
ZONING BOARD OF APPEALS MEETING AGENDA

Tuesday, July 29, 2025 at 9:00 a.m.

Caledonia Village Hall - 5043 Chester Lane

Caledonia, WI 53402

1. **Meeting called to order**
2. **Roll Call**
3. **Approval of Minutes:**
 - A. March 26, 2024, Meeting Minutes
4. **New Business**
 - A. Case No. 25-001, 2333 Indian Trail. Jim Fox, Applicant. Requesting a variance from Section 16-10-3(a)(4): Accessory Uses and Structures, to allow for a side yard setback of 4 feet for a proposed 24' x 30' addition to the existing detached garage. (Parcel ID No. 104-04-23-08-375-000). More information at Caledonia Zoning Hub: <https://s.zoninghub.com/91A00XZADF>
 - B. Case No. 25-002, 5333 Willowview Lane. Jim Fox, Applicant. Requesting a variance from Section 16-10-3(a)(4): Accessory Uses and Structures, to allow for a side yard setback of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition. (Parcel ID No. 104-04-23-21-450-016). More information at Caledonia Zoning Hub: <https://s.zoninghub.com/XU68VN54BO>
 - C. Case No. 25-003, 5712 Old Oak Road. Jim Fox, Applicant. Requesting variances from Section 16-6-2(b): Basic Regulations, and Section 16-10-3(a)(4): Accessory Uses and Structures, to allow for a street yard setback of 20 feet for a proposed 24' x 36' detached garage addition. (Parcel ID No. 104-04-22-12-058-000). More information at Caledonia Zoning Hub: <https://s.zoninghub.com/6STEOVXTXV>
5. **Board Meeting**
 - A. Deliberate the request of Case No. 25-001, Jim Fox
 - B. Decision on Case No. 25-001, Jim Fox
 - C. Deliberate the request of Case No. 25-002, Jim Fox
 - D. Decision on Case No. 25-002, Jim Fox
 - E. Deliberate the request of Case No. 25-003, Jim Fox
 - F. Decision on Case No. 25-003, Jim Fox
6. **Continuing Business**

None
7. **Adjournment**

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, March 26, 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 Mielke to accept the minutes of the January 30, 2024, replacing “All but Rennert voted aye to adjourn” with “All voted aye to adjourn.” Seconded by Barnes. Motion carried.

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

Public Hearing

Jude Tindall
555 Sara Lane
Racine, WI 53402

Requesting a variance from Section 16-6-6(b), which requires a principal structure to have a rear yard setback of 30 feet in the R-4, Single-Family Residential District. The applicant is requesting a variance to allow for a rear yard setback of 14 feet for a proposed 18' x 16' sunroom addition attached to the existing single-family home located at 555 Sara Lane.

Kuemmel opened the Public Hearing portion of the meeting at 9:03 a.m.

Todd Roehl swore in appellant Jude Tindall, 7147 Big Bend Rd, Waterford, WI 53185.

Tindall explained the request for a variance. He explained the homeowner would like to build a 16' x 18' sunroom addition in the background. Already, technically, the house is within the 30-foot setback requirement. The house across the street is encroaching the 30-foot setback and the zoning has changed since the houses were built. That limits the ability to expand their house. They are a corner lot, thus have a bigger side yard setback requirement than would normally be required in the R-4 zoning district. They have quite a distance from the other setbacks. They are unique in that behind the house is a vacant lot with wetlands. They have a beautiful backyard because of that and would like to enjoy it with the sunroom. In the spirit of the rule is to keep houses from looking into the back of another house. This would never be the case as the lot to the south is unbuildable. With the size of the house on the property now they are well within their required percentage of lot coverage. They are not over condensing the lot in the R-4 and encroaching neighbors. They feel it is not doing a disservice to the neighborhood to approach that setback in the rear yard. There is a letter from an adjacent neighbor to the east in support.

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

In Favor: Brian Ramczyk, 555 Sara Lane, Racine, WI 53402.

Ramczyk stated he has been living on the property for 34 years and they take good care of the lot. They had a deck there that rotted, and they removed it and hoped to replace the deck with a four-season room to enjoy year-round. He stated he was unaware that a setback variance would be required for the four-season room and perhaps would not have removed the deck had he known.

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

Against: Mark De Check, 4403 Ruby Avenue, Racine, WI 53402.

De Check stated he owned the land to the south of 555 Sara Lane. He stated that the lot behind 555 Sara Lane is not unbuildable. He stated he feels extending the building allowance to 14 feet from his lot line diminishes the value of his land and will allow every other house on Sara Lane to expand toward their lot lines. He expressed concerns that there has not been a less than respectful approach to his lot line from residents on Sara Lane. He expressed his objection to the Village granting a variance and does not want a building 14 feet from his lot line. He noted that zoning rules exist for a reason, to maintain a rural atmosphere in Caledonia. Kuemmel asked if his lot south of 555 Sara Lane is buildable. De Check stated that the lot is technically buildable if subdivided. Roehl displayed an image of the lot that included the location of the wetlands delineated by the Wisconsin Department of Natural Resources in 2010. De Check noted that the map was incorrect, and he had the wetlands delineated and the boundaries of the wetlands do not match. Mielke noted that we should not use the WDNR information due to its inaccuracy. Wagner noted that there are wetlands on the site, though they may not match the WDNR map. Wetlands would need to be taken into consideration if the lot was developed. Wagner noted that the lot has the dimensions to be a buildable lot.

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 he does not agree that the lot to the south of 555 Sara Lane is buildable due to the presence of wetlands, as a builder.

Kuemmel asked if there were any additional comments. De Check stated that whether he develops his property or not, he does not want a building that close to his property. De Check stated again that his lot is buildable. He is also concerned that others will build that close to a lot line if the variance is approved.

Kuemmel asked if there were any additional comments. Ramczyk commented that trees have fallen on his property from the property to the south and that he cleaned them up. Barnes asked for clarification on the source of the trees being from De Check's property. De Check confirmed. Ramczyk stated he is trying to make things look nice and did not realize his addition would cause an issue with the neighbor De Check. He is just looking to replace the deck, which was never an issue, with a four-season room.

Lovdahl asked the owner of 555 Sara Lane if his fence runs along the rear lot line. Ramczyk confirmed. Lovdahl, asked if the footprint of the deck would be the footprint of the addition. Ramczyk confirmed, stating all they wanted to do is close it in and make a four-season room. Mielke asked if a permit was issued for the deck. Ramczyk noted it was 30 years ago and was not sure but believes he did. Rennert noted that there was no process for a deck permit 30 years ago. Barnes agreed. Ramczyk stated that the deck was built by a contractor. Lovdahl again asked if the sunroom would be in the same location as the deck. Ramczyk confirmed.

Barnes stated that the home is already at the 30-foot rear yard setback, and the sunroom is 16' x 18', the applicant is asking for a 16-foot or 18-foot variance, not a 14-foot variance. Tindall clarified that the sunroom would be 14 feet from the lot line, hence they are requesting a 14-foot setback variance.

Mielke asked if there were any other houses on Sara Lane to the east that were built closer to the rear lot line. Ramczyk stated he is unaware.

Lovdahl inquired about a white colored structure currently in the rear yard. Ramczyk stated the structure is a shed. Lovdahl asked for its setbacks. Ramczyk stated that he is not aware of the setbacks of the shed and that it was built 15 years ago. Mielke asked if the shed meets code. Board members noted that it is an older subdivision built prior to current ordinances. Ramczyk noted that the builder set the home back further on the lot to be higher to avoid water issues. Tindall noted that the house has a larger setback to Erie Street and that the home across Sara Lane to the north is an example of homes not meeting setback requirements. Wagner noted that the property across Sara Lane to the north is also a corner lot. Corner lots have two street yards, one rear yard, and one side yard. Unlike 555 Sara Lane with its rear yard to the south and side yard to the east, the property across Sara Lane to the north is oriented with its rear yard to the east and side yard to the north. The setbacks for the house across the Sara Lane to the north does meet setback requirements. Lovdahl inquired as to how side and rear yards were determined. Wagner stated that because of the small setback of the house to the east lot line, it by default is considered the side yard. The rear yard is the larger of the two setbacks. Wagner further clarified that the rear yard setback requirement in the old code was 25 feet, and the deck was legal non-conforming, and a variance would have been needed to allow a deck. Lovdahl requested the east (side yard) setback for 555 Sara Lane. Roehl noted the setback is ~19 feet and the minimum is 10 feet and the street yard setback to Erie Street is 38 feet and the minimum is 30 feet. Discussion continued as to what is a side yard and what is a rear yard. Mielke stated that they are required to follow the code.

Mielke asked why the applicant does not want to build the addition in the street yard facing Erie Street where there is room. Ramczyk stated that the Erie Street side of the house has too much traffic and lacks privacy, also it would not be aesthetically pleasing.

Lovdahl inquired about the maintenance of rear lots for properties to the east of 555 Sara Lane and encroachment into the property to the south. Rennert asked about the location of the fence along the rear lot line. Ramczyk noted the fence is along the rear lot line. Rennert asked the distance from the fence to the proposed sunroom. Ramczyk noted the distance would be 14 feet. Rennert clarified that the sunroom addition will have the same footprint as the recently removed deck. Ramczyk confirmed. Lovdahl asked the owner how long the owner had the deck. Ramczyk stated they had the deck for 30 years.

Kuemmel reviewed the appeals process to the applicant and then asked if there were any other questions. Ramczyk stated he has lived there 30 years and the lot to the south has always been vacant. In addition, he stated that an engineer from the Village stated that the lot to the south is not buildable due to the presence of wetlands.

Mielke noted that if the lot to the south is not buildable, and the owner to the south had no objection that he would be in favor of the variance. However, the neighbor to the south states the lot to the south is buildable. Mielke asked the applicant for rationale as to why the variance should be granted. Tindall noted that being a corner lot is unusual and is restricted by greater setbacks than non-corner lots. In addition, the home is pushed to the east to stay clear of Erie Street.

Kuemmel asked about setbacks and the positioning of the home on the lot for the property across Sara Lane to the north. Wagner noted that the lot to the north across Sara Lane is larger and conformed to the zoning requirements when built. Wagner noted that 555 Sara is a smaller lot but must meet street yard setbacks similarly to all corner lots in the Village. The position of the house on the lot dictates which is the side and rear yard.

De Check noted that the wetland designation was unjustified, and he has not witnessed standing water on the property for more than 20 years. De Check noted the property is not a swamp and that the trees died due to disease. De Check expressed his concern that if this variance is granted, others on Sara Lane would seek similar variances.

Lovdahl asked if having a corner lot required the property to have two street yards. Wagner confirmed stating that corner lots have two street yards, both required to meet the street yard setback of the district to maintain the appropriate setback from the street. Wagner stated that this applies to all corner lots. Lovdahl asked how 555 Sara Lane compares in size to the parcels to the east on Sara Lane. Wagner confirmed that lots to the east on Sara Lane are of similar size to 555 Sara Lane. Lovdahl noted that the subject lot has more restrictions, being a corner lot and, other than expanding toward Erie Street, there are no options to expand without a variance. Roehl noted they may expand to the east into the side yard by approximately 9 feet. Lovdahl noted that the current home is less than 30 feet from Sara Lane and the rear lot line since the change in zoning.

Kuemmel asked if there were any further questions. Tindall asked if the decision comes down to the wetlands on the property to the south and questioned if it is buildable. He noted that it may need to be determined if a house can be built on that property. Wagner noted that the wetlands on a neighboring property is irrelevant to the granting of a variance for 555 Sara Lane. Only if there was a wetland on 555 Sara Lane would it be applicable.

Kuemmel asked if anyone had any further statements or questions. Ramczyk noted that he had no idea how De Check felt about the addition, had never met him in the 34 years they lived there. Had he, he would have reached out to De Check. Ramczyk again stated that he had been told by the Village that the property to the south was unbuildable due to the presence of wetlands. Ramczyk noted that the addition in the rear yard will improve the aesthetics of the home and would look odd if built in the street yard toward Erie Street. Ramczyk noted how he has maintained his property and surroundings for as long as he's lived there. De Check acknowledged Ramczyk and stated that Ramczyk's house is on one of the littlest lots in that area and expanding the house beyond what is allowed by zoning is unreasonable and not appropriate.

Lovdahl asked if Ramczyk would have approached De Check regarding the addition had the Village not told him that De Check's lot is unbuildable. Ramczyk said yes and did not think there would be any issues, as there were none with his fence.

Kuettel asked if there were any further questions. None, Kuettel closed the public hearing at 9:53 a.m.

5. Board Meeting

5A. Deliberate the request of Case No. 24-001, Jude Tindall

Kuettel reviewed the request with the Board and opened the floor for Board discussion.

Lovdahl noted that the wetlands in the property to the south have no relevance. Mielke stated he would like to see the owner to the south sell some land to the owner of 555 Sara Lane to solve the issue, but that is not a matter for the Board. Mielke noted that, given that the existence of wetlands on the property to the south is irrelevant, he is unable grant the variance given the testimony given.

Lovdahl noted the pre-existing deck with the exact same footprint should give them the right to have the addition, to recreate what already existed.

Mielke asked if anyone had reasons for granting a variance.

Rennert asked Mielke if he was in favor of granting the variance. Mielke stated he was, until he heard clarification on the buildability of the lot to the south and the objection from the neighbor.

Lovdahl questioned the impact of granting the variance on other properties in the area. Lovdahl noted that the other properties don't have the limitations of the subject property and therefore would not be granted a similar variance. Mielke noted a possible precedent set by granting a variance. Barnes noted that even under the old ordinance a 14-foot setback was too close. Board members agreed that it is not the changing of the ordinance that affected this property owner, it's the uniqueness of the property. Lovdahl noted that there was already a deck structure with a 14-foot setback. Mielke noted that the structure was a deck, not a sunroom. Lovdahl noted no difference between a deck and sunroom, both need a variance. Board agreed that it is an existing footprint. Rennert noted a "grandfather clause," as the proposed addition would be in the same footprint as the pre-existing deck.

The Board revisited discussions on the buildability of the lot to the south given the wetlands. Lovdahl noted that the buildability of the lot to the south was not relevant to the granting of a variance for 555 Sara Lane.

Lovdahl noted that the existing deck was in disrepair and questioned if a variance would be required to repair the deck. Wagner noted that if the deck were to be replaced, a variance would be needed. Lovdahl noted a hardship in that the property owner had a structure for 30 years and now is being told they cannot have that structure. Kuettel agreed. Mielke noted that this is an addition, not a deck.

The Board went through the findings of fact criteria:

- **Complying with ordinance standards will result in unnecessary hardship:** The proposed sunroom addition would replace, in footprint, a pre-existing deck structure in need of repair that had been attached to the home for approximately 30 years with no issues. Not allowing the sunroom addition would be a taking of square footage from the property owner, resulting in a hardship.
- **The hardship is due to unique conditions of the property:** The property is a smaller sized corner lot and thus subject to greater setback requirements than similar sized non-corner lots. The greater setback requirements limit the expansion options otherwise available to non-corner lots.
- **The variance will not harm the public interest (ordinance purposes):** The variance will not result in any harm to the public interests.

5B. Decision on Case No. 24-002, Jude Tindall

Rennert made a motion to grant the requested variance for Case No. 24-001 for a reduced rear yard setback based on the Board's findings of fact.

Seconded by Barnes.

Roll Call

Barnes – Yes Mielke – No Rennert – Yes Lovdahl – Yes Kuemmel - Yes

The vote is 4-1 to grant 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 voted aye to adjourn.

Motion carried.

The meeting was adjourned at 10:17 a.m.

Prepared by,

Todd Roehl,
Planner/Zoning Administrator
Village of Caledonia

Respectfully submitted,

Peter Wagner
Development Director
Village of Caledonia



Meeting Date: July 29, 2025

Item No. **4A**

ZONING BOARD OF APPEALS REPORT

Proposal: Variance Request

Description: Requesting a variance from Municipal Code Section 16-10-3(a)(4). The applicant is requesting a variance to allow for a side yard setback of 4 feet for a proposed 24' x 30' addition to the existing detached garage located at 2333 Indian Trail.

Applicant(s): Jim Fox

Address(es): 2333 Indian Trail

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

Owner(s): William Keckhaver

Tax Key(s): 104-04-23-08-375-000

Lot Size(s): ±0.267 acres

Current Zoning District(s): R-5, Single-Family Residential District

Overlay District(s): SSO, Structural Setback

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

Comprehensive Plan: Medium Density Residential

Background: The applicant is requesting a variance from Section 16-10-3(a)(4), which states that the minimum side and rear yard setbacks for a detached structure is 5 feet in a Residential "R" District. The existing detached garage, built in 1978, is legal non-conforming with a side yard setback of 4 feet. The applicant is requesting a variance to allow for a side yard setback of 4 feet to construct a 24' x 20' addition to the existing 24' x 30' detached garage accessory to the single-family home.

The applicant has submitted a narrative explaining the need for the variance. Village staff does not provide recommendations regarding the request as staff has denied the proposed 24' x 20' addition to the existing detached garage as it does not comply with zoning code setbacks.

The following criteria should be used by the Zoning Board of Appeals when making a decision. 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 a side yard setback of 4 feet for a proposed 24' x 20' addition to the existing 24' x 30' detached garage accessory to the single-family home located at 2333 Indian Trail, Parcel ID No. 104-04-23-08-375-000. Please include the findings of fact found by the Board with the motion.

Prepared by:



Natalia Nery de Farias
Planner/Zoning Administrator

Respectfully submitted:



Peter Wagner, AICP
Development Director



April 25, 2025

Jim Fox
1908 Cleveland Avenue
Racine, WI 53405
[email: jfox17@wi.rr.com]

RE: Denial Letter - Accessory Building
Section 16-10-3(a)(4): Location of Accessory Structures in Residential District
2333 Indian Trail

Dear Jim Fox:

I have reviewed the accessory building permit application for an addition to an existing detached garage in the rear yard of the property located at 2333 Indian Trail. I am unable to approve the accessory building permit application because the proposed side yard setback of 4 feet does not meet the minimum 5-foot side yard setback to the property line as required for a detached accessory building in a residential district.

Municipal Code Section 16-10-3(a)(4) states:

Location: Detached structures are permitted in the rear and side yards only and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line...

Please consider this letter as an official denial to construct a detached garage at 2333 Indian Trail Road as proposed. You have the right to appeal this decision per Section 16-3-1 of the Municipal Code, which allows a person to request a variance from the zoning before the Zoning Board of Appeals within thirty (30) days of written notice of the decision of the Zoning Administrator.

Please contact me if you have any questions regarding this matter. I can be reached at (262) 835-6446, or via email at pwagner@caledonia-wi.gov.

Sincerely,



Peter Wagner, AICP
Development Director

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Village of Caledonia Zoning Board of Appeals will hold a public hearing at 9:00 a.m. on Tuesday, July 29, 2025, in the Caledonia Village Hall at 5043 Chester Lane, Caledonia, Wisconsin. The purpose of the hearing is to hear appeals for relief from Title 16 (Zoning), which has been adopted by the Village pursuant to Title 16 of the Code of Ordinances of the Village of Caledonia:

Jim Fox
1908 Cleveland Avenue
Racine, WI 53405

Requests a variance from Municipal Code Section 16-10-3(a)(4) Accessory Uses and Structures, which states that the minimum side and rear yard setbacks for a detached structure is 5 feet in a Residential "R" District. The applicant is requesting a variance to allow for a side yard setback of 4 feet for a proposed 24' x 30' addition to the existing detached garage.

If granted, this variance would allow the applicant to construct a 24' x 30' addition to the existing detached garage, located at 2333 Indian Trail, Parcel ID No. 104-04-23-08-375-000 with a side yard setback of 4 feet.

Applicants are subject to Title 16: Zoning and Village Board of Appeals of the Village of Caledonia Zoning Ordinance.

The above petition is on file at Village of Caledonia Planning & Zoning Department, 5043 Chester Lane, Caledonia WI. The file is open to public view, 8:00 a.m. to 5:00 p.m., Mon. through Fri. The file is also available online at www.caledoniawi.zoninghub.com in the "Pending Applications" section. This location is handicap accessible. If you have other special needs, contact the Village of Caledonia Clerk at 262-835-4414. Questions regarding the public hearing please contact Natalia Nery de Farias, Phone#: 262-835-6419. Email: NFarias@caledonia-wi.gov



BOARD OF APPEALS VARIANCE APPLICATION

Applicant (Please print or type)

Date: 4-29-25

Name: Jim Fox

Business Name: Deck It Out, LLC

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Property Owner (This section can be left blank if same as above)

Name: Bill Keckhaver

Business Name: [REDACTED]

Address: 2333 Indian Trail

City: Bacine State: WI Zip: 53402

Phone: [REDACTED] Email: [REDACTED]

☒ Request for Variance

Generally Describe the Variance Request Here:

We propose to do a 24'x20' addition to an existing 24'x30' garage. The variance would be to keep side yard setback the same as existing garage which is approx 4' to be verified if variance is granted with a new survey. See attached.

☐ Request for Interpretation of Zoning Ordinance and Reversal of Order, Requirement, Decision, or determination of Administration Official.

Attach a separate sheet listing reasons why you claim this order, requirement, decision, or determination is erroneous.

Location/Address: 2333 Indian Trail

Tax Key Number(s): 104042308375080

I certify that I have included all applicable submittal data and \$450 Filing Fee as outlined on the Board of Appeals Procedures sheet along with three (3) scaled hard copies and a full pdf digital file: Yes ☐

I hereby certify that I have read and fully understand the variance and developer's deposit procedures and failure to comply with the Village requirements will result in this application being withheld from consideration by the Village.

Signature of Property Owner

Bill Keckhaver

Print Name

5/28/25

Date

Signature of Applicant (Working as Agent for owner)

Jim Fox

Print Name

4-29-25

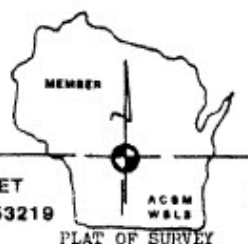
Date

MAY 28 2025

RECEIVED

004-04-23-08-375-000

SURVEYING



ASSOCIATES, INC.

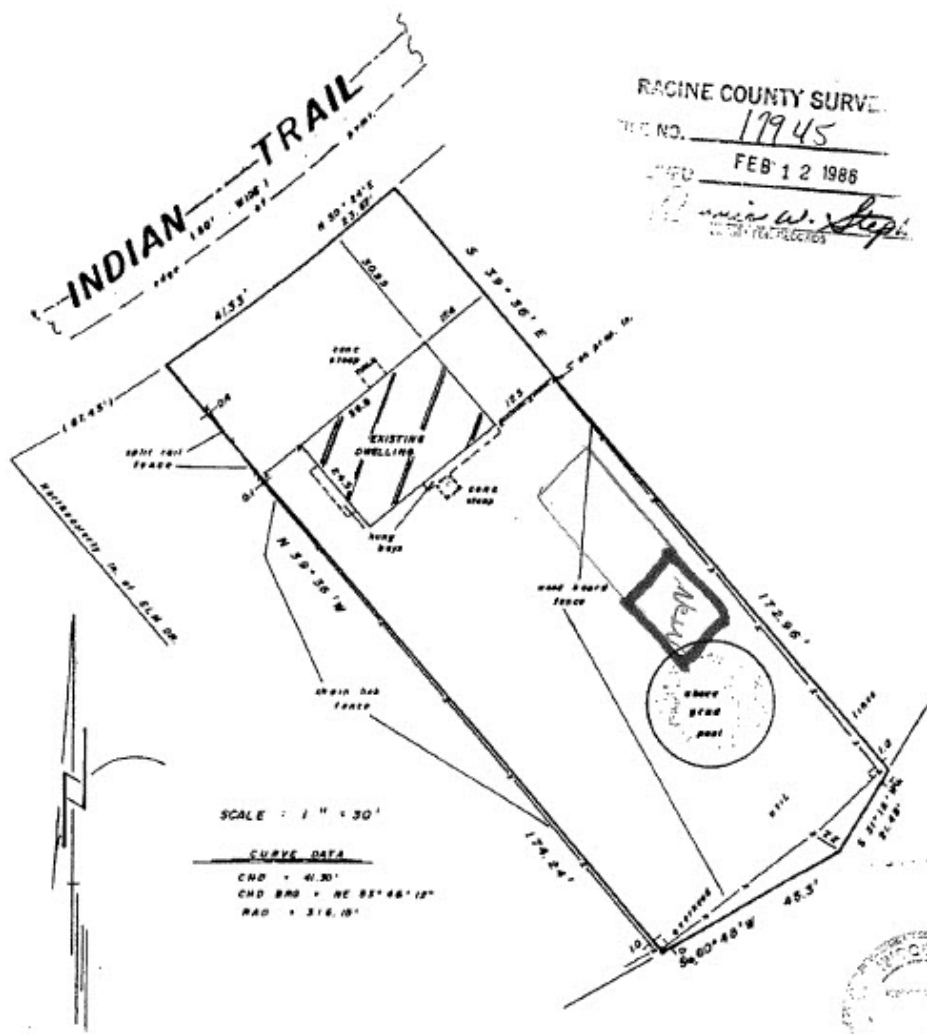
2819 SOUTH 43rd STREET
MILWAUKEE, WISCONSIN 53219

FREDERICK W. SHIBILSKI RLS
(414) 321-5851

PLAT OF SURVEY
-OF-

LOT 2, BLOCK 19, CRESTVIEW UNIT NO. 6, being a Resubdivision of parts of Blocks 1, 6 and 5, Crestview Unit No. 1, and Block 9, Crestview Unit No. 3, in the Southeast 1/4 and the Southwest 1/4 of Section 8, Township 4 North, Range 23 East, in the Town of Caledonia, Racine County, Wisconsin.

Survey location: 2333 Indian Trail
Buyer: Kenneth & Jane Albrecht



Surveyed for: WISCONSIN MORTGAGE CORP.

"I hereby certify that I have surveyed the above described property and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any."

"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."

MONUMENTATION BY WRITTEN AGREEMENT WITH THE ABOVE NAMED CLIENT (HAS NOT) BEEN WAIVED IN ACCORDANCE WITH A-E 8.01 (1) (N) OF THE WISCONSIN ADMINISTRATIVE CODE

"THIS IS NOT AN ORIGINAL SURVEY UNLESS THIS SEAL IS RED."

Fred W. Shibilski
WISCONSIN REGISTERED LAND SURVEYOR

10-24-85
DATE

512 / 101
FIELD WORK BY

512
DRAWN BY

512
JOB NUMBER



Meeting Date: July 29, 2025

Item No. **4B**

ZONING BOARD OF APPEALS REPORT

Proposal: Variance Request

Description: Requesting a variance from Municipal Code Section 16-10-3(a)(4). The applicant is requesting a variance to allow for a side yard setback of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition to the existing single-family home located at 5333 Willowview Lane.

Applicant(s): Jim Fox

Address(es): 5333 Willowview Lane

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

Owner(s): Denise Wetzel

Tax Key(s): 104-04-23-21-450-016

Lot Size(s): ±0.351 acres

Current Zoning District(s): R-4, Single-Family Residential District

Overlay District(s): N/A

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

Comprehensive Plan: Medium Density Residential

Background: The applicant is requesting a variance from Section 16-10-3(a)(4), which states that the minimum side and rear yard setbacks for a detached structure is 5 feet in a Residential "R" District, and a minimum distance of 10 feet from a principal structure. The applicant is requesting a variance to allow for a side yard setback of 3 feet and a distance of 5 feet from the dwelling to construct a 24' x 24' detached garage addition to the southeast portion of lot.

The applicant has submitted a narrative explaining the need for the variance. Village staff does not provide recommendations regarding the request as staff has denied the proposed 24' x 24' detached garage addition to the existing single-family home as it does not comply with zoning code setbacks.

The following criteria should be used by the Zoning Board of Appeals when making a decision. 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 a side yard distance of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition to the existing single-family home located at 5333 Willowview Lane, Parcel ID No. 104-04-23-21-450-016. Please include the findings of fact found by the Board with the motion.

Prepared by:



Natalia Nery de Farias
Planner/Zoning Administrator

Respectfully submitted:



Peter Wagner, AICP
Development Director



April 28, 2025

Jim Fox
1908 Cleveland Avenue
Racine, WI 53405
[email: jfox17@wi.rr.com]

RE: Denial Letter - Accessory Building
Section 16-10-3(a)(4): Location of Residential Accessory Structures
5333 Willowview Lane

Dear Jim Fox:

I have reviewed the accessory building permit application for a detached garage in the side yard of the property located at 5333 Willowview Lane. I am unable to approve the accessory building permit application because the proposed side yard setback of 3 feet does not meet the minimum 5-foot side yard setback to the property line as required for a detached accessory building in a residential district. Furthermore, the proposed building location does not meet the minimum setback distance of 10 feet.

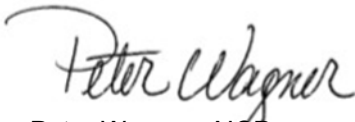
Municipal Code Section 16-10-3(a)(4) states:

Location: Detached structures are permitted in the rear and side yards only, and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line...

Please consider this letter as an official denial to construct a detached garage at 5333 Willowview Lane as proposed. You have the right to appeal this decision per Section 16-3-1 of the Municipal Code, which allows a person to request a variance from the zoning before the Zoning Board of Appeals within thirty (30) days of written notice of the decision of the Zoning Administrator.

Please contact me if you have any questions regarding this matter. I can be reached at (262) 835-6446, or via email at pwagner@caledonia-wi.gov.

Sincerely,



Peter Wagner, AICP
Development Director

c. Randy & Denise Wetzels (electronic)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Village of Caledonia Zoning Board of Appeals will hold a public hearing at 9:00 a.m. on Tuesday, July 29, 2025, in the Caledonia Village Hall at 5043 Chester Lane, Caledonia, Wisconsin. The purpose of the hearing is to hear appeals for relief from Title 16 (Zoning), which has been adopted by the Village pursuant to Title 16 of the Code of Ordinances of the Village of Caledonia:

Jim Fox
1908 Cleveland Avenue
Racine, WI 53405

Requests a variance from Municipal Code Section 16-10-3(a)(4) Accessory Uses and Structures, which states that the minimum side and rear yard setbacks for a detached structure is 5 feet in a Residential "R" District, and that the minimum distance from a principal structure is 10 feet. The applicant is requesting a variance to allow for a side yard setback of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition.

If granted, this variance would allow the applicant to construct a 24' x 24' detached garage addition, located at 5333 Willowview Lane, Parcel ID No. 104-04-23-21-450-016 with a side yard setback of 3 feet and distance of 5 feet from the principal structure.

Applicants are subject to Title 16: Zoning and Village Board of Appeals of the Village of Caledonia Zoning Ordinance.

The above petition is on file at Village of Caledonia Planning & Zoning Department, 5043 Chester Lane, Caledonia WI. The file is open to public view, 8:00 a.m. to 5:00 p.m., Mon. through Fri. The file is also available online at www.caledoniawi.zoninghub.com in the "Pending Applications" section. This location is handicap accessible. If you have other special needs, contact the Village of Caledonia Clerk at 262-835-4414. Questions regarding the public hearing please contact Natalia Nery de Farias, Phone#: 262-835-6419. Email: NFarias@caledonia-wi.gov

Rec'd 2025



BOARD OF APPEALS VARIANCE APPLICATION

Applicant (Please print or type)

Date: 4-29-25

Name: Jim Fox

Business Name: Deck It Out, LLC

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Property Owner (This section can be left blank if same as above)

Name: Randy & Denise Wetzel

Business Name:

Address: 5333 Willowview Lane

City: Bacine State: WI Zip: 53402

Phone: [REDACTED] Email:

☒ Request for Variance

Generally Describe the Variance Request Here:

Requesting variance of 5' from principal structure which is allowed in the IBC and a 3' setback from back corner of garage to side yard lot line. I can't make the 5' setback - asking for 3' the yard in a pie shape. See attached.

☐ Request for Interpretation of Zoning Ordinance and Reversal of Order, Requirement, Decision, or determination of Administration Official.

Attach a separate sheet listing reasons why you claim this order, requirement, decision, or determination is erroneous.

Location/Address: 5333 Willowview Ln. Tax Key Number(s): 104042321450014

I certify that I have included all applicable submittal data and \$450 Filing Fee as outlined on the Board of Appeals Procedures sheet along with three (3) scaled hard copies and a full pdf digital file: Yes ☐

I hereby certify that I have read and fully understand the variance and developer's deposit procedures and failure to comply with the Village requirements will result in this application being withheld from consideration by the Village.

Randy Wetzel
Signature of Property Owner

Randy Wetzel
Print Name

5/28/25
Date

[Signature]
Signature of Applicant (Working as Agent for owner)

Jim Fox
Print Name

4-29-25
Date

MAY 28 2025

RECEIVED



Date: April 29, 2025

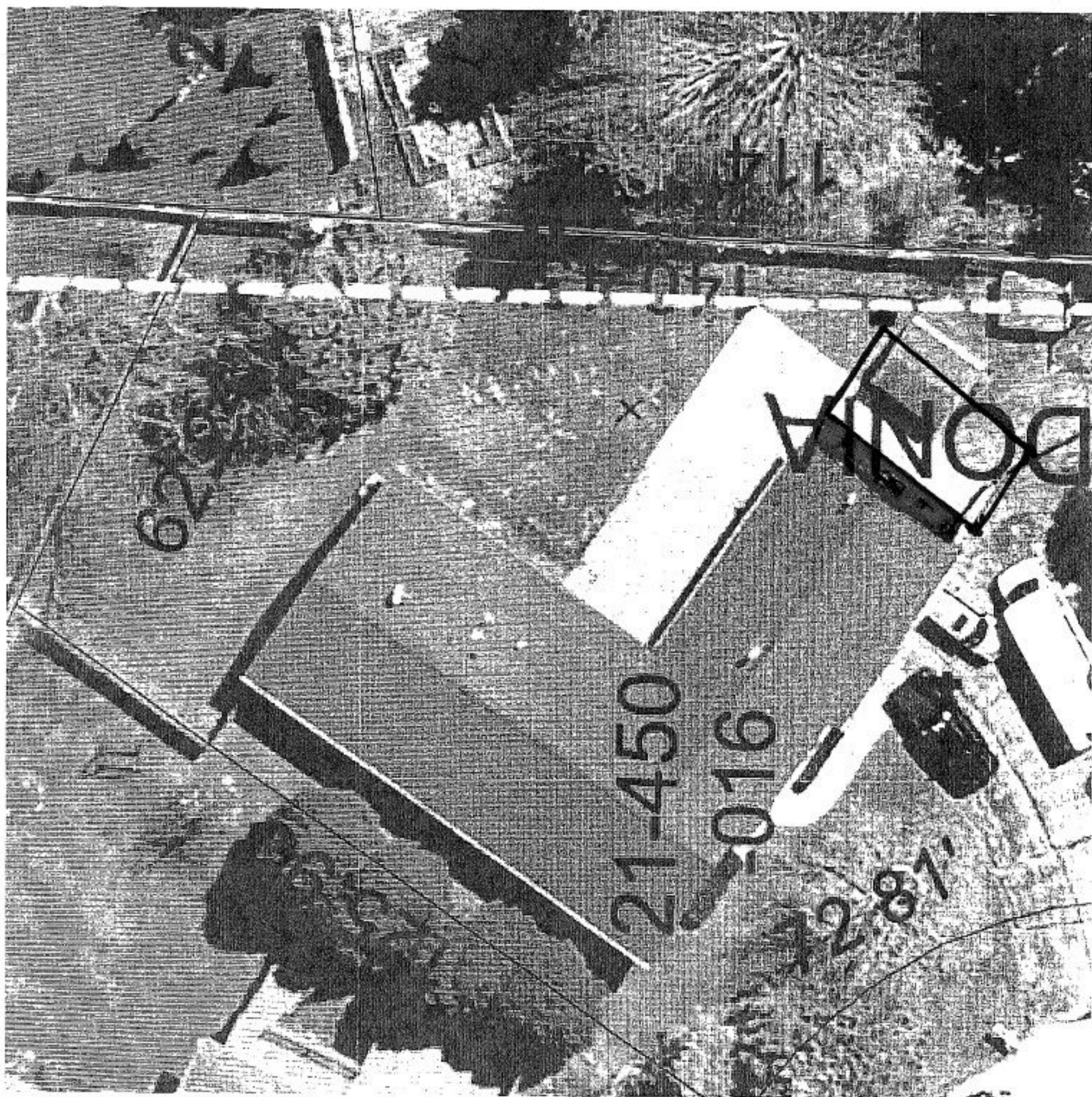
To: Village of Caledonia

From: Deck It Out, LLC

Re: Variance Request for 5333 Willowview Lane

We are requesting this variance to build a 24' x 24' detached garage in the area noted. In order to do this, I would need the variance to follow the IBC code of 5' setback from a dwelling. I'm also requesting the 5' side yard setback be reduced to 3'. It would only be the back corner that approaches that property line for the lot is pie shaped. We would be removing 2 sheds that now sit in the place the garage will go. This seems to be the only place that we could fit the garage without creating more impervious surfaces.

RED = Variance sites





Meeting Date: July 29, 2025

Item No. **4C**

ZONING BOARD OF APPEALS REPORT

Proposal: Variance Request

Description: Requesting variances from Sections 16-6-2(b) and 16-10-3(a)(4). The applicant is requesting a variance to allow for a street yard setback of 20 feet for a proposed 24' x 36' detached garage addition to the existing single-family home located at 5712 Old Oak Road.

Applicant(s): Jim Fox

Address(es): 5712 Old Oak Road

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

Owner(s): Nathan Schwartz

Tax Key(s): 104-04-22-12-058-000

Lot Size(s): ±1.022 acres

Current Zoning District(s): A-2, Agricultural District

Overlay District(s): N/A

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

Comprehensive Plan: Agricultural, Rural Residential, and Open Land

Background: The applicant is requesting variances from Section 16-6-2(b), which requires a street yard setback of 75 feet for structures built on parcels zoned Agricultural; and Section 16-10-3(a)(4), which states that detached accessory structures may be permitted in the street yard, provided that the street yard setback of the accessory structure is equal to or greater than the required setback for the district in question. The existing principal structure, built in 1999, is legal non-conforming, built on a corner lot with street yards to the south and west.

The applicant is requesting a variance to allow for a street yard setback of 20 feet to construct a 24' x 36' detached garage addition southeast of the existing single-family home. Exhibit A depicts the required setbacks for the parcel in question, along with the proposed structure.

The applicant has submitted a narrative explaining the need for the variance. Village staff does not provide recommendations regarding the request as staff has denied the proposed 24' x 36' detached garage addition to the existing single-family home as it does not comply with zoning code setbacks.

The following criteria should be used by the Zoning Board of Appeals when making a decision. 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 a street yard setback of 20 feet for a proposed 24' x 36' detached garage addition to the existing single-family home located at 5712 Old Oak Road, Parcel ID No. 104-04-22-12-058-000. Please include the findings of fact found by the Board with the motion.

Prepared by:



Natalia Nery de Farias
Planner/Zoning Administrator

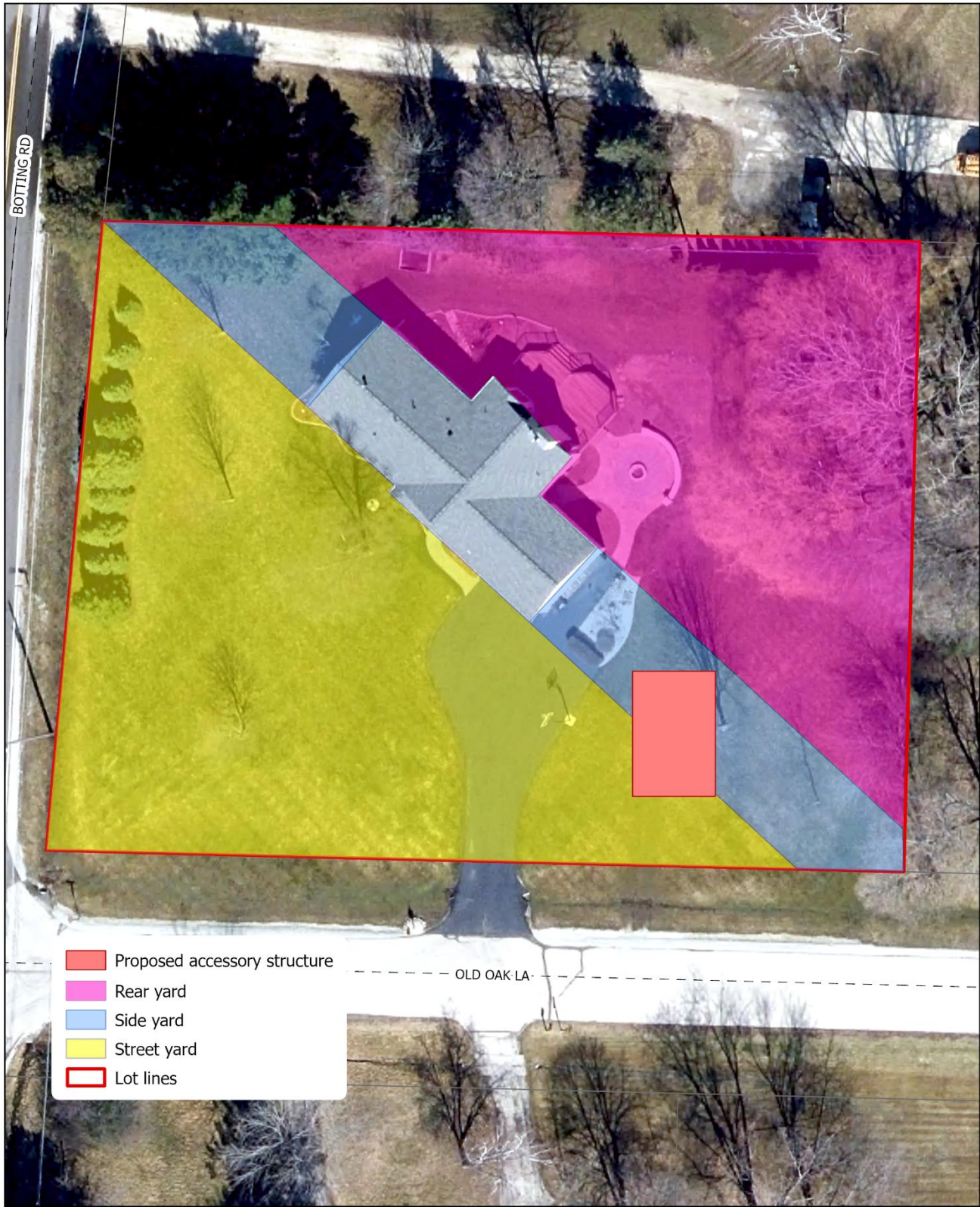
Respectfully submitted:



Peter Wagner, AICP
Development Director



5712 OLD OAK RD
EXHIBIT A





May 13, 2025

Jim Fox
1908 Cleveland Avenue
Racine, WI 53405
[email: jfox17@wi.rr.com]

RE: Denial Letter - Accessory Building
Section 16-10-3(a)(4): Location of Accessory Structures in Agricultural District
5712 Old Oak Road

Dear Jim Fox:

I have reviewed the accessory building permit application for a detached garage in the street yard of the property located at 5712 Old Oak Road. I am unable to approve the accessory building permit application because the proposed street yard setback of 34 feet does not meet the minimum 75-foot side yard setback to the property line as required for a detached accessory building in an agricultural district.

Municipal Code Section 16-10-3(b)(3) states:

Agricultural Zoned Parcels - Size, Location, and Setbacks: Parcels 3 acres or less and zoned Agricultural shall conform to Section 16-10-3(a): Residential Accessory Structures.

Municipal Code Section 16-10-3(a)(4) states:

Location: Detached structures are permitted in the rear and side yards only and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line. Structures greater than 1,500 square feet shall not be closer than ten (10) to a side or rear lot line. When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater.

Please consider this letter as an official denial to construct a detached garage at 5712 Old Oak Road as proposed. You have the right to appeal this decision per Section 16-3-1 of the Municipal Code, which allows a person to request a variance from the zoning before the Zoning Board of Appeals within thirty (30) days of written notice of the decision of the Zoning Administrator.

Please contact me if you have any questions regarding this matter. I can be reached at (262) 835-6446, or via email at pwagner@caledonia-wi.gov.

Sincerely,



Peter Wagner, AICP
Development Director

NOTICE OF PUBLIC HEARING

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Jim Fox
1908 Cleveland Avenue
Racine, WI 53405

Requests a variance from the following Municipal Code Sections:

Sec. 16-6-2(b), which requires a street yard setback of 75 feet for structures built on parcels zoned Agricultural.

Sec. 16-10-3(a)(4), which states that detached accessory structures may be permitted in the street yard, provided that the street yard setback of the accessory structure is equal to or greater than the required setback for the district in question.

If granted, this variance would allow the applicant to construct a 24' x 36' detached garage addition, located at 5712 Old Oak Road, Parcel ID No. 104-04-22-12-058-000 with a street yard setback of 20 feet.

Applicants are subject to Title 16: Zoning and Village Board of Appeals of the Village of Caledonia Zoning Ordinance.

The above petition is on file at Village of Caledonia Planning & Zoning Department, 5043 Chester Lane, Caledonia WI. The file is open to public view, 8:00 a.m. to 5:00 p.m., Mon. through Fri. The file is also available online at www.caledoniawi.zoninghub.com in the "Pending Applications" section. This location is handicap accessible. If you have other special needs, contact the Village of Caledonia Clerk at 262-835-4414. Questions regarding the public hearing please contact Natalia Nery de Farias, Phone#: 262-835-6419. Email: NFarias@caledonia-wi.gov

Rec # 506-720



BOARD OF APPEALS VARIANCE APPLICATION

Applicant (Please print or type)

Date: 4-29-25

Name: Jim Fox

Business Name: Deck It Out, LLC

Address: [Redacted]

City: [Redacted] State: [Redacted] Zip: [Redacted]

Phone: [Redacted] Email: [Redacted]

Property Owner (This section can be left blank if same as above)

Name: Nathan Schwartz

Business Name:

Address: 5712 Old Oak Rd.

City: Caledonia State: WI Zip: 534102

Phone: [Redacted] Email:

☐ Request for Variance

Generally Describe the Variance Request Here:

We propose to do a 24'x36' detached garage which is considered front yard due to positioning of house on lot. This lot is considerably lower than the house in back and on the side. They put swales on much of the property to control water leaving us with this location. We think keeping previous ground closest to the swales is necessary.

☐ Request for Interpretation of Zoning Ordinance and Reversal of Order, Requirement, Decision, or determination of Administration Official.

Attach a separate sheet listing reasons why you claim this order, requirement, decision, or determination is erroneous.

Location/Address: 5712 Old Oak Rd. Tax Key Number(s): 104042212058020

I certify that I have included all applicable submittal data and \$450 Filing Fee as outlined on the Board of Appeals Procedures sheet along with three (3) scaled hard copies and a full pdf digital file: Yes ☐

I hereby certify that I have read and fully understand the variance and developer's deposit procedures and failure to comply with the Village requirements will result in this application being withheld from consideration by the Village.

Nathan Schwartz
Signature of Property Owner

Nathan Schwartz
Print Name

5/29/25
Date

Jim Fox
Signature of Applicant (Working as Agent for owner)
VILLAGE OF CALEDONIA

Jim Fox
Print Name

4-29-25
Date

MAY 28 2025
RECEIVED

[illegible]

B.W. SURVEYING
LAND SURVEYS
MAPPING AND PLANNING
412 N. PINE STREET
BURLINGTON, W. 53105
• (414)-767-0225

Looking to do a
36'x24' detached
garage which would
approach front yard



THIS IS NOT AN ORIGINAL PRINT
UNLESS THIS SEAL IS BROKEN.

ROBERT J. WETZEL
NOVEMBER 18, 1998
DATE

Robert J. Wetzel
SS-1776
3750
JOB NUMBER