

**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  
Gerry Holton  
Al Johnson  
Rick Lieblang  
Marty Sawall

Absent

3. APPROVE MINUTES OF JUNE 24, 2010 MEETING

**G. HOLTON MOVED TO APPROVE THE JUNE 24, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. TWO WERE IN FAVOR. A. JOHNSON, M. SAWALL AND B. MASLOWSKI ABSTAINED. MOTION CARRIED.**

Without objection from the Board, B. Maslowski moved to Item 5.

4. OLD BUSINESS

a. Board clarification to previously approved appeal.

Pete Pacetti, 2325 Nagawicka Road, introduced himself to the Board. B. Maslowski thanked him for coming forward with this matter.

B. Maslowski explained that a call from P. Pacetti had been received by the City Building Inspector regarding potential issues with a variance granted in 2005 by the Board of Zoning Appeals for the City of Delafield. He went on to explain that in 2004, the previous owner of the property, Ed Barker, had requested a variance that had been approved for replacement of a tool shed on the property in a non-conforming location. At that time the hardship noted was due to an existing maple tree on site. The tool shed could not be moved toward the driveway and had to be replaced in the identical location in the 2005 variance. Also at that time, it was noted that the variance was granted due to the hardship created on site by the maple tree, as well as the fact that the shed would be well disguised and there were no objections from the neighbors as they would not be able to view the shed from their properties. The Board of Zoning Appeals had granted approval of the variance request in 2005. The tool shed had been torn down and a concrete slab was all that remained on the property. The size of the slab was 12 feet by 20 feet. Since that time, P. Pancetti had acquired the property. Because the variance stayed with the property, he was now appearing before the current Board as he had an interest in utilizing the space requested in the variance for a utility shed. He had found discrepancies in the information provided by the previous homeowner related to the measurements on the plat of

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survey that did not match with the actual slab poured prior to the January 13, 2005 meeting of the Board of Zoning Appeals. P. Pancetti's request was for clarification on the variance granted in 2005, so that he could now move forward with construction of the utility shed on his property. He has supplied the City with an attached plat of survey with corrected measurements and an updated proposed landscaping plan. He also noted he had based the design of his current house space on the fact that a variance had been granted for a utility shed in which he could store his belongings.

B. Maslowski stated that one of the issues in this matter was that the Board had granted the variance in 2005 based on the rationale that the shed could not be placed in any other location on the property. This was no longer the case.

P. Pancetti stated he was not present to discuss the hardship that had been established in 2005, rather he was here to get clarification on what would be allowed under the current variance that had been received for his property. He further explained that he had added to the house around the location of the kitchen as a result of the location of the concrete slab on site. The trees referenced in the hardship for the variance granted by the Board in 2005 had died and had been removed. He now wanted to improve the landscape on the site in addition to constructing the new utility shed.

B. Maslowski stated it was his opinion that the Board should examine whether P. Pancetti could proceed at all. He stated he would be concerned if he lived along the street and saw the activity on site in this case. He suggested P. Pancetti re-apply for a variance with public notice to all and have the neighbors provide input on the matter.

P. Pancetti disagreed. He stated a variance had already been received in this matter and the approval belonged to his property.

Discussion ensued by the Board regarding information necessary to proceed in this case as there was a new set of circumstances that were different than those found in the time the variance was granted to the property. B. Maslowski thought the City Attorney should be contacted in this matter to determine the correct legal process to be followed.

**G. HOLTON MOVED TO POSTPONE CASE 705, DATING BACK TO 1-13-05 TO GET FURTHER CLARIFICATION FROM THE CITY ATTORNEY ON THIS MATTER. R. LIEBLANG SECONDED THE MOTION. A. JOHNSON SUGGESTED THE MOTION INCLUDE A REQUEST FOR ADDRESSING THIS MATTER IN A TIMELY MANNER. B. MASLOWSKI STATED HE WOULD DO SO. WITHOUT OBJECTION FROM THE SECONDER OF THE MOTION, THE MAKER OF THE MOTION AMENDED THE MOTION TO POSTPONE CASE 705, DATING BACK TO 1-13-05 TO GET FURTHER CLARIFICATION FROM THE CITY ATTORNEY ON THIS MATTER AS SOON AS LEGALLY POSSIBLE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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5. NEW BUSINESS

Case 769 – Appeal of Jon & Louise Stowe, agents for Harry & Arlene Yost Rev Trust (owners), and Anthony Federspill, agent for Jon and Louise Stowe, to rebuild a house at 1557 Milwaukee St, DELC 0797.021, relating to minimum front street setback requirements in RL-2 zoning (Section 17.39(9)(f)).

B. Maslowski reviewed the case, noting the request to rebuild a home at 1557 Milwaukee Street, DELC 0797.121, relating to minimum front street setback requirements in RL-2 zoning (Section 17.39(9)(f) had been denied. He read into record a letter from the Building Inspector denying the request and explaining the need for a variance from the Board of Zoning Appeals. He then explained the process to be followed in the appeal of this case.

Anthony Federspill, of Anthony Thomas Builders, representing the Stowe's, stated he was here in May, 2010 for variances for open space and maximum floor area ratio requirements. Shortly after that meeting, the Stowe's had visited the site and heard concerns from the neighbors that the house, as approved, would stick out further toward the lakeshore than the others on the block and would impede their sight distance. The house to the west was located 12.5 feet from the roadway setback and the house to the east was located 14.3 feet from the roadway setback. The current variance request this evening included a proposal of 18.33 feet from the roadway as the applicants were concerned about being able to park a car in that distance. This request would also allow the Stowe's to have more space on the lake side of their home than originally approved. While he was unsure of the hardship in this matter, it seemed as though the hardship belonged to the neighbors or to the community rather than the Stowe's. In any case, the Stowe's requested relief through the variance process in this matter.

R. Lieblang stated sight distance is a hardship for the neighboring property owners and he also noted parallel parking was allowed on Milwaukee Street in that area.

B. Maslowski questioned the number of neighbors that were concerned with sight distances being impeded as a result of previous Board approval. A. Federspill stated there were three neighbors concerned with this issue. B. Maslowski questioned whether the proposal this evening, if approved, would allow the garage to be closer to the roadway than the face of the garage to the east. A. Federspill stated it would not. He provided clarification on the distance of the homes from the lakeshore on the adjacent properties.

J. Stowe noted the approvals granted previously had allowed the proposed house to jut ahead of the neighboring properties toward the lake. This variance request would allow the properties to gradually step back from the lakeshore.

B. Maslowski questioned why the builder did not think of this in the original proposal. A. Federspill stated he was trying to provide balance for his clients to allow them to have the home they wanted. Now that the neighbors had come forward with this concern, it was important to do the right thing and come back to the Board with this request.

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B. Maslowski stated he did not have an issue with this request as he thought it made more sense to resolve the matter in this way.

**R. LIEBLANG MOVED TO APPROVE APPEAL OF JON & LOUISE STOWE, AGENTS FOR HARRY & ARLENE YOST REV TRUST (OWNERS), AND ANTHONY FEDERSPILL, AGENT FOR JON AND LOUISE STOWE, TO REBUILD A HOUSE AT 1557 MILWAUKEE ST, DELC 0797.021, RELATING TO MINIMUM FRONT STREET SETBACK REQUIREMENTS IN RL-2 ZONING (SECTION 17.39(9)(F) WITH A SEVEN FOOT SETBACK FROM THE ORIGINAL DESIGN TO MAKE IT MORE CONFORMING WITH THE NEIGHBORHOOD BECAUSE OF THE CONCERN REGARDING THE SIGHT DISTANCE FOR THREE NEIGHBORS IN THIS MATTER. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Without objection, B. Maslowski moved to Item 4.

6. ADJOURN

**A. JOHNSON MOVED TO ADJOURN THE JULY 8, 2010 BOARD OF ZONING MEETING AT 8:17 P.M. M. SAWALL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.