

CITY OF DELAFIELD BOARD OF ZONING MINUTES

1. CALL MEETING TO ORDER

Chairman H. Bills called the meeting to order at 7:30 p.m.

2. ROLL CALL

Present

Absent

Henry Bills
Gerry Maier
Thomas Hoffmann
Keith Strege
Al Johnson
Gerald McDougall (1st Alternate)

3. APPROVE MINUTES OF JULY 22, 2004

G. MAIER MOTIONED TO APPROVE THE MINUTES OF THE JULY 22, 2004 MEETING. K. STREGE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR, A. JOHNSON ABSTAINED. MOTION CARRIED.

4. NEW BUSINESS

CASE 693 – REQUEST OF MR. & MRS. DAVID LAMIE FOR A VARIANCE FOR A PROPOSED NEW HOME CONSTRUCTION AT 2117 WEST SHORE DR.

The fee had been paid, the proper neighbors had been notified, and the notice was properly posted in the paper.

A letter from the building inspector dated July 21, 2004 was read which denied the building permit for the proposed new house. A letter from the Lamie Family dated July 21, 2004 was read which requested two variances, namely Variance Request #1 requesting a variance to the Open Space Requirement of 7,000 square feet, and Variance Request #2 requesting a variance to the maximum Floor Area Ratio (FAR) of 30%. A survey was included in the commissioner's packets showing the layout of the proposed house to be built. A letter from Thomas Burtard, 2129 West Shore Drive, dated August 5, 2004 was included in the packets and was read. Mr. Burtard did not object to the 1,538 sf footprint proposed, but did oppose to granting an increase in the allowable maximum FAR. A letter and petition objecting to the building project was enclosed in the packets which opposed granting variances for exceeding the allowable floor area ratio on any lot in the Nagawicka Lake Heights Addition. Twenty neighbors signed the petition. The petition was initiated by Gerry Stone.

Gerry Stone was present at the meeting and objected to granting variances for increasing the FAR by a considerable amount (538 sf).

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David Lamie was present. He stated that G. Stone made an objection without knowing all of the details and asked if he could provide the details. H. Bills stated that he could do this later in the meeting.

J. Madynski, 2110 West Shore Drive described the different homes on the road. Asked approval of the variances as requested to make their neighborhood better.

Tom Burtard, 2129 West Shore Drive, stated that he did not object to the house, but it should be made a bit smaller.

Jeff Anderson, 2126 West Shore Drive, asked that the variances be approved. This house should and will look appropriate for the size property that they have. He had no objections and hoped for approval.

M. Curley, 2132 West Shore Drive, favored the proposal. Felt that it would look very nice on the lot.

J. Madynski, 2110 West Shore Drive, thought the request was reasonable and that the proposed home would look nice.

G. Stone, 2111 West Shore Drive, objected to the size. He lives right next door. He thought that a nice looking home could be built within the current zoning laws. He was not opposed to a reasonable variance from the allotted building size, but thought that 538 sf was unreasonable. He felt that this home would block his views.

David Lamie stated that he wanted to live in a nice neighborhood in a nice house. He stated that he had worked hard to maintain the spirit of the law. He thought it was a reasonable request. He discussed different lot sizes and stated that it was important to note that he spent time with the building inspector. A new survey was done to show that the setbacks were maintained. He was willing to answer any questions. He thought it was important to look at the spirit of the code.

It was stated that the proposed building had a full height basement with no windows and most of the basement would be below grade.

H. Bills stated that the big question was where a reduction could be made or if a variance should be granted. A. Johnson stated that a petition was presented with a lot of people opposing. The petition seemed like a blanket for the whole area and each situation needs to be considered on its own. No one has ever built on a lot and made the value go down. However, the case stands on its own all by itself. H. Bills stated that most of the people on the petition were present and had spoken. The new building is within the offsets.

G. Maier stated that in regards to Variance Request #1 it was a reasonable request. The adjacent lot sizes were reviewed. There was no possibility of Mr. Lamie being able to purchase any additional land to make the lot conforming. T. Hoffman stated that he did not see any hardships. When you have new

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construction it is different than dealing with an existing piece of property where you are looking to enlarge. G. Maier stated that the hardship is the lot size.

Variance Request #1 – open space requirements. The footprint of the house falls within setbacks. G. Maier stated that this was a reasonable request.

A. JOHNSON MOTIONED TO APPROVE VARIANCE REQUEST #1. G. MAIER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Request #2 – floor area ratio was discussed. The floor area ratio takes into consideration the entire house including the garage (608 sf). The first floor square footage is 1,177 and second floor square footage is 1,078. The garage was discussed. The drawings were shown to the members of the audience. Mr. Lamie discussed variances that have been granted on other properties located on West Shore Drive. G. Stone asked the effect a variance would have on other lots in the area if this was granted. D. Lamie stated that there were two open lots in the area. The commissioners restated that every lot should stand on its own.

G. Maier stated that the hardship for Variance #2 was the size of the lot that was determining the FAR. All setbacks were being met. The requested increase in the FAR is 6% and it would be below the allowable 3,000 if the lot had been 10,000 sf. If 538 sf were taken off of the house, it would not be a nice house. K. Strege stated that the house should have been designed to what the code is. He felt that since it is a new house, it should adhere to the parameters. The design should have been to what the codes were and should be designed to work. A. Johnson stated that the code should be followed. D. Lamie discussed variances of FAR. H. Bills again stated that each case stands on its own.

K. STREGE MOTIONED TO DENY VARIANCE REQUEST #2. G. MAIER STATED THAT THEY SHOULD HAVE AN OPPORTUNITY TO SEE WHAT THEY CAN DO TO SEE HOW CLOSE THEY CAN MEET THE CODE. IT WOULD HAVE TO BE BROUGHT TO THE BOARD AGAIN. IT WAS CLARIFIED THAT SINCE THE FIRST REQUEST WAS APPROVED, D. LAMIE COULD DESIGN A HOUSE WITH THAT VARIANCE AND USE THE ALLOWABLE FAR. G. MAIER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.

CASE 694 – REQUEST OF DAVE MAULE FOR A VARIANCE FOR A PROPOSED DETACHED GARAGE AT 1407 MILWAUKEE ST.

The fee had been paid, the proper neighbors had been notified, and the notice was properly posted in the paper.

The letter dated July 22, 2004 from the building inspector was read. The new garage would be more conforming. A letter dated July 22, 2004 from Riverside Remodeling was read.

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H. Bills stated that there were notes from Diane Guenke, 1401 Milwaukee Street (next door) and Michael Loomis, 1419 Milwaukee Street, stating that they did not object to the proposed detached garage.

The garages in this area face sideways. This lot is very narrow at the top. They are trying to build something better, more conforming, and because of the location of the garage right next to it, H. Bills did not have an objection to it.

A. JOHNSON MOVED TO GRANT THE VARIANCE. G. MAIER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 695 - REQUEST OF MR. ANDREW ROSCH FOR A VARIANCE FOR A PROPOSED 2ND STORY AND REAR ADDITION AT 1014 OAK ST.

The fee had been paid, the proper neighbors had been notified, and the notice was properly posted in the paper.

The letter from the building inspector dated August 2, 2004 was read. A letter dated August 2, 2004 from Andrew D. Rosch was read. Drawings of the proposed addition and a survey showing where the house was located were included in the commissioner's packets. There were no other letters in the file.

Andrew Rosch was present at the meeting. He stated that he has talked to his neighbors and presented letters to the commissioners from Daniel L. Bigalke, 1011 Lake Drive, Evelyn Shuff, 1014 Lake Dr., Kathleen Loth, 1013 Oak Street, Teresa M. Boehmer, 928 Oak Street, and Joan Joebken 1011 Lake Drive stating that they had no objections to the proposed addition.

T. HOFFMANN MOTIONED TO GRANT THE VARIANCE FOR THE PROPOSED ADDITION ON 1014 OAK STREET FOR THE ADDED SECOND STORY AS OUTLINED IN T. MANEY'S AUGUST 2, 2004 LETTER. A. JOHNSON SECONDED THE MOTION. THE LETTER FROM EVELYN SHUFF WAS READ - SHE DID NOT HAVE ANY OBJECTION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 696 - REQUEST OF MR. & MRS DAVID MORGENSON FOR A VARIANCE FOR A PROPOSED 2ND STORY HOME ADDITION.

The fee had been paid, the proper neighbors had been notified, and the notice was properly posted in the paper.

A letter from the building inspector dated July 27, 2004 regarding the proposed second story home addition was read. The letter dated July 29, 2004 from the Morgensons was read and detailed the reasoning behind the remodeling project. Photos, a survey, and drawings were included in the commissioners' packets. No setbacks were being changed.

A. JOHNSON MOVED TO GRANT THE VARIANCE. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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5. CORRESPONDENCE

None.

6. ADJOURN

G. MAIER MOTIONED TO ADJOURN FROM THE MEETING. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:45 P.M.

ADJOURN

G. MAIER MOTIONED TO ADJOURN FROM THE MEETING. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:43 P.M.

Minutes Prepared By:

Accurate Business Communications, LLC

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