

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER

In the absence of Chair Bill Maslowski, Rick Lieblang called the meeting to order at 7:30 P.M.

TOM HOFFMANN MOVED TO NOMINATE RICK LIEBLANG AS CHAIRPERSON FOR THIS MEETING. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.

2. ROLL CALL

Present

Thomas Hoffmann
Gerry Holton
Al Johnson (arrived 7:32 P.M.)
Rick Lieblang

Absent

Bill Maslowski

Also present

Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF AUGUST 8, 2013 MEETING

T. HOFFMAN MOVED TO APPROVE THE BOARD OF ZONING APPEALS MEETING MINUTES OF AUGUST 8, 2013 AS PRESENTED. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

CASE 782 APPEAL OF JIM & BETH GUTCHE, (OWNERS), TO CONSTRUCT FRONT AND REAR ADDITIONS AT 918 NAGAWICKA ST, DELC 0787.004. THE PARCEL IS ZONED R1 D AND MUST COMPLY WITH ALL R1 D ZONING REQUIREMENTS. THE EXISTING LOT AREA OF 6007 SQ FT DOES NOT MEET THE R1D MINIMUM OF 10,000 SQ FT. THE EXISTING LOT WIDTH OF 50.06 FT DOES NOT MEET THE R1D MINIMUM OF 100 FEET. THE PROPOSED 19.0' STREET SETBACK DOES NOT MEET THE R1D MINIMUM OF 30 FEET. THE EXISTING LOT IS NONCONFORMING AND CAN ONLY BE DEVELOPED PER SECTION 17.58 OF THE CITY OF DELAFIELD ZONING CODE AFTER SITE AND BUILDING PLANS HAVE BEEN APPROVED BY THE BOARD OF ZONING APPEALS. APPLICANT IS NOT SEEKING A VARIANCE.

R. Lieblang briefly reviewed the case.

Dave Koscielniak, architect for the applicant, distributed additional materials to the Board including an aerial photo of the site and surrounding area as well as information comparing the current zoning requirements to the existing lot. He noted the sideyard and rearyard setbacks complied with zoning code requirements; however, the front

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setback remained in question. The applicant wanted to restore a covered porch on the front of the existing house that would encroach six feet into the 25 foot frontyard setback area. Other houses in the area encroached closer to the street than the proposal. He also noted that even with the restoration of the front porch the Floor Area Ratio (FAR) would remain under code limitations.

G. Holton clarified the existing concrete stoop encroached five feet into the front setback currently so the request would be one foot more than what was currently in existence. D. Koscielniak agreed. G. Holton questioned why this matter did not require a variance. S. Hussinger explained this request did not include a request for variance because the City could not expect the owner to meet lot requirements. The issue had been created with the implementation of the City zoning code and, through no fault of the property owner the lot was now non-conforming. It was reasonable to expect some relief in this case; however, it was the role of the Board to determine how reasonable this request was in comparison with the zoning code. He noted Section 17.58 of the City's Zoning Code had been in existence for a long time; however, it was rarely utilized. Because this request did not include a variance, there was no need for the owner to prove hardship.

D. Koscielniak stated his translation of the code requirements in this case resulted in a required setback of 18 feet and he designed the proposed porch to be set back 19 feet from the street.

R. Lieblang then noted a letter had been received from Jacki Chapman, 924 Nagawicka Street. She was a neighbor in support of the project; however, she stated in her letter she was concerned about the existing wall and shed she believed to be on her property as a result of actions taken by a previous owner. S. Hussinger stated Ms. Chapman's concerns would be handled as a separate matter by the City Building Inspector at a later time.

R. Lieblang noted there were no additional questions from any Board members at this time.

T. HOFFMANN MOVED TO APPROVE CASE 782 APPEAL OF JIM & BETH GUTCHE, (OWNERS), TO CONSTRUCT FRONT AND REAR ADDITIONS AT 918 NAGAWICKA ST, DELC 0787.004 AS PRESENTED, INCLUDING THE ADDITION OF THE PROPOSED COVERED PORCH. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 783 APPEAL OF TOM AND CATHY LIDWIN, (OWNERS), TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT 1511 THIRD ST, DELC 0797.069. THE PROPOSED RESIDENCE MUST COMPLY WITH ALL R4 ZONING REQUIREMENTS. THE EXISTING LOT AREA OF 5,096 SQ FT DOES NOT MEET THE R4 MINIMUM OF 7,900 SQ FT. THE EXISTING LOT WIDTH OF 55 FEET DOES NOT MEET THE R4 MINIMUM OF 66 FEET. THE EXISTING LOT IS NONCONFORMING AND CAN ONLY BE DEVELOPED PER SECTION 17.58 OF THE CITY OF DELAFIELD ZONING CODE AFTER SITE AND BUILDING PLANS HAVE BEEN APPROVED BY THE BOARD OF ZONING APPEALS. APPLICANT IS NOT SEEKING A VARIANCE. THIS IS AN

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APPEAL TO AMEND AND "FLIP" HOUSE PREVIOUSLY APPROVED AT BOARD OF ZONING APPEALS MEETING ON JULY 11, 2013.

R. Lieblang briefly reviewed the case on the agenda, noting the applicant was not seeking a variance.

The applicants, Tom & Cathy Lidwin, 1511 Third Street, were present. Mike Kaerek, of Kaerek Homes, was present as well. M. Kaerek stated the existing house discussed at the July 11, 2013 Board of Zoning Appeals meeting had been torn down. When he met with the applicants after the approval in July to do a final plan review, it was learned that the garage was on the low side of the property. According to good architectural design principles, the garage should always be on the high side of the property. In this case, if the garage were flipped to the other side of the house as proposed, there was five feet of difference in the driveway elevation from the approved house plans to the currently proposed house plans. Also, this would allow the driveway to have good exposure and there would be a better transition between the two existing lots. Both adjoining neighbors supported the design changes proposed at this time.

S. Hussinger questioned whether any dimensions of the house had changed with this new submission of plans. M. Kaerek stated the only thing that changed was related to the location of the well as it had to be eight feet from any drain tile according to zoning code requirements. Since the house would be moved further back from the roadway, the back porch would be nearer to the well instead of the house. The porch would not be an issue because it did not count with regard to the drain tile issue in the code.

G. Holton stated he liked the proposed house plan better than the originally approved plans. All present Board members agreed.

G. HOLTON MOVED TO APPROVE CASE 783 APPEAL OF TOM AND CATHY LIDWIN, (OWNERS), TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT 1511 THIRD ST, DELC 0797.069 AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. ADJOURN

A. JOHNSON MOVED TO ADJOURN THE OCTOBER 10, 2013 BOARD OF ZONING MEETING AT 7:52 P.M. T. HOFFMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.