

Variance Request Staff Report

By Roley Behm, Director of Public Works and Development Services

Prepared by Shaun Maiter, Racine County Assistant Development Services Superintendent

Owner: Justin and Amanda Thompson

Applicant: Justin and Amanda Thompson

740 Log Cabin Drive, Parcel ID 194032117011000

May 6, 2026, for the June 4, 2026, Village of Yorkville Board of Appeals

Overview:

The applicant is requesting a variance to construct a 30' x 50' pole barn. A variance is requested as the proposed pole barn will exceed the maximum allowable building height. The property is zoned R-2, Suburban Residential District (Unsewered), and is serviced by a private onsite wastewater treatment system and private well. According to Section 20-1115 of the Racine County Code of Ordinances, as applicable to the Village of Yorkville, the maximum allowable building height for an accessory structure on a parcel zoned R-2 is 17-feet. Building height is defined in the zoning ordinance as the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs. The applicant is proposing a peak height of 21-feet, and an eave height of 16-feet, which mean height proposed of 18.5-feet.

Staff interpretation that the request before the board does not meet the legal criteria for granting a variance for the following reasons:

1. The zoning ordinance does not create an unnecessary hardship, as recreational vehicles are not required to be stored within a completely enclosed building by ordinance. In addition, the zoning ordinance does allow for flexibility in the final design of the structure with respect to the unique way of measuring building height. The applicant could design a building with a lesser roof pitch, or a flat roof so that the 17-foot building height is met.
2. There does not appear to be any exceptional, extraordinary, or unusual circumstances that are unique to this lot or structure. The only reason provided by the applicant for the request to exceed the maximum building height is that they own a travel trailer that requires a 14-foot tall door, which is not an exceptional, extraordinary, or unusual circumstance that would unreasonably prevent the owners from using the property for the permitted purpose allowed by code.

Staff recommends denial of the variance request, as the proposal does not appear to meet the legal criteria for granting a variance. Furthermore, a redesign of the proposed pole barn to comply with the 17-foot building height maximum would still allow the applicant to store all of their belongings, including the travel trailer, within the structure.

If the Board denies the request, the Board must determine that the pole barn can be constructed in compliance with the code and no hardship was demonstrated.

Possible Reasons of Denial:

1. The Racine County Public Works and Development Services Director did not support this request pursuant to the memorandum dated May 8, 2026.
2. The Board may not grant a variance that is inconsistent with the purpose and intent of the regulations for the district in which the project is located, and the proposed pole barn is inconsistent with such as it exceeds the maximum allowable residential accessory structure building height, which is contrary to zoning objectives.
3. There were no exceptional, extraordinary, or unusual circumstances or conditions that apply to this parcel to allow for the granting of a variance.
4. No unnecessary hardship was demonstrated that would unreasonably prevent the owners from using the property for the permitted purpose allowed by code. The requested variance approval is not necessary to provide reasonable use of the property. The applicant has other options available that will comply with the zoning ordinance including redesigning the proposed pole barn to meet the maximum residential accessory structure building height.

If the Board approves the request, the Board must develop findings that would support its decision, such as an exceptional, extraordinary, or unusual circumstance exists, with respect to the proposed 30' x 50' pole barn.

Possible Reasons of Approval:

1. Submitted documentation and public hearing testimony established a need for an addition to the residence in order to preserve the substantial property rights of the owner that are also enjoyed by others in this area.
2. The variance does not appear to be contrary to the purpose and spirit of the ordinance.
3. The request does not appear to create substantial detriment to adjacent property as there was no opposition shown at the public hearing and the public interest does not appear to be negatively impacted by this request. (only use if no opposition)