
ZONING BOARD OF APPEALS
Tuesday, November 28, 2023 at 9:00 a.m.
Caledonia Village Hall – 5043 Chester Lane

1. Meeting called to order

2. Roll Call

3. Approval of Minutes

A. October 24, 2023, Meeting Minutes

4. Public Hearing

A. Case No. 23-003, Dave Milaeger, Applicant. Requesting a variance from Section 16-6-5(b): Basic Regulations, stating that the minimum street yard setback for a home in the R-3, Residential District is 30 feet. The requested variance would allow for the construction of a home addition with a street yard setback of five feet on the west elevation of the home and a ten-foot street yard setback on the north elevation of the home. (Parcel ID No. 104-04-23-30-177-000)

More information at Caledonia ZoningHub: <https://s.zoninghub.com/PYJMGYMPZ7>

5. Board Meeting

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

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

C. Other business as authorized by law.

6. Adjournment

Dated November 22, 2023

This location is handicap accessible. If you have other special needs, please contact the Village of Caledonia, 5043 Chester Lane, Racine, Wisconsin 53402, (262)835-4451.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS
Village Hall, 5043 Chester Lane, Racine, WI 53402
Tuesday, October 24, 2023, at 9:00
a.m.

1. Meeting called to order

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

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

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

3A. Approval of Minutes

Motion by Kuemmel to accept the minutes of the April 26, 2022. Seconded by Lovdahl.
Motion carried. Rennert abstained due to absence from the meeting.

Motion by Rennert to accept the minutes of the June 27, 2023 meeting. Seconded by Lovdahl. Barnes abstained due to absence from the meeting.

Mielke read the variance request and the meeting process.

4A. Public Hearing

Tom Antonneau
331 CTH H
Franksville, WI 53126

Request a variance from Section
16-6-10(b) reducing the street
yard setback from the
minimum 30-foot street yard
setback to 3.5 feet.

Mielke opened the Public Hearing portion of the meeting at 9:04 a.m.

Peter Wagner swore in appellant Tom and Chris Antonneau, 3311 CTH H, Franksville, WI.

Tom explained the request for a variance. The existing building was constructed in 1917 and has a fieldstone foundation. As part of their renovation to the site, they removed the existing patio and installed an ADA compliant ramp for the front entrance. The purpose of the covered patio is twofold. One is to protect the ramp from the elements and second, to direct stormwater away from the foundation of the building which is currently leaking into the basement.

Chris explained that the proposed setback request is consistent with the neighboring buildings in the area being located just as close or even in the public right-of-way. Having a covered patio will enhance the look of the building.

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

In Favor: None

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

Against: None

Lovdahl asked the applicant if the footprint of the patio is similar to the original patio that was there prior to the applicant removing it. The applicant stated yes, the layout will be similar to what was there before.

Kuettel asked for street yard setback clarification and whether the 3.5-foot setback request was from the edge of the road or from the parcel lot line. Board members stated the setback was from the parcel lot line.

Barnes confirmed whether the patio was to be enclosed or just covered. Board members confirmed the patio was to be only covered.

Lovdahl confirmed that the ramp was the only ADA accessible entrance to the building.

Mielke asked why the covered patio was not located to the north of the building. The applicant stated that they have limited parking and locating to the north would reduce parking stalls.

Lovdahl asked staff what the setback for Brossman's building was. Staff responded that the Brossman building was setback approximately three feet from the street yard lot line.

Mielke closed the Public Hearing at 9:21 a.m.

5. Board Meeting

5A. Deliberate the request of Case No. 23-002, Tom Antonneau

Mielke read the request for a variance from Section 16-6-10(b) which states that the minimum street yard setback in the B-1 District is 30 feet and the applicant is requesting a reduction in that street yard setback to 3.5 feet.

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 as the construction of a covered patio is a permitted use in this district.

Exceptional Circumstances: The existing building is a 100-year-old building located in an area with other old buildings that have setbacks close to the street yard and one even located within the public right-of-way.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: Does not apply to this request.

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 will not 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 as other buildings in the area have similar setbacks.

5B. Decision on Case No. 23-002, Tom Antonneau

Lovdahl made a motion to grant the variance allowing the applicant to construct a covered patio with a street yard setback of 3.5 feet 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 Lovdahl to adjourn.

Seconded by Barnes.

Motion carried.

The meeting adjourned at 9:37 a.m.

Respectfully submitted,
Peter Wagner
Development Director
Village of Caledonia


Location Map

3900 Valley Road



Village of
CALEDONIA

Legend

 3900_Valley_Road

Site Map




3900 Valley Road



Village of
CALEDONIA

Legend

FLOODZONE

-  A
-  c2010_DNR_Wetland_Clip
-  Right_of_Ways



Meeting Date: November 28, 2023

ZONING BOARD OF APPEALS REPORT

Item No. **5a**

Proposal: Request a variance from Section 16-6-10(b): Basic Regulations.

Description: Review of a variance request from Section 16-6-10(b): Basic Regulations 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.

Applicant(s): Dave Milaeger

Address(es): 3900 Valley Road

Suggested Motion: Staff does not make a recommendation on variance requests.

Owner(s): David & Elsa Milaeger

Tax Key(s): 104-04-23-30-177-000

Lot Size(s): ±1.123 acres

Current Zoning District(s): R-3, Suburban Residential District (sewered)

Overlay District(s): N/A

Wetlands: ☒ Yes ☐ No Floodplain: ☒ Yes ☐ No

Comprehensive Plan: Medium Density Residential, Primary Environmental Corridor

Background: The applicant is requesting a variance from Section 16-6-10(b) which states that the minimum street yard setback for a principle dwelling in the R-3 District is 30 feet. The applicant is proposing to construct a home addition 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.

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 home addition 5 feet from the public right-of-way on the western elevation of the home and 10 feet from the public right-of-way on the north elevation of the dwelling for the property located at 3900 Valley Road with Parcel ID No. 104-04-23-30-177-000 including the findings of fact found by the Board.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Peter Wagner".

Peter Wagner, AICP
Development Director

David and Elsa Milaeger
3900 Valley Rd
Racine, WI 53405

October 31, 2023

To the Village of Caledonia Zoning Board of Appeals:

Early in 2021, we applied for and were granted approval for the following variance regarding the set-back requirements on our property. However, numerous unforeseen obstacles within the building process produced delays, resulting in our granted variance timing out. We are again submitting a similar request regarding the same issues.

We are seeking this variance because we are unable to meet the 35' set-back requirements for our home addition and would like for our home to be grandfathered in. There are several reasons why we believe an exception should be made:

- to keep the preservation of the neighborhood layout and the floodplain
- to keep the uniqueness of our property and its location
- our road is not maintained by the Village, but ourselves
- repairs and remodeling are needed, and the final product will only add value to the neighborhood
- this variance does not harm or inconvenience any neighbors

Our property sits on a plot which is bisected by a road that we share with two neighbors. This road prevents us from meeting the current set-back requirements. We would like to be able to add on to our existing house, while keeping the existing layout of our neighborhood.

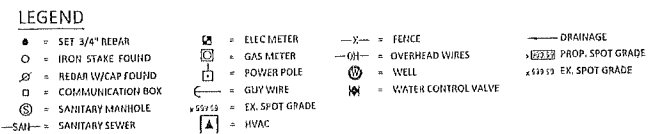
Our property continues to the west side of the bisecting road, however, we are opposed to building on that side. This would disrupt the layout of the neighborhood. It would also defeat the purpose of the property and why we purchased it - to be along the Root River and appreciate its fantastic views.

Our current house needs some repairs and an addition to support our growing family. This unofficial gravel road is not maintained by the Village of Caledonia but by the neighbors who live there. Current maps of the area show the boundaries of both the north/south running road and east/west running road make our house non-conforming to the set-back rules. We are asking for a variance from these set-back limits. The east/west running road to the north of our property terminates in a "T" at our house. However, it is labelled as a through road on GIS boundary maps even though no road actually exists. A utility pole and several large trees make it extremely unlikely to ever be a road since there since it would lead to nothing but river and woods. The existing north/south road is also unlikely to be more than a private drive since it only serves five homes.

We will be happy to help answer any additional questions you may have and we thank you for your consideration.

Sincerely,

Dave and Elsa Milaeger



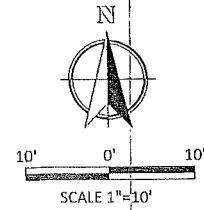
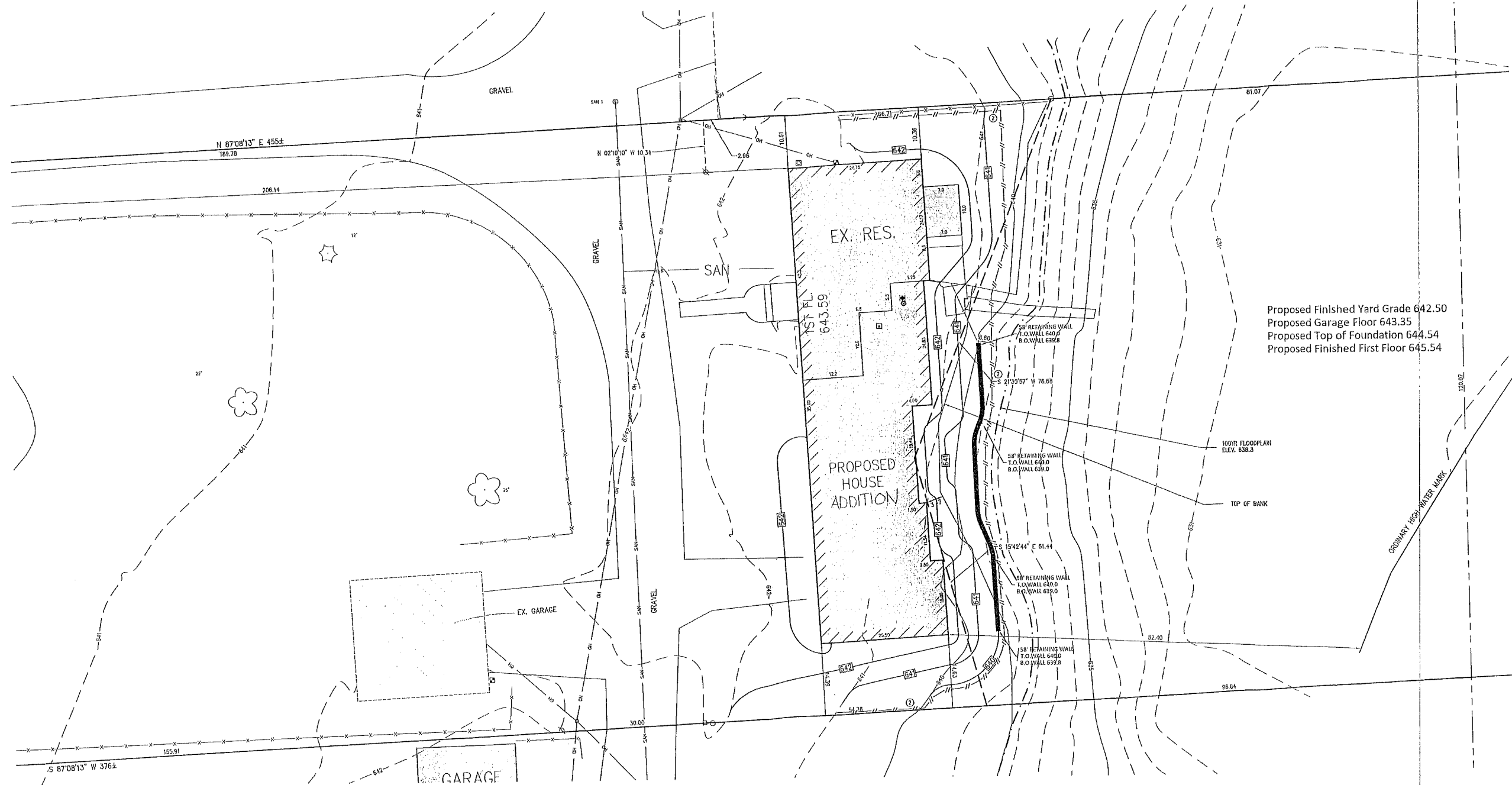
- ① GRAVEL ACCESS DRIVE REQ'D. MIN 6' DEPTH, 2" TO 3" AGG. 10' WIDE X 35 LF.
- ② SILT FENCE, 180 LF. \pm , ALSO REQ'D. AT SPOIL STOCKPILE TOE SLOPE.

NOTES

REFER TO A CURRENT TITLE REPORT FOR POSSIBLE
RECORDED EASEMENTS, CONDITIONS, RESTRICTIONS,
COVENANTS, ETC. WHICH MAY AFFECT THIS PARCEL

BEARING BASE: GRID NORTH, WISCONSIN COORDINATE
SYSTEM, SOUTH ZONE. BASED UPON IAD 1983 / 2011.

ALL ELEVATIONS REFER TO NAVD 1988 (12).
FIELD WORK: 08-18-2020 BY: JWP



Nielsen Madsen & Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd. Suite 200, Racine, WI. 53406
Tel: (262) 634-5588 Website: www.nmbssc.net

PT. SW 1/4 & PT. SE 1/4
SEC. 30-4-23
PLAT OF SURVEY WITH TOPOGRAPHY
FOR
DAVID N. MILAEEGER
VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN

[illegible]

PROJ. MGR: MRB
DRAFTED: SCB / ET
DATE: 04-26-2022
CHECKED: MRB
DATE: 04-26-2022

2020.0181.01

SHEET
2 OF 2