

**CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES**

1. CALL MEETING TO ORDER  
Chair B. Maslowski called the meeting to order at 7:33 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 JULY 14, 2011 MEETING

**A. JOHNSON MOVED TO APPROVE THE JULY 14, 2011 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. HOLTON NOTED A CORRECTION ON PAGE 1, ITEM 5, PARAGRAPH 2, SENTENCE 5, CHANGE "50 FEET" TO "15 FEET." A. JOHNSON MOVED TO AMEND THE MOTION TO APPROVE THE JULY 14, 2011 BOARD OF ZONING APPEALS MEETING MINUTES AS AMENDED ON PAGE 1, ITEM 5, PARAGRAPH 2, SENTENCE 5, CHANGE "50 FEET" TO "15 FEET." G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. R. LIEBLANG ABSTAINED. MOTION CARRIED.**

4. OLD BUSINESS

None.

5. NEW BUSINESS

Change the case information below.

CASE 771 – DISCUSS AND TAKE ACTION ON APPEAL OF LYNN & SPENCER SIMONEN (OWNERS) TO REBUILD A 22' X 24' DETACHED GARAGE AT 1115 MILWAUKEE ST, DELC 0787.003, RELATING TO MINIMUM INTERIOR SIDE YARD REQUIREMENTS IN R-1D ZONING. SECTION 17.39(11)(H), AND PERTAINING TO ANY EXPANSION OR ADDITION TO AN EXISTING NONCONFORMING STRUCTURE REQUIRING A VARIANCE, SECTION 17.57, WHICH WAS POSTPONED AT JULY 14, 2011 MEETING.

B. Maslowski briefly reviewed the case, noting the request to rebuild a detached garage at 1115 East Milwaukee Street had been discussed at the most recent Board of Zoning Appeals meeting. The applicant was present to further discuss this case.

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Spencer Simonen explained he and his wife had considered the options available to them and they wanted to proceed with a garage proposal that was less non-conforming than the original garage. This proposal would locate the garage 10.3 feet off the side lot line instead of 9.3 feet and 12 feet further back on the lot. He shared photos of the existing garage on the lot and explained that the current garage was dangerous and falling down. In addition, the garage had been constructed in 1925 and no longer held vehicles of current size.

G. Holton clarified the location of the proposed garage on the lot. S. Simonen stated the current garage location was too close to the house for ease of maneuvering vehicles and to move it back 12 feet would allow cars to easily access the garage space while maintaining their back yard and it would also be cost effective.

G. Holton stated the City's Code stated the sideyard setback was 15 feet and when he had visited the property, he thought this distance was attainable. In addition, he thought there was the ability to locate the garage on the property to make it completely conforming. S. Simonen explained that to do so would virtually cut his property in half and he would not be able to see the back of his lot. He thought this was a hardship to the configuration of the lot.

R. Lieblang stated the garage was falling down and the Board could allow the same size building to be raised up so that it would no longer flood in heavy rain.

Discussion ensued regarding whether the lot created a hardship with regard to eliminating the non-conformity of the proposed garage location. B. Maslowski explained the process that would be followed in an appeal of this case. Discussion further ensued regarding whether the property was located on a private roadway.

Scott Hussinger, City Building Inspector, stated the roadway was private and further explained that the lot was substandard relative to current zoning as it had likely predated the City's Zoning Code. To overlay current standards on the property with the expectation that it would conform to today's regulations would create a hardship for the property owner in this case for the lot width.

R. Lieblang stated he thought there was a hardship for the owner regarding the safety and functionality of the garage with regard to age and flooding issues. In addition, the lot was non-conforming due to the age of the property and its structures.

**R. LIEBLANG MOVED TO APPROVE THE APPEAL OF LYNN & SPENCER SIMONEN (OWNERS) TO REBUILD A 22' X 24' DETACHED GARAGE AT 1115 MILWAUKEE ST, AND TO ACCEPT THE PROPOSAL WITH A SIDEYARD SETBACK OF 10.3 FEET BECAUSE OF THE HARDSHIP DISCUSSED AND TO ALLOW THE PROPERTY OWNER TO RAISE UP THE GARAGE TO ELIMINATE FLOODING OF THE GARAGE. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. G. HOLTON VOTED NAY. MOTION CARRIED.**

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6. ADJOURN

**G. HOLTON MOVED TO ADJOURN THE AUGUST 11, 2011 BOARD OF ZONING MEETING AT 7:52 P.M. T. HOFFMANN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.