

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

In the absence of Bill Maslowski, Gerry MacDougall nominated Al Johnson as Acting Chairperson for the Board of Zoning Appeals meeting this evening. A. Johnson accepted the nomination.

G. MACDOUGALL MOVED TO APPOINT A. JOHNSON AS ACTING CHAIRPERSON FOR THIS MEETING. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. CALL MEETING TO ORDER

Acting Chair Al Johnson called the meeting to order at 7:30 P.M.

2. ROLL CALL

Present

Al Johnson
Thomas Hoffmann
Gerry Holton
Gerry MacDougall

Absent

Bill Maslowski

3. APPROVE MINUTES OF JANUARY 14, 2010 MEETING

T. HOFFMANN MOVED TO APPROVE THE JANUARY 14, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. G. HOLTON AND A. JOHNSON ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

CASE 765 – APPEAL OF ANTHONY AND JILL FEDERSPILL (OWNERS) TO BUILD A SINGLE FAMILY HOME AT 2117 WEST SHORE DR, DELC 0786.095, RELATING TO SECTION 17.39(9)(N) PERTAINING TO MINIMUM OPEN SPACE REQUIREMENTS, SECTION 17.39(9)(M) PERTAINING TO FLOOR AREA RATIO REQUIREMENTS.

A. Johnson reviewed the case, noting the request to build a single family home at 2117 West Shore 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 had been denied. He then reviewed the process for this case, noting a letter from the City's Building Inspector regarding the issues for denial. In addition, he noted the applicant had submitted a letter explaining the hardship in this matter. The letter noted the applicant could not build a house on the lot without a variance due to the lot size. In addition, the home being proposed was modest in size and was only 3.68% more than the allowable maximum floor area. Two letters were received from adjoining neighbors to the property in support of the proposed project.

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Anthony Federspill, applicant was present.

T. Hoffmann questioned whether a large number of trees would need to be removed from the lot in order to accommodate the construction of the house. A. Federspill noted the locations of the trees that would need to potentially be removed and explained he was hopeful that most would survive construction and attempts would be made to save those possible.

A. Federspill noted the grade of the lot with the front (street side) being lower than the back toward the lake, thus making a set of stairs necessary each time a person left the house by the street side door. Also the garage was being proposed toward the back of the house to allow the residents to avoid having to access a full flight of stairs from the garage to the house. The access drive to the house would be located next to the lot line and would have the same approximate grade as the neighboring property to avoid water issues between the lots. The proposed house met all necessary setbacks for the site.

G. MacDougall stated he understood the need for variance related to the Floor Area Ratio (FAR) as the lot had been formed prior to the lots being partitioned by the City in its early history.

T. Hoffmann questioned whether the "V-shaped" front of the house could be constructed flush across the front side in order to mitigate the FAR issue for variance in this case. A. Federspill explained if the "V-shape" were removed, the dinette area and views of the lake would be lost. He stated he had considered doing that design and attaching the garage on the front side of the house; however, he thought that concept would cause residents to have to utilize a full set of stairs each time they would ingress and egress the house and it would also detract from the front side view.

G. Holton stated he had read the letter of hardship from the applicant in this case, and had visited the site prior to this meeting. He requested clarification on the hardship. A. Federspill explained there were two reasons for the open space request that constituted a hardship. The first included the fact that the lot would not be buildable without a variance, and second, the proposed garage size would be bigger unless it was located in the front of the house. If this was the case, the front of the house would be "all garage" and views of the lake would be lost as well as the ability to walk into the house on one level. While that was not a problem currently, A. Federspill anticipated it might be in the future due to aging difficulties and mobility associated with use of the stairs. If the garage were to be placed in the back, a hallway needed to be constructed to access the house from the garage and would increase the FAR as a result. He also explained it was a desire to have a ranch style home instead of a two story dwelling on the lot.

A. Johnson questioned whether the lot had lake access rights. A. Federspill responded affirmatively.

T. Hoffmann clarified that even if a smaller house was proposed, a variance would still be required.

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G. MacDougall explained that decisions such as this one needed to be determined by common sense and the zoning code. He had sympathy for people that wanted to build on a lot such as this one as a variance was required to have a home there. He thought when a person viewed the Code and examined the lot as it was partitioned, it seemed time to utilize common sense on the Board.

A. Federspill stated that if the lot were 10,000 square feet as was the standard for today's zoning code, the proposed home would not have an issue of FAR.

In response to a question by G. Holton, A. Federspill stated he had bought the lot knowing that a variance would be necessary as many others must have had to do before him to get their houses built in that area.

G. MacDougall stated he thought there was a real hardship as there were so many small lots that would only yield a small house by any standard. He had no issues with the request as presented. A. Johnson agreed.

G. Holton questioned how the proposed size of the house would compare with others in the same area. A. Federspill stated he thought it was comparable to more than half of the houses in the area as some had been cottages with improvements and others had not. He noted it appeared people were coming to the area and remodeling the existing homes with an expansion.

T.HOFFMANN MOVED TO APPROVE THE APPEAL OF ANTHONY AND JILL FEDERSPILL (OWNERS) TO BUILD A SINGLE FAMILY HOME AT 2117 WEST SHORE DR, DELC 0786.095, RELATING TO SECTION 17.39(9)(N) PERTAINING TO MINIMUM OPEN SPACE REQUIREMENTS, SECTION 17.39(9)(M) PERTAINING TO FLOOR AREA RATIO REQUIREMENTS AS PRESENTED. HE NOTED THIS APPROVAL WAS BASED ON THE FACT THAT EVEN WITH A SMALLER HOME ON THE LOT, A VARIANCE WOULD STILL BE REQUIRED. IN ADDITION, HE THOUGHT THE APPLICANT HAD SUBMITTED A NICE DESIGN AND THOUGHT IT WOULD FIT IN WELL WITH THE SURROUNDING NEIGHBORHOOD. IN ADDITION, PLACEMENT OF THE GARAGE IN THE FRONT OF THE HOUSE WOULD BE A DISTRACTION AND WOULD NOT LOOK AS NICE FOR THE NEIGHBORING PROPERTIES. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. G. HOLTON VOTED NAY. MOTION CARRIED.

6. ADJOURN

G. MACDOUGALL MOVED TO ADJOURN THE JANUARY 28, 2010 BOARD OF ZONING MEETING AT 7:57 P.M. G. HOLTON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.