

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS
East Side Community Center-6156 Douglas Avenue - Racine, Wisconsin
Tuesday, April 26, 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, Richard Mielke, Judith Tomachek, John Barnes, Lisa Bell

Excused: Joan Rennert

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 March 22, 2016

Richard Mielke brought out a correction on the motion under **4A Decision on preceding petition**. Mielke had voted against the motion. Bell brought out a typo, Renard should be Rennert. Motion should read: "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.

Tomachek made a motion to approve the minutes from March 22, 2016 with corrections. Mielke second. Voice vote 5/0. Motion carried.

3. Public Hearing

Daniel Patzke
*Parcel west of 3929 W.
Johnson Ave.
PIN 104-04-23-30-043-000*

The proposed 12' x 16' shed will be located on a lot without the presence of a principal structure.

Czuta read the public hearing notice:

Applicant requests a variance to raze an existing 12' x 14' shed and construct a 12' x 16' shed, located at the parcel west of 3929 W. Johnson Avenue, Sec. 30, T4N, R23E, Village of Caledonia.

Permit was denied and a variance is requested as the proposed shed will be located on a lot without the presence of a principal structure.

Applicant is subject to Article VI, Division 5, R-3 Suburban Residential District (Sewered); Section 20-1007 Principal uses; Sec. 20-1008 Accessory uses; Sec. 20-1017 Reduction or joint use; and, Sec. 20-1115 Accessory uses of the Village of Caledonia Zoning Ordinance.

Kuemmel swore in Daniel Patzke, 6421 Bel Mar Avenue, Racine, WI 53402.

Patzke explained he is petitioning to replace the old rusty shed on the property he just inherited from his Father. His Father had a garden farm on this location for the last 65 years. The shed has now become an eyesore to him and his neighbors. The shed is used to store gardening equipment. Being he lives 3 miles away, he would like to build a new shed to store his garden equipment. His son has expressed interest in building a home on the parcel in the future.

Bell asked if the plot is still being farmed. Patzke said they already have the rototilling done and some plantings in. The garden is his hobby and a family tradition.

Kuemmel asked if anyone was present in support of the petition.

Joanne Baker, 3925 West Johnson Avenue, Racine, WI 53405 was present. She lives next door to the property and has no objection to a different shed on the property. The present shed should be replaced and would be an enhancement to the area.

No one was present in opposition.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated 4/22/2016:

“Staff does not support the granting of this variance request. There does not appear to be a necessary hardship demonstrated. Although the applicant has indicated that the proposed shed would be utilized to house mower and garden equipment used to maintain the property the zoning Ordinance clearly states that “Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction”. Although there is an existing shed, which is a nonconforming use, that is in very poor condition located at the subject property the granting of this variance will perpetuate the nonconforming use by allowing a new structure with a greater life to exist at the site. There are other options available to the applicant such as constructing a principal structure (a residence) at the subject property and then constructing an accessory structure if so desired or transporting the necessary property maintenance equipment to the subject property when visiting the property for maintenance purposes. There are no exceptional, extraordinary, or unusual circumstances or conditions that apply to this parcel to substantiate the granting of this variance. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located and the proposed shed is inconsistent as it would be located on a parcel of land that does not have a principle structure, which is not allowed by ordinance and is contrary to zoning objectives. Granting a variance of this nature would set precedent and is, therefore, recommended for denial.”

Czuta read a letter from Village Engineer Anthony Bunkelman, dated 4/12/2016:

“I am in receipt of the notice for the Village of Caledonia Zoning Board of Appeals Public Hearing for West Johnson Avenue Parcel ID 51-104-04-23-30-043-000. This notice was in reference to razing an existing 12’ x 14’ shed on the property and construction a 12’ x 16’ shed in a new location on the property without the presence of a principal structure.

I have reviewed the application and offer the following information.

- A non-conforming situation currently exists on the property.
- Records in the Village of Caledonia Assessors Office indicate that a shed was constructed in 1960.
- The tax bill for the property does not have an improvement value on it. It appears that the shed may be assessed to 3929 West Johnson Avenue.
- It is an assumption that this property and the abutting properties where one property in the past. This is based on the following:
 - The existing driveway loop between this property and 3929 West Johnson Avenue.
 - The lot configuration in the immediate area with this property and 3915, 3925, and 3929 West Johnson Avenue.
- The assumed split that created this lot and this non-conforming situation should not have occurred. The shed should have been moved at the time of the split or should have been restricted to being removed at the end of its useful life.
- The property owner could obtain a trailer and transport his mower and garden equipment to and from the site.”

Czuta read a letter that was hand-delivered today from the applicant, dated 4/1/2016, from Frederick J. Johnson:

“To Whom It May Concern:

In reference to the request for a variance by Daniel Patzke to raze a dilapidated old shed immediately adjacent to the property located at 3929 West Johnson Avenue in Caledonia.

We have resided at 3929 West Johnson Ave. for many years, the shed in question has been an eyesore for quite a while. When we sit on our patio or out in the yard there is the old dilapidated old shed. We would greatly appreciate it if you would grant him the variance to construct a new shed elsewhere on his land.”

Bell 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 9:20 a.m.

Board did not take a break.

4. Board Meeting

A. Decision on preceding petition

Kuettel stated the recommendation from public works and engineering is to deny this petition.

Tomachek said she agreed it would be an improvement, but by setting a precedent would bother her.

Meilke thought the Applicant had the right intentions to improve, but the law was clear. They have not shown a hardship or extraordinary circumstance and he would not be able to support the petition.

Kuettel has if this shed collapsed would they be able to replace it then. Czuta said not in this situation because there is not a home on the lot.

Czuta stated the Village of Caledonia Zoning Ordinance is what regulates and this is what they are asking a deviation from. The ordinance recognizes accessory structures on at least 10 acres of land zoned agricultural. The Applicant would not be required to raze the existing shed. Tomachek asked if the existing shed could be fixed up. Czuta said not in this case because there is not a home on the property.

Mielke made a motion to deny the petition for building a shed. Barnes second. Voice vote. 5/0. Petition was denied.

Czuta read reasons for denial:

“The Board denied this variance request as:

- The Village Engineer recommended denial pursuant to the 4/12/2016 correspondence.
- The Racine County Development Services staff recommended denial pursuant to the 4/22/2016 correspondence.
- The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located and the proposed shed is inconsistent with such as it would be located on a lot without the presence of a principal structure.
- There were no exceptional, extraordinary or unusual circumstances or conditions that apply to this parcel to allow for the granting of a variance.
- No variance shall be granted for a self-imposed hardship and in this case the Board find that the hardship was self-imposed because the applicant has other options available that will comply with the zoning ordinance including constructing a principal structure (a residence) at the subject property and then constructing an accessory structure if so desired or transporting the necessary property maintenance equipment to the subject property when visiting the property for maintenance purposes.”

B. Other business as authorized by law

No other business.

C. Adjourn

Tomachek made a motion to adjourn.

Barnes asked that in the future the Board talk in generality about situations like this one and the previous one. He had sympathy for the Applicant, but there are rules and they have to answer the four questions on the variance application in regards to a hardship in order for the Board to make a consideration.

Joanne Baker at 3925 West Johnson Avenue asked the Board to reconsider.

Mielke stated what he read in the four considerations, there was no unnecessary hardship. The handbook was not very clear as to when to allow a variance. He would like more information

and when a variances could be given if the rules say no. He felt there were not a lot of buildings on empty property.

Kuettel thought the old shed was an eyesore, but that he could leave as is. It seemed sensible to let him put up a new shed. Barnes stated that you cannot decide on what you like, it has to be based on the ordinances.

Mielke 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