Call to Order
Roll Call
Citizens Comments

Approval of the Minutes from the Meeting held April 30, 2019.

1. Variance Request from David Castiglia for Relief from the Accessory Front Yard Setback Requirement [Section 3.08 F.(4)(a)] for a new accessory structure at 4205 7th Avenue. (District 1) PUBLIC HEARING

Commissioners' Comments

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4030 BY NOON OF THIS MEETING DATE TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.
MEMBERS PRESENT: Anderson Lattimore, Dennis Filippelli, Richard Gallo and Amy Lonergan

MEMBERS EXCUSED: Michael Hawes

STAFF PRESENT: Brian Wilke, Development Coordinator

The meeting was called to order at 5:00pm by Mr. Lattimore, roll call was taken.

Citizens Comments

Peter Ogorek, Perspective Design, 11525 W. North Avenue, Wauwatosa, was in attendance representing KRT, LLC.

A motion was made by Mr. Filippelli, seconded by Mr. Gallo to approve the minutes of November 13, 2018. The motion passed. (Ayes 4, Noes 0)

1. Variance Request from the Rear Yard Setback Requirement for property at 7630 Pershing Boulevard. (KRT, LLC) (District 14) PUBLIC HEARING

Mr. Wilke explained the property at 7630 Pershing Boulevard was subdivided into two (2) parcels. A masonry wall was constructed where the parcels abut each other and this was considered an interior side yard. The applicant would like to further subdivide the parcel and the previously stated interior side yard will now become a rear yard. A rear yard requires a twenty-five (25’) foot setback. The newly constructed rear yard would be zero (0’) feet.

Mr. Wilke noted the following facts must apply:

- **Preservation of Intent** – The rear yard setback is to provide access to the rear of the building. In this case there is no intent or alteration to the exterior of the building. The proposed land division will not be impacted.

- **Exceptional Circumstances** – The approval of the proposed Certified Survey Map would continue the unique circumstance of the building, which is a large vacant building the applicant is trying to occupy with smaller tenants. Also, the interior side yard would become the rear yard with zero (0’) foot setback.

- **Economic Hardship and Self-Imposed Hardship not grounds for a Variance** – The rear yard setback is imposed by the City, based on the interpretation of yards on a property.

- **No Variance shall be granted that is contrary to the health, safety and general welfare of the City of Kenosha** – This Variance would not be contrary to the health, safety and general welfare of the City.
Mr. Filippelli asked what the proposed tenant does. Mr. Ogorek said they are a blood center. Mr. Filippelli asked if they would interfere or compete with the existing business, Aurora physical therapy. Mr. Ogorek said no.

Ms. Lonergan asked why the odd shape of the lots. Mr. Ogorek said Lot 3 would potentially be an automotive business and the shape has to do with the parking requirements. Ms. Lonergan said the lot lines don’t match the building. Mr. Ogorek said there is some structural discontinuity within the building. Ms. Lonergan asked if there is excess parking if the garage area is not an auto center. Mr. Ogorek said it is unlikely because of the infrastructure. The existing portion of the building would likely be torn down if it was not an auto center.

Mr. Lattimore asked if there was any feedback from the alderman or the public. Mr. Wilke said two (2) neighbors called because they were curious.

A motion was made by Mr. Filippelli, seconded by Mr. Gallo to approve the Variance. The motion carried. (Ayes 4, Noes 0)

**Board Member Comments** – No Board Member Comments

A motion to adjourn was made by Ms. Lonergan, seconded by Mr. Gallo. The motion passed. (Ayes 4, Noes 0) The meeting adjourned at 5:16pm.

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

____________________________
Jeffrey B. Labahn, Director of Community Development & Inspections

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*
Variance Request from David Castiglia for Relief from the Accessory Front Yard Setback Requirement [Section 3.08 F(4)] for a new accessory structure at 4205 7th Avenue, (District 1) PUBLIC HEARING

NOTIFICATIONS AND APPROVAL REQUIREMENTS:

Alderperson Haugaard, District 1, has been notified. Pursuant to Section 9.07 C. of the Zoning Ordinance, property owners within 100 feet of the proposed variance have been notified. The Zoning Board of Appeals is the final review authority.

LOCATION AND ANALYSIS:

Site: 4205 7th Avenue
Zoning: RG-1 General Residential District

1. The applicant, David Castiglia, owns a single-family residence at 4205 7th Avenue. In April of 2016, the applicant purchased the single-family residence to the east of the property which fronts 42nd Street. In early 2017, the single-family residence was razed. In May of 2017, the applicant combined the two parcels into one parcel upon approval of the combination by City Staff.

2. The applicant is now proposing to construct a new accessory structure on the property which was formerly the single-family residence.
   a) The proposed setback of the garage is twenty feet (20'). Since the lot has two street frontages, Staff interprets the Zoning Ordinance to state that the shorter of the two street frontages is the Front Yard for setback purposes.
   b) Section 2.03 C.2. of the Zoning Ordinance states "A Lot-Double Frontage shall provide the required front yard on both streets, except where otherwise approved in conjunction with a Conditional Use Permit or Site Plan Review."
   c) Section 3.08 F(4)(a) of the Zoning Ordinance states the Accessory Front Yard requirement is seventy feet (70') in the RG-1 General Residential District.
   d) The applicant's Variance request is to reduce the Accessory Front Yard requirement from seventy (70') to twenty feet (20').

3. As shown on the attached aerial photo, there are two houses with their side yards to 42nd Street. The proposed accessory structure would be located between the two lots. It would not be any closer to 42nd Street than either house or accessory structure and maintain a nearly consistent building line.

4. The garage, would be 840 square feet in size. There are other accessory structures on the site proposed to remain. The maximum amount of square footage allowed for all accessory structures is 840 square feet. If approved the owner will either need to remove the other structures, or apply for and obtain a Special Exception from the City Plan Commission to increase the allowable square footage up to 1,000 square feet if he wishes to construct this structure. The owner will also be required to close the existing driveway approach on 42nd Street if a new driveway approach is permitted.

5. All of the following facts and conditions must apply to the Variance Request to approve a Variance.
   a. Preservation of Intent. No variance shall be granted which is inconsistent with the purpose and intent of the regulations for the district in which the use, building or structure is located. No
accessory use, or Conditional Use in the particular district.

Staff Comment: The intent of Section 3.08 F(4)(a) of the Zoning Ordinance is to require an accessory front yard setback that places the accessory structure behind the principal structure. In this case, this is a double frontage lot. The accessory structure is still behind the principal structure. The frontage on 42nd Street is only two feet (2') less than the frontage on 7th Avenue. The interpretation is that 42nd Street is the front yard because it is shorter, but if the dimensions were reversed, 42nd Street would be the rear yard, and the accessory structure placement would comply with the Zoning Ordinance.

The Variance would preserve the intent of the Zoning Ordinance.

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

Staff Comment: The lot is a double frontage lot, which was approved by City Staff with the approval of a Parcel Combination. The lot is an unusual layout, and strict enforcement of the Zoning Ordinance setbacks would be burdensome to the owner.

There are Exceptional Circumstances that warrant a Variance.

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

Staff Comment: The applicant has not indicated an economic hardship, and Staff agrees. The front yard setback is imposed by the City based on the interpretation of yards on a property.

The hardship is not self-imposed.

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

Staff Comment: A Variance in this case would not be contrary to the health, safety or general welfare of the City of Kenosha.

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

RECOMMENDATION:

A recommendation is made to approve the Variance Request.

Brian Wilke, AICP, Development Coordinator

Jeffrey B. Lobbahn, AICP, Director
APPLICATION FOR ZONING VARIANCE
Form #CD170 (rev. 02/16)

Property Owner: DAVID CASTIGLIA
Phone Number: 262-818-1967

Owner’s Address: 4205-7TH AVE KENOSHA WI 53140

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

Applicant: DAVID CASTIGLIA
Phone Number: 262-818-1967

Applicant’s Address: 4205-7TH AVE KENOSHA WI 53140

Address of Variance: 4205-7TH AVE KENOSHA WI 53140
(If the property is undeveloped, a parcel number is required)

Specific Variance Relief Being Requested: SEE ATTACHMENTS

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

Signature (Owner or Agent for Owner) Date

Zoning Variance Application – Page 1
DEAR MR. WILKE

HERE IS MY APPLICATION FOR A VARIAINCE & A BUILDING PERMIT
I HOPE THE INFORMATION I HAVE PROVIDED IS SUFFICIENT TO INITIATE
THE APPROVAL & ERECTION OF MY
GARAGE. I UNDERSTAND THE MORE
INFORMATION MY BE NEEDED AS WELL AS
SOME ADJUSTMENTS TO THE PLAN'S I'M
SUMMITING. PLEASE CONTACT ME AT
ANY TIME. I WILL DO MY BEST TO MAKE
ANY CHANGES & PROVIDE ADDITIONAL RE-
QUIREMENTS NEEDED. I AM WORKING
OUT OF STATE IN MICHIGAN & WILL NOT
BE RETURNING TO KENOSHA UNTIL
THE 17TH OF DECEMBER

THANK YOU

DAVID CASTIGLIA

4205 74TH AV
KENOSHA WI 53140
262 818 1967
SPECIFIC VARIANCE RELIEF REQUEST

I AM APPLYING FOR A VARIANCE RELIEF FOR ADDRESS 4205-7TH AVE. I HAVE A COMBINED PARCEL. THE FORMER PROPERTY (LOT) WAS 617-425D AVE. I HAVE 3 SCALDED DRAWINGS DETAILING THE COMBINED PARCELS AND THE PROPOSED LOCATION OF THE STRUCTURE (GARAGE) I WOULD LIKE TO BUILD.

PLAN 1 SHOWS THE LOCATION OF MY HOUSE INTO RELATION OF THE GARAGE I WOULD LIKE PLACE ON THE LOT. PLAN 2 SHOWS DETAIL OF THE LOT TO SCALE WITH MEASUREMENTS. PLAN 3 SHOWS THE LOCATION OF THE GARAGE ACCORDING TO THE CITY'S BUILDING (SETBACK) ORDINANCE REGULATIONS.

I AM REQUESTING MY PLAN BE ACCEPTED (PLAN 2). THE LOCATION OF THE GARAGE WOULD BE IN UNIFORM THE (SET BACK) OTHER 2 GARAGES ON 425D STR THAT FACE NORTH. THERE IS A GARAGE TO THE LEFT AND TO THE RIGHT OF THE PROPOSED GARAGE. IT WOULD BASICLY BE THE SAME SET BACK OF THE OTHER GARAGES FROM THE SIDE WALK.

THIS UNIFORMITY ALONG WITH A SHORT FENCE WOULD PROVIDE SECURITY FOR THE BACK YARD OF THE "L" SHAPED LOT.

I HAVE A REAR APARTMENT ATTACHED TO MY HOUSE, THE TENANT WOULD HAVE A LOCKED GATE & ACCESS DOOR TO ENTER THE GARAGE, COMING OR GOING, AND HAVE SECURITY.

THE TOTAL AREA OF THE LOT IS 3369 SQFT

THE BUILDING (GARAGE) AREA IS 30'X28'= 840 SQFT

THE DRIVEWAY (SLAB) AREA IS 20'X28'= 560 SQFT

TOTAL COMBINED 1400 SQFT
PROPOSED LOCATION
OF MY GARAGE

SCALE 1 SQUARE EQUALS 5' FT

51N

CITY

HORIZONTAL

ELEVATIONS

DOOR 22"

NIEGAL DRESSING

HANGAR

7'

95'-6"

24'-3"

14'-6"

6'6"

25'

15'

9'6"

12'

12'

18'

9'

10'

19'

25'

12'

25'

20'

24'

15'

7'/
I hereby certify that this property was surveyed under my direction. This plat is a true representation thereof.

Wisconsin Registered Land Surveyor
May 23, 2019

GLEN A. MARESCALCO
2203 KENOSHA, WI

Plat of Survey of
PART OF BLOCK 47
ORIGINAL TOWN OF SOUTHPORT
in SE 1/4 Section 30-2-23
CITY OF KENOSHA
KENOSHA COUNTY, WI

address: 4205-7th Avenue

Scale 1" = 20'

denotes iron pipe marker found (unless noted)

Refer to a current title report for a complete legal description and for any easements or restrictions which may affect this site; specifically those not shown on the recorded subdivision plot.

tax key parcel no.: 11-223-30-479-004

David Castiglia
Items Selected:
- Gable roof w/ 4/12 pitch, Standard Trusses 2' O.C.
- Truss Design Location Zip Code: 53140
- 2x4 Wall Framing Material
- 28' Wide X 30' Deep X 10' High
- Ocean Blue 40 Year Steel Panel Siding
- White Steel Wall Trim
- 7/16" OSB Wall Sheathing
- Block-It Housewrap
- 12" gable/12" eave overhangs
- 7/16" OSB Roof Sheathing
- 40 Year Exposed Fastener Panel Roofing
- White Steel Roof Trim
- Colored roof screws installed in flat
- Economy Vented Closure Strip
- White Steel Soffit & Fascia
- White Steel Roof Edge
- 2 - Garage Door Opener
- Steel Overhead Door Jamb
- Colored wall screws installed in flat

Options Selected:
- The options you have selected are:
  - 2 - 16x8 Overhead Door - Non-Insulated Ribbed
  - 2 - 36x80 Service Door - CP1 Flush Steel RS

Estimated price: $10,043.41*
*Today's estimated price, future pricing may go up or down.
*Tax, labor, and delivery not included.

*** Take this sheet to the Building Materials counter to purchase your materials. ***

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality.

Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.
**Here are the wall configurations for your design.**

*Illustration May Not Depict All Options Selected*

---

**Gable Front View**

(1) - PREHUNGSTE SERVICEDOO CP1 FLUSH STEEL DOOR PH

---

**Gable Back View**

---

**Eave Front View**

(1) - IDEAL RIBBED M5EST 16X8 EZ-SET WHITE M5EST NONINS
(1) - PREHUNGSTE SERVICEDOO CP1 FLUSH STEEL DOOR PH

---

**Eave Back View**

(1) - IDEAL RIBBED M5EST 16X8 EZ-SET WHITE M5EST NONINS

---

**Building Size:** 28 feet wide X 30 feet long X 10 feet high

**Approximate Peak Height:** 15 feet 0 inches (180 inches)

**NOTE:** Overhead doors may need to be "Wind Code Rated" depending on your building location. Confirm the door requirements with your local zoning official before construction.

---

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.
Building Size: 28 feet wide X 30 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center
NOTICE OF PUBLIC HEARING

Petition for Variance to 3.08 F.4.(a) of the Zoning Ordinance
4205 7th Avenue (Castiglia)

The Zoning Board of Appeals will hold a public hearing on a Petition for Variance to Section 3.08 F.4.(a) of the Zoning Ordinance at 4205 7th Avenue.

A Variance is the approval authorizing the construction or maintenance of a building or structure inconsistent with Zoning Ordinance standards. The Zoning Board of Appeals has the authority to approve a Variance. A Variance may only be granted in cases owing to special conditions whereby a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship. A Variance shall maintain the spirit of the Ordinance and protect the public interest.

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

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

Zoning Board of Appeals – Tuesday, September 24, 2019 at 5:00pm
Municipal Building, 625 52nd Street, Kenosha, Room 204

The public hearing provides an opportunity to voice any concerns or ask any questions about the Special Exception Request.

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

BRW:eld
Enclosure
3.08 RG-1 GENERAL RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RG-1 General Residential District are intended to provide for single and two-family residential development. This district is intended to incorporate existing and new single and two-family neighborhoods, which are characterized by smaller lots located generally in the central area of the City. Land may only be rezoned to the RR-1 District in accordance with Section 3.03.

A. Permitted Uses.

2. Two-family residences.
3. Community Living Arrangements with a capacity of eight (8) or fewer persons that are either (a) in conformance with §62.23 (7)(i), Wisconsin Statutes or (b) not in conformance with §62.23 (7)(i) but all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the Community Living Arrangement because of their disability or handicap.
4. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
5. Fraternity or sorority houses with a capacity for eight (8) or fewer roomers.
6. Historic monuments.
7. Offices of a state licensed health practitioner, such as a doctor, dentist, or chiropractor.
8. Public service buildings and uses, limited to fire and police stations and public emergency centers.
9. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
10. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.
11. Bed and Breakfast Establishment with no more than four (4) rooms available for lodging rental.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in §3.03 E. of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with §6.01 of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
   a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building on premises and bed and breakfast establishments.
   b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted fraternity and sorority houses, and offices of a physician or dentist.
   c. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
   d. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
   e. Signs, not exceeding four (4) square feet in area per lot, identifying a permitted transitional parking facility.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.
C. Conditional Uses. (See §4.0 of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons which are either (a) in conformance with §62.23 (7)(i), Wisconsin Statutes, or (b) not in conformance with §62.23 (7)(i) but all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the Community Living Arrangement because of their disability or handicap. In the latter circumstance, compliance with §62.23 (7)(i) is not required.

2. Transitional parking spaces and parking facilities for a business, manufacturing or institutional use, in conformance with Section 4.06 A.6. of this Ordinance.

3. Utility substations.

4. Rooming and boarding houses with capacity for eight (8) or fewer persons.

5. Storm water detention and retention basins.

6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width.

Lots shall be a minimum of five thousand (5,000) square feet in area and shall not be less than forty (40') feet in width, except for lots used for a two family residence, which shall be a minimum six thousand (6,000) square feet in area, providing three thousand (3,000) square feet in area per dwelling unit, and shall not be less than fifty (50') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a build-to line of fifteen (15') feet, measured from the front lot line, or from the setback line of any major street for new principal structures, except where the front yard is determined under Section 3.03 D.1. A minimum of fifty (50%) percent of the principal building width, measured at the ground level, shall be located on the build-to line, or the average front yard determined under Section 3.03 D.1.

2. Side Yards.
   a. Interior Side Yard. There shall be a minimum interior side yard of five (5') feet for one-story buildings and eight (8') feet for two or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.
   b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.
   c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.
   a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.
   b. Accessory Side Yards.
      (1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.
      (2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street, except for detached garages. Detached garages may not be located closer to the street side yard than fifteen (15') feet.
   c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rg-1 District fronts on a street and where a side lot line in the Rg-1 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.
Lot - Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot - Double Frontage. An interior lot having street frontage on the front and the rear of the lot.

Lot - Interior. A lot other than a corner lot.

Lot Line - Front. In the case of an interior lot, a line separating the lot from the street or accessway, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Lot Line - Interior. A side or rear lot line which separates the lot from another lot.

Lot Line - Rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line - Side. Any lot boundary line not a front lot line or a rear lot line.

Lot Line - Street Side. A side lot line which separates the lot from the street or accessway.

Lot - Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Kenosha County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded in said office, or a certified survey which has been recorded in said office.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

Lowest Adjacent Grade. Elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance. The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Major Streets. The greater, more important streets forming the radial, arterial and crosstown thoroughfares of the City of Kenosha.

Manufactured/Mobile Home. As defined in Chapter 20 of the Code of General Ordinances.

Manufactured/Mobile Home Park. As defined in Chapter 20 of the Code of General Ordinances.

Mobile/Manufactured Home Park or Subdivision, Existing. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/Manufactured Home Park, Expansion to Existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

Mobile Recreational Vehicle. A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light duty vehicle, is licensed for highway use if registration is required, and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "Mobile Recreation Vehicles".

Model, Corrected Effective. A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

Model, Duplicate Effective. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, Effective. The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

Model, Existing (Pre-Project). A modification of the Duplicate Effective Model or Corrected Effective
Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

Wetlands. Means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland Alteration. Means any filling, flooding, drainage, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Winery. An establishment where wine, as defined in Chapter 125, Wisconsin Statutes, is manufactured, processed and stored for consumption on or off the premises or for wholesaling purposes.

Yard. An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A "yard" shall extend along a lot line to a depth specified in the yard requirements of the district in which the lot is located.

- Front Yard. A yard extending along the entire frontage of the lot between the side lot lines.
- Side Yard. A yard extending along the side lot line between the front and rear lot lines.
- Interior Side Yard. A yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
- Street Side Yard. A side yard which adjoins a public street.
- Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines.
- Accessory Yard. Any yard required for an accessory building, structure or use.
- Accessory Front Yard. An accessory yard extending from the front lot line to the front of the accessory building, structure or use, between side lot lines.
- Accessory Side Yard. An accessory yard extending along the side lot line between the front and rear lot lines.
- Accessory Interior Side. An accessory yard which is located immediate adjacent to another lot or to an alley separating such accessory from another lot.
- Accessory Street Side Yard. An accessory side yard which adjoins a public street.
- Accessory Rear Yard. An accessory yard extending from the rear lot line to the rear of the accessory building, structure or use, between the side lot line.
E. Prohibited Uses. The following uses, irrespective of whether in an otherwise appropriate Zoning District and irrespective of whether the subject of a Conditional Use Permit, shall be prohibited:

1. Any use which requires a City, State or Federal license or permit as a condition of commencing or continuing operation under City, State or Federal law which has not been granted such a license or permit, or which failed to maintain such license or permit.

2. Any use which is prohibited by City, State or Federal law, rule or regulation.

3. Any sale of alcohol beverages through a service window from a drive-thru facility.

2.03 AREA AND YARD REGULATIONS

A. Minimum Frontage Requirement. All lots shall have frontage upon a public street or officially approved accessway of not less than ten (10') feet in width.

B. Restriction on Lot Area and Yard Reductions. No lot shall be reduced, diminished or maintained in any manner in which the yards, open spaces or total lot area and width, shall be less than prescribed by this Ordinance, nor shall the density of dwelling units be increased in any manner except in conformity with the regulations herein established.

C. Yards. Every building or structure shall be located on a lot, as defined herein, and shall provide yards as specified in the zoning district. Such required yards shall meet the following regulations:

1. Every required front, side, rear and accessory yard shall be open and unobstructed from the ground to the sky, except for those projections permitted under §2.03 D. of this Ordinance.

2. A Lot - Double Frontage shall provide the required front yard on both streets, except where otherwise approved in conjunction with a Conditional Use Permit or Site Plan Review.

3. No part of a yard or other open space provided about any building or structure for purposes of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure.

D. Exceptions to Area and Yard Regulations.

1. Rear Yard-Includes One-Half Alley. In computing the depth of a rear yard where such yard opens into an alley, one-half (1/2) the width of such alley may constitute a portion of the required rear yard.

2. Yards, Lot Area and Lot Width Regulations for Buildings Affected by Street Widening. Where a building or structure is located on a lot, a portion thereof which is acquired for public use, such building or structure may be relocated on the same lot or premises although the yard, lot area and lot width regulations of this Ordinance cannot be met. Further, where only part of such a building or structure is acquired for public use, the remainder of such building or structure may be repaired, altered, reconstructed or remodeled.

3. Projections into Yards. The following uses are permitted to project into required yards, provided that all stated conditions are met:

a. Projections of sills, bolt courses and ornamental features provided, however, that none of the above projections shall project into a court more than six (6") inches, nor into a required side yard more than two (2') feet.

b. Fireplace structures and windows shall not project into any required front, side, street side or rear yard more than one (1') foot.