

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**  
**Village Hall, 5043 Chester Lane, Racine, WI 53402**  
**Tuesday, December 19, 2017 at 9:00 a.m.**

Chairperson Kuemmel called the meeting to order at 9:00 a.m. Kuemmel read the meeting process. Board members may have visited the site before this meeting.

**1. Roll Call**

Board Members in attendance: Rosanne Kuemmel, Richard Mielke, John Barnes, Judith Tomachek, Joan Rennert.

Staff Present: Jarmen Czuta of Racine County Development Services to assist the Board on regulations and requirements

**2. Review and Possible Approval of Minutes from August 22, 2017**

Tomachek made a motion to approve the minutes from August 22, 2017. Barnes second. Voice vote 5/0. Motion carried.

**3A. Public Hearing**

Mark and Debra Ulinski Trust  
6820 Beechnut Drive  
Racine, WI 53402  
104-04-22-13-008-002  
Robert Kolarik, Agent

The proposed irregular shaped attached uncovered deck addition to the existing residence will have an insufficient setback to the existing inground pool

Czuta read the public hearing notice:

Requests a variance to construct an irregular shaped attached uncovered deck addition to the existing residence at 6820 Beechnut Drive, Section 13, T4N, R22E, Village of Caledonia.

Permit was denied and a variance is requested, as the proposed irregular shaped attached uncovered deck addition to the existing residence will have an insufficient setback to the existing in-ground pool.

Applicants are subject to Art. VI, Div. 4 R-2S Suburban Residential District (Sewered - Large Lot), Sec. 20-1017 Reduction or joint use and Sec. 20-1115 Accessory uses of the Village of Caledonia Zoning Ordinance.

Kuemmel swore in Robert Kolarik, Agent, 18828 Plank Road, Union Grove, WI 53182

Kolarik explained they could have poured concrete and no permits would have been required, but a deck requires a permit. Constructing a deck made more sense and would make it look like it was not an add-on. Owners have a key-shaped pool and just want to extend a composite deck 4' x 20'. This addition is not infringing on anybody and five of the neighbors have stated they are in support the deck.

Tomachek asked about the drainage. Cement would have a pitch, but a deck does not. Kolarik explained they had already installed drains thinking they were going to go with concrete, so now water will drain through the deck into the drain tile.

Czuta mentioned if the deck was built without the extra 4'x20', there would not even be room for a chair.

There were no more questions from the Board.

There was no one present in support. There was a statement in the packet where five of the neighbors had signed off in support of the deck.

No one was present in opposition.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated 12/12/2017:

“Staff does not object to this variance request. The applicant intends to construct an irregular shaped attached uncovered deck addition to the existing residence that will have an insufficient setback to the existing in-ground pool. In 2005 the existing in-ground pool was constructed. In 2017 a 30' x 43' addition was constructed on the south side of the existing residence adjacent to the existing in-ground pool. At this time, the applicant intends to construct an irregular shaped attached uncovered deck addition on the west side of the recently constructed 30' x 43' addition which will be 6'3" from the edge of the existing in-ground pool. The zoning ordinance requires a minimum of a 10-foot separation between the principal structure (the residence) and an accessory structure (the in-ground pool). It should be noted that if a concrete or paver patio were to be constructed at-grade in this same exact location a variance would not be required as the zoning ordinance does not recognize an at-grade concrete or paver patio as a structure. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the proposed attached uncovered deck will serve the same purpose as a concrete or paver patio. The proposed attached uncovered deck will be 6' 3" from the existing in-ground pool which is a mere 3' 9" less than the code required 10' minimum separation. The proposed attached uncovered deck addition will be located between two existing structures and will not project any closer to the exterior lot lines of the subject property and will not create substantial detriment to the neighborhood as the proposed attached

uncovered deck will not be visible to adjacent property owners and five neighboring property owners have submitted written support for this proposal.”

Czuta read a letter from Village Engineer Anthony Bunkelman dated 12/11/2017:

“I am in receipt of the notice for the Village of Caledonia Zoning Board of Appeals Public Hearing for 6820 Beechnut Drive. This notice was in reference to the owner constructing an irregular shaped attached uncovered deck addition to the existing residence at the above address. This variance is due to an insufficient setback to the existing inground pool.

I have reviewed the application listed above and offer the following recommendations.

- The Village Engineering Department does not have any objection to having this variance granted provided that all Village standards are met in regards to access and grading of the site.
- The deck at no point will be allowed to be covered or have a roof over it that is closer than 8’ to the inground pool.
- The required fence around the inground pool will need to be reestablished, if the deck is to be used as a portion of the fence, then the railing on the deck shall be a minimum of 48” in height (same as the fence).
- Deck Construction Plans that are acceptable to the Village Building Department are required to be submitted, reviewed and approved prior to construction.”

Czuta noted that five signatures were received from neighbors who were in support.

Tomachek made a motion to adjourn the Public Hearing portion of the meeting. Barnes second. Voice vote 5/0. Motion carried

Public Hearing portion of the meeting ended at 9:17 a.m.

Board did not take a break.

#### **4. Board Meeting**

##### **A. Decision on preceding petition.**

Mielke thought there must be a way to follow the ordinance, but in this case, it is a minor issue and he had no objection.

Tomacheck was wondering about drainage and her question had been answered by the Builder.

Mielke also said the only other issue would have been the fence, and Bunkelman's memo answered that.

Czuta stated there are some standard conditions for approval which will be outlined in a memo. One requirement will be a Zoning permit for deck construction, which would expire on June 19, 2018.

The Board approved this variance request as:

1. The Village Engineer had no objection for this request provided that all Village standards are met in regard to access and grading of the site.
2. The Racine County Development Services staff, which is contracted by the Village to review zoning matters, had no objection for this request per content in the memorandum dated December 12, 2017.
3. Submitted documentation and public hearing testimony established a need for an irregular shaped attached uncovered deck addition to the existing residence to provide proper access to the existing inground pool and the need to preserve the substantial property rights of the owner that are also enjoyed by others in this area.
4. The variance does not appear to be contrary to the proposed and spirit of the ordinance as the proposed irregular shaped attached uncovered deck addition to the existing residence is consistent with the existing development in this area.
5. The request does not appear to create substantial detriment to adjacent property as area property owners submitted written support for this proposal, and the public interest does not appear to be negatively impacted by this proposal.
6. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions:

1. The proposed irregular shaped attached uncovered deck addition to the existing residence shall be located and sized as shown on the submitted plan dated November 28, 2017.
2. The deck at no point will be allowed to be covered or have a roof over it that is closer than 8' to the inground pool.
3. The required fence around the inground pool will need to be reestablished, if the deck is to be used as a portion of the fence, then the railing on the deck shall be a minimum of 48" in height (same as the fence).
4. Deck construction plans that are acceptable to the Village Building Department are required to be submitted, reviewed and approved prior to construction.
5. The applicant must allow full and unlimited access to the project site at a reasonable time to any Racine County Development Services Department of Village employee who is investigating the project's construction, operation, or maintenance.
6. Before beginning this project, the applicant must obtain a zoning permit card from the Racine County Development Services office and a building permit from the Village after paying the required zoning permit fee of \$110.00. These cards must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed.

7. The variance approval will expire June 19, 2018, unless substantial work has commenced pursuant to such grant. No construction may begin after such time unless an extension is granted in writing by the Village of Caledonia Zoning Board of Appeals.
8. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations.
9. No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia Board of Appeals.
10. Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.
11. You're accepting this variance approval means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Mark and Debra Ulinski Trust, Robert Kolarik, and their heirs, successors, and assigns are responsible for full compliance with the above conditions. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

Barnes made a motion to approve the proposed irregular shaped attached uncovered deck additions with conditions. Tomachek second. Voice vote 5/0. Motion carried.

**B. Other business as authorized by law**

No other business.

**C. Adjourn**

Mielke made a motion to adjourn the meeting. Barnes second. Voice vote 5/0. Motion carried. The meeting adjourned at 9:19 a.m.

Respectfully submitted,  
Mary Jo Schmidt  
Eng/Bldg Adm Asst II  
Village of Caledonia