

**CITY OF DELAFIELD BOARD OF ZONING APPEALS MEETING MINUTES**

Call Board of Zoning Appeals Meeting to Order  
Recording Secretary Keefe called the meeting to order at 6:00 P.M.

Pledge of Allegiance  
The Pledge of Allegiance was recited.

Roll Call for the Thursday, July 28, 2016 Board of Zoning Appeals Meeting:

Present

Thomas Hoffman  
Gerry Holton  
Jeff Krajacic  
Marty Sawall

Absent

Jeff Krickhahn  
Al Johnson

1. Appoint Chairman

**G. HOLTON MOTIONED TO APPOINT MARTY SAWALL AS CHAIRPERSON FOR THE BOARD OF ZONING APPEALS. T. HOFFMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. Approve minutes of September 11, 2014 and April 14, 2016 Board of Zoning Appeals meetings.

**G. HOLTON MOVED TO APPROVE SEPTEMBER 11, 2014 AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**G. HOLTON MOVED TO APPROVE APRIL 14, 2016 AS PRESENTED. J. KRAJACIC SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Unfinished Business – None.

4. New Business

- a. **Discussion and action on Case 793: Appeal of David Keck (agent), and Sean Jensen (owner) to construct an 18'x 26' detached garage located at 738 Mill St. This property is zoned R4. The proposed 3' side and rear yards do not meet the 10' minimums of the R4 district per Sections 17.39 (14) (g) & (i).**

**Sean Jensen, 738 Mill Street – owner, and Dave Keck, 4901 N. Oakland Ave, Whitefish Bay, WI, - designer and agent, were present. Keck explained the owner was seeking a variance from the zoning code relative to setbacks for the location of a proposed garage structure. This was an unusually unique situation in which the garage was a conjoined structure owned by the property owner**

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(Jensen) and a neighbor that straddled the property line. Jensen wanted to expand the garage to hold two cars and move it from the property line onto his property. The proposed location was at issue because to move the proposed garage the full 10 feet from the rear and side yard lot lines to accommodate the zoning setbacks would place the garage atop a very large old tree. Moving the garage to the proposed location would allow it to move from the southerly lot line and would get it off the sideyard lot line to allow the entrance from the new driveway. This was similar to many other older homes in the area with similar setbacks. While it did not meet the zoning code requirements, it did reduce the non-conformity of the location. Jensen explained there was a verbal agreement in place with the neighbor that noted when the garage was separated he (Jensen) would build a new wall on the end of the garage that was owned by the neighbor. The neighbor's garage would remain in the same location on the property line in an updated aesthetically improved position.

**Kath Listina, 815 Lake Street**, was present. She had no objection to the variance; however, she had not seen any designs on paper and might want to appeal her own garage in the same manner one day in the future. She wanted to find out more about the process for doing so by attending this meeting.

Keck further explained that the proposed Jensen garage would be located one foot from the property line with a walkway separation between the two garages. Listina questioned existing and future fence locations on the property and noted the current gravel driveway in that area to be an eyesore. Keck noted the property line could cause a title issue if the property were ever sold in the future.

Krajacic questioned whether consideration had been given to moving the garage location further to the west. Keck noted the tree location made that location difficult. Discussion ensued regarding consideration being given to reducing the two car garage to a single car garage and rotating the garage in order to better accommodate setbacks.

Holton clarified that the application submitted by the applicant indicated the garage location would be more compliant and in the requested location, it would still remain non-compliant. Also, he questioned whether there was an issue with the title when Jensen purchased the property approximately two years. Jensen indicated there was not an issue in purchase. Holton noted the garage design was nice; however, it seemed too large for the existing lot. He questioned the hardship in this matter. The property was not rendered useless without the garage and he understood no one wanted to remove the tree; however another tree could be planted in its place. Holton clarified there was no written agreement showing the support of the neighbor for the new garage and remodeling of the neighboring garage as explained. Holton also explained the process being used by the Board of Zoning appeals in this matter.

Discussion ensued regarding the possibility of rotating the garage to make it fit a conforming location on the lot. Keck noted the curvature of the driveway would

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not accommodate rotation as discussed. Krajacic noted there were other options available on the property to allow the garage placement to be conforming. Keck further explained initial plans included leaving the garage in its current location and expanding it. In conversations with the Building Inspector, it was noted that expansion would not be allowed because the property line encumbered the issue. A remodel permit to reconstruct the garage would not be given as a result of the current location. That was the reason for being present and suggesting the new location. Holton noted other options were available to the applicant, including reducing the size of the garage to allow storage of one car or removal of the tree in this case.

**HOLTON MOVED TO DENY THE APPEAL IN CASE 793: APPEAL OF DAVID KECK (AGENT), AND SEAN JENSEN (OWNER) TO CONSTRUCT AN 18'X 26' DETACHED GARAGE LOCATED AT 738 MILL ST. THIS PROPERTY IS ZONED R4. THE PROPOSED 3' SIDE AND REAR YARDS DO NOT MEET THE 10' MINIMUMS OF THE R4 DISTRICT PER SECTIONS 17.39 (14) (G) & (I) BASED ON THE FACT THAT THERE WAS NO HARDSHIP IN THIS MATTER. MOTION FAILED FOR LACK OF A SECOND.**

Discussion ensued regarding whether additional information could be obtained from the Building Inspector in this matter regarding hardship and issues associated with the location of the property line in the existing garage structure.

**HOFFMANN MOVED TO APPROVE THE APPEAL IN CASE 793: APPEAL OF DAVID KECK (AGENT), AND SEAN JENSEN (OWNER) TO CONSTRUCT AN 18'X 26' DETACHED GARAGE LOCATED AT 738 MILL ST. THIS PROPERTY IS ZONED R4. THE PROPOSED 3' SIDE AND REAR YARDS DO NOT MEET THE 10' MINIMUMS OF THE R4 DISTRICT PER SECTIONS 17.39 (14) (G) & (I) BASED ON THE FACT THAT THE TREE CONSTITUTED A HARDSHIP AND THE PROPOSED LOCATION WOULD IMPROVE THE SETBACK ISSUE RATHER THAN INCREASE THE NON-CONFORMITY. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SAWALL AND HOFFMANN VOTED AYE. HOLTON AND KRAJACIC VOTED NAY. MOTION FAILED.**

Sawall recessed the meeting at 6:42 P.M. and reconvened the meeting at 6:50 P.M. Discussion ensued regarding how best to proceed in this matter.

**HOLTON MOVED TO CONTINUE CASE 793-APPEAL OF DAVID KECK (AGENT), AND SEAN JENSEN (OWNER) TO CONSTRUCT AN 18'X 26' DETACHED GARAGE LOCATED AT 738 MILL ST. THIS PROPERTY IS ZONED R4. THE PROPOSED 3' SIDE AND REAR YARDS DO NOT MEET THE 10' MINIMUMS OF THE R4 DISTRICT PER SECTIONS 17.39 (14) (G) & (I) TO THE AUGUST 25, 2016 BOARD OF ZONING APPEALS MEETING AT 6:00 P.M. KRAJACIC SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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5. Adjournment

**J. KRAJACIC MOVED TO ADJOURN THE JULY 28, 2016 BOARD OF ZONING APPEALS MEETING AT 6:47 P.M. T. HOFFMANN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.