

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**  
**East Side Community Center-6156 Douglas Avenue - Racine, Wisconsin**  
**Tuesday, July 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, John Barnes, Joan Rennert

Board Members absent: Judith Tomachek

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

**2. Review and Possible Approval of Minutes from April 26, 2016**

Kuemmel brought out a correction was needed on page 4, first sentence of the first paragraph. It should read “Kuemmel *asked* if this shed collapsed would they be able to replace it then.”

Mielke made a motion to approve the minutes with correction. Barnes second. Voice vote 5/0. Motion carried.

**3. Public Hearing**

Collin and Krystyn Hirsch  
5775 Stefanie Way  
104-04-22-19-008-290  
Struc Rite Design, Inc.,  
Agent

The proposed one-bedroom single-family residence (pool house) with attached garage, to be used in conjunction with the existing residence located at 5765 Stefanie Way, will have an insufficient side yard setback.

Czuta read the public hearing notice:

Applicant requests a variance to construction a one bedroom single-family residence (pool house) with attached garage and shared driveway and well, located at 5775 Stefanie Way, Sec. 19, T4N, R22E, Village of Caledonia.

Permit was denied and a variance is requested as the proposed one bedroom single-family residence (pool house) with attached garage, to be used in conjunction with the existing residence located at 5765 Stefanie Way, will have an insufficient side yard setback.

Applicants are subject to Article VI, Division 15.5, C-2 Upland Resource Conservation District of the Village of Caledonia Zoning Ordinance.

Kuemmel swore in Collin Hirsch, 5765 Stefanie Way, Caledonia, WI 53108, Owner.

Hirsch explained that this would be like an addition to his home. He would like to install a pool house for family use, the driveway would be shared.

Kuemmel said she did go out and look at the site. Mielke asked why the two lots couldn't be combined.

Kuemmel swore in Jason Romenesko, Struc Rite Design, Inc., Agent

Romenesko explained that combining the two lots was their initial path. But because the pool house is considered a home and you cannot have two residences on one lot, they are asking for this variance and leaving the two lots as is. The pool house is a one bedroom home. A long term thought was to utilize this as an in-law suite.

The Board did not have any other questions.

Czuta asked Romenesko to explain the proposed pool house.

Romenesko explained the covenant for the subdivision requires the initial design to resemble the existing home and that is what their intent is and mirror outside elevations. Currently the square footage is 2100 and it will be on a slab. There is a full kitchen, one bedroom, game room and adult poker room, with the pool in back. It is going to look like a house, not a recreational pool house.

Kuemmel asked if the Subdivision's Homeowner's Association was aware of the information. He said they were and the President of the Homeowner's is the residence on the other side of this lot.

No one was present in support or against.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated July 18, 2016.

“Staff does not object to this variance. The owners are proposing to construct a one bedroom single-family residence (pool house) with attached garage and shared driveway and well to be used in conjunction with the existing adjacent residence located at 5765 Stefanie Way. The variance is being requested as the proposed one bedroom single-family residence (pool house) with attached garage will have an insufficient side yard setback. A one foot side yard setback is being requested and a twenty-five foot side yard setback is what is required for this unit. This is a unique proposal as the proposed one bedroom single-family residence (pool house) with attached garage is proposed to be utilized in conjunction with the existing adjacent single-family residence located at 5765 Stefanie Way that is also owned by and resided in by the applicants. The applicants have illustrated as part of their application that they will record a deed restriction indicating that the proposed one bedroom single-family residence (pool house) with attached garage with an address of 5775 Stefanie Way located on Unit 29 of the Ponds II of Caledonia will not be sold separately from the existing residence with an address of 5765 Stefanie Way located on Unit 30 of the Ponds II of Caledonia. Also submitted documentation from the President of the Ponds II Board indicates that the Ponds II Board has granted variance approval for the requested 1'-0" side yard setback on

the east side of Unit 29, granted approval to utilize the existing well that services the existing residence located on Unit 30 to also service the proposed one bedroom single-family residence (pool house) with attached garage to be located on Unit 29, granted approval to utilize the existing approach/driveway for both Units 29 and 30 and also construct a new concrete slab/driveway extension that would cross the common lot line between Units 29 and 30, and also granted a square footage variance to accommodate the construction of the proposed one bedroom single-family residence (pool house) with attached garage. This variance does not appear to be contrary to the purpose and spirit of the ordinance, as the side yard setback requirements for the Ponds II of Caledonia are 25 feet, meaning a minimum required separation of 50' between adjacent residences, and based on the submitted plan the proposed one bedroom single-family residence (pool house) with attached garage proposed to be constructed on Unit 29 will be approximately 56' from the existing residence located on Unit 30. To locate the proposed one bedroom single-family residence (pool house) with attached garage a minimum of 25' from the east lot line of Unit 29 would place it further away from the existing residence located on Unit 30 which is the structure that it is intended to be utilized in conjunction with. Furthermore, it should not adversely affect the neighboring property as the neighboring house to the west is over 150 feet away and the appearance of the proposed one bedroom single-family residence (pool house) with attached garage should not create a nuisance as based on the submitted plan it will mirror the existing residence located on Unit 30. It is not unreasonable to allow construction of the one bedroom single-family residence (pool house) with attached garage as it will be used in conjunction with the existing residence also owned and resided in by the owners located on Unit 30 and also to protect the owners' belongings from the effects of the outdoor environment, as this would preserve the substantial property rights of the owners. If approved, it should be clearly stated that the one bedroom single family residence (pool house) with attached garage exterior be the same as or in harmony with the existing exterior of the residence located on Unit 30, prior to zoning permit issuance a copy of a deed restriction indicating that the proposed one bedroom single-family residence (pool house) with attached garage with an address of 5775 Stefanie Way located on Unit 29 of the Ponds II of Caledonia and proof of recording said deed restriction with the Racine County Register of Deeds office must be submitted to the Racine County Development Services office, and also a Plat of Survey prepared by a Land Surveyor registered in Wisconsin illustrating the staked location of the proposed one bedroom single-family residence (pool house) with attached garage to be located on Unit 29 as illustrated on the submitted plans must be submitted to the Racine County Development Services office prior to zoning permit issuance. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome. If approved, the zoning permit fee for the one bedroom single-family residence (pool house) with attached garage would be \$600.00."

Czuta read a letter from Village Engineer Anthony Bunkelman, dated July 15, 2016

"I am in receipt of the notice for the Village of Caledonia Zoning Board of Appeals Public Hearing for 5775 Stefanie Way. This notice was in reference to constructing a one bedroom single family residence with attached garage (to be

used in conjunction with the existing single family residence at 5765 Stefanie Way) with an insufficient side yard setback.

I have reviewed the application listed above and offer the following information in addition to the Racine County Public Works & Development Memo

- Records at the Village of Caledonia indicate that the existing single family home at 5765 Stefanie Way was constructed in 2005.
- The village Engineering Department does not have any objection to having this variance granted provided that all Village standards are met in regards to grading of the site and access to the site.
- There is significant elevation change (+7 feet) between the lots of 5765 & 5775 Stefanie Way. There also are 2 existing retaining walls near the common lot line of 5765 & 5775 Stefanie Way. The elevation change may dictate the building setbacks for the proposed garage and one bedroom single family residence. There will need to be a site specific grading plan submitted that meets all Village Standards and approved by the Village Engineering Department prior to the construction of this structure.
  - 6% maximum slope on the driveway.
  - Side slopes on swales not to exceed 4:1.
  - Centerline slopes of a minimum of 0.8%.
  - There shall be a minimum of 1' of positive pitch away from the structures due to the elevation change (High point of the Swales).
  - It appears that there will need to be significant material (spoil) removed from the site. Due to this, a Land Disturbance Permit will be required.
- The existing driveway is proposed to be utilized/extended to the proposed structure at 5775 Stefanie Way. Typically a shared driveway agreement would be required when 2 separate properties utilize the same driveway. Since there has been a deed restriction proposed to be recorded for the properties to always be in the same ownership the need for a shared driveway agreement will not be required. A copy of the Deed Restriction that is recorded on the property will need to be submitted to the Village Engineering Department.

(Pictures attached to Engineer's letter)

As the pictures show, there will need to be significant grading work done to accomplish what is proposed. The building setback from the side lot line may be dictated by the grading on the lot, the Finished Yard Grade of the proposed building, and the driveway slope to the proposed garage. Until a grading plan is received and reviewed it will be hard to determine if a 1' setback is appropriate.”

Czuta read an e-mail from Andrew Wagner, President Ponds II Board, dated June 6, 2016

“After neighborhood input and based on the submitted design plans, the Ponds II Board has decided to grant a Special Exception for lot 29 on the following items:

1. Variance Approval-side yard setback of 1'-0” at the east side of the property
2. Use of Well on Lot 30 for Lot 29 Approval-Use the well from Lot 30 for the pool house on Lot 29.

3. Concrete Approval-use of the existing approach/driveway for both lots 29 and 30. A new concrete slab would be extended from the existing to the pool house which would cross the property line.

4. Square Footage Variance of not less than 1900 square feet.

These variances are granted on a case by case basis and in no way represent approval for any future projects in the Ponds II Subdivision.”

Barnes made a motion to adjourn the Public Hearing portion of the meeting.

Mielke asked the applicants if they knew once the Public Hearing portion of adjourned, no new information could be added.

Christensen asked the Agent if he was confident based on Bunkelman’s memo that they can get the grading to that point. Romanesko stated the garage is the only thing, there will be 5 to 6 steps to the residence. There will be some excavating at the garage and footings. He felt they would achieve the 1’ offset by the way the building was designed.

Rennert second. Voice vote 5/0. Motion carried

Public Hearing portion of the meeting ended at 9:26 a.m.

Board did not take a break.

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

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

No objections from the Board. Czuta wanted to add for future justification, when he started talking with the applicant months ago, the initial direction given was to combine the lots. But Ponds II was platted as a condo development. When the applicant got in touch with an attorney to combine, there were all kinds of problems that came up, that is why they went this route.

Rennert moved for approval. Mielke second. Voice vote 5/0. Motion carried.

Czuta gave an overview of reasons for approval:

1. The Village Engineer had no objection to this request.
2. The Racine County Development Services staff, which is contracted by the Village to review zoning matters, had no objection for this request per content in the memorandum dated July 18, 2016.
3. Submitted documentation and public hearing testimony established a need for the reduced side yard setback to accommodate the proposed one-bedroom single-family residence (pool house) with attached garage, to be used in conjunction with the existing residence located at 5765 Stefanie Way to preserve the substantial property rights of the owner that are enjoyed by others in the area.
4. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing and the President of the Ponds II Board submitted written support for this proposal and the public interest does not appear to be negatively impacted by this proposal.

The Board granted approval subject to the following conditions:

1. The proposed one-bedroom single-family residence (pool house) with attached garage, to be used in conjunction with the existing residence located at 5765 Stefanie Way shall be located and sized as shown on the submitted plan dated June 29, 2016.
2. The applicant shall submit a plat of survey showing the staked location of the dwelling prior to the issuance of the zoning permit.
3. The applicant shall submit a deed restriction indicating that the proposed one-bedroom single-family residence (pool house) with attached garage with an address of 5775 Stefanie Way located on Unit 29 of the Ponds II of Caledonia will not be sold separately from the existing residence with an address of 5765 Stefanie Way located on Unit 30 of the Ponds II of Caledonia and proof of recording said deed restriction with the Racine County Register of Deeds office must be submitted to the Racine County Development Services office prior to issuance of the zoning permit.
4. The exterior of the one-bedroom single-family residence (pool house) with attached garage must be the same as or in harmony with the exterior of the existing residence located at 5765 Stefanie Way.
5. The applicant must obtain private sewage system review approval from the Racine County Development Services office prior to issuance of a zoning and building permit.
6. It is recommended that this project be reviewed or designed by a registered engineer who can certify that the retaining walls are functionally and structurally adequate for this project. The Village and Racine County do not warrant these walls against design or structural failure and will accept no liability through the issuance of a zoning/building permit. If the retaining walls become damaged or destroyed, it is the responsibility of the property owner to repair or replace these walls.
7. 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.
8. 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 zoning permit fee of \$600.00. The card 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.
9. This variance approval will expire January 26, 2017, 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.
10. 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.
11. No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia Board of Appeals.
12. 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.
13. Your accepting this variance approval means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Collin and Krystyn Hirsch, 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.

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

No other business.

### **C. Adjourn**

Barnes made a motion to adjourn the meeting. Kuemmel second. Voice vote 5/0. Motion carried. The meeting adjourned at 9:31 a.m.

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