

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, June 30, 2020 at 9:00 a.m.

Judy Tomachek standing in for Chairperson Kuemmel called the meeting to order at 9:05 a.m.

1. Roll Call

Board Members in attendance: Richard Mielke, John Barnes, Judy Tomachek, and Joan Rennert

Absent: Rosanne Kuemmel was excused.

Staff Present: Development Director Peter Wagner

2. Review and Possible Approval of Minutes from May 26, 2019

Richard Mielke motioned to approve the minutes from May 26, 2019. Joan Rennert second. Motion carried unanimously.

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

3A. Public Hearing

Dale Reinders
7321 W. River Road
Racine, WI 53108

Request a variance to exceed three (3) percent of the total area of the lot for all non-residential structures.

Peter Wagner read from his report:

“Dale Reinders
104-04-22-10-078-000
7321 W River Road
Racine, WI 53108

The applicant is requesting a variance from Section 20-1115 which states that the aggregate total floor area of all non-residential accessory structures not exceed three (3) percent of the total area of the parcel. For this 1.7-acre parcel, 3 percent would equate to a maximum of 2,212 square feet of accessory buildings. The parcel has multiple accessory buildings which have a total square footage of 440 square feet. The applicant is proposing to construct another accessory building on the parcel that is 3,150 square feet. This would raise the overall square footage of accessory buildings to 3,590 square feet, which exceeds the 2,212 square-foot maximum. If the parcel was 10 acres or larger, Village code would allow a property owner to exceed the 3 percent maximum area for accessory buildings if the use was only for agricultural purposes.

Engineering Comments:

- A portion of the Property is located within the 100-year floodplain of the Root River. This is near the Northeast corner of the property. The 100-year floodplain should be located and shown on the survey. (FIRM Panel 55101C0084D & FIRM Panel 55101C0103D Effective May 2, 2012.)

- A significant portion of the Property is located within the 500-year floodplain of the Root River.
- A portion of the proposed pole barn is located within the 500-year floodplain.
- Ordinance Title 16 Chapter 8 shall be used as necessary in regard to the regulation of the floodplain.
- The Finished Yard Grade of the proposed pole barn shall be a minimum of 2 feet above the 100-year floodplain elevation.
- If the thresholds for Storm Water Management are not triggered with the construction of the pole barn, the property will not be required to provide Storm Water Management for the construction of the pole barn on the site. The triggers for Storm Water Management are an increase of ½ acre of impervious surface and/or 1 acre of disturbed area.
- The Owner should provide a site grading plan for the proposed pole barn as required by the Engineering Department. The grading plan shall provide the existing and proposed grades for the proposed pole barn and the limits of grading. Side yard swales shall also be installed as necessary to ensure proper drainage, to ensure that natural drainage is not restricted and to ensure that runoff from the proposed pole barn does not create a problem with abutting properties.
- The Owner will need to secure all necessary permits for the project prior to the construction of the pole barn, including grading/filling of the lot for a building pad (Building Permit, Land Disturbance Permit, etc.).

Planning & Zoning Staff does not make a recommendation regarding zoning variances. Included in your packet is a document that describes the criteria in which the Board should base their findings of fact. To assist the Board with findings of fact, I've included an example of how the variance criteria were used to determine whether a variance should be granted.

If the Board agrees that the applicant met the criteria for granting a variance, the Board can make a motion to grant a variance allowing the applicant to construct a 30'x105' pole barn that would result in an aggregate total floor area of all non-residential accessory buildings of 3,590 square feet, or 4.9% at 7321 W. River Road, Parcel ID No. 104-04-22-10-078-000 for the reasons found by the Board.

Dale & Wendy Reinders –7321 W. River Rd- The applicant explained they are trying to construct 13,000 square foot building in the root river parkway. The neighbors' yards slope and drain into their yard which causes their property to be unusable. They have a large family and would like to accommodate them in a usable area.

Gary Martin - 7347 W. River Rd - spoke for the surrounding neighbors and have no objections to the structure being permitted.

Pete read the permit denial letter:

Dale-

Staff has reviewed your permit application for a 3,150 square-foot accessory building. After review, staff is unable to approve the proposed pole barn of this size as it does not comply with zoning code section 20-1115. Village code limits the size of an accessory building in an Agricultural zoned property less than 10 acres in size. For Agricultural lots of less than 10 acres, the aggregate total floor areas of all accessory buildings shall not exceed 3% of the total area of the lot. Your property, which is zoned agricultural, is 1.693 acres or 73,747 square feet. 3% of this

size would limit the property of 2,212 square feet for all accessory buildings. The proposed accessory building is 3,150 square feet, which exceeds the 3% regulation.

You have two options. One is to revise your application to show a pole barn that is no larger than 2,212 square feet, or you can apply for a variance before the Board of Zoning Appeals to allow you to construct a 3,150 square-foot pole barn. I've attached an application for the Board of Appeals for your review. If you have questions regarding the application, please contact me. Here is a link to the 2020 meeting schedule for the Board: <https://caledonia-wi.gov/sites/default/files/2020%20Board%20of%20Appeals%20Meeting%20Schedule.pdf>

Mielke stated they could build a 30' x 74' structure.

Joan Rennert made a motion to adjourn the Public Hearing portion of the meeting Richard Mielke second. Motion carried unanimously.

Public Hearing portion of the meeting ended at 9:38 a.m.

4. Board Meeting

A. Decision on preceding petition.

Mielke stated that the applicant hadn't given a significant reason and findings of fact/hardship to allow the building to be built larger than 30' x 74'.

Rennert stated she believed the applicant had a good reason to enjoy their property.

Tomachek found that placing the building on the applicant's land would clean up the property and add aesthetics.

Joan Rennert motioned to grant a variance allowing the applicant to construct a 30'x105' pole barn that would result in an aggregate total floor area of all non-residential accessory buildings of 3,590 square feet, or 4.9% at 7321 W. River Road. The reasons found by the Board based on the following reasons: The variance would not cause a substantial detriment to properties surrounding it. The applicants' preservation of intent is that structure would be for the enjoyment of their property and to be used for residential and not commercial use. Exceptional circumstances the applicant's property has an abundance of unusable space due to the land use being soft and flooding. Judith Tomachek second. Motion carried 2/1.

B. Other business as authorized by law

No other business.

C. Adjourn

Richard Mielke made a motion to adjourn the meeting. Joan Rennert second. Motion carried unanimously.

The meeting adjourned at 10:00 a.m.

Respectfully submitted,
Erika Waege

Building/Engineering Admin.
Village of Caledonia