

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

**Tuesday, November 28, 2023, at 9:07
a.m.**

1. Meeting called to order

Acting Chairperson Jacob Lovdahl called the meeting to order at 9:07 a.m.

2. Roll Call: Board Members in attendance: Joan Rennert, Jacob Lovdahl, John Barnes. Excused: Richard Mielke, Rosanne Kuemmel

Staff Present: Development Director Peter Wagner, Todd Roehl Planner/Zoning Administrator

3A. Approval of Minutes

Motion by Rennert to accept the minutes of the October 24, 2023. Seconded by Barnes. All voted Aye. Motion carried.

Lovdahl read the variance request and the meeting process.

4A. Public Hearing

Dave Milaeger
3900 Valley Road
Racine, WI 53405

Request a variance from Section 16-6-10(b): Basic Regulations states that the minimum street yard setback for a residential dwelling is thirty (30) feet in the R-3, Single-Family Residential District. The applicant is requesting a variance to allow for a street yard setback of five (5) feet from the west elevation of the dwelling and ten (10) feet from the north elevation of the dwelling.

Lovdahl opened the Public Hearing portion of the meeting at 9:09 a.m.

Peter Wagner swore in appellant Dave & Elsa Milaeger, 3900 Valley Road.

Dave explained that he wanted to build an addition onto his existing home and that he had received a variance two years ago for the same request. Elsa stated that due to project complications, the variance expired, and they were back asking for the same variance as in 2021 for the same reasons.

Lovdahl asked three times if anyone wanted to speak in favor of the variance.

In Favor:

Peter Wagner swore in Anne Swanson, 3908 Valley Road.

Swanson stated that she was in favor of the variance. There are only six houses on the road and granting the variance does not impede those neighbors. Because of the river, the houses have to deal with floodplain issues. There are few houses on the road and the variance will allow them to

add onto their home.

Peter Wagner swore in Fran Martin, 5630 5 Mile Road.

Martin stated that she was in favor of the variance. She also stated that the applicant met with Village staff to discuss the ability to build the addition if granted the variance. The builder for the applicant stated that the proposed addition could be built if a variance was granted.

Lovdahl asked three times if anyone wanted to speak in opposition of the variance.

Against: None

Lovdahl asked the Board if there were any questions for the applicant. None were asked.

Lovdahl asked the applicant if they had any additional testimony. They responded by saying none.

Lovdahl closed the Public Hearing at 9:19 a.m.

5. Board Meeting

5A. Deliberate the request of Case No. 23-003, Dave Milaeger

Lovdahl read the request for a variance from Section 16-6-10(b) which states that the minimum street yard setback for a residential dwelling is thirty (30) feet in the R-3, Single-Family Residential District. The applicant is requesting a variance to allow for a street yard setback of five (5) feet from the west elevation of the dwelling and ten (10) feet from the north elevation of the dwelling.

Rennert stated that the circumstances have not changed since the last variance request in 2021 and that the same findings of fact are applicable in this request.

The Board went through the findings of fact process.

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

Exceptional Circumstances: The property has exceptional circumstances as the property is bisected by a private road that is located within a public right-of-way and bounded by a river which results in the applicant being unable to meet the 30-foot street setback regulation.

Preservation of Property Rights: The variance is 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: The requested variance would not cause a substantial detriment to properties surrounding it nor materially impair or be contrary to the purpose of this ordinance.

5B. Decision on Case No. 23-003, Dave Milaeger

Rennert made a motion to grant the variance allowing the applicant to construct a home addition with a street yard setback of five (5) feet on the west elevation of the home and a ten (10) street yard setback on the north elevation of the home based on the findings of fact stated by the Board.

Seconded by Barnes.

Motion approved unanimously.

5C. Other Business as Authorized by Law

None

6A. Adjournment

Motion by Rennert to adjourn.

Seconded by Barnes.

Motion carried.

The meeting adjourned at 9:22 a.m.

Respectfully submitted,
Peter Wagner
Development Director
Village of Caledonia

DRAFT