

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**  
**East Side Community Center-6156 Douglas Avenue - Racine, Wisconsin**  
**Tuesday, March 22, 2016 at 9:00 a.m.**

Chairperson Roseanne Kuemmel called the meeting to order at 9:00 a.m. Kuemmel read the meeting process. Board members may have visited the site before this meeting.

**1. Roll Call**

Board Members in attendance: Roseanne Kuemmel, Joan Rennert, Richard Mielke, Judith Tomachek, John Barnes

Staff Present: Jarmen Czuta of Racine County Development Services to assist the Board on regulations and requirements, Village Administrator Tom Christensen, Village Engineer Anthony Bunkelman

**2. Review and Possible Approval of Minutes from October 27, 2015**

Tomachek made a motion to approve the minutes from October 27, 2015. Barnes second. Voice vote 5/0. Motion carried.

**3. Public Hearing**

Howard and Debra White  
1701 4 Mile Rd.  
104-04-23-29-125-000  
James Fox, Agent

The proposed 24' x 24' detached garage will have an insufficient street yard setback.

Czuta read the public hearing notice:

Applicant requests a variance to raze the existing detached garage and construction a 24'x24' detached garage, located at 1701 4 Mile Road, Sec. 29, T4N, R23E, Village of Caledonia.

Permit was denied and a variance is requested as the proposed detached garage will have an insufficient street yard setback.

Applicants are subject to Article VI, Division 7, R-4 Urban Residential District I; Section 20-1017 Reduction or joint use; and, Sec. 20-1115 Accessory uses of the Village of Caledonia Zoning Ordinance.

Chairperson Roseanne Kuemmel swore in James Fox, Agent, 1908 Cleveland Avenue, d/b/a Deck It Out, Racine, WI.

Fox explained the Owner would like to take down the old garage and rebuild a 24'x24' detached garage in the same location. County Zoning requires a 25' setback, and currently there is a 5 ½' setback. Mielke asked how long the garage has been there. Fox stated since about 1952. Czuta explained the garage was constructed prior to Parry Avenue being built. Before Parry Avenue was built the garage was conforming, the road construction caused the garage to be

nonconforming. Fox explained the new garage would not be located any further east, just west and south. Kuemmel asked about the current state of disrepair on the existing garage. Fox explained the east side had rotted studs and it has been reinforced to stop it from falling down. Considering where the garage is located, its safer to raze and build new. Otherwise to move it back, mature trees would have to be taken down and the view would be lost. Kuemmel asked if the garage collapsed, could you rebuild on the same spot? Fox stated he could rebuild on the exact same spot and that County stated they did not want access on Parry, there was not enough visual because the back of the car would be on the road before you could look left or right.

Discussion followed on locations that could be considered.

Howard White stated he thought Jim Fox had covered it.

Czuta read the memo from Julie A. Anderson, Director of Racine County Public Works and Development Services dated March 18, 2016:

“Staff does not object to this variance request. The owners are proposing to raze an existing detached garage and construct a new detached garage with the same setback from the Parry Avenue right-of-way than the current structure. The proposed detached garage will have its vehicle access door on the north side, which should not be a hazard, as the existing driveway from 4 Mile Road will be utilized and there will be no vehicular access to Parry Avenue. Based on review of historical aerial photographs that our office has access to the current detached garage has existed in its current location since at least April 1967. The owners have stated that their lot is wooded with mature trees and constructing the proposed detached garage further back from the Parry Avenue right-of-way will require that some of these mature trees be removed and it would also block their view of the natural setting to the south. There is an existing development pattern in this area of the driveways and associated detached garages being placed on the east side of the residences. This variance does not appear to be contrary to the purpose and spirit of the ordinance, as the structure should be sufficiently set back from the Parry Avenue road right-of-way, the north entry should not cause safety issues as there is no vehicular access to Parry Avenue, and the existing tree and driveway locations cause hardship to locate a detached garage in a code compliant manner on this property. Furthermore, it should not adversely affect the neighboring property as the neighboring house to the south is over 125 feet away and the location should not create a nuisance, safety issue, or block views to the road. It is not unreasonable to allow construction of a detached garage to protect the owners’ belongings from the effects of the outdoor environment, as this would preserve the substantial property rights of the owners that are also enjoyed by others in this area. If approved, it should be clearly stated that the garage exterior be the same as or in harmony with the existing exterior of the residence, no part of this detached garage may be used for human habitation, and, that there be no vehicular access from the proposed detached garage to Parry Avenue. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome. If approved, the zoning permit fee for the detached garage would be \$120.00.”

Czuta read a memo from Village Engineer Anthony Bunkelman dated 3/8/2016. Bunkelman had no objection but wanted to make owner aware of the following information:

- “Racine County is responsible for the Right of Way of 4 Mile Road (County Trunk Highway G)
  - Racine County controls Access to County Trunk Highway G.
  - The existing driveway access for the property is out to County Trunk Highway G.
  - The existing access is close to the Intersection of Parry Avenue & County Truck Highway G.
    - Typical minimum driveway setback from an intersection is 50’.
    - Current driveway is 12’ to 15’ from the intersection.
    - In conversation with the Racine County Engineer, Racine County has no intention of eliminating the access out to County Trunk Highway G for the parcel at this time.”

The Owner should be aware that at some point in the future the driveway access out to 4 Mile Road could/should be eliminated and access for the property could/should be on the Village Road (Parry Avenue).

Bunkelman explained in the future, that driveway will probably be eliminated and forced on the side street. Tomachek asked if the garage would be grandfathered being it was built before Parry Avenue. Bunkelman said not necessarily.

Rennart made a motion to adjourn the Public Hearing portion of the meeting. Tomachek second. Voice vote 5/0. Motion carried.

Public Hearing portion of the meeting ended at 9:25 a.m.

Board did not take a break.

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

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

Tomachek stated she did visit the site and a new garage would be a huge improvement. Mielke would prefer to see the access off Parry Avenue. Czuta explained two access would not be allowed on the property (off Parry Avenue and off 4 Mile). The owner would have to remove the driveway and access point to 4 Mile Road which would significantly increase the cost. Kuemmel stated if it collapsed, he would be able to rebuild in the same spot anyway.

Czuta read the conditions for approval:

The Board granted approval as:

- 1) The Village Engineer had no objection to this request.
- 2) The Racine Co. Development Services staff, who is contracted by the Village to review Zoning matters, had no objection for this request per content in the memorandum dated March 18, 2016.
- 3) Submitted documentation and public hearing testimony established a need for a detached garage of this size to protect the owner’s belongings from the effects of the outdoor environment and the need to preserve the substantial property rights of the owner that are also enjoyed by others in this area.

- 4) The variance does not appear to be contrary to the purpose and spirit of the ordinance as the proposed detached garage is consistent with the existing development pattern in this area. Also, the existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance and the proposed detached garage will not encroach further into the required street yard setback.
- 5) Tree location as well as other obstructions, create a hardship and limit the location for proper placement of a detached garage on this property.
- 6) The request does not appear to create substantial detriment to adjacent property as: there was no opposition shown at the public hearing, and the public interest does not appear to be negatively impacted by this proposal.
- 7) To comply with the ordinance would render conformity with such restrictions as unnecessary burdensome.

The Board granted approve subject to the following conditions:

- 1) The proposed 24' x 24' detached garage shall be located and sized as shown on the submitted survey dated March 1, 2016.
- 2) The exterior of the 24' x 24' detached garage must be the same as or in harmony with the exterior of the existing residence.
- 3) No part of the 24' x 24' detached garage may be used for human habitation.
- 4) Unless required by the Racine County Engineer and/or the Village of Caledonia Engineer, there must be no vehicular access from the proposed 24' x 24' detached garage to Parry Avenue.
- 5) The applicant must allow full and unlimited access to the project site at a reasonable time to any Racine County Development Services Department or Village employee who is investigating the project's construction, operation, or maintenance.
- 6) Before beginning this project, the applicant must obtain a zoning permit card from the Racine County Development Services' office, and a building permit from the Village, after paying the required fee of \$120.00. These cards must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed.
- 7) This variance approval will expire September 22, 2016, unless substantial work has commenced pursuant to such grant. No construction may begin after such time unless an extension is granted in writing by the Village of Caledonia Zoning Board of Appeals.
- 8) The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses and for abiding by all applicable codes and regulations.
- 9) No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia Board of Appeals.
- 10) Failure to comply with the terms and conditions stated herein may result in the issuance of citation(s) and/or revocation of this approval/permit.
- 11) Your accepting this variance approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Howard and Debra White, their heirs, successors, and assigns are responsible for full compliance with the above conditions. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

Rennert moved to approve with the standard conditions complied with. Tomachek second. Voice vote 4/1. Motion carried. Mielke against, Kuemmel, Tomachek, Barnes and Rennert for.

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

No other business.

**C. Adjourn**

Tomachek made a motion to adjourn. Barnes second. Voice vote 5/0. Motion carried. The meeting adjourned at 9:35 a.m.

Respectfully submitted,  
Mary Jo Schmidt  
Eng/Bldg Adm Asst II  
Village of Caledonia