

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, October 23, 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, Judy Tomachek, Joan Rennert

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, Village Administrator Tom Christensen, Trustee Fran Martin

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

2. Review and Possible Approval of Minutes from April 24, 2018

Judy Tomachek made a motion to approve the minutes from April 24, 2018. John Barnes second. Voice vote 5/0. Motion carried.

3A. Public Hearing

Jeffrey and Brenda Kerekes
7540 Douglas Avenue
Racine, WI 53402
104-04-22-12-042-000

The existing residence has an insufficient side yard setback and the proposed two-story attached garage addition to the existing residence sill have insufficient side yard setback.

Czuta read the public hearing notice:

“Jeffrey and Brenda Kerekes
7540 Douglas Avenue
Racine, WI 53402

Requests a variance to allow an insufficient side yard setback for the existing residence (not constructed per permit approval) and to construct a ±1,923 square-foot two-story attached garage addition to the existing residence at 7540 Douglas Avenue. Section 12, T4N, R22E, Village of Caledonia.

Permit was denied and a variance is requested, as the existing residence has an insufficient side yard setback and the proposed two-story attached garage addition to the existing residence will have insufficient side yard setback.

Applicant are subject to Art. VI, Div. 24 A-2 General Farming and Residential District II, Sec. 20-10 Compliance and Sec. 20-1017 Reduction or joint use of the Village of Caledonia Zoning Ordinance.”

Kuemmel swore in Jeffrey Frank Kerekes, 7540 Douglas Avenue, Racine, WI 53402, Applicant.

Mr. Kerekes stated they would like the addition to be able to house more of their vehicles. When he went to Racine County Zoning to start the process he was told there was an issue with the existing home. The home was built in 1991. The second family lived there from 2000-2003. Mr. Kerekes purchased the residence in 2003. In 2004 he hired surveyor Pete Bailey because he wanted to know where the property lines were. The survey emailed back to him by Pete Bailey was not stamped, but had shown his home 25' from the property line. In order to build the addition, he had to have a survey so he hired Nielsen, Madsen and Barber. Their survey showed he was only 22.47' off the property line which put him in violation. That's when he found out he had a problem.

He would like to have the home to remain where it is.

According to Racine County Zoning, if he builds the addition not attached to the residence he would only need to be 10' from the property line. That would require locating the addition approximately 25 feet to 30 feet toward the West and he would have to clear cut approximately 30 feet of mature trees, making the addition more visible to his neighbor. He has already lost many trees to the Emerald Ash Bore and does not desire to lose any more trees. Also, the driveway to the addition would have a steep slope.

If he builds the addition *attached* to the house he is supposed to be 25' from the property line.

He would like a variance so he can have his attached addition to be within 15' of the property line.

Kuemmel asked if the board had questions.

Kuemmel wanted to clarify that if he moved the building to the West he would be 14 ½ feet off the lot line, and that would be allowed. But if he attaches to his home, the current requirement is 25'. If he gets a variance and attaches to his home he would be 16.78' away from the lot line.

Richard Mielke wanted to know what his hardship was. Kerekes stated his wife has had Achilles tendon surgery and has difficulty going down steps or going down a steep slope. Mielke stated the Commission is not allowed to consider medical situations or neighbor's objections. The other concern for Kerekes is the steep drop-off of the driveway, the topography of the land and the amount of trees that would need to be removed.

Judy Tomachek asked why is it that it has to be 25 feet off the property line if the addition is attached, and only 15' off the property line to build free-standing, that does not make sense. Jarmin Czuta added zoning states that any portion of the house needs to be 25' from a side and the rear lot line in this district. If it is detached the minimum would be one-half of the height, or in this case 14 ½ feet. Kerekes said this addition is only going to be for a garage with storage space above, that might later be used as a play area for his grandchildren. Zoning told him the definition of "human habitation" was if he had bedrooms. He had put down in his zoning application that his future use would be an entertainment room.

There was no one present in support.

There was no one present in opposition.

Kuemmel swore in Dave Gobis, 7630 Douglas Avenue, Racine, WI 53402. Mr. Gobis stated he lived north of Jeff Kerekes. He had originally purchase the 40 acres and split it into two-20 acre parcels. The house that is currently Kerrekes' was already moved over one time, but apparently that was not enough. He stated he is neutral on the addition, but is not happy about looking at a 60' long x 30' high wall, 6 months out of the year. He did submit a letter to Racine County Zoning. Gobis felt A2 designation was getting a lot of construction lately in Caledonia. He wanted to live in Caledonia for the rural nature of the area, but realizes you can't stop progress. He would prefer his neighbor have an attached addition rather than cutting down more trees.

Jarmin Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated Oct. 16, 2018:

"As requested, this office reviewed the variance petition scheduled for public hearing on October 23, 2018.

Jeffrey and Brenda Kerekes

Staff does not object to this variance request. The applicant is requesting a variance to allow an insufficient side yard setback for the existing residence (not constructed per permit approval) and to construct a ±1,923 square-foot two-story attached garage addition to the existing residence. In 1991 a zoning permit was issued to construct the single-family residence with attached garage on subject site. The zoning district side yard setback requirement at the time of construction, which is the same as today, requires a minimum of twenty-five feet. Based upon a recent survey dated September 27, 2018 that was prepared by Nielsen Madsen and Barber the existing residence is located 22.43 feet from the northerly side lot line. The existing side yard setback of 22.43 feet is a mere 2.57 feet shy of the required side yard setback. The construction of the existing residence occurred by a previous property owner and the insufficient side yard setback was not created by the current property owner. The applicant is also proposing to construct a ±1,923 square-foot two-story attached garage addition to the existing residence. The proposed addition will be 16.78 feet from the northerly side lot line. The applicant has indicated that construction of the proposed attached garage as submitted is necessary due to steep slopes on the property. Also, the applicant has indicated that based upon the property being approximately twenty acres in size and the dense trees and vegetation on the property that the proposed attached garage will not be visible. The applicant has also indicated that if the proposed addition is not constructed as submitted that a vast amount of trees will need to be removed from the property. Lastly, the applicant has indicated that they have contacted the neighboring property owner to the north and that this property owner does not object to the construction of the attached garage addition at less than twenty-five feet from the common lot line and also that they do not desire to sell the applicant any property at this time to accommodate a twenty-five-foot setback for the existing residence and the proposed attached garage addition. This property is unique in that even though it is zoned A-2 General Farming and Residential District II which is typically a zoning district that is not serviced by municipal sewer this property is serviced by municipal sewer. Properties that are serviced by municipal sewer typically are zoned "residential" and the greatest side yard setback for a residentially zoned property that is serviced by municipal sewer is 15 feet based upon the current zoning ordinance. This requirement would be exceeded by both the existing residence and the proposed attached garage addition. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the insufficient side yard setback of the existing residence was not created by the current property owner of the property. Also, the subject property is very unique in that it is approximately twenty acres in size, the existing residence and proposed attached garage addition are located over six hundred feet back from the right-of-way of Douglas Avenue, the residence of the most impacted neighbor to the north is

located approximately 170 feet north of the common side lot line and due to the vast amount of trees and vegetation on the subject property the existing residence and proposed addition are extremely well screened if even visible at all from adjacent properties and the road right-of-way.”

The Village of Caledonia Public Works Director had no objections.

Jarmin Czuta read a letter from Dave and Mary Gobis:

“RE: Zoning Variance Request
Reduced side yard setback
ID 104-04-22-12-042-000
Village of Caledonia

We have discussed with Jeff Kerekes their proposed garage addition and side yard setback uses. I would like to note I objected to the original home site location prior to construction but was told it was code compliant. The proposed addition will be very visible with a 60’ long by 35’ high back wall. Once we have removed all the dead ash trees in and around that portion of the property line it will be highly visible. Mr. Kerekes recently trimmed our oak trees and further exposed both his current residence and the site of the proposed addition. This has had a visual impact on our years of work to create and continued desire to maintain a rural homestead setting. I have reviewed the plans Mr. Kerekes presented on Sept. 25, 2018. It is a large wood frame two story structure with a 6/12 roof pitch at a finished roof elevation of 35’. There are no windows on the back side which would face our property. At the time of our meeting Mr. Kerekes was unable to provide the exterior finish. These are things that matter to us as our house, whose location was dictated by the county at time of permitting, is in directed alignment with their residence and proposed addition.

It is not our desire to obstruct the Kerekes from enjoying their property in any way they see fit. However, we will not be sharing in their visual enjoyment of looking at a nicely designed two story attached garage addition. Our view will be of an unusually large blank back wall with less tree and brush coverage to obstruct our view after their aggressive trimming operation. After discussion on other non-code related issues and their promised resolution we begrudgingly will not object to the variance *with the stipulation* that the exterior finish blend in with the surrounding setting AND there will be no storage of any type such as building materials, yard toys, grills, portable fire pits, car parts, and heating devices permitted behind the structure.”

Joan Rennert 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 9:30 a.m.

Board did not take a break.

4. Board Meeting

A. Decision on preceding petition.

Judy Tomachek pointed out there’s going to be a structure there either attached or detached. Richard Mielke stated we cannot promise the neighbors they are not going to store “stuff” behind the garage. Rosanne Kuemmel thought the attached structure was the better option.

Joan Rennert made a motion to approve the variance to allow an insufficient side yard setback for the existing residence (not constructed per permit approval) and to construct a ±1,923 square-foot two-story attached garage addition to the existing residence at 7540 Douglas Avenue. Section 12, T4N, R22E, Village of Caledonia. Judy Tomachek second. All in Favor. Motion carried.

B. Other business as authorized by law

No other business.

C. Adjourn

Joan Rennert made a motion to adjourn the meeting. Richard Mielke second. Voice vote 5/0. Motion carried.

The meeting adjourned at 9:38 a.m.

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