

**VILLAGE OF CALEDONIA ZONING BOARD OF APPEALS**  
**Village Hall, 5043 Chester Lane, Racine, WI 53402**  
**Tuesday, February 27 at 9:00 a.m.**

Chairperson Kuemmel called the meeting to order at 9:00 a.m.

**1. Roll Call**

Board Members in attendance: Rosanne Kuemmel, Richard Mielke, John Barnes, Joan Rennert.

Judy Tomachek not present

Staff Present: Jarmen Czuta of Racine County Development Services to assist the Board on regulations and requirements

Kuemmel read the meeting process. Board members may have visited the site before this meeting.

**2. Review and Possible Approval of Minutes from December 19, 2017**

Richard Mielke made a motion to approve the minutes from December 19, 2017. John Barnes second. Voice vote 5/0. Motion carried.

**3A. Public Hearing**

Mark and Dawn Anich  
6547 Charles Street  
104-04-23-17-033-000  
Dennis Anich, Agent

The proposed addition to the existing residence will have an insufficient side yard setback.

Czuta read the public hearing notice:

Requests shoreland conditional use approval and a variance to construct a ±1614 square-foot addition to the existing residence at 6547 Charles Street, Section 17, T4N, R23E, Village of Caledonia.

Permit was denied and a variance is requested, as the proposed addition to the existing residence will have an insufficient side yard setback.

Applicants are subject to Art. VI, Div. 5 R-3 Suburban Residential District (Sewered), Art. VI, Div. 36 SSO Structural Setback Overlay District, Art. VII, Div. 3 Shoreland, Art. VIII, Div. 8 Shoreland Uses, and Sec. 20-1017 Reduction or joint use of the Village of Caledonia Zoning Ordinance.

Kuemmel swore in Dennis Anich, Applicant, 615 E. Laverne Drive, Oak Creek, WI. This home was purchased by his son 1 year ago. It was built in 1954. Little to no renovations have been done to the house since it was built. The house was not built perpendicular to the lot line with one point being 7 ½ feet away from lot line. This proposed addition of the kitchen and garage will decrease that setback to

6 ½ feet. The addition will increase the size of the kitchen area and the garage area, The bedrooms and baths will stay the same. The addition will cost between \$175,000 to \$200,000.

Richard Mielke stated that the Board needs a reason why to allow the variance. The first point was this 7 ½ ft. setback is a mistake from the past.

Anich stated that is because this is an odd shaped lot and the home was not built perpendicular to the lot line, which put that one point at less than 10 feet. This limits what can be done. If the addition was put on the opposite side of the house it will reduce the site of the lake for the neighbors. The neighbors said they have no problem with this being closer to the lot line.

Mielke asked why not add on to the south where there was more room.

Anich stated that you would have to redesign the entire home to add the kitchen there, the south side is the bedrooms and baths. It did not make sense to relocate bedrooms to expand the kitchen, with the existing kitchen located on the north side of the home. They had no control when the house was built, it is a well-built home and its not practical to go any other way.

Jarmin Czuta had no specific questions. His questions on the proposed layout of the addition and orientation of the existing house were addressed.

There was no one present in support.

No one was present in opposition.

Czuta read a memo from Julie Anderson, Director of Racine County Public Works and Development Services, dated: 2/20/2018.

“Staff does not object to this variance request. The applicant intends to construct a ±1614 square-foot addition to the existing residence that will have an insufficient side yard setback. The applicant has indicated that the existing residence was constructed in 1954. Based on submitted documentation the existing residence currently has a side yard setback of 7.33 feet from the north lot line. The subject property is zoned R-3 Suburban Residential district (Sewered). The R-3 zoning district requires a 10-foot side yard setback. Based on the orientation of the existing residence in relation to the north lot line, not being parallel to, if the existing wall of the residence is extended west the existing side yard setback will be reduced, thus requiring a variance. As previously stated, the existing residence currently has a side yard setback of 7.33 feet and the proposed addition will have a side yard setback of 6.5 feet which is a mere 0.83 of a foot closer to the side lot line than what exists. The applicant has also indicated that if an addition were constructed on the shore side of the residence that the northerly neighbor’s view of Lake Michigan would be impaired. The northerly neighbors, who will be most impacted by the proposed addition have submitted written support for the variance request. The variance does not appear to be contrary to the purpose and spirit of the ordinance as the existing residence currently has a side yard setback that is less than required for the zoning district and the orientation of the residence in relation to the north lot line makes it very difficult to add on to the west side of the residence without the addition getting closer to the north lot line and the most impacted neighboring property owner has submitted written support for this proposal.”

Czuta read a letter of support from George and Carolyn Nellesen, 6603 Charles Street, dated 1/23/2018:

“As the owner of the property at 6603 Charles Street, my lot is the adjacent property to the North of Mark and Dawn Anich’s property and the proposed addition to the Northwest corner of their house at 6547 Charles Street. I understand that the current ordinance for side lot easement is 10 feet and the house is currently 7.3 feet from the lot line. The proposed addition to Mark and Dawn Anich’s house would bring house to 6.5 feet from the property line.

I will like to record that I do not have any objection to the addition as currently planned to Mark and Dawn Anich’s home at 6547 Charles Street. This addition will move the Northwest corner of the house 26 feet to the west and within 6.5 feet of the property line.”

**John Barnes made a motion to adjourn the Public Hearing portion of the meeting. Joan Rennert second. Voice vote 5/0. Motion carried.**

Public Hearing portion of the meeting ended at 9:17 a.m.

Board did not take a break.

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

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

Czuta stated there are some standard conditions for approval which will be outlined in a memo. One requirement, due to the location to Lake Michigan, the applicant is also requesting a Shoreland Conditional Use. Also, Caledonia Engineering has reviewed and if this were to receive approval there are a number of conditions to be complied with.

Mielke felt the Applicant had a reasonable explanation as to why the variation should be given.

Kuettel had the same question of why not add on to the south, but felt the proposed plan is more realistic as drawn up. This new addition will be less than 1 foot. The neighbors are happy it won't be blocking their view to the Lake.

The Board approved this variance request as:

1. The Village Director of Public Works has no objection for 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 February 20, 2018.
3. Submitted documentation and public hearing testimony established a need for additional living space in this structure and an attached 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 addition is consistent with the existing development in this area and the existing structure was built prior to the adoption of the revised Racine County Zoning Ordinance.

5. The request does not appear to create substantial detriment to adjacent property as area property owners' submitted written support for this proposal and the public interest does not appear to be negatively impacted by this proposal.

6. The waters of the state will be protected by implementing required erosion control measures and shoreland conditions.

7. To comply with the ordinance would render conformity with such restrictions as unnecessarily burdensome.

The Board granted approval subject to the following conditions:

1. The proposed addition to the existing residence shall be located and sized as shown on the submitted plan dated 1/26/2018.

2. The exterior of the addition must be the same as or in harmony with the exterior of the building to which it is being attached.

3. To prevent sedimentation from entering onto an abutting property or into areas of concentrated flow, silt fencing must be installed as proposed on the submitted survey. Install silt fence before earth disturbance begins; silt fence shall remain in-place and be maintained until the area is no longer susceptible to erosion; remove silt fence when vegetation is established. See attached "Silt Fence" sheet for installation instructions.

4. Storm water drainage plan review, approval, and regulation are the Town's responsibility. The property owner must contact the Town for approval of the proposed finished yard grades and any proposed changes to the storm water drainage pattern on-site. The Town has the authority to not issue a building permit until they have approved a storm water drainage plan for the site.

5. Only remove trees as necessary for construction.

6. Do not allow stockpiles or soil disturbances beyond the property lines. Stockpiles must be located within the confines of the silt fence, with side slopes of 2:1 or flatter. The topsoil stockpile must be temporarily seeded within seven (7) days after formation. All other disturbed soil must be temporarily seeded within seven days after the foundation is backfilled or the rough grading is completed. Seed all disturbed soils with five (5) lbs. of perennial ryegrass per 1,000 sq. ft. and mulch.

7. A minimum of three inches of topsoil must be on the surface prior to seeding and/or sodding.

8. All proposed structures must have rain gutters and downspouts installed within 14 days after the completion of the roof and associated fascia treatment. The downspouts must outlet away from buildings in a manner to prevent soil erosion. Downspouts cannot outlet directly into the lake.

9. Permanent seeding and mulching or sodding of all disturbed soil areas must be completed within seven (7) days after final grading. All permanent seeding must be finished prior to September 1, 2018.

10. Prior to the issuance of a Zoning & Building Permit the owner will be required to receive a variance approval from the Zoning Board of Appeals to construction a structure (garage) closer than the minimum side yard setback required by code. A surveyor shall stake and certify that the new building addition is located per approved plans.

11. Prior to the issuance of a Building Permit the owner will be required to receive a variance approval from the Village to construct a structure (garage) larger than 720 square feet in a residentially

zoned area. Owner shall contact the Village Engineering Department (262-835-6428) for the variance procedures.

12. A proposed site grading and drainage plan acceptable to the Village will need to be provided prior to the release of the Building Permit. The site grading, finished yard grade elevations, driveway, and erosion control plans must conform to Village of Caledonia requirements as specified in the Building Permit. Existing and proposed spot grades are to be shown. Any proposed patios, driveways, decks, retaining walls, and partial exposures must be shown on the survey/grading plans.

13. The Building Plans must conform to the Site Grading Plans as approved by the Village for the Variance & Building Permit. Grading and driveway installation must be done so as to ensure proper drainage away from all buildings is provided and to ensure that proper drainage is maintained. Grading, swales, and drive must provide positive pitch away from all structures. Swales to be a minimum of 8" below the FYG's with centerline slopes of no less than .8%. Swales around the building may need to be shown with specific spot elevations opposite the building lines extended. Side slopes on all grading are not to exceed 4:1. This may require the installation of retaining walls or exposing the foundation walls to achieve.

14. Beware of possible drain tiles. If hit or damaged, the Public Works Director is to be notified for repair and inspection instruction. Roof runoff, downspouts, and sump pumps must be discharged to ensure that runoff does not create any drainage problems, problems with abutting properties or any icing problems. This may require that they be tiled to drain internally on the lot, to the road ditch, or to Lake Michigan to achieve.

15. Do not grade or fill into any wetland or flood plain areas without County or DNR approvals. Follow all other State, County & DNR conditions.

16. Use the existing driveway access in the road Right of Way as approved for the home. The proposed driveway shall be shown on the survey/grading plans. It shall be installed so as to ensure proper drainage away from buildings is maintained, so as to ensure that natural drainage is not restricted, and to ensure that runoff does not create drainage or icing problems with abutting properties or the road right of Way. The finished driveway must be a minimum of 30' deep opposite the overhead doors. Centerline slope on the driveway is not to exceed 6% anywhere along its length. Side slopes on the driveway are not to exceed 4:1. The driveway shall be installed so as to provide positive pitch away from the building and garage slab. Care must be taken not to damage the road Right of Way. Any pavement damaged through the course of this project will need to be repaired to the satisfaction of the Highway Superintendent. Pavement is alligated but together. We recommend photos be taken of the road Right of Way prior to construction for possible future reference.

17. No vehicles, construction equipment or construction materials are to be parked or placed on Charles Street Road or road Right of Way. Road Right of Way must be kept open at all times to ensure that traffic is not blocked.

18. Will need to install, monitor and maintain erosion control down slope of all grading and areas disturbed through the construction process. All tracking must be cleaned up immediately.

19. If more than 150 cubic yards of dirt need to be imported/exported from the site, contact the Public Works Director for a fill permit. State and County Roads are to be used as much as possible. Fill permit conditions must be followed.

20. 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.

21. 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 \$250.00. 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.

22. This variance approval will expire August 27, 2018, 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.

23. 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.

24. No additions, deletions, or changes may be made to these conditions without the prior approval of the Village of Caledonia Board of Appeals.

25. 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.

26. 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, Mark & Dawn Anich, Dennis Anich, 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.

**Joan Rennert moved to approve. John Barnes second. Voice vote 5/0. Motion carried.**

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

No other business.

**C. Adjourn**

**Richard Mielke made a motion to adjourn the meeting. Joan Rennert second. Voice vote 5/0. Motion carried. The meeting adjourned at 9:20 a.m.**

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