

**NOTICE OF VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS
PUBLIC HEARING**

**Tuesday, December 21, 2021 at 9:00 a.m.
Caledonia Village Hall – 5043 Chester Lane**

THIS WILL BE AN IN-PERSON MEETING

1. Roll Call
2. Review and Possible Approval of Minutes
3. Public Hearing
 - A. Patrick Krukowski
*7023 Whitewater Street
Racine, WI 53402*

Requests a variance from Municipal Code Section 20-1115 which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts
4. Board Meeting
 - A. Decision on preceding petition
 - B. Other business as authorized by law
 - C. Adjourn

Dated December 17, 2021

Joslyn Hoeffert
Village Clerk

VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS

Village Hall, 5043 Chester Lane, Racine, WI 53402

Tuesday, February 23, 2021 at 9:00 a.m.

Chairperson Rosanne Kuemmel called the meeting to order at 9:12 a.m.

1. Roll Call

Board Members in attendance: Rosanne Kuemmel, Richard Mielke, John Barnes and Lisa Bell.

Absent: Joan Rennert was excused.

Staff Present: Development Director Peter Wagner

2. Move to Review and Possible Approval of Minutes from August 25, 2020 to the next Board of Appeals Meeting.

Rosanne Kuemmel read the meeting process.

3A. Public Hearing

Dave Milaeger
3900 Valley Road
Racine, WI 53402

Request a variance from
Section 20-298 reducing the
street yard setback from the
minimum 35-foot
requirement.

Peter Wagner swore in the applicants, Dave & Elsa Milaeger.

Dave & Elsa Milaeger –3900 Valley Road- explained their reason for the variance request was to build a new home or expand their current home using the existing footprint to extend to their detached garage. There is a public right-of-way that runs on the private road, which bisects through their property causing setback issues where they would like to build a new home or new addition to existing home.

Peter Wagner read from his report:

“Dave Milaeger.
104-04-23-30-117-000
3900 Valley Road
Racine, WI 53402

The applicant is requesting a variance from Section 20-298 which states that the minimum street yard setback for a principle dwelling in the R-3 District is 35 feet. The applicant is proposing to construct a home addition and possibly a new home on the site that is less than the minimum street yard setback. Currently, there exists a 988 square-foot single family home, constructed in 1950, located on the eastern portion of the property. The parcel is bisected by a recorded public right-of-way (illustrated in red on the included site plan map) that makes the existing home legal non-conforming. Any addition to the home or new construction in the current home area will require a variance from the code.

The home is located off Valley Road which is both a public and private road. Approximately 940 feet west of the subject property, Valley Road becomes a private gravel road, which is maintained by the residents who reside along the gravel road. The area is serviced by sewer, but not water. Staff worked with the applicant on alternatives to make the home conforming. One alternative considered was to relocate the north/south right-of-way further to the west, however, the Village owns a sanitary sewer easement within the identified right-of-way making this option not viable. The existing east/west right-of-way to the north of the existing home has no roadway. This right-of-way ends at the river. To the east of the river is a parcel that is owned by Racine County. Staff contacted the Racine County Department of Development Services asking if the County wanted any roadway connecting Valley Road to this property. Racine County stated that they have no intention of ever connecting this parcel to Valley Road. As a result, this right-of-way will never be improved as a roadway.

The Water Utility Department, Public Works Department, and Fire Department did not indicate any concerns with development in the area with the understanding any proposed development complies with all other codes.

The following criteria should be used by the Zoning Board of Appeals to make a decision. An applicant does not need to meet all the criteria, however, 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.

Rosanne Kuemmel opened the Public Hearing portion of the meeting at 9:20 a.m.

Rosanne asked if anyone wanted to speak in favor of the variance.

Anne Swanson 3908 Valley Rd – spoke in favor of the variance to not restrict the Milaegers from expanding their home.

Randall Rygh 3810 Valley Rd – spoke in favor of the Milaegers to be granted the variance.

Rosanne asked if anyone wanted to speak against the variance.

None.

Rosanne Kuemmel closed the Public Hearing portion of the meeting at 10:02 a.m.

4. Board Meeting

A. Decision on preceding petition.

The Board of Appeals discussed the different and unusual circumstances the Milaegers had to work with on their property and why they were requesting the variance.

Rosanne Kuemmel motioned to grant a variance allowing the applicant to construct a home addition or new home with a 5'-0" setback from the public right-of-way on the western elevation of the home and a 0'-0" setback from the public right-of-way on the northern elevation of the home for the property located at 3900 Valley Road with Parcel ID No. 104-04-23-30-177-000 for the following reasons:

-Exceptional Circumstances: the parcel having a unique situation of a private road located within a public right-of-way, which bisects the applicant's parcel.

-Absence of Detriment: this variance will not create absence of detriment to adjacent properties or materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

-Preservation of Intent: this variance is consistent with the purpose and intent of the regulations for the district in the which the development is located.

Lisa Bell second. Motion carried unanimously.

B. Other business as authorized by law

No other business.

C. Adjourn

Richard Mielke made a motion to adjourn the meeting. John Barnes second. Motion carried unanimously.

The meeting adjourned at 10:23 a.m.

Respectfully submitted,
Erika Waege
Building/Engineering Admin.
Village of Caledonia

NOTICE OF PUBLIC HEARING

Is hereby given that the Village of Caledonia Zoning Board of Appeals will hold a public hearing at 9:00 a.m. on Tuesday, December 21, 2021, in the Caledonia Village Hall at 5043 Chester Lane, Racine, Wisconsin. This location is handicap accessible. The purpose of the hearing is to hear appeals for relief from Chapter 20 (Zoning) of the Racine County Code of Ordinances, which has been adopted by the Village pursuant to Title 16 of the Code of Ordinances of the Village of Caledonia, of:

Patrick Krukowski
7023 Whitewater Street
Racine, WI 53402

Requests a variance from Municipal Code Section 20-1115 which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts.

If granted, this variance would allow the applicant to construct a detached garage with a setback of five (5) feet from the principal dwelling, located at 7023 Whitewater Street, Parcel ID No. 104-04-23-08-062-000.

Applicants are subject to Art. VII, Div. 6, Height and Area Regulations and Sec. 20-298 of the Village of Caledonia Zoning Ordinance.

The above petition is on file with the Village of Caledonia at 5043 Chester Lane and the file is open for public review prior to the hearing date from 8am-5pm, Monday through Friday.

Questions regarding the public hearing please contact Peter Wagner.

Phone#: 262-835-6446
Email: pwagner@caledonia-wi.gov



BOARD OF APPEALS VARIANCE APPLICATION

Applicant (Please print or type)

Date: 11/23/2021

Name: Patrick E. Krukowski

Business Name:

Address: 7023 Whitewater St.

City: Racine

State: WI

Zip: 53402-1277

Phone: 262-681-0925

Email: jjarp1@gmail.com

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

Name:

Business Name:

Address:

City:

State:

Zip:

Phone:

Email:

Variance Information

Location/Address: 7023 Whitewater St.

Tax Key Number(s): 104-04-23-08-062-000

Generally Describe the Variance Request Here:

We are requesting the variance to allow the garage to be built less than 10 feet from the house. See the attached narrative for more details.

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 ten (10) 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.

Patrick E. Krukowski

Signature of Property Owner

Patrick E. Krukowski

Print Name

11/23/2021

Date

Signature of Applicant (Working as Agent for owner)

Print Name

Date

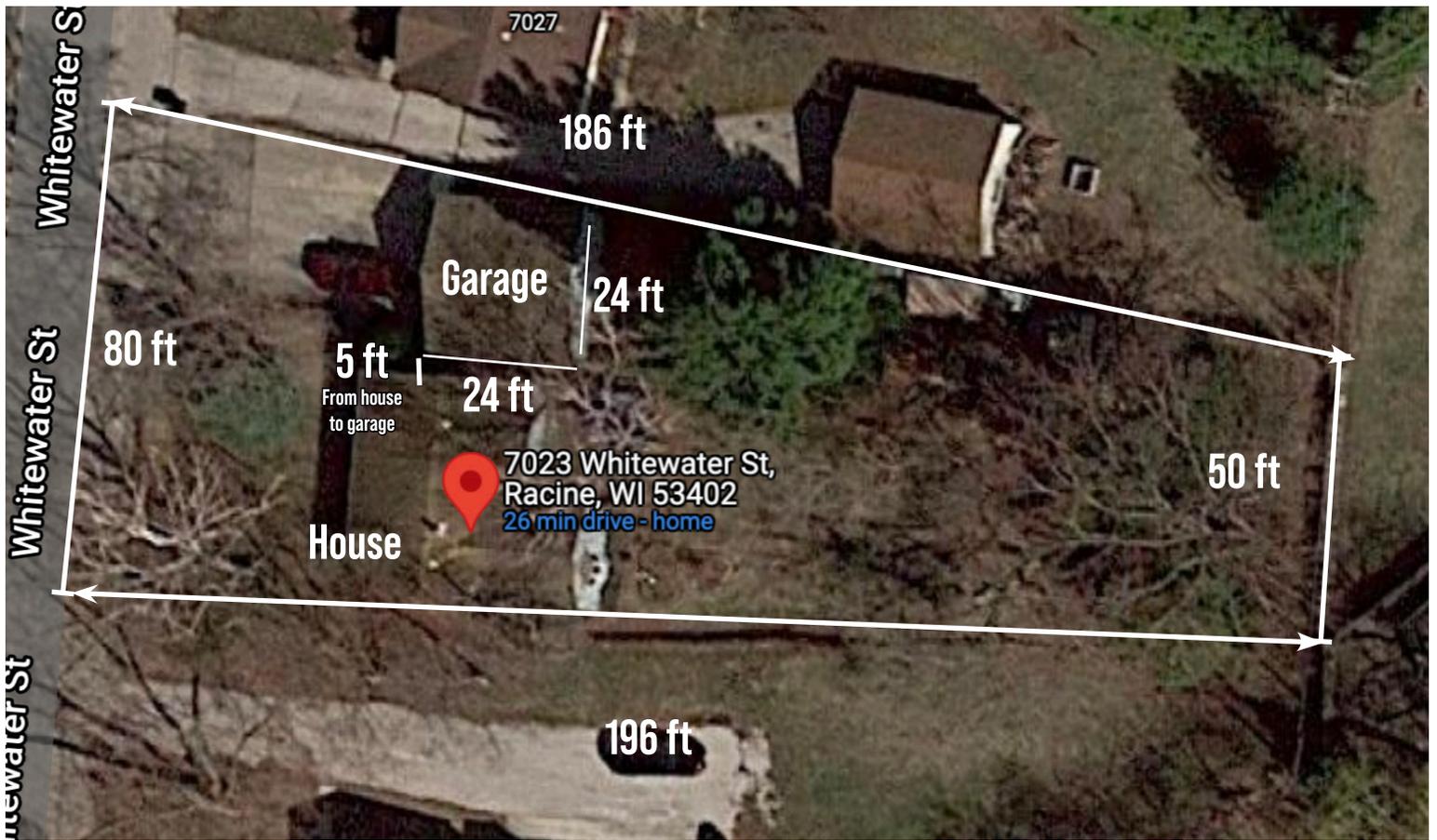
We are requesting the variance to allow the garage to be once again built less than 10 feet from the house, in order to preserve the intent of the property, and preservation of property rights, which is to have a two car garage, as the neighboring properties also enjoy, and to fit into the existing footage and shape occupied by the garage on the lot. The house was built in 1953 with the added footprint of a detached two car garage next to the house, which was already here when we bought it in 1975. Our intention is to preserve the same existing footprint of the garage by building it in the same location, which is only possible by allowing it to continue to be within 10 feet from the house.

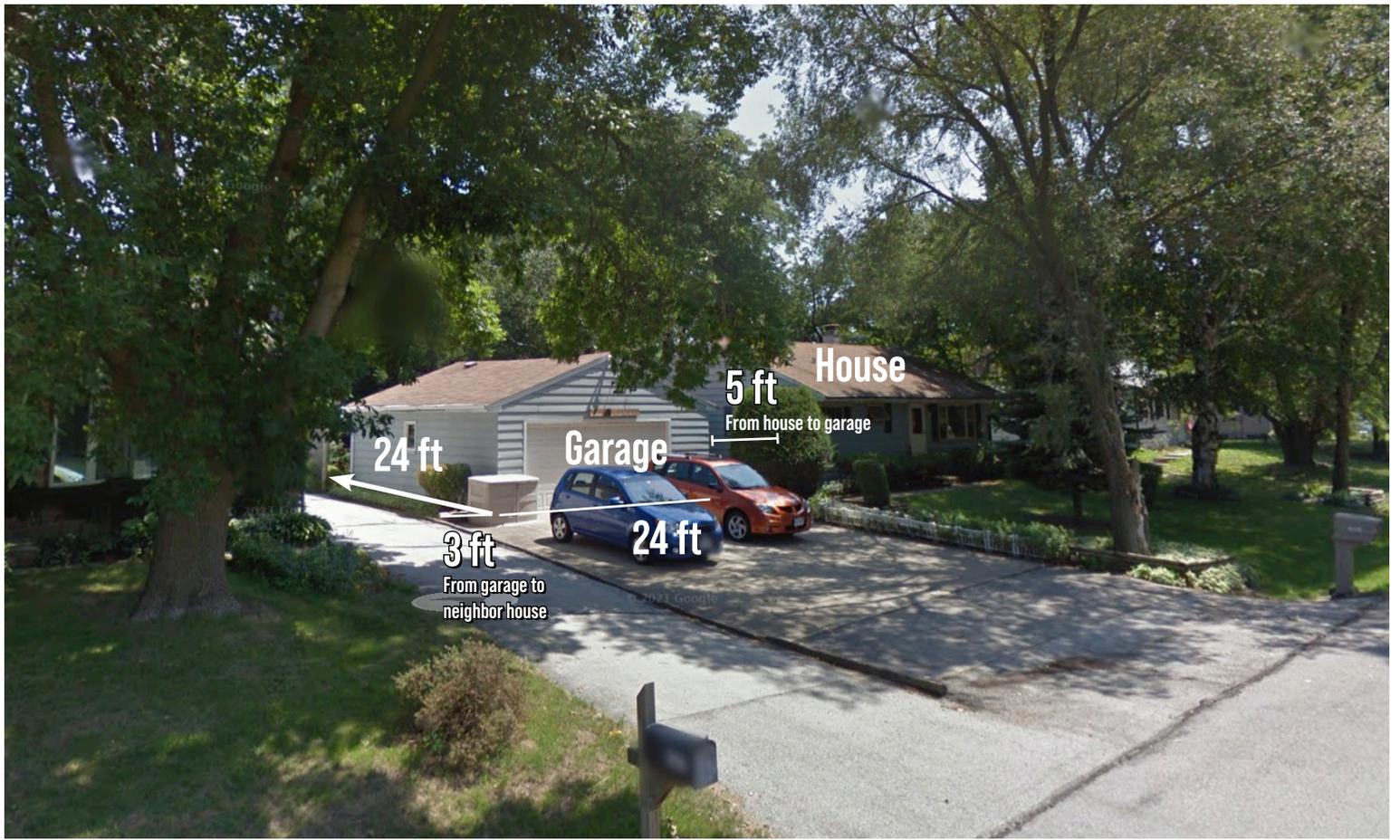
Moving the garage to be 10 feet away would decrease the dimensions of the garage by 5 feet, as the opposite wall needs to be 3 feet from the property line as needed by the new ordinances, so could not shift to allow for more space. The shape of the yard as well becomes narrower heading to the back of the lot, not allowing for it to be moved further back into the yard without again compromising its size or the intention of how the back yard is used. Moving the garage to fit in the new guidelines would decrease the size of the garage to 19 feet wide, preventing it from being used in the same manner, again making the location of a two car garage where it is the best option for the lot. The garage also could not become an attached garage, as the design of the house does not offer that option. The closest entrance to the house is toward the opposite side, not making an attachment to that current entrance possible. The walls nearest the garage are bedrooms all with windows facing the back yard, not making a closer entrance possible either with the current design of the house.

The house has no basement, only a crawl space, and is heated with oil. The fuel tank is in the garage on the side nearest the house to feed that need, so takes up several feet of garage space and would need to be in the same location. If we would need to build 10 feet from the house, decreasing the size of the garage to only 19 feet wide, the oil tank would take a few feet of that width, making it impossible to service as a two car garage. The garage is also our storage due to the lack of basement, so a smaller garage would take away from the existing purpose used. The wall nearest the house used drywall, which protected the house from the fire, and we intend to built it the same again. Over the years we have planted many trees, flowers, shrubs and built a park-like backyard complete with wooden walkways, pergolas and a gazebo, which also borders and extends from the back of the garage.

To adhere to the new codes of 2021, and preserve the intention of a two car garage as others have in the neighborhood, and allow the oil tank to heat the house to be housed in that garage, aid would not be possible. Keeping the garage in its existing location and not changing the size, but fit in the same footprint as designed in 1953, would not disrupt the interest of the neighborhood, but instead continue to conform to the neighborhood's intent and preserve the same property rights others in the same vicinity possess.

The garage – house distance is currently 5 ft. This distance will maintain integrity of the property. And we need to use the existing foundation and again will put drywall on the wall closest (South wall facing the North side of the house), to the house as if it were attached.







Zoomed in version to show 5 foot walk way between garage and house

1080 Sq. Ft.
House

-5 ft.-

Garage

Walkway







ZONING BOARD OF APPEALS REPORT

Proposal: Request a variance from Section 20-1115 which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts.

Description: Review of a variance request from Section 20-11158 which requires a minimum 10-foot setback from a principal structure. The applicant is proposing to replace a fire damaged garage with a same-sized garage with a setback of five (5) feet from the home and three (3) feet from the side lot line.

Applicant(s): Patrick Krukowski

Address(es): 7023 Whitewater Street

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

Owner(s): Patrick & Janice Krukowski

Tax Key(s): 104-04-23-08-062-000

Lot Size(s): ±0.289 acres

Current Zoning District(s): R-5, Urban Residential District II

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 20-1115: Accessory Uses to allow the property owner to build a detached accessory structure three feet from the home and side lot line. The reason for this request is the result of the existing garage being destroyed by a fire.

The home was built in 1953. The Village has no record of the when the garage was built, but assume it was built at the same time or shortly after the construction of the home. Village staff determined that the garage on the property was a legal non-conforming structure. Meaning that the structure no longer complied with current zoning code requirements for detached accessory buildings but could legally remain on the property. However, if destroyed and needed to be rebuilt, the property owner would be required to meet the existing zoning code regulations pertaining to any new detached accessory structure on the property.

The applicant is requesting a variance from Section 20-1115 which states which states that the minimum setback for a detached accessory structure from a home is ten (10) feet in all residential zoning districts. The applicant is proposing to construct a same-sized, detached garage in the same location. To located the garage in the same location, a variance is required to allow for the construction of the garage with a 5-foot setback from the home. The garage will meet the current side lot line setback requirement of three feet.

The Water Utility Department, Public Works Department, and Fire Department did not indicate any concerns with development in the area with the understanding any proposed development complies with all other codes.

The following criteria should be used by the Zoning Board of Appeals to make a decision. An applicant does not need to meet all the criteria, however, 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.

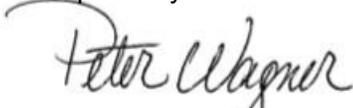
Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

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 to construct a detached garage with a setback of 3 feet from the home and side lot line for the property located at 7023 Whitewater Street, Parcel ID No. 104-04-23-08-062-000 including the findings of fact found by the Board.

Respectfully submitted:



Peter Wagner, AICP
Development Director

Monday, December 13, 2021

Peter Wagner
Development Director
5043 Chester Lane
Racine, WI 53402

Re: Caledonia Zoning Board of Appeals – December 21, 2021
Patrick Krukowski, Owner - 7023 Whitewater Street, S8, T4N, R23N, Village of Caledonia

Dear Mr. Wagner:

The Engineering Department is in receipt of the notice for the Village of Caledonia Zoning Board of Appeals Public Hearing for 7023 Whitewater Street. This notice was in reference to constructing a 24' x 24' detached garage with an insufficient setback from the primary residence to replace a 24' x 24' detached garage that has sustained fire damage at the same location on the lot at the above address.

The Engineering Department has reviewed the application and offers the following information.

- The Engineering Department does not have any objections to having this variance granted provided that all Village Standards are met in regard to access and grading for the site.
- The homes at 7023 and 7027 Whitewater Street have a combined driveway out to Whitewater Street. This combined driveway does not allow for proper side yard and front yard runoff for portions of the lots to drain out the road ditch without discharging directly to the road. It is recommended that the culverts are separated, or an inlet be installed between the driveways over the culvert to collect this drainage.
- There does not appear to be an appropriate side yard swale along the common lot line to ensure proper drainage away from the garage. It is recommended that a portion of the driveway be removed so that a proper side yard swale can be installed and maintained.
- The Finished Floor of the existing garage appears to be too low. It is recommended that the Finished Floor be raised a minimum of 4' or be a minimum of 4" above the FYG of the home.
- Will need to install gutters and downspouts on the garage to control the roof runoff. Discharge of the downspouts shall not create a problem with abutting properties or icing of the road Right of Way.
- The owner will need to obtain a Building Permit and provide all necessary information to allow the Building Permit to be processed. This shall include but not be limited to Building Plans and a Grading Plan.

If there are any questions in regard to this review, please contact me to discuss.

Sincerely,



Anthony A. Bunkelman P.E.
Public Services Director