

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**

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

**Tuesday, January 30, 2024 at 9:00 a.m.**

**1. Meeting called to order**

Chairperson Kuemmel 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 Rennert to accept the minutes of the November 28, 2023. Seconded by Barnes. Motion carried. Mielke and Kuemmel abstained due to their absence from the meeting.

**4A. Public Hearing.** Kuemmel read the variance request and the meeting process.

**Public Hearing**

Rob Konecko  
Finishing Touch Auto Body Inc.  
5306 Douglas Avenue  
Racine, WI 53402

Request a variance from the following Municipal Code Section 16-6-12(b): Basic Regulations states that the minimum street yard setback for a commercial building is 40 feet in the B-3, Highway Business District. The applicant is requesting a variance to allow for a street yard setback of 20 feet for a proposed building addition.

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

Todd Roehl swore in appellant Rob Konecko, 5306 Douglas Avenue, Racine, WI 53402.

Mr. Konecko explained the request for a variance. He explained the need to expand operations on the site and that this addition was planned years ago, and the building setback requirement was twenty-five feet from the front lot line back then. Back then, he couldn't afford to construct the expansion. The addition would beautify Douglas Avenue and update the look of the building. By allowing this addition, it would allow full access to the property, as a driveway leading into the building would be constructed to access their property. Currently, the property can only access right in and right out from Douglas Avenue. Allowing the variance would reduce/eliminate traffic access problems to the site.

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

**In Favor:** None

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

**Against:** Martha Hutsick, 4502 Harvest Lane. Martha stated she wasn't actually opposed to the request but rather had questions she wanted to share with the Board. Why would anyone want to build so close to a state highway? Is the applicant complying with the conditional use with the property. There is lots of stuff stored outside, would the applicant move it and hide it from the roadway?

Kuemmel asked if the Zoning Administrator wanted to provide any testimony. The Zoning Administrator stated no. Kuemmel asked if the applicant wanted to provide additional testimony. The applicant stated no. Kuemmel asked the Board if they had any questions for staff or for the applicant regarding the case. The Board asked the applicant if he was aware of any other buildings in the area that had a similar setback as is being requested. The applicant asked what distance the Board was thinking pertained to this request. Discussion ensued regarding building setbacks in the area. Staff presented an aerial map showing the area around the parcel and provided street yard setback measurements of buildings along Douglas Avenue. The Board asked the applicant if there are any other difficulties that would pertain to this request. The applicant responded that access to the site is difficult and were denied a direct access point onto Douglas in 1996. As a result, U-turns have to be done to get access to the site if northbound on Douglas. The Board asked the applicant if there were alternatives for the expansion that didn't require the variance. The applicant responded by saying he doesn't have any alternatives. The Board asked the applicant about the difference in grade on the north side of the building. The applicant stated that the grade would have to be changed to modify the addition and that the area around the addition would have to be regraded to accommodate the addition. The Board asked about the proposed driveway and how traffic would use it. The applicant stated that would be how people could access the property. The Board expressed concerns regarding future expansion of the highway and the reduced setback. The Board asked if the applicant could build the addition on the south side of the building. The applicant stated it could not be added on the south side of the building. The Board asked the applicant if there is any other way to build the addition and comply with code. The applicant stated no. The Board asked staff to show a map showing where the zoning districts are in the area.

Kuemmel reviewed the appeals process to the applicant and then closed the public hearing at 9:33a.m.

## **5. Board Meeting**

### **5A. Deliberate the request of Case No. 24-001, Rob Kenecko**

Kuemmel reviewed the request with the Board and opened the floor for Board discussion. A Board member stated that she did not see or hear testimony that applied to the criteria that is used in determining whether a variance should be granted, and asked other Board members if they heard or read testimony that would create the basis for granting a variance. The Board discussed how other buildings along Douglas Avenue with setbacks less than forty feet can be considered a factor to grant a variance. The Board discussed if there were other factors such as grade changes between parcels create a hardship or unique circumstance.

The Board went through the findings of fact criteria:

**Preservation of Intent:** The variance is not consistent with the purpose and intent of the regulations

for the district in which the development is located.

**Exceptional Circumstances:** The grade changes on the north side of the building is unique. The applicant cannot expand north, south, or west sides of the existing building.

**Economic Hardship and Self-Imposed Hardship Not Grounds for Variance:** Does not apply.

**Preservation of Property Rights:** The variance is not 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 variance does not pose a substantial detriment to adjacent but is contrary to the purpose and spirit of this ordinance and the public interest.

## **5B. Decision on Case No. 24-001, Rob Kenecko**

**Mielke made a motion** to deny the requested variance for Case No. 24-001 for a reduced street yard setback.

**Seconded by Rennert.**

### **Roll Call**

Barnes – Abstain   Mielke – Yes   Rennert – Yes   Lovdahl – Abstain   Kuemmel - Abstain

The vote is 2-0 to deny the variance request. The motion carries.

## **5C. Other Business as Authorized by Law**

None

## **6A. Adjournment**

**Motion by Barnes to adjourn.**

**Seconded by Lovdahl.**

All but Rennert voted aye to adjourn.

**Motion carried.**

The meeting adjourned at 10:00 a.m.

Respectfully submitted,  
Peter Wagner  
Development Director  
Village of Caledonia