

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, February 23, 2021 at 9:00 a.m.

Chairperson Rosanne Kuemmel called the meeting to order at 9:12 a.m.

1. Roll Call

Board Members in attendance: Rosanne Kuemmel, Richard Mielke, John Barnes and Lisa Bell.

Absent: Joan Rennert was excused.

Staff Present: Development Director Peter Wagner

2. Move to Review and Possible Approval of Minutes from August 25, 2020 to the next Board of Appeals Meeting.

Rosanne Kuemmel read the meeting process.

3A. Public Hearing

Dave Milaeger
3900 Valley Road
Racine, WI 53405

Request a variance from
Section 20-298 reducing the
street yard setback from the
minimum 35-foot
requirement.

Peter Wagner swore in the applicants, Dave & Elsa Milaeger.

Dave & Elsa Milaeger –3900 Valley Road- explained their reason for the variance request was to build a new home or expand their current home using the existing footprint to extend to their detached garage. There is a public right-of-way that runs on the private road, which bisects through their property causing setback issues where they would like to build a new home or new addition to existing home.

Peter Wagner read from his report:

“Dave Milaeger.
104-04-23-30-117-000
3900 Valley Road
Racine, WI 53405

The applicant is requesting a variance from Section 20-298 which states that the minimum street yard setback for a principle dwelling in the R-3 District is 35 feet. The applicant is proposing to construct a home addition and possibly a new home on the site that is less than the minimum street yard setback. Currently, there exists a 988 square-foot single family home, constructed in 1950, located on the eastern portion of the property. The parcel is bisected by a recorded public right-of-way (illustrated in red on the included site plan map) that makes the existing home legal non-conforming. Any addition to the home or new construction in the current home area will require a variance from the code.

The home is located off Valley Road which is both a public and private road. Approximately 940 feet west of the subject property, Valley Road becomes a private gravel road, which is maintained by the residents who reside along the gravel road. The area is serviced by sewer, but not water. Staff worked with the applicant on alternatives to make the home conforming. One alternative considered was to relocate the north/south right-of-way further to the west, however, the Village owns a sanitary sewer easement within the identified right-of-way making this option not viable. The existing east/west right-of-way to the north of the existing home has no roadway. This right-of-way ends at the river. To the east of the river is a parcel that is owned by Racine County. Staff contacted the Racine County Department of Development Services asking if the County wanted any roadway connecting Valley Road to this property. Racine County stated that they have no intention of ever connecting this parcel to Valley Road. As a result, this right-of-way will never be improved as a roadway.

The Water Utility Department, Public Works Department, and Fire Department did not indicate any concerns with development in the area with the understanding any proposed development complies with all other codes.

The following criteria should be used by the Zoning Board of Appeals to make a decision. An applicant does not need to meet all the criteria, however, an explanation of how the variance request applies to each one should be incorporated as part of the Board's deliberation.

Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

Exceptional Circumstances: There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties of uses in the same zoning classification, and the granting of the variance should not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.

Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

Rosanne Kuemmel opened the Public Hearing portion of the meeting at 9:20 a.m.

Rosanne asked if anyone wanted to speak in favor of the variance.

Anne Swanson 3908 Valley Rd – spoke in favor of the variance to not restrict the Milaegers from expanding their home.

Randall Rygh 3810 Valley Rd – spoke in favor of the Milaegers to be granted the variance.

Rosanne asked if anyone wanted to speak against the variance.

None.

Rosanne Kuemmel closed the Public Hearing portion of the meeting at 10:02 a.m.

4. Board Meeting

A. Decision on preceding petition.

The Board of Appeals discussed the different and unusual circumstances the Milaegers had to work with on their property and why they were requesting the variance.

Rosanne Kuemmel motioned to grant a variance allowing the applicant to construct a new home or home addition that will have a 5'-0" setback from the public right-of-way line on the western elevation of the home and be setback a 0'-0" from the public right-of-way on the northern elevation of the home for the property located at 3900 Valley Road with Parcel ID No. 104-04-23-30-177-000 for the following reasons:

-Exceptional Circumstances: the parcel having a unique situation of a private road located within a public right-of-way, which bisects the applicant's parcel.

-Absence of Detriment: this variance will not create substantial detriment to adjacent properties or materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

-Preservation of Intent: this variance is consistent with the purpose and intent of the regulations for the district in the which the development is located.

Lisa Bell second. Motion carried unanimously.

B. Other business as authorized by law

No other business.

C. Adjourn

Richard Mielke made a motion to adjourn the meeting. John Barnes second. Motion carried unanimously.

The meeting adjourned at 10:23 a.m.

Respectfully submitted,
Erika Waege
Building/Engineering Admin.
Village of Caledonia