

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS
Village Hall, 5043 Chester Lane, Racine, WI 53402
Tuesday, April 24, 2018 at 9:00 a.m.

Chairperson Kuemmel called the meeting to order at 9:00 a.m.

1. Roll Call

Board Members in attendance: Rosanne Kuemmel, Richard Mielke, John Barnes, Lisa Bell, Judy Tomachek

Joan Rennert excused

Staff Present: Jarmen Czuta of Racine County Development Services to assist the Board on regulations and requirements, Village of Caledonia's Director of Public Works Tom Lazcano,

Kuemmel read the meeting process. Board members may have visited the site before this meeting.

2. Review and Possible Approval of Minutes from February 27, 2018

Judy Tomachek made a motion to approve the minutes from February 27, 2018. Richard Mielke second. Voice vote 5/0. Motion carried.

3A. Public Hearing

Village of Caledonia
5043 Chester Lane
Racine, WI 53402
Village of Caledonia, Applicant

The proposed addition to the existing Village of Caledonia Highway Dept. garage building will have insufficient side and rear yard setbacks.

Czuta read the public hearing notice:

“Requests a variance to construct a ±35,600 square-foot addition to the existing Village of Caledonia Highway Department garage building at 6922 Nicholson Road, Section 16, T4N, R22E, Village of Caledonia.

Permit was denied and a variance is requested, as the proposed addition to the existing Village of Caledonia Highway Department garage building will have insufficient side and rear yard setbacks.

Applicants are subject to Art. VI, Div. 13 P-1 Institutional Park District, Sec. 20-191 Substandard nonconforming lots, Sec. 20-1017 Reduction or joint use, and Sec. 20-1336 Public and semipublic uses of the Village of Caledonia Zoning Ordinance.”

Kuemmel swore in Tom Lazcano, Village of Caledonia Director of Public Works.

Lazcano said as the Public Works Director he's in charge of the construction of the DPW's Highway Garage. The decision was made by the Ad Hoc Committee to put the new garage, where the current garage and old Village Hall are now. The Village Hall is going to be gutted and remodeled for DWP offices. If they would have tried to build more to the south, a detention pond would have been needed; they had to stay out of the 300 ft. radius drop range of the cell tower; plus it would have narrowed the parking lot between the new building and the Police Department. By narrowing the parking lot there is the increased danger to the public and personnel. There is also increased traffic through the parking lot going to the yard waste site. The Nicholson street variance and the existing Village Hall will stay as it is.

The new facility will be located as close to the west lot line as possible, but will still need a variance because the P1 zoning requirement is 100 feet. And the existing building will stay where it is, but they will need a variance for that also.

Lazcano explained the adjacent property owner was approached by Village President Jim Dobbs and Village Administrator Tom Christensen to see if there was any interest in selling the property adjacent to the existing Village Hall. The Owner did not want to sell. Czuta mailed the abutting neighbors within a 100 ft. of the Village property a copy of the agenda for this meeting.

Mr. Roger Gast was present. He is the adjacent property owner. He asked how close to his lot line this was going to be. Czuta explained based on the plans, the building would be approximately 10 feet on the north side and 9 feet on the west. Roger Gast asked that someone come out and explained what the stake with the orange flag was on his property. Drainage was discussed. Lazcano explained drainage of the new building would be to the south, tying into the new drainage system in the parking lot. Gast should contact the Engineering Department and Village Utility Commission with any questions.

There was no one present in support.

There was no one present in opposition.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated April 17, 2018:

“Staff does not object to this variance request. The applicant intends to construct a ±35,600 square-foot addition to the existing Village of Caledonia Highway Department garage building that will have insufficient side and rear yard setbacks. The applicant has indicated that the existing building was constructed in 1952. The existing building currently has a side yard setback of approximately 45 feet from the north lot line and a rear yard setback of approximately 76 feet from west lot line. The subject

property is zoned P-1 Institutional Park District and is classified as a substandard lot due to the fact that the property is not a minimum of 20 acres. The P-1 zoning district requires a 100-foot side yard setback and a 25-foot rear yard setback due to the lot being substandard. Due to the fact that the existing building is located less than 100-feet from the north lot line additions can be constructed but they cannot increase the dimensional nonconformity meaning, getting any closer to the north lot line than the setback that exists. The proposed vehicle storage portion of the proposed addition will project 22'11" closer to the north lot line causing the northerly existing side yard setback to be reduced, and also project approximately 67-feet closer to the west lot line than the existing building causing the proposed rear yard setback to be less than the required 25-feet, thus requiring a variance. The applicant has indicated that several layouts were examined and that the proposed layout is the most feasible due to the utilization of portions of the existing Highway Department garage building. Also, the proposed layout eliminates the need for a detention pond. In addition, if a layout to the south of the existing building were utilized this would cause the proposed building to be closer to the existing Police and Fire Station which would create a very narrow roadway between these buildings and create a hazardous condition for highway department employees, Police and Fire Department personnel and also citizens that utilize the property. The proposed addition will be an improvement to the existing Highway Department garage building and will offer an upgraded facility to better serve residents of the Village, elected officials and staff. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the existing Highway Department garage building currently has a side yard setback that is less than required for the zoning district which makes it very difficult to add the necessary vehicle storage portion of the proposed addition on the north side of the existing building without the addition getting closer to the north lot line. Also, the westerly portion of the proposed vehicle storage addition is required to store inside the vehicles associated with Highway Department operations."

Czuta read an e-mail from Caledonia Village Administration Tom Christensen dated April 18, 2018:

"Please, pass along to the BOA, the Village's support for granting this variance. The Village has attempted to negotiate the purchase of additional land for this project, however we have been unsuccessful. We wish to move forward, this variance will allow us to move forward without resort to eminent domain, and still be able to erect an appropriately sized facility. Granting this variance is in the best interests of the public."

Jarmin Czuta had possible reasons for granting approval:

- 1) The Village Administrator and Director of Public Works recommended approval of this request.
- 2) The Racine Co. Development Services staff, who is contracted by the Village to review Zoning matters had no objection for this request per content in the April 17, 2018 correspondence.
- 3) Submitted documentation and public hearing testimony established a need for a garage of this size to protect the Village's belongings from the effects of the outdoor environment and the need to preserve the substantial property right of the owner that are also enjoyed by others in this area.
- 4) The variance does not appear to be contrary to the purpose and spirit of the ordinance as the proposed addition is consistent with the existing development in this area as it is located at an existing Village campus.
- 5) The existing Police and Fire Department building as well as other obstructions, create a hardship and limit the location for proper placement of an addition to the existing Highway Department garage building on this property.
- 6) The request does not appear to create substantial detriment to adjacent property as there was no significant opposition shown at the public hear, and the public interest does not appear to be negatively impacted by this proposal.
- 7) To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

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

Public Hearing portion of the meeting ended at 9:27 a.m.

Board did not take a break.

4. Board Meeting

A. Decision on preceding petition.

Czuta had conditions for granting approval.

- 1) The proposed ±35,600 square-foot addition to the existing Village of Caledonia Highway Department garage building shall be located and sized as shown on the submitted plan dated April 13, 2018.
- 2) The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached.
- 3) The applicant must obtain private sewage system review approval from the Racine County Development Services office prior to the issuance of a zoning and building permit.
- 4) The applicant must allow full and unlimited access to the project site at a reasonable time to any Racine County Development Services Department or Village employee who is investigating the project's construction, operation, or maintenance.

5) Before beginning this project, the applicant must obtain a zoning permit card from Racine County Development Services office and a building permit from the Village. 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.

6) This variance approval will expire 10/24/2018, 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.

7) 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.

8) No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia Board of Appeals.

9) 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.

10) Your accepting this variance approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, the Village of Caledonia, 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.

Judy Tomachek made a motion to approve the proposed addition to the existing Village of Caledonia Highway Department garage building. John Barnes second. Voice vote 4/1. Richard Mielke opposed. Motion carried.

B. Other business as authorized by law

No other business.

C. Adjourn

Lisa Bell made a motion to adjourn the meeting. Richard Mielke second. Voice vote 5/0. Motion carried. The meeting adjourned at 9:29 a.m.

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