

CITY OF DELAFIELD BOARD OF ZONING MINUTES

- 1. CALL MEETING TO ORDER

H. Bills called the meeting to order at 7:45 p.m.

- 2. ROLL CALL

Present

Absent

Henry Bills
Al Johnson
Keith Strege
Gerald MacDougall

Thomas Hoffmann
Gerry Maier

- 3. APPROVE MINUTES OF AUGUST 25, 2005 MEETING.

A. JOHNSON MOTIONED TO APPROVE THE MINUTES OF THE AUGUST 25, 2005 MEETING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 4. NEW BUSINESS

CASE 714 – REQUEST OF TOM & KIM SCHUBERT (OWNERS) AND WADE WEISSMANN, (AGENT) FOR A PROPOSED REBUILDING OF A NEW HOME AT 2022 BAY POINT LANE.

It was noted that fee had been paid and the proper neighbors notified. A letter from the building inspector dated August 18, 2005 denying the building permit due to variances being needed for the open space, FAR, and minimum street setback was read. The letter dated August 17, 2005 from Wade W. Weissmann, agent for the Shuberts was read.

Wade Weissmann was present at the meeting. He requested that before proceeding he would like to listen to what everyone has to say and than have a dialog to find out how they can accomplish certain limits. H. Bills stated that this was an existing non-conforming property to begin with and that zoning should be considered when designing a new home. W. Weissmann stated that the new proposal is an attempt to create a building footprint in keeping with what was present, yet giving the client the architectural flavor that they are looking for. He discussed R1 zoning and FAR requirements.

There were three letters in the file that were read: Mr. & Mrs. Mills Perry, Pamela & Steven Bergum, and Bill Maslowski (read by the author) – all opposed the proposed project. B. Maslowski submitted a listing of 50+ names and addresses to H. Bills objecting to this project.

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H. Bills stated that the Board of Zoning Appeals deals with variances, offsets, setbacks, hardships, etc. The architecture of the house is not up to this board.

W. Weissmann addressed the setbacks and displayed drawings and elevations of the house. He felt that the house was not out of keeping in terms of architecture. He compared the existing home to the proposed. They have worked hard to keep the house within the limits previously granted and are now asking for less.

K. Strege expressed concern about the side where the driveway was and suggested doing something to keep it away from the lot line. W. Weissmann stated that if they could identify what their direction was, they would pursue this with the landscape designer. K. Strege stated that the existing barn/garage is taken into account in the FAR. W. Weissmann stated that the Schuberts would be willing to remove the existing garage. H. Bills stated that it was impossible to make the setback to the road because of the way the road bisects the property.

G. McDougall asked what the hardship was. W. Weissmann stated that the hardship is that the lot is nonconforming. He is not looking to extend the variance, but to be granted a variance allowing them to go beyond the limits that R1 sets up for 40,000 sf lot and to use the 20% rule on the nonconforming lot. The hardship is that there is a house that is nonconforming and in a zoning area set up that makes this lot too small. There must be a threshold to which the house that exists on the lot was given variances.

H. Bills stated that by removing the barn, the path of the road could be changed.

Janet Matt – The road was platted a long time ago and asked how a platted road could be changed.

K. Schubert stated that when they first purchased the property the Perrys expressed interest of the Schuberts changing the pathway of the road.

Mary Heath – She was not sure of a legal entity for the “Bay Point Association”. She stated that there was no such entity. It would have been helpful to see some of the letters prior to this evening. The most important thing to determine is what is on that lot. They should be able to build on the existing footprint of the house. She appreciated all of the efforts that the Schuberts have put into having meetings with the neighbors. She and her husband did not object to home being built on the footprint of the existing home.

Bill Maslowski suggested that all of the figures be confirmed by an independent person.

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W. Weissmann stated that there is less square footage on the FAR. The documents are design development documents. He requested the requirements to build a home on this property.

B. Maslowski – clarified the status of the Oakwood Bay Association. He requested that the proposal be denied with no negotiations. He requested that the Schuberts work with the neighbors.

G. McDougall stated that the owners must abide by the zoning rules.

Bob Perlick – He stated that he would object to any variances.

Helen Palmer – Addressed the Oakwood Bay Association. To her knowledge, some of the contingencies of that Association have never been met. When her property was surveyed, the surveyor commented that he could not find any recorded description of Bay Point Lane. She thought that the proposed home was beautiful, although it may be a bit overwhelming for the lot. She stated that there must have been reasons for the zoning ordinances. She asked how far the City would be willing to go for variances to those original concerns and what affect that would have on the neighborhood.

H. Bills stated that each case stands on its own.

W. Weissmann again stated that criteria must be established.

H. Bills stated that some variances had to be granted because the home on the property now was nonconforming. The new home came within the constraints of the existing home. By removing the barn, more open space would be acquired and would allow the road pathway to be changed. This would also make a difference on the approach of the drive.

G McDougall stated that it is the job of this board to enforce zoning.

General discussion took place.

A. JOHNSON MOTIONED TO ALLOW THE SCHUBERTS TO COME BACK WITH PLANS FOR REMOVING THE BARN AND MOVING THE ROAD. THEN ONLY ONE VARIANCE WOULD BE NECESSARY. K. STREGE SECONDED THE MOTION. H. BILLS STATED THAT THIS CASE WOULD BE HELD OPEN. THE NEW PROPOSAL SHOULD REFLECT THE LOCATION OF THE ROAD. IN ADDITION THE SIDEYARD BY THE DRIVEWAY SHOULD BE REVIEWED. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

Bob Perlick – Stated that the neighbors were not happy; removing the barn and road may be sufficient to conform, but the neighbors would not be happy.

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CASE 715 – REQUEST OF SCOTT NEWCOMER (OWNER) AND JONATHAN SCHOENHEIDER (AGENT) FOR A PROPOSED REBUILDING OF A NEW HOME AT 1829 NAGAWICKA RD.

The fees were paid and the proper neighbors were notified. This was originally denied. A letter dated August 29, 2005 from the building inspector was read denying a building permit due to the home's footprint, FAR, and setbacks.

The redesign shows 12' on the north side and 8' on the south side with the FAR being reduced to less than what was requested by the BOZ.

Greg Meyers – neighbor to the north. He has been working with S. Newcomer on the design of the house. He would support this since the second story is kept back to 15'.

K. STREGE MOTIONED TO APPROVE PLAN AS SUBMITTED WITH 12' ON NORTH, 8' ON SOUTH, WITH THE SECOND FLOOR ON NORTH MEETING THE 15' SETBACK. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. CORRESPONDENCE

None.

6. ADJOURN

A. JOHNSON MOTIONED TO ADJOURN FROM THE MEETING. H. BILLS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:31 P.M.

Minutes Prepared By:

Accurate Business Communications, LLC