

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Present

Bill Maslowski
Thomas Hoffmann
Gerry Holton
Rick Lieblang
Marty Sawell

Absent

Al Johnson

3. APPROVE MINUTES OF APRIL 8, 2010 MEETING

R. LIEBLANG MOVED TO APPROVE THE APRIL 8, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. MASLOWSKI ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

CASE 765 – APPEAL OF JIM AND CORY WILLGRUBS (OWNERS) TO BUILD AN 18' X 22' DETACHED GARAGE AT 1022 SUNSET DR, DELC 0798.904, RELATING TO SECTION 17.39(13)(F) PERTAINING TO MINIMUM FRONT YARD SETBACK REQUIREMENTS.

B. Maslowski reviewed the case, noting the request to build a detached garage at 1022 Sunset Drive, DELC 0798.904, relating to Section 17.39(13)(F) regarding minimum front yard setback requirements had been denied. He then reviewed the process utilized in consideration of this case moving forward, noting a letter from the applicants detailing the hardship in this case had been included in the materials submitted to Board members prior this meeting. Letters of support from surrounding neighbors for the proposed garage were also included in the materials to the Board.

Jim and Cory Willgrubs, applicants, were present. C. Willgrubs explained the garage had been requested in the location proposed due to flooding from other neighboring properties that pooled in their yard. In addition, the west side of their property included a line of beautiful mature trees that would need to be removed in order for placement of the garage. To place the garage anywhere else on the property would require complete regrading of the yard and would not be feasible. The current garage housed laundry facilities and it would be nice to enclose that area and have the laundry inside the home.

B. Maslowski questioned the ownership of a tool shed near the lot line. J. Willgrubs stated the garage would be in line with the neighboring shed.

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J. Willgrubs explained the request was for a one car garage as the current attached garage would be turned into living space. Storage for vehicles and other outdoor items would be stored in the new garage. He liked the City and his property and did not want to move but wanted to make it more livable for his growing family. In response to a question, he explained the current garage was attached to the house with a floating slab underneath it. He thought to add a garage onto his current house would require raising the current garage and adding footings beneath it as well as attaching the proposed garage to that space. This was cost prohibitive for his family. In 1952, garages were allowed to be placed on a floating slab and it had not moved since that time in his opinion. He had talked with the City Building Inspector who did not have an issue with remodeling the garage on slab into living space at this time.

G. Holton questioned whether the new garage would be placed on a floating slab as well. J. Willgrubs responded affirmatively. He went on to explain that he had considered the situation for a very long time before coming to the Board with this request. In order to redo the driveway and place the garage to the west, many mature trees would need to be removed.

G. Holton stated he had been to the site and noted there were no other structures or garages encroaching into the setback from the road in the same manner being proposed in this case. J. Willgrubs noted in the nearby newer subdivision on Devonshire, there appeared to be structures in the setback area.

B. Maslowski questioned whether any second options had been considered in this case. J. Willgrubs stated there was no second option. He was present with this request in this location.

B. Maslowski questioned whether the backyard was considered a floodplain or conservancy area. C. Willgrubs stated the backyard flooded in heavy rains and they were uncertain if it was in a floodplain.

B. Maslowski stated the applicants knew that ideally the garage should be located behind the house, and questioned whether any consideration had been given to placement of the proposed garage in the ideal location with an extension to the driveway to assist in mitigating the water near the house. J. Willgrubs responded he had not thought of it in that way prior to this meeting.

Discussion ensued regarding any other options the applicant might have to mitigate setback concerns. B. Maslowski noted the Board was bound by State Statutes in consideration of each case, and he explained the appeal process to the applicants.

R. Libeling stated unfortunately according to the Statutes financial reasons could not be considered a hardship in any case brought before the Board.

B. Maslowski stated while he understood the requested location of the garage was related to the flooding issues in the backyard, he was opposed to the placement of the garage structure in the front of the house as proposed because no one else had a garage out in front of their house.

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J. Willgrubs explained in response to questions from the Board, that the garage would be designed to match the existing exterior of the house, including cedar siding, copper gutters, and stone facing. Despite options being discussed by the Board, he would not be able to attach the garage to the house as a result of current zoning ordinances.

M. Sawell stated he was not sure he would want to put additional monies into remodeling the garage into a living space without a foundation beneath it.

B. Maslowski questioned the option of building the house out and elongating the house structure. J. Willgrubs explained that if he had to do that, he would be better off moving out of the current house that he lived in and enjoyed.

C. Willgrubs stated while the option existed to consider placement of a shed on the property for storage purposes, she thought a lack of a garage would detract from the property value.

G. Holton stated he fully understood what was desired by the applicants, but he thought this would be a non-conforming structure into the future and he could not support that request.

R. Lieblang stated he could not support the request as the Board was governed by State statutes. There were other options available to the applicants for placement on the property and the fact that they would cost a lot more was not to be considered by the Board.

M. Sawell agreed with R. Lieblang and G. Holton as he thought the addition should go onto the back of the house where appropriate and the garage could remain a garage.

T. Hoffmann agreed, noting there was adequate land in the back of the current house for such a structure. While he could not speak to the flooding issues associated with the property, the Board was required by State law to support a hardship and he could not vote yes to this request for hardship.

B. Maslowski stated he could understand the hardship because of the low nature of the property and while it was not presumed to be a floodplain, it was not considered usable space. He thought the low lying area required correction in the future through landscaping or berming efforts prior to building any structure on the property to mitigate the water issue. It made sense to place the garage in other locations on the property that were available and financial costs were not a hardship in this case. He thought there were other options still available to the applicants in this case.

G. HOLTON MOVED TO DENY THE REQUEST FOR JIM AND CORY WILLGRUBS (OWNERS) TO BUILD AN 18' X 22' DETACHED GARAGE AT 1022 SUNSET DR, DELC 0798.904, RELATING TO SECTION 17.39(13)(F) PERTAINING TO MINIMUM FRONT YARD SETBACK REQUIREMENTS. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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6. ADJOURN

T. HOFFMANN MOVED TO ADJOURN THE MAY 13, 2010 BOARD OF ZONING MEETING AT 8:06 P.M. M. SAWELL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.