

CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES

IN THE ABSENCE OF CHAIR BILL MASLOWSKI, G. HOLTON MOVED R. LIEBLANG SHOULD BE ACTING CHAIRPERSON FOR THE MEETING. AL JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.

1. Call meeting to order

Acting Chair R. Lieblang called the meeting to order at 7:30 P.M.

2. Roll Call

Present

Gerry Holton
Al Johnson
Rick Lieblang
Marty Sawall
Ald. Gerry McDougall

Absent

Bill Maslowski

3. Approve minutes of July 8, 2010 meeting

A. JOHNSON MOVED TO APPROVE THE JULY 8, 2010 BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. M. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. G. MACDOUGALL ABSTAINED. MOTION CARRIED.

4. OLD BUSINESS

None.

5. NEW BUSINESS

Case 770 – Appeal of Larry Chapman (owner) of Summerset Holdings LLC, and Paul Schultz, for a Certified Survey map at W73 E Wisconsin Ave, DELC 0742.984 and 0742.994, to enclose an open structure that spans the lot line between two adjacent lots. The issues relate to Section 17.39(25)(j) pertaining to front street setback requirements, Section 17.39(25)(i) pertaining to interior side yard setback requirements, Section 17.39(25)(k) pertaining to corner side yard requirements, and Section 17.57 pertaining to any expansion or addition to an existing nonconforming structure requiring a variance.

R. Lieblang explained the process to be followed in this matter.

Pau. Schultz, agent and architect for the project was present. He explained the Plan Commission had directed this matter be placed on the agenda for the evening prior to consideration by the Plan Commission.

A. Johnson stated he had no problems with the matter.

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M. Sawell questioned whether the driveway had to be relocated and if that would be a problem. He also noted the canopy was placed earlier in the year, and he questioned why concerns related to the canopy had not been reviewed and handled at that time.

P. Schultz stated Larry Chapman, applicant had received prior approval for placement of the canopy and he was surprised to learn L. Chapman now wanted to enclose the structure. He then provided photos of neighboring properties, noting the canopy and enclosure would not be visible from the adjacent properties.

G. Holton stated with regard to M. Sawell's concern, he was also concerned and had called City Staff regarding the concern for handling the issue now. T. Maney explained the open canopy was not considered a permanent structure and with this request to enclose the canopy, the Certified Survey Map would cause this issue to be reviewed.

M. Sawell questioned the flow of the driveway. P. Schultz stated there would be a drive through area on the canopy with doors on both sides. Discussion ensued regarding whether the combination of the two lots into one would negate the issues associated with the driveway and variances. Discussion ensued regarding the existing non-conformities to the site and related setbacks.

Larry Chapman, owner of the 2112 Bay Point Lane, and owner of the property arrived. L. Chapman stated he owned the property almost four years. The building was approximately 40 years old. The setbacks on the property were there as a result of the building location at the time that the current Highway 16 was constructed. He further explained the framing of the canopy would remain and would simply be enclosed.

A. Johnson stated he thought the enclosure of the canopy would be an improvement for usage, safety and weather for the applicant. G. Holton agreed. R. Lieblang stated there was no increase to the non-conformity with approval of this matter. With the combination of the two lots, only the side yard setback would still be non-conforming. It was noted that neighboring properties all had this same issue due to the historic location of the building prior to the construction of the current Highway 16. If the building were to be moved back to conform with current setback requirements, sight issues would result.

G. HOLTON MOVED TO APPROVE THE CERTIFIED SURVEY MAP DRAWING PRESENTED AND THAT THE TWO LOTS ARE COMBINED INTO ONE AND THE MATTER SHOULD BE RETURNED TO THE PLAN COMMISSION FOR APPROVAL. G. MACDOUGALL SECONDED THE MOTION. G. MACDOUGALL SUGGESTED THE MOTION BE AMENDED TO INCLUDE THE VARIOUS NON-CONFORMITIES THAT WERE IN EXISTENCE AND SHOULD BE INCLUDED IN THE APPROVAL FOR THIS MATTER. WITHOUT OBJECTION FROM THE SECONDER, G. HOLTON AMENDED THE MOTION TO APPROVE THE CERTIFIED SURVEY MAP DRAWING PRESENTED, NOTING THE EXISTING NON-CONFORMITIES ARE PART OF THE VARIANCE GRANTED IN THIS MATTER, AND THAT THE TWO LOTS ARE COMBINED INTO ONE AND THE MATTER SHOULD BE RETURNED TO THE PLAN COMMISSION FOR APPROVAL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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6. ADJOURN

M. SAWALL MOVED TO ADJOURN THE OCTOBER 28, 2010 BOARD OF ZONING MEETING AT 7:44 P.M. A. JOHNSON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communications, Inc.