

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, July 23, 2019 at 9:00 a.m.

Chairperson Kuemmel called the meeting to order at 9:05 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, and Development Director Peter Wagner

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

2. Review and Possible Approval of Minutes from October 23, 2018

Joan Rennert made a motion to approve the minutes from October 23, 2018. Judy Tomachek second. Voice vote 5/0. Motion carried.

3A. Public Hearing

Daniel Povkovich 3520 6 Mile
Road 104-04-23-07-028-000
Attorney Jennifer Gorn, Agent

The proposed 30' x 35'
detached garage will have an
insufficient shore yard setback.

Czuta read the public hearing notice:

“Daniel Povkovich
3520 6 Mile Road
Racine, WI 53402
Attorney Jennifer Gorn, Agent

Requests a variance to raze the existing attached garage and breezeway and construct a 30' x 35' detached garage at 3520 6 Mile Road, Section 7, T4N, R23E, Village of Caledonia.

Permit was denied and a variance is requested, as the proposed 30' x 35' detached garage will have an insufficient shore yard setback.

Applicants are subject to Art.VI, Div. 7 R-4 Urban Residential District I; Sec. 20-1017 Reduction or joint use and Title 16 Chapter 10 Shoreland Zoning of the Village of Caledonia Zoning Ordinance.”

Kuemmel swore in Attorney Jennifer Gorn, Agent, 133 South Pine Street, Burlington, WI 53105.

Attorney Gorn explained that her client would like to raze the current structure to put in a detached garage. They currently cannot use the current garage which is why they are seeking to raze and build this structure; they would like to be able to utilize the structure to house their vehicles. There are no surrounding neighbors that this structure would burden. She believed the

current placement would be an improvement to the neighborhood. She further explained that the proposed structure would be more in line with current setback requirements.

Barnes inquired about the unnamed navigable waterway and its purpose. Czuta explained that the unnamed navigable waterway doesn't always hold water - only in the event of a big rain storm. Czuta did locate a plat of survey from 1963, that showed the existing home and attached garage/breezeway, and at that time the stream was not shown. That tells him that either the waterway is not of importance or it is manmade.

Tomachek questioned if the applicant would be the only residence benefiting from this? Czuta stated that the only property that would gain detriment from this structure would be the applicant, and that there would be no issue for surrounding neighbors.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated July 16, 2019:

“As requested, this office reviewed the variance petition scheduled for public hearing on July 23, 2019.

Daniel Povkovich

Staff does not object to this variance request. The applicant is requesting a variance to raze the existing attached garage and breezeway and construct a 30' x 35' detached garage. Based upon a Plate of Survey, obtained from the Racine County Register of Deeds office, the existing residence, breezeway and attached garaged has existed in the current location on the property since December 2, 1963. At that time the waterway that traverses the subject property was not illustrated on the Plat of Survey. Shoreland zoning regulations began to be implemented on December 2, 1969. Since this time the waterway that traverses the subject property has been deemed an unnamed navigable waterway. Current zoning regulations require that principal and accessory structures maintain a minimum of a 75' setback from a navigable waterway. Based upon the current Plat of Survey, submitted by the applicant, the existing attached garage is set back 45' from the unnamed navigable waterway and the proposed detached garage will be setback 47' from the unnamed navigable waterway. The applicant has indicated that the location of the unnamed navigable waterway makes it nearly impossible to constructs a reasonably sized detached garage on the subject property that meets the 75' setback requirement. This would also cause the existing driveway to be relocated and/or greatly extended and force any proposed structure to be constructed on the extreme east portion of the property which is contrary to the purpose and spirit of the ordinance as the location of the unnamed navigable waterway that traverses the subject property makes it nearly impossible to locate an attached or detached garage of a reasonable size on the subject property. In addition, the existing residence, breezeway and attached garage has existed in the current location since prior to the adoption of Shoreland Zoning and the proposed detached garage will have a greater setback to the unnamed navigable waterway which will be more in compliance with current zoning regulations and requirements.”

The Village of Caledonia Public Works Director had no objections for this request.

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

Public Hearing portion of the meeting ended at 9:23 a.m.

Board did not take a break. Czuta further reviewed some main points that had been previously discussed.

4. Board Meeting

A. Decision on preceding petition.

Kuemmel felt this was the most optimal location for the structure.

Czuta had possible reasons for granting approval:

1. The Village of Caledonia Public Works Director had no objections for this request.
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 July 16, 2019
3. Submitted documentation and public hearing testimony established a need for allowing an insufficient shore yard setback for the proposed detached garage and a detached garage of this size to protect the owner's belongings from the effects of the outdoor environment 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 purpose and spirit of the ordinance as the existing attached garage and breezeway were built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed detached garage will not encroach further into the required shore yard setback.
5. The unnamed navigable stream that traverses the subject property as well as other obstructions, creates a hardship and limits the location for proper placement of a detached or attached garage of a reasonable size 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 hearing, 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.

The Board granted approval subject to the following conditions:

1. The proposed 30' x 35' detached garage shall be located and sized as shown on the submitted survey dated July 1, 2019.
2. The proposed 30' x 35' detached garage must be utilized for personal use only. No business, commercial or industrial use is allowed.
3. The proposed 30' x 35' detached garage shall have no living quarters and no portion thereof shall be used for human habitation.
4. The exterior of the proposed detached garage must be the same as or in harmony with the exterior of the existing residence.
5. 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.
6. Before beginning this project, the applicant must obtain a zoning permit card from the Racine County Development Services office or the Village of Caledonia and a building permit from the Village after paying the required zoning permit fee of \$200.00. 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. This variance approval will expire January 23, 2020, 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, Daniel Povkovich, his 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.

Richard Mielke made a motion to approve the variance to allow to raze the existing attached garage and breezeway and construct a 30' x 35' detached garage at 3520 6 Mile Road, Section 7, T4N, R23E, Village of Caledonia. Joan Rennert second. All in Favor. Motion carried.

B. Other business as authorized by law

No other business.

C. Adjourn

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

The meeting adjourned at 9:27 a.m.

Respectfully submitted,
Joslyn Hoeffert
Deputy Clerk
Village of Caledonia