

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

<u>Present</u>	<u>Absent</u>
Bill Maslowski	Al Johnson
Thomas Hoffmann	Rick Lieblang
Gerry Holton	
Gerry MacDougall (arrived 7:36 p.m.)	

Also present
Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF JANUARY 12, 2012 MEETING

T. HOFFMANN MOVED TO APPROVE THE BOARD OF ZONING APPEALS MEETING MINUTES OF JANUARY 12, 2012 AS PRESENTED. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. OLD BUSINESS

B. Maslowski stated the City Attorney would meet with the Board of Zoning Appeals at an upcoming meeting.

5. NEW BUSINESS

CASE 774 –APPEAL OF KINGS WAY RENOVATIONS, AGENT FOR OWNERS GENE & LINDA VANSGRINSVEN, TO CONSTRUCT A 380 SQUARE FOOT GARAGE ADDITION AT 125 STEEPLE POINTE COURT, DELC 0838.002. THE PROPERTY IS ZONED RE-2. THE PROPOSED PROJECT DOES NOT MEET THE MINIMUM SIDE YARD REQUIREMENT PER SECTION 17.39(5) (H).

B. Maslowski briefly reviewed the case, noting the responsibilities of the Board of Zoning Appeals and process being utilized in this case. The applicants were present.

B. Maslowski stated this appeal violated City Building Code requirements related to minimum sideyard requirements, and thus required variance consideration.

Gene and Linda VanGrinsven, 125 Steeple Pointe Court, were present.

G. VanGrinsven explained they currently owned a house with a two stall garage that functioned as a one stall garage in the summer months due to storage needs for lawn equipment. In the winter months, lawn equipment was stored offsite in a storage facility. They were present to request consideration be given to a garage addition that would include one more stall and additional space at the rear of the existing garage. While they had plenty of room for a shed or storage building on their property, no outbuildings were allowed in the Steeple Chase subdivision. L. VanGrinsven stated they bought the house last August and it was the only home in the subdivision that had a two stall garage. All others had three or four stalls.

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G. VanGrinsven further explained consideration had been given to choosing a location on their property that would not conflict with the sideyard but it was impacted by utilities for the property. There was no access to the rear of their property directly as there was only a path through a wooded area. The only remaining choice involved the variance being requested. Neighbors were present tonight as well in support of the project. He also explained he had presented a request for the garage to the Subdivision Control Board for Steeple Pointe. That Board had reviewed the proposed garage plans and had no issue with it.

T. Hoffmann clarified that the City of Delafield would allow construction of an outbuilding on the property; however, the subdivision's Control Board would not. G. VanGrinsven responded affirmatively, noting there was no other option available to him at this time to meet additional space needs.

G. MacDougall arrived at this time.

G. Holton questioned the hardship in this case. G. VanGrinsven stated the hardship in this case was that he required more space and he had to move his equipment offsite in certain months in order to be able to use his property. When the proposed plans were examined, it should be noted that a single stall was being added and additional space on the back end of the garage also added to mitigate the current lack of space.

G. Holton noted all homes in the neighborhood that he observed had the garage turned the opposite way from the current proposed garage. G. VanGrinsven explained this was due to the topography of the lot as there was a significant hill off Steeple Courte that provided a twelve foot drop to his property due to the steep grade. For this reason, a side entrance to the garage would not be possible. This only left a front entrance garage that would enter from the south as proposed. If the garage were allowed to be placed in the proposed location, it would be approximately five feet from the boulder retaining wall currently in existence. This retaining wall would not need to be changed as part of the proposed plans.

B. Maslowski questioned whether topography was the reason for the two car garage. G. VanGrinsven stated the previous owner had stated he wished he had the foresight to move the house over eight feet to the south so there would not have been a need for limited garage space. At the time the owner constructed the house and garage he had no need for a third stall so one was not built. Afterward he had regretted his decision.

G. Holton clarified that the applicant could build the "bump out" portion of the garage without a variance. S. Hussinger clarified there could potentially be an addition to the garage if constructed straight back toward the rear of the property so that it did not further encroach on the side lot line.

G. MacDougall stated it was interesting and concerning that the Steeple Pointe Subdivision Control Board would not budge on the matter of placement of an outbuilding on the site, but the City was supposed to allow a variance to the zoning code. He

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explained this Board was designed to consider hardships and he questioned whether too many cars for the current garage space constituted a hardship in this matter.

G. Holton agreed, noting this matter seemed more of an inconvenience than a hardship. While the current neighbors had no issue with the proposal, future neighbors might and it was the role of the Board to look "long range" at each case. He also thought it would be inconsistent of the Board to make a conforming situation non-conforming. .

T. Hoffmann also agreed, stated a new neighbor might wonder why a property owner was allowed to encroach onto the property line.

B. Maslowski stated setbacks between properties were considered "hallowed ground." To encroach onto a property line and make a conforming situation non-conforming would be a critical error for the Board in this case. He agreed with G. MacDougall in that this issue appeared to be a subdivision control issue and he thought it important to return to the Steeple Pointe Subdivision Control Board and attempt to resolve the issue there. If this was not a possibility he suggested meeting with the Building Inspector to determine if there were any creative ways to gain more space for the garage before returning to this Board for any necessary approvals in the future.

G. HOLTON MOVED TO DENY THE REQUEST FOR APPEAL OF KINGS WAY RENOVATIONS, AGENT FOR OWNERS GENE & LINDA VANSGRINSVEN, TO CONSTRUCT A 380 SQUARE FOOT GARAGE ADDITION AT 125 STEEPLE POINTE COURT, DELC 0838.002. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

At this time, B. Maslowski recused himself from the role of Chairperson of the Board of Zoning Appeals as his property was adjoining to the property owner in Case 775. He sat in the audience at this time.

T. HOFFMANN MOVED TO HAVE G. HOLTON ACT AS CHAIRPERSON FOR THE CASE NO. 775. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 775 - APPEAL OF JOHN P. MCHUGH, AGENT FOR GEORGE RAAB, OWNER, TO CONSTRUCT A 12' WIDE BY 24' LONG GARAGE ADDITION LOCATED AT 2107 EVERGREEN LANE. THIS PROPERTY IS ZONED RL-1. THE PROPOSED ADDITION DOES NOT MEET THE 15' MINIMUM INTERIOR SIDE YARD REQUIREMENT PER SECTION 17.39 (7) (J).

G. Holton briefly reviewed the case, noting the process being utilized by the Board of Zoning Appeals in this case. The applicant's agent, John McHugh, was present to speak for the applicant. J. McHugh explained there was an existing two car garage on the property and three stalls were desired. The request would infringe less than one foot to the east and up to four feet to the west due to the angle of the lot. There was a substantial landscape barrier on the lot making it difficult to expand in any other way. The owners wanted to keep the snow and ice from their vehicles in the winter. In addition, the lot was heavily treed and potential wind damage existed to vehicles left

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sitting outside. The value of the home was diminished with the two car garage in the neighborhood and he also thought an extra car parked outside negatively impacted the aesthetics of the neighborhood and provided a deterrent to the neighborhood. J. McHugh provided clarification to the Board at this time regarding the survey information and lot ownership.

G. MacDougall questioned the hardship in this matter, noting this case seemed similar to the previous case heard earlier in the meeting. J. McHugh stated there was diminished value to the property as other houses in the neighborhood had three or four stalls. In addition, all the vehicles could not be parked in the garage and trees on the lot posed potential wind damage.

T. Hoffmann stated he did not see a hardship in this case. J. McHugh stated as the owners aged it became more difficult to keep the snow and ice cleared from the cars. There was a fifteen foot sideyard setback and this request would only infringe four feet if approved. G. Holton noted the current house had been constructed to maximize the site and built to comply with the zoning setbacks in that category. G. MacDougall stated there was no hardship and he saw no reason to rewrite the zoning laws in this case.

G. MACDOUGALL MOVED TO DENY THE APPEAL OF JOHN P. MCHUGH, AGENT FOR GEORGE RAAB, OWNER, TO CONSTRUCT A 12' WIDE BY 24' LONG GARAGE ADDITION LOCATED AT 2107 EVERGREEN LANE. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. Maslowski returned to his role as Chairperson at this time.

CASE 776 - APPEAL OF BERNARD GUNAR AND LESLIE ANN GRUENKE TO REVISE PLANS TO INCLUDE AN ADDITIONAL 1,448 SQ FT OF FLOOR AREA IN VIOLATION OF SECTION 17.39(9)(M) AND A DECK EXPANSION THAT ENCROACHES INTO THE REQUIRED MINIMUM SIDE YARD IN VIOLATION OF SECTION 17.39(9)(I) AND REDUCES OPEN SPACE IN VIOLATION OF SECTION 17.39(9)(N).

B. Maslowski noted this case had been moved to the Board of Zoning Appeals meeting agenda for April 26, 2012.

6. ADJOURN

G. HOLTON MOVED TO ADJOURN THE APRIL 12, 2012 BOARD OF ZONING MEETING AT 8:16 P.M. T. HOFFMANN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.