

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

Bill Maslowski
Thomas Hoffmann
Gerry Holton
Al Johnson

Absent

Rick Lieblang

3. APPROVE MINUTES OF OCTOBER 28, 2010 MEETING

A. JOHNSON MOVED TO APPROVE THE OCTOBER 28, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. T. HOFFMANN AND B. MASLOWSKI ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

B. Maslowski explained he had attended a seminar on the role and responsibilities of the Board of Zoning Appeals recently and he would be happy to share the information from this seminar with any interested Board member.

5. NEW BUSINESS

CASE 771 – APPEAL OF LYNN & SPENCER SIMONEN (OWNERS) TO REBUILD A 22' X 24' DETACHED GARAGE AT 1115 E MILWAUKEE STREET, DELC 0787.003, RELATING TO MINIMUM INTERIOR SIDE YARD REQUIREMENTS IN R-1D ZONING (SECTION 17.39 (11)(h) AND RELATING TO EXISTING NON-CONFORMING STRUCTURES TO BE RECONSTRUCTED OR ENLARGED AS LONG AS IT DOES NOT INCREASED THE DEGREE OF NON-CONFORMITY (SECTION 17.57).

B. Maslowski briefly reviewed the case, noting the request to rebuild a detached garage at 1115 East Milwaukee Street had been denied. He then reviewed the process to be utilized in this case.

Lynn and Spencer Simonen (owners) were present regarding this matter. L. Simonen explained they were present to request that the current setback be maintained when rebuilding a detached garage on the property as the property was long and narrow. If allowed to remain this way, the backyard area of the property could also have sufficient use and enjoyment. The new garage would be in keeping with the remodeling of the main house in terms of architectural materials. She further noted many other properties nearby that had buildings within 50 feet of the setback so this was not unusual for the area. S. Simonen also explained that the grade on Bay Shore Lane was higher than the current garage floor. When it rained or in times of snow melt, the garage would

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frequently be under 1-4 inches of water. L. Simonen stated the garage to be rebuilt would be the same distance from the property line and would be slightly expanded by two feet to hold two cars.

A. Johnson questioned the hardship in this case. L. Simonen stated the hardship was that the current garage was falling down and the roof was currently being held in place by a roof jack and there were numerous leaks and structural issues. This situation was unsafe and unsightly. The new garage would require a new foundation.

G. Holton questioned why there were two surveys and garage options in the materials presented to the Board. He clarified this request for consideration was for a 22' by 24' detached garage for this property. L. Simonen explained they were in the process of developing plans for a remodel of their house. At this point, they were working on the garage portion of the property as they had been advised that it would be prudent to get approval from the Board regarding rebuilding the garage prior to tearing it down. A detached garage had been submitted to the Board and a secondary option that included an attached garage had been included in the informational materials to the Board prior to this meeting. If the attached garage was preferred once the design phase of the remodeling was complete, they would return to discuss that option with the Board if needed.

B. Maslowski explained the options for repair of the current garage under the City's municipal code.

A. Johnson stated he understood the hardship to be that the current garage was unsafe and people could get hurt if the current use continued. Because the setback was not being increased, he did not have difficulty with the request as he understood that the size needs of vehicles and garages had changed since 1930.

G. Holton stated it was important not to take non-conforming structures and make them more non-conforming. There was a nearby garage that was located approximately 20 feet off the center line of the road. S. Simonen stated that was correct, but he did not think the garage necessarily conformed to a side yard setback as well.

T. Hoffmann questioned the water issues for the new garage if the garage location still remained at 9.3 feet from the center line of the roadway. S. Simonen stated the new garage would be constructed with a higher grade.

B. Maslowski questioned whether the easement adjacent to the property was serviced by the City or was private. A. Johnson stated years ago the City had plowed it; but that was no longer the case.

G. Holton questioned whether the neighbors knew the intent of this request. L. Simonen stated they were all friends in that area and the neighbors were aware and in support of the garage being rebuilt. S. Simonen stated he believed all neighbors were in support.

B. Maslowski questioned whether any consideration had been giving to changing the setback related to the proposed garage. Further, he stated he would prefer to see a less

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non-conforming location for the garage on the property. While he had no problem with the proposed size or multiple doors on the garage, he thought it important to move the garage further from the road as over time he could imagine the roadway being more heavily utilized with larger vehicles that could hit the garage. While Option 2 was not being fully discussed this evening, it was in the packet of information and he thought it made much more sense.

G. Holton observed that both Options 1 and 2 depicted a 9.3 foot setback and Option 2 would take up backyard space. L. Simonen stated while it would take up space it would be located closer to the house so there would be more open yard area as a result.

Discussion ensued regarding the distances required for the garage to be conforming with the municipal code as it related to the two options in the packet.

G. Holton expressed concern that the case before the Board only included a request for a detached garage. Discussion ensued regarding whether the applicants were required to submit a separate request for consideration and appeal in this matter.

B. Maslowski questioned whether L. Simonen presented Option 2 when speaking with the Building Inspector about this matter. L. Simonen stated she had not because at the time the design phase of the house was also being undertaken and it was important to get a determination on the garage before proceeding; however, the architect had provided an option that could be considered later if the Simonen's chose to return to the Board at a later date.

Discussion ensued regarding how best to proceed in this case with the options available for the garage. L. Simonen questioned whether a second application fee would be necessary for this matter.

G. HOLTON MOVED TO POSTPONE CONSIDERATION OF CASE 771 AND TO HAVE THE APPLICANTS APPEAR AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF ZONING APPEALS AND IF THAT IS MET, THEN THERE WOULD NOT BE A NEED FOR A NEW APPLICATION FEE. T. HOFFMAN SECONDED THE MOTION. B. MASLOWSKI EXPRESSED CONCERN THAT THIS COULD BE UNDERSTOOD TO MEAN A SCHEDULED MEETING OF THE BOARD IN TWO WEEKS TIME AND THIS WAS NOT THE CASE. WITHOUT OBJECTION FROM THE SECONDER OF THE MOTION, G. HOLTON AMENDED THE MOTION TO POSTPONE CONSIDERATION OF CASE 771 UNTIL THE BOARD OF ZONING APPEALS WOULD CONVENE AT THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING AND THE APPLICANTS FOR CASE 771 WOULD NOT BE REQUIRED TO PROVIDE A NEW APPLICATION FEE. T. HOFFMANN STATED IT WOULD BE HELPFUL TO INCLUDE THE REASON WHY THE POSTPONEMENT WAS REQUIRED. WITHOUT OBJECTION FROM THE SECONDER, THE MOTION WAS AGAIN AMENDED TO POSTPONE CONSIDERATION OF CASE 771 UNTIL THE BOARD OF ZONING APPEALS WOULD CONVENE AT THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING AND THE APPLICANTS FOR CASE 771 WOULD NOT BE REQUIRED TO PROVIDE A NEW APPLICATION FEE BECAUSE OPTION 2 FOR THE GARAGE WAS NOT INCLUDED IN THE

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NOTICE REGARDING THIS MATTER, BUT THE MATERIALS REGARDING THIS OPTION HAD BEEN INCLUDED IN THE INFORMATIONAL MATERIALS TO THE BOARD MEMBERS PRIOR TO THIS MEETING. B. MASLOWSKI CLARIFIED THAT THE APPLICANTS COULD, AS A RESULT OF THIS MOTION, WAIT UNTIL THE NEXT TIME AN APPLICATION WAS SUBMITTED FOR REVIEW AND THE BOARD WAS REQUIRED TO CONVENE WITH NO NEW APPLICATION FEE REQUIRED; HOWEVER, IF THE APPLICANTS FOR THIS CASE DESIRED A MORE TIMELY MEETING, THEN THE APPLICATION FEE OF \$100 WOULD BE REQUIRED TO HAVE THE BOARD CONVENE. HE WANTED TO BE CERTAIN THAT THE APPLICANTS UNDERSTOOD IT COULD BE A LENGTHY PERIOD OF TIME BEFORE THE BOARD WAS REQUIRED TO CONVENE NEXT. THE BOARD OF ZONING APPEALS HAD LAST MET IN OCTOBER, 2010, BECAUSE THERE WAS NOT A NEED TO CONVENE PRIOR TO TONIGHT'S MEETING. THE SIMONEN'S INDICATED THEY UNDERSTOOD. A. JOHNSON QUESTIONED WHETHER THE NEIGHBORS WOULD GET A NEW NOTICE OF THIS MEETING. B. MASLOWSKI STATED THEY WOULD. **THERE WAS NO FURTHER DISCUSSION. TWO VOTED IN FAVOR. A. JOHNSON VOTED NAY. MOTION CARRIED.**

6. ADJOURN

A. JOHNSON MOVED TO ADJOURN THE JULY 14, 2011 BOARD OF ZONING MEETING AT 8:37 P.M. T. HOFFMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.