

CITY OF DELAFIELD BOARD OF ZONING APPEALS MEETING MINUTES

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Call Board of Zoning Appeals Meeting to Order
Sawall called the meeting to order at 6:00PM.

Pledge of Allegiance
The Pledge of Allegiance was recited.

Roll Call for the Thursday, August 23, 2018 Board of Zoning Appeals Meeting:

Present

Marty Sawall, Chair
Thomas Hoffmann
Al Johnson
Jeff Krajacic
Jeff Krickhahn
George Bogdanovich

Absent

Gerry Holton

Also Present

James Hammes, Attorney

1. Approve minutes of the June 28, 2018 Board of Zoning Appeals meetings.

HOFFMANN MOVED TO APPROVE THE JUNE 28, 2018 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. BOGDANOVICH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Unfinished Business – None.

3. New Business

- a. **Discussion and action on Case 795: Appeal of Ronald and Sally Hammerschlag, owners, to develop floor area in lower level at 1620 West Shore Dr, Tax Key # 0786.008. The parcel is zoned RL-2. Maximum RL-2 floor area ratio is 30%. Proposed addition of 897 sq ft will exceed maximum allowable floor area by approximately 897 sq ft in violation of Section 17.39(9)(m) of the City of Delafield Zoning Code.**

Ronald and Sally Hammerschlag, applicants, and Tim Langer, attorney for applicants, were present. Langer noted City ordinances pertaining to the responsibilities of the Board of Zoning Appeals relative to granting a variance. History of the property owner relative to the property was also noted. A variance was requested consistent with the original application. S. Hammerschlag explained the house was purchased approximately a year ago from the owner who built the house. The house was in disrepair. There was an unfinished basement and an area for the central vacuum at the time of purchase. The previous owner had told them the original plan was to finish the lower level. Neighbors also verified the intended historical plan for the property. Various improvements to the house had been made since the Hammerschlag's took

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ownership of the property. The footprint of the house would not be changed in future improvement of the basement. The Hammerschlag's wanted to improve the "walk-out" level of the house that currently had a concrete floor and brick walls. Langer explained access to a finished bathroom through an unfinished space with exposed wiring and mechanicals as well as access to the lake frontage via basement space through doors approved in the original building permit were noted as practical difficulties. The practical difficulties included space that was intended for use, and the Hammerschlag's were trying to make the space safe, convenient and attractive by installing carpeting and drywall in a space previously directed for use. The City of Delafield used a floor area ratio (FAR) of 30% of measure of intensity of use. The intensity of use would not change. R. Hammerschlag noted the use of the word "addition" in the agenda item for this matter was misstated because the current footprint of the house was not changing. No neighbors had objected to the interior improvements.

Hoffmann noted an email, dated July 30, 2018 from current City of Delafield Building Inspector, Scott Hussinger to the City of Delafield Clerk's office that indicated the previous City Building Inspector may have included the additional areas in the basement to be finished in the calculations.

HOFFMANN MOVED TO APPROVE AN APPEAL OF RONALD AND SALLY HAMMERSCHLAG, OWNERS, TO DEVELOP FLOOR AREA IN LOWER LEVEL AT 1620 WEST SHORE DR, TAX KEY # 0786.008 TO ALLOW COMPLETION OF THE REFINISHED PORTIONS OF THE EXPOSED BASEMENT AS PRESENTED. KRICKHAHN SECONDED THE MOTION. BOGDANOVICH CLARIFIED THE ALLOWABLE FLOOR AREA RATIO AS BEING 30% IN THIS CASE. HE NOTED THE SQUARE FOOTAGE WOULD BE OVER BY APPROXIMATELY 500 SQUARE FEET PER CLARIFICATION BY HAMMERSCHLAG. THIS DID NOT CONSTITUTE A HARDSHIP IN THIS CASE AND SETTING A PRECEDENT SHOULD BE AVOIDED. HAMMES NOTED THAT GRANTING A VARIANCE REQUIRED HARDSHIP OR PRACTICAL DIFFICULTY. DISCUSSION ENSUED REGARDING WHETHER THE AREA IN QUESTION WOULD BE USED AS LIVING SPACE OR FINISHED AREA. HOFFMANN CALLED THE QUESTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE WAS TAKEN: SAWALL, NAY; HOFFMANN, AYE; JOHNSON, AYE; KRAJACIC, NAY; KRICKHAHN NAY; BOGDANOVICH, NAY. MOTION FAILED.

4. Adjournment

SAWALL MOVED TO ADJOURN THE THURSDAY, AUGUST 23, 2018 BOARD OF ZONING APPEALS MEETING AT 6:20 P.M. KRAJACIC SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.