

### CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER  
Chair B. Maslowski called the meeting to order at 7:30 P.M.

2. ROLL CALL  
Present Absent  
Bill Maslowski  
Thomas Hoffmann  
Gerry Holton  
Al Johnson  
Rick Lieblang

Also present  
Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF SEPTEMBER 29, 2011 MEETING

**R. LIEBLANG MOVED TO APPROVE THE SEPTEMBER 29, 2011 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. OLD BUSINESS

B. Maslowski noted an opportunity would be provided to the Board after the next Board of Zoning Appeals meeting to review policies, procedures and approaches being utilized in the Appeals process. This opportunity was being provided by the City Administrator and City Attorney. All Board members were encouraged to attend.

5. NEW BUSINESS

CASE 773 – APPEAL OF BERNARD GUNAR AND LESLIE ANN GRUENKE TO CONSTRUCT A 32'-7" LONG BY 9'-8" WIDE, 2 STORY ADDITION LOCATED AT 1539 MILWAUKEE STREET INCLUDING A 32'-7" LONG BY 8' WIDE DECK ALONG THE LAKE SIDE AND 6' WIDE DECK AND RAMP ALONG THE ENTIRE WEST SIDE OF HOUSE. THE PROPERTY IS ZONED RL-2. THE PROPOSED PROJECT DOES NOT MEET THE MINIMUM SIDE YARD REQUIREMENT PER SECTION 17.39(9) (I), THE REQUIRED LOT AREA PER SECTION 17.39(D), THE MAXIMUM FLOOR AREA RATIO PER SECTION 17.39(M) NOR THE OPEN SPACE REQUIRED PER SECTION 17.39(N). SECTION 17.58 ALLOWS EXISTING NONCONFORMING LOTS THAT DON'T MEET THE MINIMUM YARD, OPEN SPACE AND MAXIMUM FLOOR AREA RATIO REQUIREMENTS TO BE USED WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS.

B. Maslowski briefly reviewed the case, noting the process being utilized by the Board of Zoning Appeals in this case. The applicant was present. B. Maslowski stated this appeal violated City Building Code requirements related to sideyard setback, maximum

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floor area ratio (FAR) as well as open space requirements and thus required variance consideration.

Gunar Gruenke, 1539 Milwaukee Street, explained the request, noting the proposed location of the addition to his structure as well as the surrounding neighbors' structures for the Board. He noted the neighbors on either side of his house and across the street had all indicated no opposition to the project being requested. He went on to explain that his lot was non-conforming with respect to the F.A.R. and Open Space requirements noted in the City Code. Rather than tearing the house down, he had opted to propose creating an addition of the same width as the existing house structure and expanding the house eight feet toward the lake with a deck extending toward the lake on the westerly side of the house as well. The proposed deck along the easement on the side of the house was to allow access to the house for his relatives requiring wheelchair access. He then shared several photo depictions of the existing structure and his neighbors' properties in addition to the architectural plans submitted.

T. Hoffmann questioned the distance between the existing garage on the west side and the access easement. G. Gruenke stated it was approximately 18 inches. S. Hussinger clarified it was 1.73 feet on the survey map.

G. Gruenke went on to explain that he had begun interior excavating of the basement level in anticipation of an expansion of his house. This was also in response to resolving various water issues associated with the house after purchase. It was noted that at this time the request did not include consideration of a finished basement.

With regard to the deck on the westerly side of the house, G. Holton questioned whether the ten foot access easement was deeded access. G. Gruenke stated it was privately owned by the neighbor across the street; however, it was not used. G. Holton noted the neighbors to the west had honored the eight foot sideyard setback requirement when they constructed their house. He explained that according the photos submitted it seemed as though grading could be completed to allow access to the existing house for a wheelchair without having to maneuver the existing step at the front of the house. G. Gruenke stated he was concerned about snow and water getting into the house as that area currently dealt with water issues. His intent was to further fill the area being discussed and he would continue to work with the next door neighbor regarding retaining walls and splitting the cost of the shared well resolutions.

R. Lieblang stated he thought the size of the deck being requested was too large; however, he was not opposed to having a smaller deck in that location. G. Holton disagreed, noting the neighbor to the west had honored the setback and it was important to honor it in this request as well. He also thought access could be gained to the house through other means without a deck being constructed. T. Hoffmann agreed, stating he believed there was a bit of room to allow a deck in that location with a reduced width from the proposal. A. Johnson stated he did not have an issue with the deck as there was plenty of room on the sideyard and it did not violate any Open Space requirements. In addition, all three neighbors supported the concept. B. Maslowski explained he did not think the deck was necessary and the sideyard setbacks should be respected unless

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it was necessary to be modified for living space. He also thought handicapped accessibility could be gained to the house another way.

G. Gruenke questioned whether the deck could potentially be approved if it was reduced in width, a section removed, and the steps turned toward the house. B. Maslowski explained it was not the power of the Board to negotiate architectural changes and if G. Gruenke wanted to modify the deck proposal, he should return at a later date with specific plans in hand for the deck.

**G. HOLTON MOVED TO DENY THE DECK ON THE WEST SIDE OF THE HOUSE THAT ENCROACHES ON THE SIDEYARD SETBACK. T. HOFFMANN SECONDED THE MOTION. NO FURTHER DISCUSSION. THREE WERE IN FAVOR. R. LIEBLANG VOTED NAY. B. MASLOWSKI ABSTAINED. MOTION CARRIED.**

B. Maslowski explained the F.A.R. would be considered next in the proposal. S. Hussinger clarified the definitions of the F.A.R. and Open Space related to this request. B. Maslowski clarified that the concept of a finished basement was not part of the plans being proposed at this time. Should G. Gruenke wish to have a finished basement as part of the plans, he would need to return with specific plans to do so. B. Maslowski also noted the ramifications for completing the basement without proper approvals. He then clarified the request.

**R. LIEBLANG MOVED TO ACCEPT THE 3,158 SQUARE FEET OF FLOOR AREA WITH AN UNFINISHED BASEMENT PER PLANS PRESENTED AT THIS MEETING. G. HOLTON SECONDED THE MOTION. A. JOHNSON QUESTIONED WHAT CONSTITUTED AN UNFINISHED BASEMENT. S. HUSSINGER STATED THAT THIS VARIED BY REQUEST, AND TO HAVE INTERIOR WALLS WOULD CONSTITUTE A FINISHED BASEMENT IN THIS CASE. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. MASLOWSKI ABSTAINED. MOTION CARRIED.**

At this time, B. Maslowski clarified the approvals completed and denied and explained the Open Space requirement in this case. S. Hussinger clarified that there was no change being proposed to the open space if the deck was excluded on the westerly side of the house as in the first motion on this matter.

**A. JOHNSON MOVED TO APPROVE THE LAKESIDE DECK IN THE LOCATION AND SIZE AS INDICATED ON THE PLAN PRESENTED. T. HOFFMANN SECONDED THE MOTION. G. HOLTON SUGGESTED THE MOTION BE AMENDED TO INCLUDE VERBIAGE RELATED TO THE WEST SIDE DECK BEING DENIED AS THE MOTION COULD BE CONSTRUED AS WRITTEN. WITHOUT OBJECTION FROM THE SECONDER, A. JOHNSON AMENDED THE MOTION TO STATE "A. JOHNSON MOVED TO APPROVE THE LAKESIDE DECK IN THE LOCATION AND SIZE AS INDICATED ON THE PLAN PRESENTED AT THIS TIME WITH THE EXCLUSION OF THE WEST SIDE DECK THAT HAS BEEN DENIED IN A PREVIOUS MOTION." THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. MASLOWSKI ABSTAINED. MOTION CARRIED.**

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6. ADJOURN

**T. HOFFMANN MOVED TO ADJOURN THE JANUARY 12, 2011 BOARD OF ZONING MEETING AT 8:28 P.M. A. JOHNSON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.