

RESOLUTION NO. 2022-22

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

A RESOLUTION APPROVING A REQUEST TO EXCEED THE ACCESSORY STRUCTURE MAXIMUM AGGREGATE TOTAL FOOTPRINT AREA FOR THE PARCEL, AND TO OBTAIN AFTER-THE-FACT APPROVAL FOR THE CONSTRUCTION OF AN OPEN-SIDED ACCESSORY STRUCTURE AT 14800 BRAUN ROAD, SEC. 25, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID # 194-03-21-25-013-010); MARIA SANDOVAL, OWNER; MARIA SANDOVAL, APPLICANT/AGENT

THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RESOLVES AS FOLLOWS:

WHEREAS, Applicant/Agent requested a conditional use permit to occupy an existing barn with an event venue business and zoning permits to rectify a zoning violation for exceeding the maximum aggregate total footprint area for the parcel and to obtain an after the fact approval for the construction of an open-sided accessory structure at 14800 Braun Road, Sec. 25, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-25-013-010), and,

WHEREAS, a public hearing was initially held on these applications on April 11, 2022 with the Village Plan Commission recommending denial of the event barn conditional use permit along with the accessory structures because:

- The noise, traffic, and refuse currently generated by this use
- That the proposed use is inappropriate given the layout of the property and its proximity to residential uses

WHEREAS, the Village Board accepted the recommendation of the Plan Commission and by motion denied the applications for the same reasons on April 11, 2022.

WHEREAS, on April 25, 2022, the Village Board, upon request by the applicant, passed a motion to reconsider the applications and set the applications for additional public hearings to receive more input on the proposed applications.

WHEREAS, a continued public hearing was held on June 13, 2022, and the Village of Yorkville Plan Commission recommended approval of the request for the accessory structure for the following reasons and conditions:

Reasons:

- It appears that the property was historically used for an agricultural operation and the current accessory structures (aside from the open-sided pergola) were on the property before Racine County Zoning was applicable in the former "Town of Yorkville."
- The applicant was unaware that a permit was required to construct an open-sided pergola. The fees have been or will be paid for an after-the-fact permit.
- As constructed, the open-sided pergola does not create a safety hazard, nor does it negatively impact the surrounding community.

Conditions:

1. **Zoning Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office after paying a zoning permit fee of \$480.00. The card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville (Exhibit A copy attached).
3. **Plans/Stormwater/Grading Plan/Building Permits.** The accessory structure shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on March 11, 2022, unless otherwise amended herein. Compliance with all regulations and requirements including for any after the fact building permits, as determined by the Village or Yorkville is required.
4. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as “Applicant” or “Property Owner”) with respect to the uses on the Property.
5. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations.
6. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant’s expense.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Yorkville, that the requested accessory structures be approved for the same reasons set forth above and subject to the same conditions imposed by the Village of Yorkville Plan Commission.

This Resolution was adopted by the Yorkville Village Board on June 13, 2022.

VILLAGE OF YORKVILLE

Ayes: 4

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 1

EXHIBIT A - PERFORMANCE STANDARDS

Maria Sandoval, Owner
Maria Sandoval, Applicant/Agent

DIVISION 4. - PERFORMANCE STANDARDS [15]

Footnotes:

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Cross reference - Schedule of deposits for violation of the provisions in this division, § 5-3.

Sec. 20-1061. - Compliance.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary, floodland and shoreland regulations, comply with the following performance standards.

(Code 1975, § 7.091)

Sec. 20-1062. - Water quality protection.

No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.

(Code 1975, § 7.092)

Sec. 20-1063. - Noise.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

(Code 1975, § 7.093)

Sec. 20-1064. - Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances so as to endanger the use of neighboring premises.

(Code 1975, § 7.094)

Sec. 20-1065. - Exterior lighting.

Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

- (1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way.
- (2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(Ord. No. 86-86, § 7.095, 8-26-86)

Sec. 20-1066. - Maintenance.

Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, good repair and appearance at all times. (Ord. No. 86-86, § 7.096, 8-26-86)

Sec. 20-1067. - Odors.

No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.

(Ord. No. 93-3, 5-11-93)

Cross reference - Outdoor burning, § 13-51 et seq.

Sec. 20-1068. - Reserved.

Editor's note - Ord. No. 2011-131S, adopted April 10, 2012, repealed § 20-1068 which pertained to floodproofing and derived from Ord. No. 94-155, § 11, adopted Nov. 10, 1994.

Secs. 20-1069 - 20-1085. - Reserved.