

AGENDA
ZONING BOARD OF APPEALS
Wednesday, July 20, 2022 at 5:15 p.m.
Jackson Municipal Complex
Village Board Room
N168W19851 Main Street
Jackson, WI 53037

1. Call meeting to Order. Roll Call. Confirm Meeting Notice.
2. Election of Chairperson.
3. Board of Appeals training session led by Village Attorney.
4. Public Hearing on Kunstek Variance Application (reduced rear setback; W206N16517 Marshland Drive).
 - a. Presentation of application by applicant.
 - b. Clarifying questions by Board of Appeals.
 - c. Public comments regarding application.
 - d. Responses to public comments by applicant.
 - e. Discussion, deliberation, and action on application by Board of Appeals.
4. Adjourn

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the Jackson Municipal Complex, Administration Office, at least one (1) business day prior to the meeting.

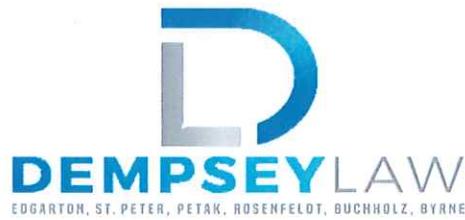
It is possible that members of the Village Board may attend the above meeting. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this meeting notice. This notice is given so that members of the Village Board may attend the meeting without violating the open meeting law.

PARTNERS:

CHARLES J. HERTEL
JOHN A. ST. PETER
PAUL W. ROSENFELDT
RONALD P. HAMMER
BRIAN D. HAMILL
MATTHEW PARMENTIER
HEATH G. MYNSBERGE
JESSICA E. SLAVIN

OF COUNSEL:

WILLIAM E. BUCHHOLZ
RYAN M. PLISCH
DEJAN ADZIC
CHRISTOPHER J. PENZA
JOSHUA R. COOK
SAMUEL W. JACK



ASSOCIATES:

ELIZABETH A. HARTMAN
ALANA BUSCH-ELL
ALEX R. ACKERMAN
LEE D. TURONIE
NATHANIEL J. VERVELDE
JAMES D. MILLER
EVAN M. SEIBEL
SAMUEL J. S. MOHEBAN

RETIRED:

TIMOTHY M. DEMPSEY
A.D.(DAN) EDGARTON
ROBERT V. EDGARTON
RONALD L. PETAK
TERRENCE J. BYRNE

BOARD OF APPEALS TRAINING

July 21, 2022

1. Board of Appeals Overview.

- a. Makeup. A Board of Appeals consists of five regular members and two alternates.
- b. Officers. One member is designated as Board of Appeals chairperson. One person serves as secretary.
- c. Public Records/Open Meetings Law. Boards of Appeals are subject to the Public Records and Open Meetings Laws.
- d. Quorum and Voting. A simple majority constitutes a quorum, and a simple majority is required for the Board of Appeals to approve applications.
- e. Conflicts of Interest. Boards of Appeals are subject to common law and statutory prohibitions on conflicts of interest. A Board of Appeals member may not participate in a decision if they, their business, or their immediate family member has a substantial financial interest in the outcome.
 - i. Similarly, members must be “impartial” when hearing applications. Members can have opinions, but not biases. Decisions must be made based on the evidence before the Board at the hearing, not on personal knowledge of the applicant, previous experience with them, conversations with others outside of the hearing context, or any other information not provided at the hearing.
- f. Appeals. Board of Appeals decisions may be appealed to circuit court. Appeals must be filed within 30 days of the action being appealed.

{07798372.DOCX.1}

Fond du Lac
10 Forest Avenue, Ste 200
Fond du Lac, WI 54935
(p)920-922-0470
(f)920-922-9091

De Pere
2079 Lawrence Drive
De Pere, WI 54115
(p)920-235-7300
(f)920-235-2011

Dempsey & Buchholz
95 S Harris Avenue
Waupun, WI 53963
(p)920-324-9736
(f)920-235-2011

Byrne & Dempsey
115 Forest St
Wausau, WI 54403
(p)715-848-2966
(f)715-842-5189

Oshkosh
210 North Main St
Oshkosh, WI 53903
(p)920-235-7300
(f)920-235-2011

2. Board of Appeals Authority.

- a. General. The Board of Appeals has authority over certain zoning matters, as described below. It does not have authority outside of the zoning context. Therefore, the Board of Appeals does not grant variances for other ordinances (e.g., land division ordinance, non-zoning driveway or culvert ordinances, etc.)
- b. Administrative Appeals.
 - i. Scope of Jurisdiction. The Board of Appeals has authority to hear appeals of decisions made by administrative officials who are implementing zoning standards.
 - ii. Aggrieved Persons. Appeals may be filed by any “aggrieved person,” which is generally construed broadly enough to include both applicants and nearby property owners.
 - iii. Adversarial Hearing. Typically conducted as an adversarial hearing with the appellant on one side and the administrative official whose decision is being appealed on the other.
 1. Burden of proof is on the applicant to demonstrate that the underlying decision was incorrect.
 2. Board of Appeals apply same interpretive rules that courts do.
 3. Board of Appeals has authority to affirm, reverse, or modify the original decision.
- c. Variances.
 - i. Defined. A variance is an approval that allows a person to use their property in a way that is otherwise prohibited by the zoning ordinance.
 - ii. Types. There are two types of variances:
 1. Area variances, which relax physical or dimensional restrictions such as height limits or setbacks.
 2. Use variances, which allow a person to engage in a land use that is otherwise prohibited.
 - a. The Village’s zoning ordinance prohibits use variances.

iii. Variance Standards. To qualify for a variance, an applicant must meet three different common law criteria:

1. Unnecessary hardship – requires the applicant to show that without the variance they would be unreasonably prevented from using their property for a permitted purpose or that complying with the zoning ordinance would be unnecessarily burdensome.
2. Unique property limitations – requires that the unnecessary hardship be due to unique physical limitations of the property (e.g., steep slopes, wetlands). The circumstances of the applicant (e.g., need for more storage, growing family, taking in elderly parents, desire for better views) are not physical limitations of the property and, therefore, do not form the basis for a variance.
3. No harm to public interests – requires that there be no harm to the public interest if the variance is granted..

There are additional, supplementary standards found within the Village’s zoning ordinance. Exhibit A.

iv. Other Rules. Case law has developed other rules as well:

1. Parcel-as-a-whole – when considering a variance application, the Board must consider the entire parcel, not just a portion of it.
2. Self-imposed hardship – An applicant may not claim hardship based on self-imposed circumstances. Examples of self-imposed hardship include:
 - a. Digging a pond and later claiming setbacks cannot be met due to the presence of the pond.
 - b. Dividing off and selling buildable parts of a lot and seeking a variance to build on the remainder.
 - c. Claiming hardship after starting construction without required permits.
3. Financial hardship – economic loss or financial hardship do not justify a variance. Nor does a desire to improve economic value of a property.
4. Nearby violations – nearby ordinance violations, even if similar to the requested variance, may not be used as a basis to approve a variance.

5. Opinions of neighbors – whether neighbors support or oppose the variance is irrelevant to whether the property meets the standards for issuance of a variance.
- v. Minimum Variance Only. The Board can only grant the minimum variance needed. For example, if the applicant seeks a 20-foot setback reduction but the Board finds that a 10-foot setback reduction would work, it can only approve a 10-foot reduction.
- vi. Conditional Approval. A variance can be approved subject to conditions.
- vii. Run With Land. Because variances are based on the land rather than the owner, they run with the land. Therefore, they should be issued in writing and recorded with the Register of Deeds.
- viii. Grant Sparingly. A variance is meant to be the exception, not the rule. If your Board of Appeals is approving too many variances, it may mean your zoning ordinance needs revising.

DIVISION 2. - BOARD OF APPEALS

Sec. 48-61. - Organization; meetings; minutes; quorum.

The board of appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter. Meetings shall be held at the call of the chairman and shall be open to the public. Minutes of the proceedings and a record of all actions shall be kept by the clerk, showing the vote of each member upon each question. These records shall be immediately filed in the office of the board and shall be a public record. If a quorum is present, the board of appeals may take any action authorized by this article by a majority vote of the members present.

(Prior Code, § 14.12A; Ord. No. 06-06)

Sec. 48-62. - Powers.

The board of appeals shall have the following powers:

- (1) *Errors.* To hear and grant appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning officer.
- (2) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (3) *Interpretation.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the village plan commission has made a review and recommendation.
- (4) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the village plan commission has made a review and recommendation. Whenever the board permits such a substitution, the use may not thereafter be changed without application.
- (5) *Permits.* The board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- (6) *Oaths.* The chairman may administer oaths and compel the attendance of witnesses.

(Prior Code, § 14.12B; Ord. No. 06-06)

Sec. 48-63. - Appeals and applications.



Appeals from the decision of the zoning officer concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the village. Such appeals shall be filed with the clerk within 30 days after the date of written notice of the decision or order of the zoning officer. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the clerk. Such appeals and applications shall include the following:

- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record within 500 feet of the subject property.
- (2) Plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required on the standard village application.
- (3) Additional information required by the village plan commission, village engineer, board of appeals, or zoning officer.

(Prior Code, § 14.12C; Ord. No. 06-06)

Sec. 48-64. - Hearings.

The board of appeals shall fix a reasonable time and place for the required public hearing and shall give notice in the manner provided in chapter 2 regarding administrative review hearings. At that hearing, the appellant or applicant may appear in person, by agent, or by attorney.

(Prior Code, § 14.12D; Ord. No. 06-06)

Sec. 48-65. - Findings.

- (a) *Preservation of intent.* No variance shall be granted that is inconsistent 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 lots or parcels, structures, uses, or intended uses 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.* The variance must be 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.* No variance shall be granted that will create substantial detriment to the adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (f) *Additional considerations and requirements in flood districts.* No variance shall be granted if:
 - (1) Filling and development contrary to the purpose and intent of the FW Cedar Creek Floodway District would result.
 - (2) A change in the boundaries of the FW Cedar Creek Floodway District, the FC Floodplain-Conservancy District would result.
 - (3) A lower degree of flood protection than a point two feet above the 100-year recurrence interval flood for the particular area would result.
 - (4) Any action contrary to the provisions of Wis. Admin. Code ch. 116 would result.
 - (5) Damage to the rights or property values of other persons in the area would result.
- (g) *Appeals regarding increase in regional flood elevation.* For appeals concerning increases in regional flood elevation the board shall:
 - (1) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
 - (2) Grant the appeal where the board agrees that the data properly demonstrate that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reason for denial exists.

(Prior Code, § 14.12E; Ord. No. 06-06)

Sec. 48-66. - Decision; conditions.

The board of appeals shall decide all appeals and application within 30 days after the final hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, zoning officer, village plan commission, and village board. Conditions may be placed upon any zoning permit ordered or authorized by this board.

(Prior Code, § 14.12F; Ord. No. 06-06)

Sec. 48-67. - Expiration of variances, substitutions and use permits granted by board.

Variances, substitutions, or use permits granted by the board shall expire within six months unless substantial work has commenced pursuant to such grant.

(Prior Code, § 14.12F; Ord. No. 06-06)

Sec. 48-68. - Notice to DNR.

The board of appeals shall transmit a copy of each application for a variance to flood land regulations to the department of natural resources (DNR) for review and comment. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to flood land regulations shall be transmitted to the DNR within ten days of the effective date of such decision.

(Prior Code, § 14.12G; Ord. No. 06-06)

Sec. 48-69. - Notice to applicant.

When a variance is granted in a floodplain area the applicant shall be notified in writing by the board of appeals that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

(Prior Code, § 14.12H; Ord. No. 06-06)

Sec. 48-70. - Review by court of record.

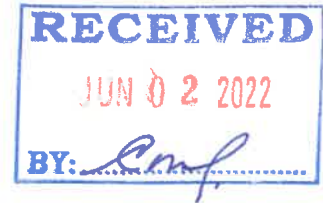
Any person or persons aggrieved by any decision of the board of appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board of appeals.

(Prior Code, § 14.12I; Ord. No. 06-06)

Secs. 48-71—48-98. - Reserved.



VILLAGE OF JACKSON
VARIANCE APPLICATION



General Information

Property Owner Name(s): Kevin Kunstek, Jennifer Kunstek

Mailing Address: W206N16517 Marshland Dr

Cell Phone: 262-305-4094 E-mail: slimkev25@yahoo.com

Agent/Applicant Name: Kevin Kunstek

Mailing Address: W206N16517 Marshland Dr

Cell Phone: 262-305-4094 E-mail: slimkev25@yahoo.com

Site Information

Site Address: W206N16517 Marshland Dr. Jackson, WI 53037

Parcel ID (Tax Key): V3 0171021

Property Description: SE 1/4 NE 1/4 Section 19, T 10 N, R 20E W,

Zoning Classification: [] R-1 [] R-2 [] R-3 [] R-4 [] R-5 [] R-6 [] R-8 [] R-9

[] B-1 [] B-2 [] M-1 [] M-2 [] I-1 [X] PUD [] Floodplain (check only if applicable)

Current Use: single family home

Adjacent Uses: single family home

Adjacent Zoning: PUD

Ordinance Section(s) for which variance is being requested: N/A

Proposal: request to build accessory structure outside of buildable area

** please see "proposed project" picture

Variance(s) requested (applicable zoning standards you are unable to meet):

25' rear setback encroachment

*we are looking to have an approximate 16-17" setback allowed

Variance Standards

R-10

1. Applicable Standards for Granting Variance. To qualify for a variance, an applicant must demonstrate that their property meets the following requirements. (Please attach additional pages if necessary.)

- a. **Unnecessary Hardship.** A property owner bears the burden of proving “unnecessary hardship” by demonstrating that strict compliance with the zoning standard would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. 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. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion.

Explain the unnecessary hardship you would face if a variance were not granted:

1. We would not be able to exit the 3 seasons room that we have constructed out to our backyard. The exit is not ground level, it is elevated 6-7 feet due to pitch of the yard
2. If we had the builder of the 3 season room come and reconstruct the room and move the door to the north wall, we would then be blocking our basement windows. We have a half exposed basement with full windows. We are looking to keep these windows unblocked. Blocking them would sldo decrease value of our home

- b. **Unique Property Conditions.** The hardship must be based on conditions unique to the property rather than considerations personal to the property owner. *State ex rel. Ziervogel v. Washington Cty. Bd. of Adjustment*, 2004 WI 23, ¶ 20, 269 Wis. 2d 549, 561, 676 N.W.2d 401, 407.

Please identify the unique conditions of your property and explain why they necessitate a variance:

The rear of our house faces west on the property. The west edge of our lot has a burm and treeline. West of the treeline is a railroad track. The railroad is set down in in a gully. As you move west, over the train tracks, there is a hill and another treeline. West of that treeline are side by side condos. Encroaching on the 25' set back does not impact our rear neighbors as they are on the other side of the tracks.

The treelines on both sides of the traintracks block visibilty to the neighbors.

***please see 3 photos of tree line, burm, tracks

- c. **Public Interest.** A variance cannot be contrary to the public interest. *State ex rel. Ziervogel v. Washington Cty. Bd. of Adjustment*, 2004 WI 23, ¶ 20, 269 Wis. 2d 549, 562, 676 N.W.2d 401, 407. In applying this test, the impacts of the proposal and the cumulative impacts of other similar projects on the interests of the neighbors, the entire community, and the general public must be examined. These interests are listed as objectives in the purpose statement of the applicable ordinance.

Explain the impact of the requested variance on the public:

Our request for variance does not impact the village or public in anyway, as we have not seen any negative impact from our neighbors decks that are encroching
-we have no neighbors directly behind us to impact.. Railroad tracks are between us
-compared to the 3 neighbors by us, we would be encroaching the 25' setback the least
-our 3 neighbors are encroaching on the setback in various degrees.

- | | |
|---|------------------|
| 1 house to south approx only 10' set back | see attachment 1 |
| 2. house to south of that approx only 6' setback | see attachemnt 2 |
| 3. house to north of us, approx only 3-4' setback | see attachment 3 |

2. **Applicable Zoning Standards.** Pursuant to Sec. 48-65 of the Village's Zoning Ordinance, the following apply to variance requests:

- a. Preservation of intent. No variance shall be granted that is inconsistent 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 lots or parcels, structures, uses, or intended uses 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. The variance must be 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. No variance shall be granted that will create substantial detriment to the adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- f. Additional considerations and requirements in flood districts. No variance shall be granted if:
 - i. Filling and development contrary to the purpose and intent of the FW Cedar Creek Floodway District would result.
 - ii. A change in the boundaries of the FW Cedar Creek Floodway District, the FC Floodplain-Conservancy District would result.
 - iii. A lower degree of flood protection than a point two feet above the 100-year recurrence interval flood for the particular area would result.
 - iv. Any action contrary to the provisions of Wis. Admin. Code ch. 116 would result.
 - v. Damage to the rights or property values of other persons in the area would result.

Does your variance request meet the criteria above (Check one)? Yes X No If no, please explain:

We believe we have met the criteria for variance.

1. Hardships that would result from not receiving the variance include:
-not being able to exit the room to the backyard
-if move the planned deck, it would cover windows and affect value of house
2. our property is unique in that it butts up to a traintrack and the treelines on both sides of the traintrack block visibility of the neighbors
3. we have seen no negative impact from our neighbors encroaching of the setback rule

*** please see all photos in attachments

Certification

I/We certify by my/our signature(s) that all information presented herein is true and correct to the best of my/our knowledge. I/We give permission for the staff of the Village of Jackson to enter my/our property for the purpose of collecting information to be used as part of the public hearing process.

Fee: I/We understand that the variance fee is a non-refundable, regardless of whether the variance is approved or denied. I/We understand that the fee for this application is only for the variance request and if other permits or approvals are required for the project that those may require separate application(s) and/or fee(s).

Reimbursement: I/We agree to reimburse the Village of Jackson by providing payment to the Village Clerk within 30 days of receiving an invoice, for all expenses incurred by the Village of Jackson in the review of this request for a variance. These expenses include, but are not limited to, planning and engineering review, legal review and document preparation, recording, publication, per diems, and other expenses.

** with a cap amount of \$1500

Incomplete or False Applications. I/We understand that partial or incomplete applications will be returned to the applicant resulting in the application being removed from the hearing agenda and the submittal deadlines will restart. I/We further agree to withdraw this application if substantive false or incorrect information has been included.

Signatures:

Applicant/Agent: Ken Kunst Date: 6/1/2022

Co-Applicant/Agent: J Kunst Date: 6/1/22

Property Owner: Ken Kunst Date: 6/1/2022

Co-Property Owner: J Kunst Date: 6/1/22

Submit completed application and supporting documents to:

Village of Jackson Building Inspection Department
W194 N16660 Eagle Drive
PO Box 637
Jackson WI 53035-0637

<i>For Office Use Only</i>	
Amount: \$	<u>200.00</u>
Date Received:	<u>6/10/22</u>
Payment Type:	<u>CH</u> / CASH / CC
Check/Rcpt. #:	<u>5060</u>
Received By:	<u>[Signature]</u>

VILLAGE OF JACKSON

N168W19851 MAIN ST
P O BOX 637
JACKSON, WI 53037-0147

Receipt Nbr: 258650
Date: 6/10/2022
Check

RECEIVED FROM Kevin & Jennifer Kunstek \$200.00

<u>Type of Payment</u>	<u>Description</u>	<u>Amount</u>
Accounting	BLDG INSP - PERMITS Variance Appl. W206N16617 Marshland Dr.	200.00

TOTAL RECEIVED 200.00

Receipt Memo: variance appl. W206N16617 Marshland Dr.

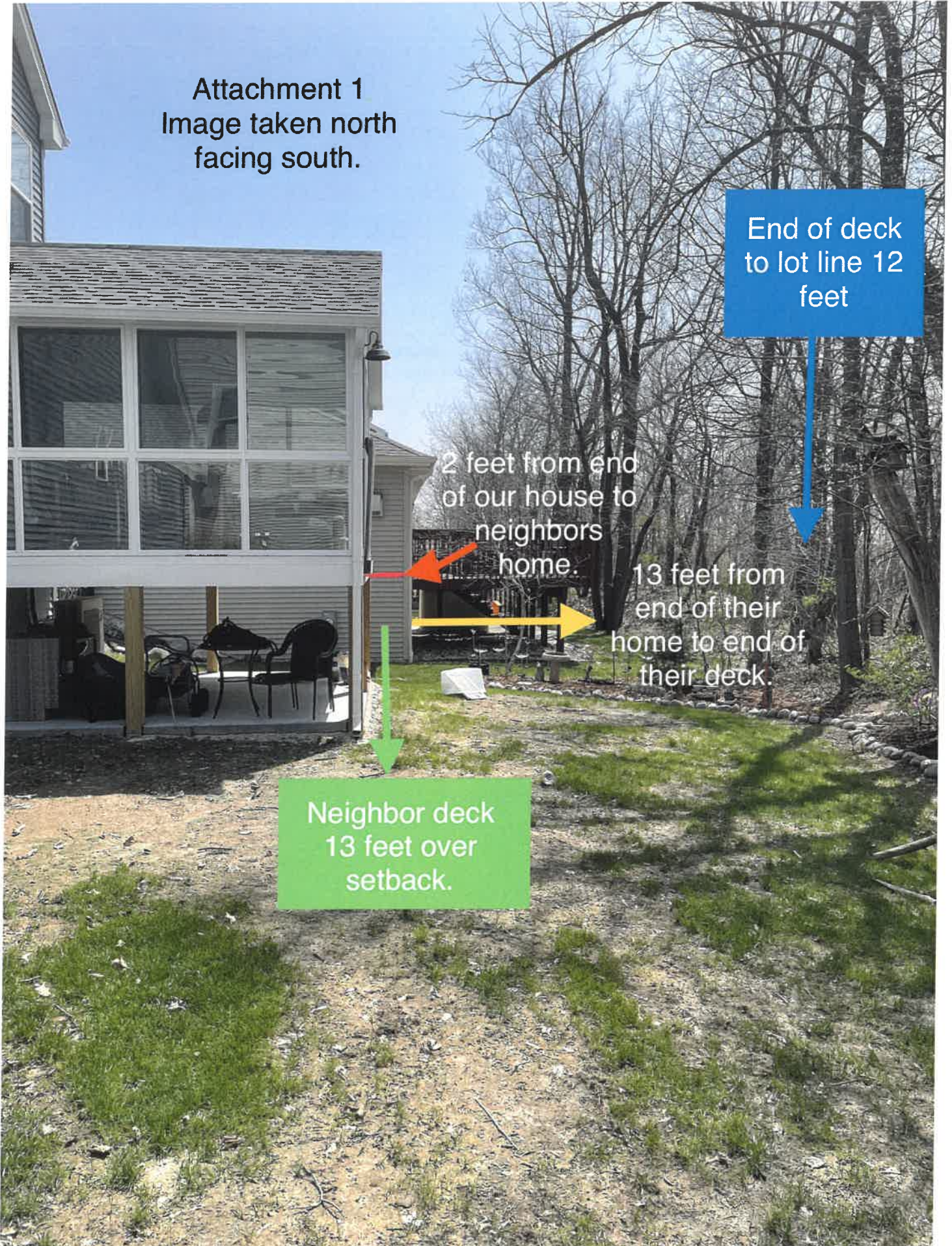
Attachment 1
Image taken north
facing south.


End of deck
to lot line 12
feet

2 feet from end
of our house to
neighbors
home.

13 feet from
end of their
home to end of
their deck.

Neighbor deck
13 feet over
setback.





2nd home south deck,
approximately 5 feet past
neighbors deck. End on
deck to lot line
approximately 7 feet. 18
feet over setback line. This
deck was built is 2019.

Attachment 2
Image taken from north
facing south.

Attachment 3

South facing
north home
approximate set
back line. Home
and deck over
set back line.





West facing view of tree line and train tracks.



Facing west view of tree line and train tracks.

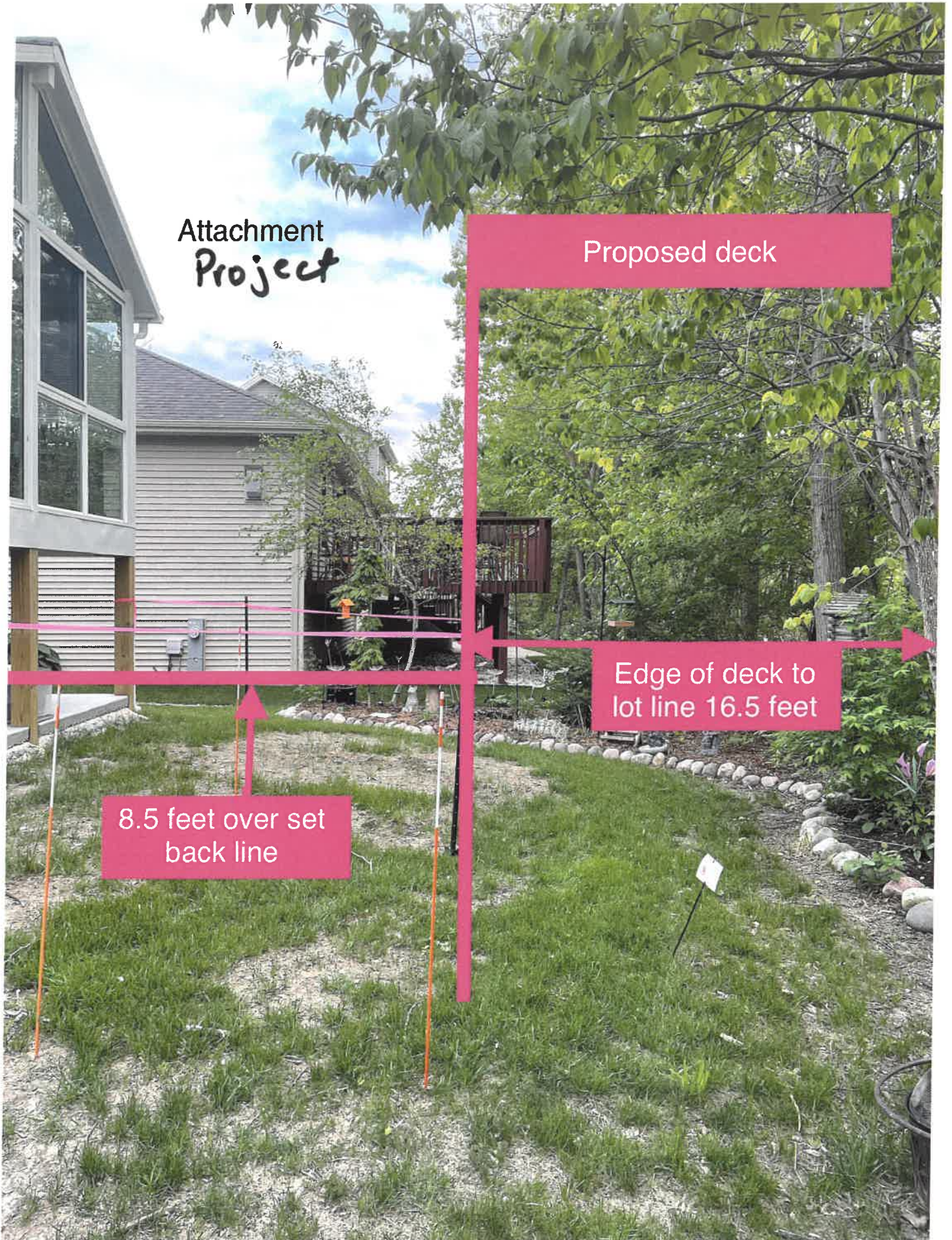


Attachment
Project

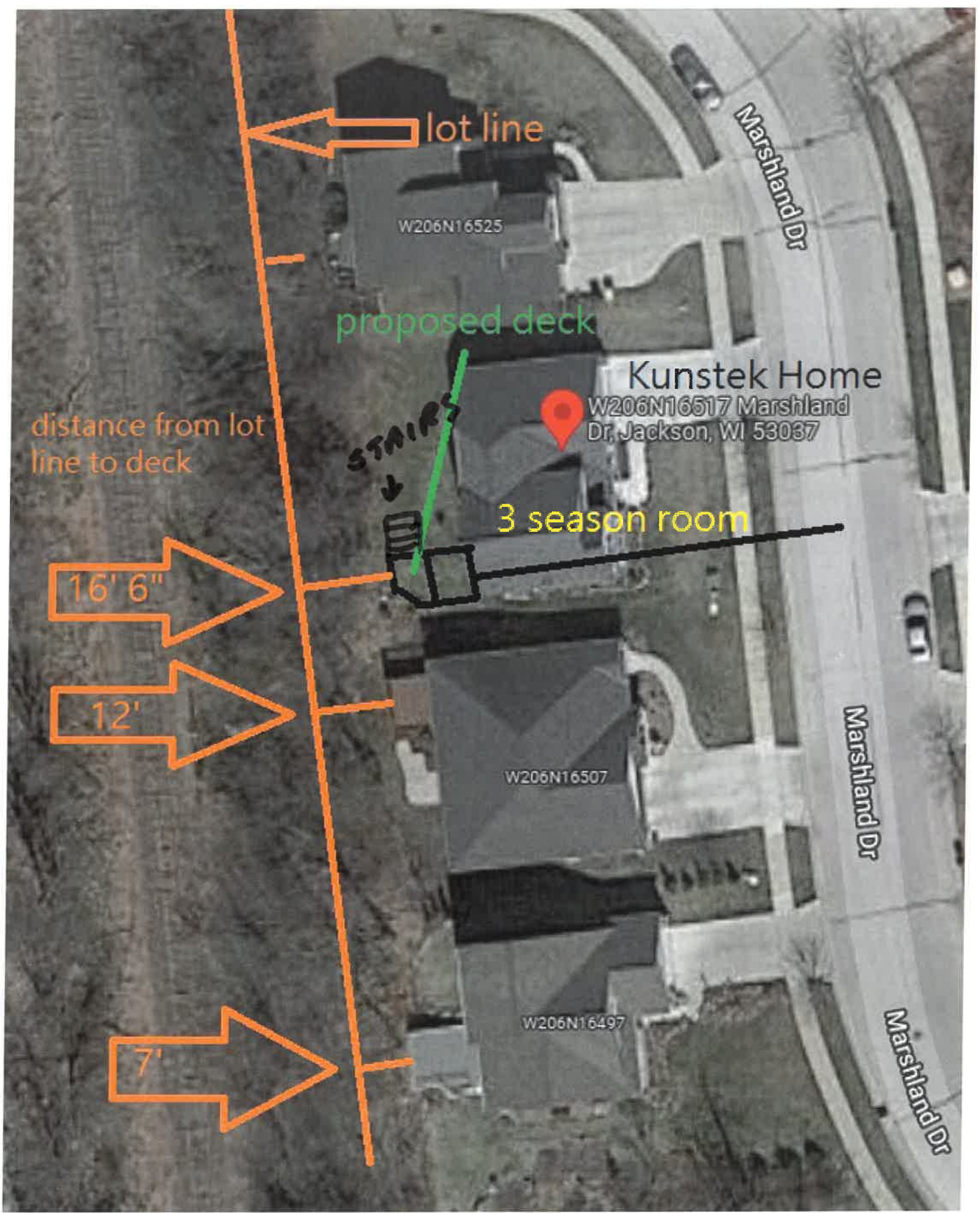
Proposed deck

Edge of deck to
lot line 16.5 feet

8.5 feet over set
back line



N



W206N16525

Marshland Dr

proposed deck

Kunstek Home

W206N16517 Marshland Dr, Jackson, WI 53037

distance from lot line to deck

STAIRS

3 season room

16' 6"

12'

7'

W206N16507

Marshland Dr

W206N16497

Marshland Dr

S



September 4, 2015

Laura Yanke

Tim O'Brien Homes Inc.

N27 W24075 Paul Court, Suite 100

Pewaukee, WI 53072

Dear Laura:

Your plans for the home to be built on Lot 21, Cranberry Creek Subdivision, appear to conform to the following covenants and restrictions:

Square footage – 2 Story – 1866 square feet – Approved

Exterior Style and Materials – Approved

Exposure Material – Siding - Approved

Roof pitch and material – Approved

Garage – 768 square feet - Approved

As part of the covenants and restrictions for Cranberry Creek Subdivision, your site is required to conform to grading standards. We cannot review your grading plan as part of architectural control, please contact your building inspector so that you can be sure your site plan conforms to grading standards.

Please also be advised that you are responsible for your own erosion control measures.

Thank you,

Wendy Griffin

Neumann Companies Inc.

46-021



Checklist | Cranberry Creek

- Dwelling size
 - 1,300 sqft for one-story
 - 1,700 sqft for one and one-half story
 - 1,700 sqft for two story 1866
- Minimum two-bathrooms
- Setbacks
 - Front - 25 ft 26
 - Side - 8 ft 8 & 8
 - Rear - 25 ft 41
- Materials
 - Natural and/or synthetic brick, cedar hardi-plank, stone aluminum, vinyl or a combination
 - Exposed back for side elevations shall be siding, brick, or stone masonry below first floor elevation
- Roofing materials
 - 240 lb dimensional fiberglass shingles or cedar shakes, slate tile or other ACC approved material
- Gables
 - Gables facing street to have at least 6/12 pitch
 - Main body of roof to have no less than 6/12
- Garage
 - At least 2 cars
 - 400 sqft 768
 - Attached
- Lamp posts
 - Declarant has selected and approved electric lamp post with photo-electric cell which initial purchaser is required to install or have installed
 - Installed in the front yard adjacent to driveway
- Mailboxes
 - Declarant has selected and approved uniform mailbox
 - Initial purchaser to install mailbox or have it installed prior to occupancy

Lot 21 CC-
 Approved 9/3/15
 Wendy [Signature]