

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER
Chair B. Maslowski called the meeting to order at 7:30 P.M., noting the meeting had been properly noticed and permit fees paid.

2. ROLL CALL

Present

Bill Maslowski
Thomas Hoffmann
Rick Lieblang
Gerry MacDougall

Absent

Gerry Holton
Al Johnson

Also present

Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF JULY 26, 2012 MEETING

R. LIEBLANG MOVED TO APPROVE THE BOARD OF ZONING APPEALS MEETING MINUTES OF JULY 26, 2012 AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR WITH G. MACDOUGALL ABSTAINING. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Case 779 Appeal of Joyce Giles, (owner), to construct a new single family residence at 1615 Nagawicka Rd, DELC 0782.035. The existing lot area of 24,160 sq ft does not meet the RL-1 minimum of 40,000 sq ft. The existing lot width of 46 ft does not meet the RL-1 minimum of 100 ft. The proposed 3' side yard does not meet the RL-1 minimum of 15 ft. The existing lot is nonconforming and can only be developed per Section 17.58 of the City of Delafield Zoning Code if approved by the Board of Zoning Appeals.

B. Maslowski briefly reviewed the case, noting the responsibilities of the Board of Zoning Appeals and the process utilized in this case. He then read the summary for this case, noting this case was unique as it was a departure from variance review and included a general review of the site and building plans for the property. B. Maslowski then read Section 17.58 of the City of Delafield Zoning Code into the record as follows:

Nonconforming lots on record in the county register of deeds office before the effective date or amendment of this chapter may be used in conformance with the use regulations of the district in which they are located. If minimum yard, open space and maximum floor area ratio requirements cannot be met, any proposed alteration, expansion, addition, or relocation of any structure on must be approved by the Board of Zoning Appeals.

The applicant, Joyce Giles, 1615 Nagawicka Road, and her husband, Terry Giles, were present.

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

T. Giles explained conformance could not be created for this property as there was not the ability to do so. They were bound by the location of the house next door and could not move their house to the north. There was an easement to the south that prohibited them from placing their house further south. For these reasons, they had left the house in the current location in order to create balance between the lake and the roadside. He had taken into account the trees on the property and how movement of the house would affect neighboring views. Attempts had been made to balance the front side of the house so it did not stick out further than others and also to avoid negatively impacting neighboring views of the lake. As a result, they had chosen to create their two-story house by going down into the basement as a second level. In this way, the neighboring property to the north would retain views of the lake. An aerial photo demonstrated the lack of impact proposed to adjacent properties. He went on to explain the existing house cannot be improved as it was built in 1923 with leftovers from the previous owner's construction sites. The house has asbestos and vermiculite insulation and celotex ceilings. The sewer line was located approximately two feet about the floor in the walls in the basement. The basement walls pushed in and there were no footing drains to accommodate water. Clay backfill has been applied around the basement level of the house and this made working with the home in its current state difficult at best. He thought the house was a bit of a blight to the other newer homes on Weber Court and Nagawicka Court and his goal was to replace the current house with an attractive structure that would be of value to the community and neighbors.

Craig Caliendo, stated he was present as an attorney to represent his mother, the property owner at 1625 Nagawicka Avenue, as she was not available this evening. His mother was in support of the plans as shown. She thought the location and scale of the proposed house was appropriate and that it would enhance the surrounding aesthetics. While it was not evident from the photos shown, he requested the house not be pushed further east away from the lake. He explained if this were to happen, the house would then block the windows and trees that his mother could now see. It would also impact some trees on the property and this should not happen.

T. Giles explained the house was located approximately one to two feet off the property line that separated these two houses. He was suggesting pushing the house slightly to the south to create more room to the north as this would also help minimize construction vehicles on the property to the north.

C. Caliendo went to explain that based on the landscaping and major sight lines of the lake, the proposed house should be kept in its current location. If it were to be moved back to the south, it would not have a positive effect and would block the windows on the south side of the house.

There was no further testimony from the applicant and public.

R. Lieblang stated he liked what had been done in bringing the house back an extra foot as it did not increase the non-conformity. He thought it was the right distance away from the lake and he did not see any other way to move the house to make it more

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

conforming. In addition, he thought it important to retain enough room to have an emergency vehicle be able to access the lakeshore if needed.

G. MacDougall questioned whether the frame garage and shed were going to remain on the site. T. Giles explained they were going to remain. G. MacDougall stated the plans showed there was approximately 11.6 feet between the house and the southerly property line. He did not see how T. Giles could have done anything different to make the lot better or more useable.

T. Hoffmann thanked T. Giles noting that the Board was not typically presented with such thorough planning. He was familiar with the property over the years and the house had been kept up over the years as much as possible. He questioned the trees shown in the photos submitted. T. Giles stated the trees were linden trees planted by the previous owner. The center tree of the three would need to be removed for the health of the others. He was not sure of the impact of this removal, but was hopeful that at least two of the three trees could be saved.

B. Maslowski questioned the sideyard setback for the southerly easement. S. Hussinger stated it was his understanding that the existing setback to the northerly property line was three feet. T. Giles confirmed this information. S. Hussinger questioned whether T. Giles planned to locate any mechanical equipment on the northerly side of the house along the property line. T. Giles stated he was not. S. Hussinger questioned whether maintenance could be completed on the north side of the house without trespass. T. Giles explained a construction easement would be granted from the property owner to the north so that scaffolding could be placed during construction. Gutters would not be placed on the house in order to mitigate having to access them in the future. He was going to utilize the hardscape on the property. He also planned to make the house maintenance-free as it was his intention that once the construction was over, there shouldn't be a need to have to access the property through the north property.

S. Hussinger stated the northerly side of the house was not ideal in his opinion for having mechanical equipment. He questioned T. Giles about the conveyance of drainage along the north lot line. T. Giles stated the property was not going to be altered for construction. The grades were set and the grading plan designed with the thought that they were not going to alter the current flow of water that existed on the lot. S. Hussinger also confirmed there was not an existing finished basement on site; however, it would be prudent to have the moisture away from the lower level of the house to the extent possible. T. Giles stated he planned on using the hard surface or coarse gravel landscaping to avoid creating water there. The current house had no footing drains and thus, waterproofing and drainproofing would take place around the perimeter walls.

S. Hussinger confirmed the neighbors to the north were agreeable to the construction easement. C. Caliendo explained he was in agreement as long as it was coordinated in the manner that T. Giles had indicated.

B. Maslowski stated he was curious about why the house could not be moved to the south as stated by T. Giles. T. Giles stated there was a significant slope at the south property line and nothing could be done to the south of that. He was hoping to create 12

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

feet of access on the south side of the house. The south side of the house was the only way to get total access to the lake and he had tried to create visual interest and allow for room to access the lake on this side.

B. Maslowski complimented the applicant on considering all issues associated with the property in the plan preparation and thanked them for attention to details in this matter.

R. LIEBLANG MOVED TO ACCEPT THE PROPOSAL FOR THE PROPERTY AS PRESENTED IN CASE 779 APPEAL OF JOYCE GILES, (OWNER), TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT 1615 NAGAWICKA RD, DELC 0782.035 AS PRESENTED, PER SECTION 17.58 FOR EXISTING NON-CONFORMING LOTS. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. ADJOURN

G. MACDOUGALL MOVED TO ADJOURN THE APRIL 25, 2013 BOARD OF ZONING MEETING AT 8:01 P.M. T. HOFFMANN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.