

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**

**Village Hall, 5043 Chester Lane, Racine, WI 53402**

**Tuesday, December 21, 2021 at 9:00 a.m.**

Acting Chairperson Richard Mielke called the meeting to order at 9:00 a.m.

**1. Roll Call**

Board Members in attendance: Richard Mielke, John Barnes and Joan Rennert and Jacob Lovdahl.

Absent: Rosanne Kuemmel and Lisa Bell were excused. Jacob Lovdahl wasn't in attendance.

Staff Present: Development Director Peter Wagner

**2. Move to Review and Possible Approval of Minutes from February 23, 2021 and December 21, 2021 to the next Board of Appeals Meeting.**

Richard Mielke read the meeting process.

**3A. Public Hearing**

Patrick Krukowski  
7023 Whitewater Street  
Racine, WI 53402

Request a variance from Municipal code Section 20-1115 which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts.

Peter Wagner swore in the applicant, Patrick and Janice Krukowski.

Patrick & Janice Krukowski–7023 Whitewater Street- explained their reason for the variance request to build a replacement garage in the existing location for storage and the holding of an oil tank that heats their home, since the residence doesn't possess a basement. There isn't enough space to move and relocate the garage within the property nor to create an attached garage due to the current location of the bedrooms within the residence. The Krukowski's had the concrete slab inspected by a concrete contractor – whom stated the concrete has no cracks, crumbling, or deterioration and sees no reason to replace the current concrete slab for rebuilding.

Peter Wagner read from his report:

“Patrick Krukowski.  
104-04-23-08-062-000  
7023 Whitewater Street  
Racine, WI 53402

The applicant is requesting a variance from Section 20-1115: Accessory Uses to allow the property owner to build a detached accessory structure three feet from the home and side lot line. The reason for this request is the result of the existing garage being destroyed by a fire.

The home was built in 1953. The Village has no record of the when the garage was built, but assume it was built at the same time or shortly after the construction of the home. Village staff determined that the garage on the property was a legal non-conforming structure. Meaning that the structure no longer complied with current zoning code requirements for detached accessory buildings but could legally remain on the property. However, if destroyed and needed to be rebuilt, the property owner would be required to meet the existing zoning code regulations pertaining to any new detached accessory structure on the property.

The applicant is requesting a variance from Section 20-1115 which states which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts. The applicant is proposing to construct a same-sized, detached garage in the same location. To locate the garage in the same location, a variance is required to allow for the construction of the garage with a 5-foot setback from the home. The garage will meet the current side lot line setback requirement of three feet.

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.

If the Board agrees that the applicant met criteria for granting a variance, the Board can make a motion to grant a variance allowing the applicant to construct a detached garage with a setback of 3 feet from the home and side lot line for the property located at 7023 Whitewater Street, Parcel ID No. 104-04-23-08-062-000 including the findings of fact found by the Board.

Richard Mielke opened the Public Hearing portion of the meeting at 9:23 a.m.

*Richard Mielke asked if anyone wanted to speak in favor of the variance.*

None.

*Richard Mielke asked if anyone wanted to speak against the variance.*

None.

Richard Mielke closed the Public Hearing portion of the meeting at 9:39 a.m.

#### **4. Board Meeting**

##### **A. Decision on preceding petition.**

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

**John Barnes motioned to grant a variance allowing the applicant to construct a new garage that will have a 5'-0" setback from the north elevation of the home and 3'-0" from the north side lot line for the property located at 7023 Whitewater Street with Parcel ID No. 104-04-23-08-062-000 for the following reasons:**

**-Exceptional Circumstances: Unique circumstances exist on the property that limit locations on the property to the existing location and due to the home having no basement, the garage is necessary for storage purposes and the location for their heating oil tank.**

**-Preservation of Intent: Granting a variance will allow the applicant to construct a 2-car garage which is a permitted use in the R-5 district.**

**-Absent of Detriment: Granting this variance does not materially impair or be contrary to the purpose of this ordinance to the surrounding properties.**

**Joan Rennert second. Motion carried unanimously.**

##### **B. Other business as authorized by law**

No other business.

##### **C. Adjourn**

**Joan Rennert made a motion to adjourn the meeting. John Barnes second. Motion carried unanimously.**

The meeting adjourned at 9:49 a.m.

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