

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	
Gerry Holton	
Rick Lieblang	

Also present
Scott Hussinger, City Building Inspector

3. APPROVE MINUTES OF AUGUST 11, 2011 MEETING

T. HOFFMANN MOVED TO APPROVE THE AUGUST 11, 2011 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

CASE 772 – APPEAL OF PHIL KASUN TO BUILD A SECOND FLOOR BALCONY AT REAR OF STRUCTURE LOCATED AT 1208 GENESEE ST, DELC 0787.159, RELATING TO MINIMUM REAR SETBACK REQUIREMENTS IN R-5A ZONING, SECTION 17.39(15)(G).

B. Maslowski briefly reviewed the case, noting the request to build a second floor balcony at 1208 Genesee Street had been denied due to the rear setback requirement for the property. The applicant was present to discuss this case. He then went on to explain the process to be utilized in this matter.

Phil Kasun, 1208 Genesee Street, explained he lived in the 100 year old house across the street from St. John's Northwestern Military Academy (SJNMA). Prior to the development of the school, there were no other houses in that area. In the 1970's, the area began to develop around his property and lot lines were implemented. The house was a duplex with a tenant currently residing in the second floor. The hardship was evident when it was considered that there was no easement issue with the property until the zoning was added in the 1970's. With the implementation of the zoning code at that time, it was necessary to have a means of escape from the second floor in case of fire. The current stairs were in disrepair and required replacement. The intent was to have the new balcony 14 feet from the lot line instead of the existing 12 feet. He wanted to avoid having stairs at the front of the house and proposed a single balcony on the second floor instead as it would satisfy the code requirements, reduce the encroachment and provide a more appealing property for the tenant, the property and the City. He had

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

spoken to the neighbors to the north and south of his property and there with no issues presented with the proposed balcony.

B. Maslowski stated the fact that the ordinances had changed in the 1970's were not considered a hardship in this case. He questioned whether the applicant had increased the size of the structure coming away from the building. P. Kasun stated he was reducing the overall size of the balcony area and he had been trying to explain that the land area was there without the lot line previously in its current location.

G. Holton questioned the minimum dimensions required by the Code for a balcony or fire escape of this nature. S. Hussinger stated he believed it was 36 square feet. G. Holton stated he understood the reduction being proposed in the setback; however, he wondered if the applicant had considered reducing the width of the balcony to 6 feet as it would almost negate the necessity for encroachment in that area. P. Kasun explained there were issues with the existing doors and windows in that area. The door was a standard three foot wide door.

B. Maslowski clarified the dimensions shown on the drawing presented by the applicant. G. Holton stated he did not believe a hardship had been presented at this time. T. Hoffmann stated he thought the balcony should be placed there. As a member of the Board, he would find it difficult if a fire were to occur and residents could not get out of the building. He thought there was an obvious need for a balcony; but he thought it should come back a bit as he was concerned that someone would mistake the functionality of the balcony as a fire escape for a deck.

B. Maslowski questioned the original stairway structure. P. Kasun explained there were two landing pads with stairs between them. He would consider moving the balcony to a width of five feet if needed. B. Maslowski stated he agreed with T. Hoffmann regarding the need for a fire escape; however, he did not think it needed to be expanded to the requested size.

R. LIEBLANG MOVED TO APPROVE THE APPEAL OF PHIL KASUN TO BUILD A 2ND FLOOR BALCONY AT THE REAR OF THE STRUCTURE LOCATED AT 1208 GENESEE STREET WITH BALCONY DIMENSIONS NOT TO EXCEED 5 FEET IN WIDTH AND 12 FEET IN LENGTH. T. HOFFMANN SECONDED THE MOTION. G. HOLTON QUESTIONED THE MINIMUM REQUIREMENTS IN THIS MATTER. S. HUSSINGER STATED THE MINIMUM REQUIREMENTS WERE THREE FEET IN WIDTH BY SIX FEET IN LENGTH. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. ADJOURN

T. HOFFMANN MOVED TO ADJOURN THE SEPTEMBER 29, 2011 BOARD OF ZONING MEETING AT 7:50 P.M. G. HOLTON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.