

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER

Chair Bill Maslowski called the meeting to order at 7:33 P.M. noting the meeting had been properly noticed and fees paid.

2. ROLL CALL

Present

Bill Maslowski
Al Johnson
Marty Sawall
Gerry MacDougall

Absent

Thomas Hoffmann
Gerry Holton
Rick Lieblang

Also present

Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF OCTOBER 10, 2013 MEETING

A. JOHNSON MOVED TO APPROVE THE BOARD OF ZONING APPEALS MEETING MINUTES OF OCTOBER 10, 2013 AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. B. MASLOWSKI ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Bill Maslowski recused himself from the position of Chair for Case 784.

G. MACDOUGALL MOVED MARTY SAWALL ACT AS CHAIR FOR CASE 784. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 784 APPEAL OF KINGSWAY HOMES, (AGENT), AND GEORGE AND MEREDITH RAAB, (OWNERS), TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT 2007 EVERGREEN LN, DELC 0755.955. THE PROPOSED RESIDENCE MUST COMPLY WITH ALL RL-1 ZONING REQUIREMENTS. THE EXISTING LOT AREA OF 26,437 SQ FT DOES NOT MEET THE RL-1 MINIMUM OF 40,000 SQ FT. THE PROPOSED FAR OF .22 EXCEEDS THE RL-1 MAXIMUM OF .20. THE PROPOSED OPEN SPACE OF 23,137 SQ FT DOES NOT MEET THE RL-1 MINIMUM OF 30,000 SQ FT. THE EXISTING LOT IS NONCONFORMING AND CAN ONLY BE DEVELOPED PER SECTION 17.58 AFTER SITE AND BUILDING PLANS HAVE BEEN APPROVED BY THE BOARD OF ZONING APPEALS

The applicants, George and Meredith Raab, 2107 Evergreen Lane, were present. Craig Caliendo, President of Kingsway Homes, was also present, and explained the plans presented included a house with total square footage of 4,938 feet. The new house

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would replace an existing older home situated on Nagawicka Lake off a private roadway known as Evergreen Lane. The correct property address was 2107 Evergreen Lane. He had worked with the property owners to design a house that would accommodate their needs and would also be consistent with the size, quality and value of the other new homes on Nagawicka Lake. The existing lot did not meet current zoning standards and the FAR and open space requirements were exceeded as well. In order to construct a single family house on this site, consideration was being requested for approval of the site and building plans.

G. MacDougall questioned the size of the existing house that was being replaced. G. Raab stated it was 3,900 square feet. G. MacDougall questioned whether the old house was conforming. S. Hussinger explained the existing house was visible on the site plans presented and had conformed to most setback requirements; however, the deck encroached onto the shore setback. The lot was non-conforming and relief was needed.

Mark Schaefer, adjoining property owner, explained he owned the adjoining vacant lot shown on the Certified Survey Map as #164, Lot 3. He distributed photos of his property to the Board members at this time, noting the failure to meet lot sizes raised a concern for him about where the construction equipment and materials would be stored during the project. The accessible area of the Raab property was 50 feet by 80 feet and a great deal of the property would be excavated. His property was open level ground surrounded by mature maple trees that he wanted maintained. He objected to the project at this time as there was no credible plan presented for storage of equipment and materials. He had requested this information from the builder to no avail. This issue was of concern to him because last year the property owners built an addition on their property and during the entire time of the construction, construction equipment and vehicles related to the construction were on his property without his permission. In addition, this equipment and vehicles limited easement access for others that lived on Evergreen Lane. He had made several attempts to remedy this issue with the builder prior to having to call the police. He requested a credible plan for movement and storage of equipment and materials be presented that would not curtail the use of the easement for all, fencing or other strong material placed to stop vehicles from entering his property, and no trespassing on his property.

A. Johnson stated he thought these issues should be resolved. G. MacDougall stated the Board was present regarding zoning issues and the matters discussed by M. Schaefer were matters for the police. S. Hussinger agreed, noting the events shared constituted trespassing and property damage as a result of trespassing on M. Schaefer's property. These would be issues the police department should respond to rather than the Board of Zoning Appeals.

C. Caliendo stated he thought an employee had sent a plan to M. Schaefer. Orange construction fencing would be applied to the perimeter of the lot so that M. Schaefer's property was protected and the easement was not blocked. He provided M. Schaefer with his contact information should there be an issue in the future with unauthorized use of the property or roadway.

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G. MacDougall questioned whether there were other objections from M. Schaefer to the plans presented. M. Schaefer stated he was not in objection to having someone build their dream home; however, he was trying to protect his property and property rights of others.

A. Johnson stated the plan presented a home that was in line with those found in the rest of the neighborhood. He questioned the square footage being requested in this case. S. Hussinger clarified the request was for approval of the site and building plans presented as a result of a substandard lot. The existing house had nothing to do with the current request. G. MacDougall stated approvals had been made in the past for this property in order for past construction efforts to take place.

A. JOHNSON MOVED TO APPROVE THE SITE AND BUILDING PLANS AS PRESENTED IN THE APPEAL OF KINGSWAY HOMES, (AGENT), FOR GEORGE AND MEREDITH RAAB, (OWNERS), TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT 2007 EVERGREEN LN, DELC 0755.955. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. ADJOURN

A. JOHNSON MOVED TO ADJOURN THE OCTOBER 24, 2013 BOARD OF ZONING MEETING AT 7:54 P.M. G. MACDOUGALL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.