

CITY OF DELAFIELD BOARD OF ZONING APPEALS MEETING MINUTES

DRAFT

Call Board of Zoning Appeals Meeting to Order

Sawall called the April 11, 2019 Board of Zoning Appeals meeting to order at 6:19PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Thursday, April 11, 2019 Board of Zoning Appeals Meeting:

Present

Marty Sawall, Chair
George Bogdanovich
Gerry Holton
Kevin Maples

Absent

Jeff Krajacic
Al Johnson
Thomas Hoffmann

1. Approve minutes of the August 23, 2018 Board of Zoning Appeals meetings.

BOGDANOVICH MOVED TO APPROVE THE AUGUST 23, 2018 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Unfinished Business – None.

3. New Business

- a. **Appeal of Darrell Ziebarth, owner, to construct a deck along 3 sides of existing residence located at 2378 Lakeview Ct, Tax Key DELC 751.105. Proposed deck includes a shore setback of 15.6 feet which does not meet the 50 feet minimum shore setback requirement per Section 17.39(9)(g) of the Delafield Zoning Code.**

Darrell and Deborah Ziebarth, owner/applicant(s), were present. The Ziebarths had lived in their house approximately two and a half years. The house was constructed in 1965, had 1,100 sf with one bedroom and one bath and was non-conforming due to the date of construction. The property was located on the channel on one side and Lake Nagawicka on the other side of the point on Lakeview Court. A variance was requested to put a deck on the house. The proposed deck would be approximately 10 feet wide and would wrap from northeast corner on the lake side, around the easterly side of the house to approximately five feet onto the south side of the house as noted in the information provided in the epacket on the Plat of Survey. The closest distance of the deck to the shoreline would be 15.6 feet on the northwest side and 16.6 feet on the northeast side. The previous owners had placed a berm around the house. Mr. Ziebarth had recently fallen on the berm and the berm placement was considered unsafe. A deck would alleviate the safety concern as well as the granite headstones that were used for a walkway by the previous owner. This made use of the outdoor space difficult. In the event of a fire, exiting the house

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would be difficult due to the unusable door entry on one side of the house. The only exits were on the lakeside and a side entrance.

Discussion ensued regarding other options available instead of a variance. A patio could be constructed, slab on grade, to make use of the property in the areas desired without the need for a variance. Maples had walked the site earlier in the day and noted the berm. While a patio seemed to make sense, frost would cause it to heave in that location and render it unusable. Holton questioned the reason for the berm. Ziebarth explained it seemed to be largely cosmetic or to keep the foundation intact and warm in the winter. Additional discussion ensued regarding what else could be done on the property that would not require a change in regulations. Ziebarth noted the surrounding neighbors all had decks that were close to the lake. A deck may have been on their house at one time according to neighbor's history but nothing was there now other than the berm. A retaining wall may have been surrounding the berm at one time as well. Ziebarth explained the desire was to cover the berm entirely to avoid safety pitfalls.

Holton noted safe egress and ingress of the house needed to be provided. A five foot by five foot deck would suffice with stairs; however, the proposed deck would not qualify as a hardship in this case. Bogdanovich questioned the hardship in this case. Ziebarth explained the yard was now unsafe and there was little room to use the outdoor space. The berm rendered that area unusable and made the whole area around the house unsafe. The Ziebarths had met with the Building Inspector to discuss what could be done to improve the situation and the proposed variance request was the result.

Holton noted one solution raised by the Ziebarths was to reconstruct the stone retaining wall to hold back the berm. If properly constructed and stacked, frost would not be an issue. There were solutions available to correct the issues of concern; however a hardship had not yet been heard with the exception of safe ingress/egress from the house. A hardship was defined for the applicants. The request for proposed deck did not seem to meet the requirements of the definition of a hardship. A deck would increase the non-conformity on the site. Various potential options for resolution were discussed with regard to placement of an entry to allow safe ingress/egress from the structure. It was suggested that the applicants work with an architect to find a solution on what could be done in this case.

HOLTON MOVED TO DENY CONSTRUCTION OF A DECK ALONG 3 SIDES OF THE EXISTING RESIDENCE LOCATED AT 2378 LAKEVIEW CT, TAX KEY DELC 751.105 FOR DARRELL AND DEBORAH ZIEBARTH AS PRESENTED; HOWEVER, PLACEMENT OF A FIVE FOOT BY FIVE FOOT MAXIMUM SIZED DECK AND ADDITIONAL STAIRCASE BY THE EAST ENTRY DOOR WOULD BE ALLOWED FOR SAFE INGRESS AND EGRESS AS LONG AS THE DECK AND STAIRWAY WOULD REMAIN OPEN AND BOTH DECK AND STAIRWAY WERE TO NEVER BE ENCLOSED. SAWALL

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SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE WAS TAKEN: BOGDANOVICH, AYE; HOLTON, AYE; MAPLES, AYE; SAWALL, AYE. MOTION CARRIED.

4. Adjournment

BOGDANOVICH MOVED TO ADJOURN THE THURSDAY, APRIL 11, 2019 BOARD OF ZONING APPEALS MEETING AT 6:50P.M. MAPLES SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.