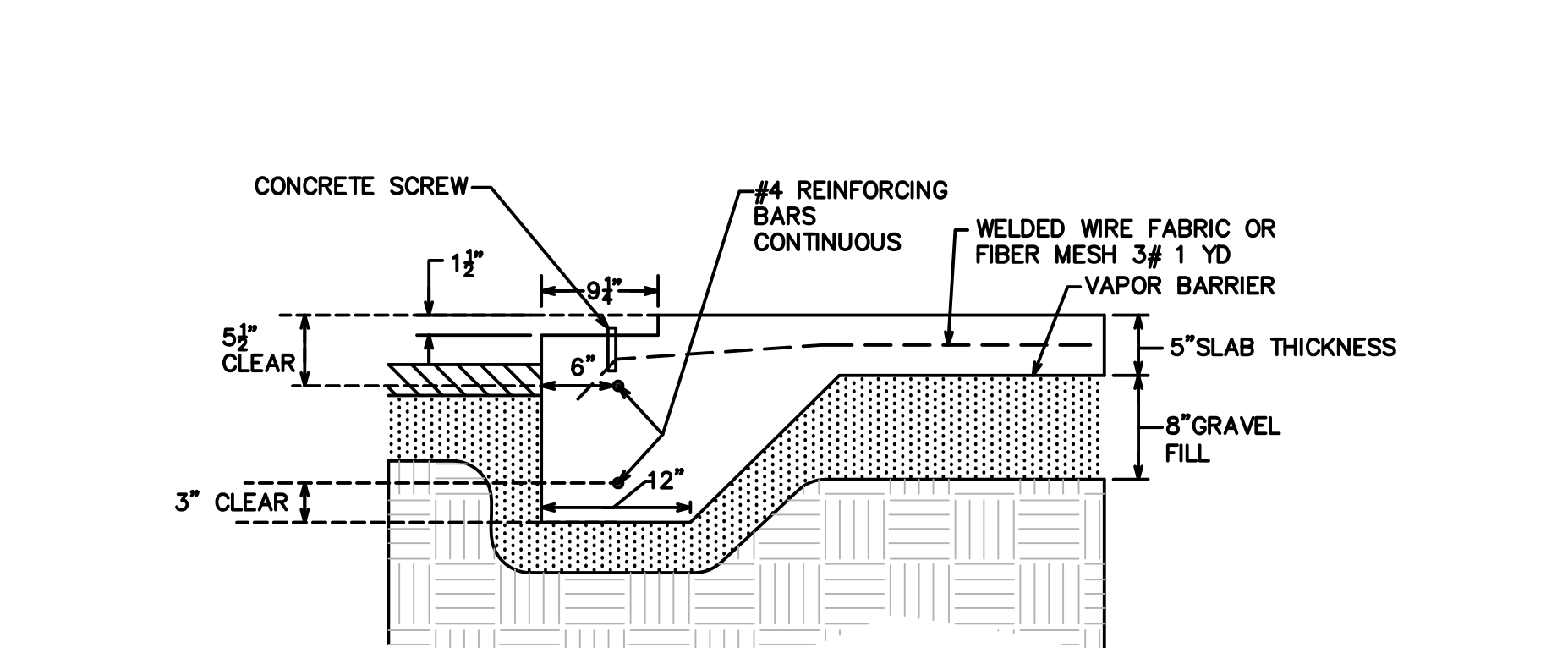
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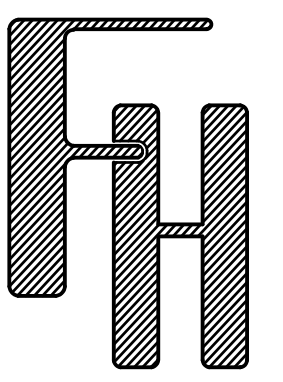
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 The storm water basin shall be built at the beginning of the project and maintained throughout. Slopes shall be seeded, fertilized and mulched with a Kentucky bluegrass mix having rye or oats for a fast stabilizing ground cover; Seed Mixture No. 40 applied as specified in Section 17. The grading shall be blended into the natural features on each side of the basin. This basin will be used as a temporary sediment basin during construction.

18. DEWATERING
 All site, basin or trench dewatering shall be done by acceptable methods in strict accordance with technical standards (Code No. 1061) W DNR. No dewatering is anticipated but if needed, discharge shall be into the storm water basin and/or sediment trap at rates that can be accommodated (ENGINEER to approve).

19. PERMITS
 Contractor shall be responsible for all permit conditions concerning erosion control and County site permit conditions along with the State NOI permits. Drainage that leaves the site must be controlled and erosion prevented. It will be very important to prevent tracking of mud or other materials off site onto the roadways. If this occurs it must be immediately cleaned by power brush or other acceptable means. Anti-tracking mats are to be created and maintained as shown.



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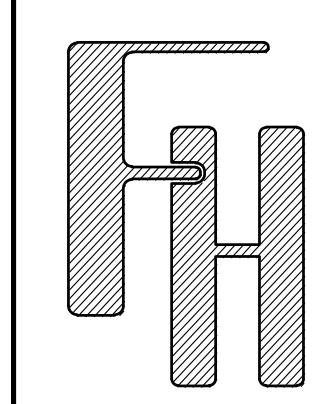


ELK STORAGE

— WORK ORDERED BY —
 SIRDONE,
 MIDWEST STORAGE ASSOCIATES INC.,
 N8206 HIGH RIDGE ROAD
 ELKHORN, WI 53121

FARRIS, HANSEN & ASSOCIATES, INC.
 ENGINEERING — ARCHITECTURE — SURVEYING
 7 RIDGWAY COURT P.O. BOX 437
 ELKHORN, WISCONSIN 53121
 PHONE: (262) 723-2098 e-mail: office@farris-hansen.com

REVISIONS	
1/11/2024	— DHC ADDED BUILDINGS AND NOTES
1/28/2024	— DHC SITE GRADING PLAN
02/09/2024	— TS ADVANCE
02/15/2023	— TS ADVANCE
02/23/2024	— TS ADVANCE
03/08/2024	— TS ADVANCE
03/13/2024	— TS ADVANCE
04/10/2024	— TS ADVANCE
PROJECT NO.	7576.23
DATE	12/15/2023
SHEET NO.	3 OF 4

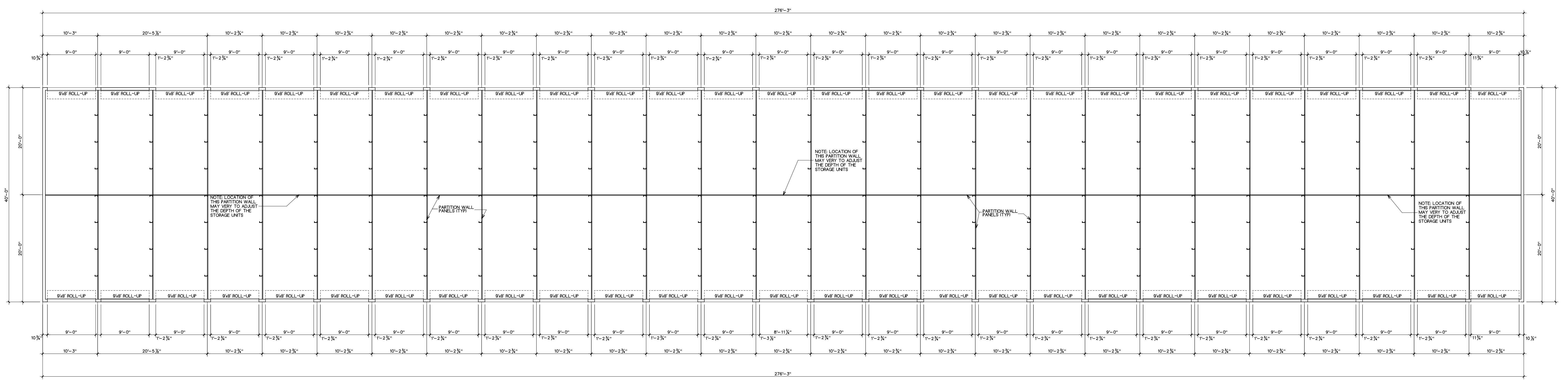


BUILDING 2, 3 & 4
FIRST FLOOR PLAN
EXTERIOR ELEVATIONS

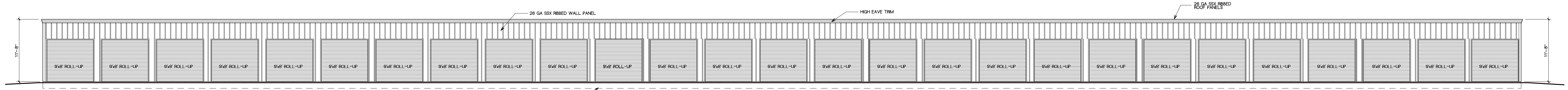
FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgeway Court P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 733-2088
Fax: (262) 733-5866

REVISIONS
REVISED BLDG PLANS
RS 03/08/2024

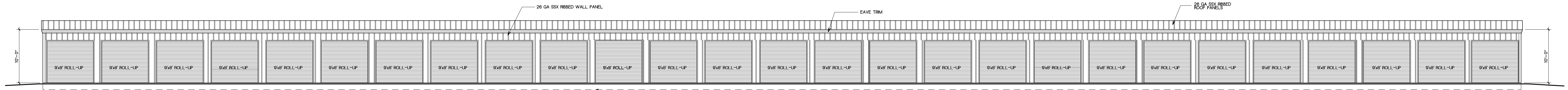
PROJECT NO.
7576.23
DATE
02/16/2024
SHEET NO.
4 of 4



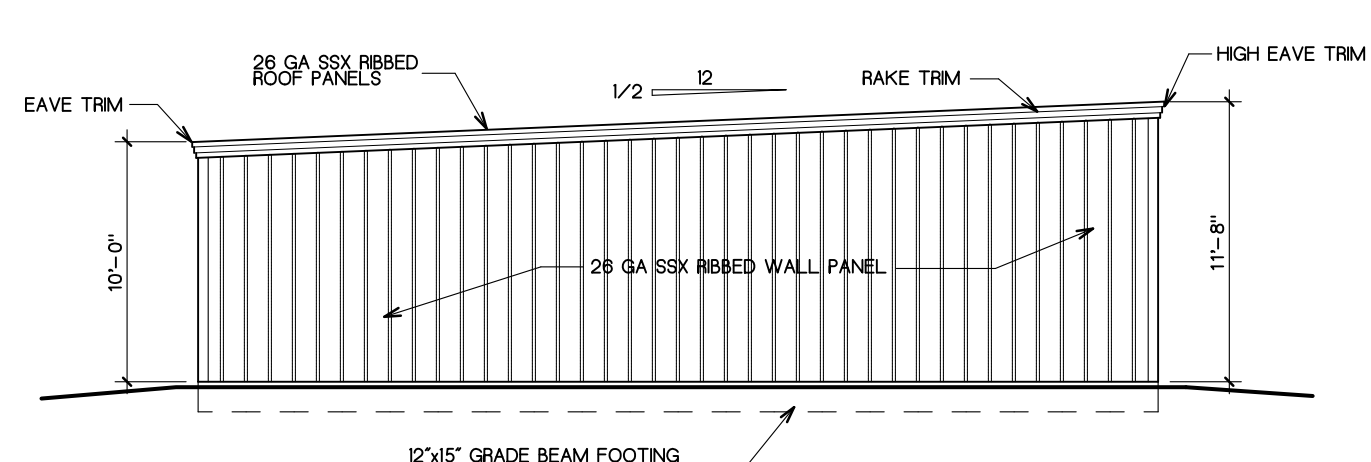
FIRST FLOOR PLAN
SCALE 1/8"=1'-0"
N



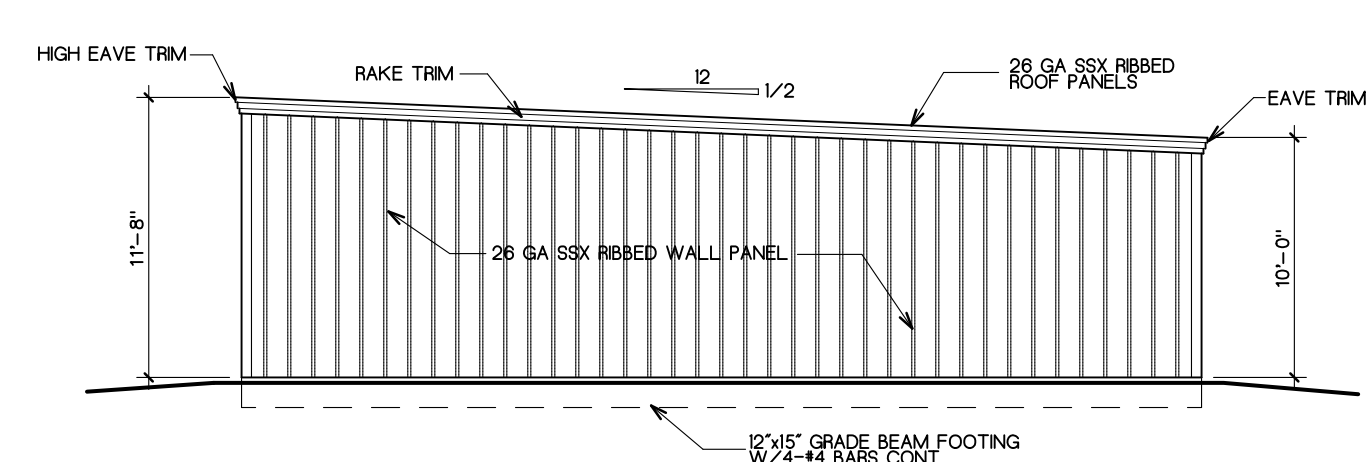
EAST ELEVATIONS
SCALE 1/8"=1'-0"



WEST ELEVATIONS
SCALE 1/8"=1'-0"



SOUTH ELEVATION
SCALE 1/8"=1'-0"



NORTH ELEVATION
SCALE 1/8"=1'-0"

NOTE: OTHER BUILDINGS WILL BE SIMILAR IN COLOR AND DETAILS.

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TO: City of Elkhorn Zoning Board of Appeals Members
RE: Joseph Doherty Variance Application
FROM: Allison Schwark, Zoning Administrator
DATE: April 17, 2024

Project History:

The applicant, Joseph Doherty, submitted a Site Plan and Conditional Use Permit Application dated February 20, 2024, to the City of Elkhorn building and zoning department for rentable mini warehouse storage units located on a vacant lot off County Road H and Proctor Drive.

Upon zoning review, Zoning Administrator, Allison Schwark noted that the new proposed site plan did not meet the current rear yard setback requirements set forth in Section 17.5-3 of the Municipal Code for the M-1 Light Manufacturing district, which requires a 25-foot rear yard setback. The permit application was denied due to the above findings, and the applicant has now applied for a variance to request approval to build within the rear yard setback. Additionally, on April 18, 2024, the Plan Commission convened, and tabled the Site Plan review and Conditional Use permit for the proposed project until revisions are made to the proposed plan, and the Variance determination is finalized.

Following are some excerpts from the City Zoning Ordinance pertaining to findings and decisions of the Board of Appeals:

17.12-7 - Findings.

(1) In accordance with Section 62.23(7), Wis. Stats., and amendments thereto, in exercising the powers of the Board (see Section 17.12-4 of this chapter) the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

(2) No variance to the provisions of this chapter shall be granted by the Board unless it finds by a preponderance of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(b) Exceptional Circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the

granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(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.

(d) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(e) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.12-8 - Decision.

(1) The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.

(2) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(3) Variances, substitutions or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

Following are some excerpts from Wisconsin State Statutes 62.23(7)(e)7 relating to Board of Appeals:

b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.