

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Present

Bill Maslowski
Thomas Hoffmann
Gerry Holton
Rick Lieblang

Absent

Al Johnson
Gerry MacDougall

3. APPROVE MINUTES OF JANUARY 28, 2010 MEETING

T. HOFFMANN MOVED TO APPROVE THE JANUARY 28, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. HOLTON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. R. LIEBLANG ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

CASE 761 – RE-OPEN APPEAL OF ROBERT HYDE (OWNER) TO BUILD A DETACHED GARAGE AT 1920 BARK RIVER DRIVE, DELC 0754.995.001, RELATING TO SECTION 17.39(8)(F) AND SECTION 17.39(9)(I) REGARDING MINIMUM FRONT STREET SETBACK REQUIREMENTS AND INTERIOR SIDE YARD REQUIREMENTS.

B. Maslowski reviewed the case, noting the request to build a detached garage at 1920 Bark River Drive, DELC 0754.995.001, relating to Section 17.39(8)(f) and Section 17.39(9)(i) regarding minimum front street setback requirements and interior side yard requirements had been denied and the case tabled from the November 12, 2009 Board of Zoning Appeals meeting. He then reviewed the process utilized in consideration of this case moving forward.

Robert W. Hyde and Virginia A. Hyde, applicants, were present. R. Hyde explained this case had been heard in November, 2009 and since that time he had made efforts to readdress the issues of concern and as a result had reduced the size of the garage proposed from a 3.5 car garage to a 2.5 car garage. The drawing submitted was proportionate and the garage could be placed 35 feet from the road without putting the garage in the middle of the existing driveway. He had made every attempt to position the proposed garage on his lot to avoid additional non-conformity to no avail, thus he was requesting the variance for placement of the garage.

B. Maslowski explained the obligation of the Board related to hardship and maintenance of the City's zoning code.

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T. Hoffmann noted his absence at the November, 2009 meeting when issues of concern for this case were discussed and questioned whether consideration had been given at that time to placing the garage over the existing asphalt as an option that would reduce the issues of non-conformity.

R. Hyde explained the entire lot was non-conforming and structures built as the first house in the current subdivision in 1948-1950. All properties in that area had a garage that was encroaching on the road. To move the garage to the other side of the driveway would block the view of the house and would not bring an increase in value to the property in his opinion.

V. Hyde distributed photos of the property noting the existing garage location and topography constraints of the site.

R. Lieblang thanked the applicants for returning to the Board. He liked how attempts had been made to change the garage location and size to be less non-conforming. He also appreciated the attempts to make the property look better by storing items in an enclosed space. He thought the letters of support from neighboring property owners were beneficial and the applicants had done a good job of reworking the garage. R. Hyde stated there had been no opposition raised from the neighboring property owners and one had submitted support in writing.

G. Holton clarified the location of the garage, noting he was unclear as to how the proposed changes were improving the non-conformity to the extent specified in the applicant's letter to the Board on this matter.

B. Maslowski stated he thought it would be helpful to have a letter of support from both neighboring property owners in this case. While the proposed garage was further from the road, it still fell short of the requirements from the City. Items to be stored that were too big for the site, such as boats, trailers, and water toys, should be stored offsite as other residents had to do. Storage of these items was not considered a hardship as the applicants had a two-car garage currently located on the site.

Discussion ensued regarding whether a non-conforming structure could be rebuilt if lost due to fire or natural disaster.

V. Hyde clarified that a letter from the neighboring property owner would be helpful. She thought a great deal of effort had been undertaken to redesign the garage at this location and size. While she heard B. Maslowski explain he had to move his things to a different location due to lack of space, they had the space but needed a variance to utilize it. All other garages in the neighborhood were located closer to the road than the one being proposed.

G. Holton clarified that the applicants had space on the lot, but that was different from having an appropriate amount of room for the garage as the zoning code dictated the setbacks necessary for placement of the garage on the lot.

B. Maslowski stated the applicant had the ability to make the adjoining lot part of this parcel and the choice not to do so was an economic one. In doing due diligence to the

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case, he thought it important to consider the total picture. Seasonal storage could be done offsite and a smaller building could be utilized for handling four season implements that would not impact the setbacks.

Discussion ensued regarding how best to proceed with the case presented as the applicants could consider all additional options and return at a later date.

B. Maslowski recessed the meeting at 8:02 p.m. and reconvened at 8:06 p.m.

G. HOLTON MOVED TO POSTPONE CONSIDERATION OF CASE 761 FOR THE MINIMUM TIME ALLOWED BY THE APPEALS PROCESS IN ORDER TO ALLOW THE APPLICANTS TO CONSIDER ALL OPTIONS AND RETURN TO THE BOARD OF ZONING APPEALS FOR ADDITIONAL REVIEW AND DISCUSSION. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. ADJOURN

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

Minutes prepared by:

Accurate Business Communications, Inc.