

Bell asked if the metal structure, trellis, was coming down to allow for the deck. Swan explained the deck would not be that far west of the house. Spieker asked if the deck was for personal use only. Swan said it was only for family use. Fitch complimented Swan family on the well kept condition of their property.

Fitch asked if there was anyone present in favor of the petition. Trustee Tom Weatherson, 5300 Santa Anita Drive asked if the deck was going to have a roof. Swan stated it would be an open deck. Weatherson said he was very much in favor of the construction.

No one was present in opposition.

No one was present for information only.

Jensen read a Memo from Julie Anderson, Racine County Zoning, dated 7/16/2010, staff did not object to this variance.

Fitch called for a motion to close the public portion of the meeting. Rubinson moved to close the public hearing portion of the meeting, seconded by Spieker. Voice vote. **Motion carried unanimously.**

Public hearing closed at 9:30 a.m. Board did not take a break.

5. Board Meeting.

A. Decision on preceding petition.

Discussion followed. Rubinson thought it was a minor variance, it had Racine County's approval and it seemed to be a reasonable request for fair use of their property. Bell echoed Rubinson's sentiments, thought Swans were a wonderful asset to the community. Knitter had no reservations. Spieker had no problem with proposal.

Fitch called for a motion on the Swan petition. Bell made a motion to approve petition, Knitter second. Voice vote. **Motion carried unanimously.**

Jensen read the conditions for approval:

The Board approved this variance request as:

1. The Village Engineer has no engineering conditions or concerns for this request.
2. The Racine County Planning staff, who is contracted by the Village to review zoning matters, had no objection to this request per content in the July 16, 2010 correspondence.
3. Submitted documentation and public hearing testimony established a need for a deck with stairs to be located on this site to preserve the substantial property rights of the applicant 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 farm home was built over 100 years ago, prior to the adoption of zoning ordinances, and the proposed addition will not encroach further into the street yard setback. The proposed deck will be about 94' from the road right-of-way, is located behind the home on a 58.63 acre parcel, is not visible to abutting property owners, will not interfere with traffic safety, and is consistent with the existing development in this area.

5. The request does not appear to affect the neighboring property values, it does not appear to create substantial detriment to adjacent property, there was no opposition shown at the public hearing, Village Trustee submitted oral support for this proposal, and the public interest does not appear to be negatively impacted by this request.

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

Jensen said if that is acceptable to maker and second he would go on with conditions. This was acceptable.

The Board granted approval subject to the following conditions:

1. The proposed approximately 15' x 35.5' open wood deck and stairs addition to an existing single-family residence shall be located and sized as shown on the submitted plan dated June 29, 2010.

2. The applicant must obtain private sewage system review approval from the Racine County Code Administration Office prior to the issuance of a zoning and building permit.

3. The applicant must allow full and unlimited access to the project site at a reasonable time to any Racine County Planning and Development Department or Village employee who is investigating the project's construction, operation, or maintenance.

4. Before beginning this project, the applicant must obtain a zoning permit card from the Racine County Code Administration Office after paying the required fee of \$110.00, and a building permit card from the Village of Caledonia after paying the required fee. 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.

5. This variance approval will expire on January 27, 2011, 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 Board of Appeals.

6. 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.

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

8. 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.

9. 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, Swan Farms LLC, 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.

Fitch called for a motion to approve the conditions as read by Jensen. Bell made a motion to approve conditions as read, Knitter second. Voice Vote. **Motion carried unanimously.**

B. Other business as authorized by law.

There was no other business.

C. Adjourn

Bell made a motion to adjourn the meeting. Knitter seconded. **Motion carried unanimously.** The meeting was adjourned at 9:42 a.m.

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