

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER

B. Maslowski called the meeting to order at 7:30 P.M.

2. ROLL CALL

Present

Bill Maslowski
Thomas Hoffmann
Gerry Holton
Rick Lieblang
Gerry MacDougall

Absent

3. APPROVE MINUTES OF DECEMBER 10, 2009 MEETING

R. LIEBLANG MOVED TO APPROVE THE DECEMBER 10, 2009 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. G. MACDOUGALL ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

B. Maslowski requested confirmation from the City Administrator of intent by an applicant to proceed with a case heard last year. More information would be available at a later date on this matter.

5. NEW BUSINESS

CASE 764 – APPEAL OF DAVID ALLISON (OWNER) AND ANTHONY FEDERSPILL (AGENT) TO BUILD A SINGLE FAMILY HOME AT 2450 WOODLAND PARK DR, DELC 0751.073, RELATING TO SECTION 17.39(9)(N) PERTAINING TO MINIMUM OPEN SPACE REQUIREMENTS, SECTION 17.39(9)(M) PERTAINING TO FLOOR AREA RATIO REQUIREMENTS AND SECTION 17.39(9)(F) PERTAINING TO MINIMUM FRONT STREET SETBACK REQUIREMENTS.

B. Maslowski reviewed the case, noting the request to build a single family home at 2450 Woodland Park Drive, relating to Section 17.39(9)(N) pertaining to minimum open space requirements and Section 17.39(9)(M) pertaining to floor area ratio (F.A.R.) requirements and Section 17.39(9)(F) pertaining to minimum front street setback requirements had been denied. He then explained the review process for this case, noting a letter from the City's Building Inspector regarding the issues for denial.

B. Maslowski explained the purpose of the Board of Zoning Appeals in hearing this case. David and Gail Allison were present along with their agent in this matter, Anthony Federspill. John and Kathy Johnson, 2545 Woodland Park Drive, were also present regarding this case.

A. Federspill reviewed the history of the purchase of the property and the decision to construct the house in the proposed manner. He explained the lot had been purchased

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from a neighbor to the south of the property. Support had been received from various neighboring properties, including a letter received from Todd and Glenda Dannenfelter residing at 2534 Woodland Park Drive in support of the proposed project.

A. Federspill further explained many lots were developed in the area prior to the inception of the city's ordinance relating to minimum lot size of 10,000 square feet and as a result, this lot would be considered unbuildable. He then noted the variances being requested were reasonable in that most homes in the City were significantly larger than the modest two bedroom house being proposed. The proposed house had been shrunk in design as much as possible to accommodate the needs of the owners. The lot was not rectangular and any attempts made to design the house to conform to sideyard setbacks would require the house to be offset. Attempts were made in the design to meet the front street setback and had come close with a variance request of 3.25 ft. He also explained the Allison's father would be living with them and used a wheelchair for mobility in daily life. The house had been proposed with this in mind and especially for use of the deck. The deck was being proposed as an extension of the house toward the lake as was the desire of any lake owner. The proposed deck would not impede the view of the neighbors and was designed to accommodate the wheelchair needs of the family. In addition, the applicant was an avid car hobbyist and wanted to be able to work in his garage on his cars out of sight in order to provide a clean look in the neighborhood. The size of the garage was being proposed to accommodate the storage needs of living on the lake associated with having boats and cars that required interior storage. He requested the Board keep in mind that the house being proposed was modest compared to the ordinances and attempts had been made to meet the setbacks in all issues.

G. Holton stated the main purpose of the Board was to deal with hardships presented in each case. While he did not have an issue with the street and sideyard setbacks as he felt attempts had been made to work with the requirements, he questioned the size of the deck. He thought the deck should either be eliminated or shortened to better conform to the shoreline setback. A ground patio could be utilized on the lot without need for variance. He also questioned whether the shed had siding and whether it was worth keeping.

D. Allison explained the issue of siding related to the previous lot owner and noted he would like to keep it if possible for storage purposes.

G. Holton stated he thought there were many options available for that purpose. The F.A.R. for the lot allowed a 2,300 square foot house and the shed also added 86 feet to that ratio. He would like to see attempts to reduce the F.A.R. with the removal of the shed as there were other places to put life preservers and store equipment.

G. Allison explained he wanted to finish off the basement with a "rec room" and that made the shed important to him.

Discussion ensued between applicant and agent regarding whether the deck structure could be downsized to accommodate the setbacks being discussed.

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T. Hoffmann stated his concerns and questions were the same as G. Holton's in this matter.

G. MacDougall stated he had looked at the plans and lot and understood all that was being asked of the Board; however, he questioned the need for approximately 36% of the proposed structure being used as storage space and garage space. He stated he thought it was important to examine the ratios being proposed and consider what it meant for all. He also noted there were several mature oak trees on the property that would be removed as a result of the construction. He had no issue with the front street setback variance. He also agreed with T. Hoffman and G. Holton regarding the large deck size; however, it occurred to him that the only thing intruding on 38 feet of setback was deck posts. One reason the Board of Zoning Appeals was needed was to deal with irregular lake lots as they were present before the City was developed and often required special consideration in zoning matters. He thought the design proposed took into consideration the need to provide aesthetics and rationale in constructing a house on this property. He further noted that the southeastern deck post location on the survey information submitted for the meeting would require a variance and legally this had not yet been included in the variance requests for this case.

R. Lieblang stated he did not have a problem with the size of the deck as he appreciated the attempts made to move the house back to the 50 foot setback. He agreed with G. MacDougall that consideration should be given to the deck with reduction of the corners of the deck to make it less non-conforming. He questioned what would happen if the shed were to be removed in order to bring the F.A.R. closer to requirements. He thought the wheelchair movement presented a hardship in this matter as well.

B. Maslowski stated he agreed lake properties were a problem and he had learned over the years that lake owners could not always have all that they wanted. He thought the request to work in the garage did not constitute a hardship in this case. He had no issue with the street setback because it was in compliance with the neighboring properties and this was understandable. He did have an issue with the size of the deck; however, he thought the wheelchair movement made the need for the deck size a safety issue. He thought the shed negotiable in this matter. He explained the lot was going to be removed from the housing inventory and the neighbors would miss it, and he thought the shed should be removed as a "peace offering" to the neighbors. Calculations had been reviewed and design changes could be made to the interior of the home to accomplish the same purpose as the shed. He had driven the street and noticed that all but one garage included two cars rather than the three car size being proposed. He would like to see a two car garage and additional space reserved for storage needs and work bench as desired. The agent had done a wonderful job of designing the space to meet the needs of the owners; however, he was concerned about setting a precedent for three car garages in this neighborhood. He remained concerned about the residents that would overlook the lot from the hillside property nearby. If the shed space was removed and relocated into the house, and 8 feet of width was removed from the garage and the roofline altered to accommodate this change, the F.A.R. would be quite close to City requirements.

A. Federspill stated the applicants had given up as much as possible with the house in order to get the garage space desired.

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T. Hoffmann noted that even with this reduction the homeowner could still put a concrete slab on the property and park the items outside the garage thereby creating the situation all were trying to avoid.

A. Federspill stated he thought all efforts were being made to uphold the intent of the ordinance in this case. He thought the project proposed was unique due to the lot size and shape. Not everyone would have those same constraints and this case should be treated differently because of the unique aspects of this lot.

D. Allison stated he understood the purposeful examination by the Board of the hardships presented; however, all efforts had been made to downsize the home, alleviate issues of concern and gather support from the neighbors.

Discussion ensued regarding the necessary square footage required to downsize the garage in order to reach the City's F.A.R. requirements. This amount was determined to be within approximately 100 square feet of the requirements. Discussion ensued regarding whether this action would mitigate concerns and still allow the Allison's to construct the home desired. G. MacDougall noted the issue of aesthetics needed to be considered as well with this proposed action.

A. Federspill stated he thought this request being made by the Board was not correct. The design proposed included a 1700 square foot home and sizeable garage that was important to the applicants. He thought the project presented should have to stand on its own and it did in this case, even though it did not match what various Boardmembers thought was appropriate use of space on the lot. If the space proposed included a three bedroom house and two car garage, the request would not be made to the applicant to change the design. He did not think this was fair.

B. Maslowski explained the Board was required to provide determination on variances to the ordinances of the City and in this case the violation occurred in the non-livable space that was the garage. He thought it was reasonable for the Board to request consideration be given to a two car garage as that was the norm in the neighborhood.

Discussion ensued regarding options for proceeding in this matter.

D. Allison stated he had heard the concerns of the Board; however, the changes proposed would cost him a great deal of time and money that he did not have at this time. In addition, he had worked hard to bring the house proposed into conformity as much as possible. The neighboring property owners were in support of the project and a great deal of effort had gone into working with the neighbors so the issues being discussed would not be problematic. The structure was limited in its amount and yet still fit the building pad in its entirety and would allow his family to live there with needs met as proposed.

Kathy Johnson, 2454 Woodland Park Drive, stated the garage was not an issue for them and they were happy to have the Allison's as neighbors.

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G. MACDOUGALL MOVED TO APPROVE THE APPEAL OF DAVID ALLISON (OWNER) AND ANTHONY FEDERSPILL (AGENT) TO BUILD A SINGLE FAMILY HOME AT 2450 WOODLAND PARK DR, DELC 0751.073, RELATING TO SECTION 17.39(9)(N) PERTAINING TO MINIMUM OPEN SPACE REQUIREMENTS, SECTION 17.39(9)(M) PERTAINING TO FLOOR AREA RATIO REQUIREMENTS AND SECTION 17.39(9)(F) PERTAINING TO MINIMUM FRONT STREET SETBACK REQUIREMENTS AS PRESENTED, CONTINGENT UPON THE DECK POSTS BEING MOVED OVER TO ACCOMMODATE THE EIGHT FOOT SIDEYARD SETBACK REQUIREMENTS AND ELIMINATION OF THE SHED AT THE SHORELINE. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. G. HOLTON VOTED NAY. MOTION CARRIED.

D. Allison thanked the Board for consideration given to the aesthetics of the project, as well as the due diligence to the process and impressive research undertaken in considering the project.

5. ADJOURN

T. HOFFMANN MOVED TO ADJOURN THE JANUARY 14, 2010 BOARD OF ZONING MEETING AT 8:49 P.M. R. LIEBLANG SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.