

CITY OF DELAFIELD BOARD OF ZONING MINUTES

1. CALL MEETING TO ORDER

H. Bills called the meeting to order at 7:30 P.M.

2. ROLL CALL

Present

Henry Bills

Al Johnson

Ald. Gerry MacDougall

Marty Sawall

Absent

Thomas Hoffmann

Rick Lieblang

Gerry Maier

3. APPROVE MINUTES OF NOVEMBER 8, 2007 MEETING

H. BILLS MOTIONED TO APPROVE THE MINUTES FROM THE NOVEMBER 8, 2007 BOARD OF ZONING MEETING. A. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED, WITH MAC DOUGALL AND SAWALL ABSTAINING DUE TO THEIR ABSENCE AT THAT MEETING.

4. NEW BUSINESS

CASE 743 – APPEAL OF MR. AND MRS. DAVID SIGMOND (OWNERS) FOR A PROPOSED GABLE EXPANSION AND REMOVAL OF A FLAT ROOF AT 1543 MILWAUKEE ST., DELC 0797.016, PERTAINING TO MINIMUM FRONT STREET SETBACK REQUIREMENTS, OPEN SPACE REQUIREMENTS, FLOOR AREA RATIO REQUIREMENTS. SECTION 17.57 STATES THAT ANY EXPANSION OF A NON-CONFORMING STRUCTURE REQUIRES A VARIANCE.

H. Bills reviewed the case, noting the owners were requesting an appeal for a proposed gable expansion and removal of a flat roof at 1543 Milwaukee Street. He noted the proposed gable expansion and removal of the roof had been denied since the structure was non-conforming, and thus, would require a variance. He noted fees had been paid and neighbors notified, as well as noting the existing non-conformities to the structure, and a request for an increase of 28 square feet to repair the flat roof and expand the gable.

Mr. and Mrs. Sigmund were present. In response to a question by H. Bills, D. Sigmund explained the roof had leaked twice in the past, and thus he wanted to move the dormer window in the area causing the problem, and make the roofline into a shed roof with a pitch of approximately 10:1. The foundation would not be altered to do this and the roof line would be pitched toward the neighboring structure; however, all water would go into a soil pipe currently in existence and would run toward the lake as was the current practice

CITY OF DELAFIELD BOARD OF ZONING MINUTES

M. Sawall noted there were no exact plans and specifications drawn by an architect for this project, only renderings and calculations drawn on previously remodeled architectural materials for the property.

Daniel and Sharon Costigan, 1547 Milwaukee Street, were present, noting their property was next door to the applicant's property. D. Costigan stated he hoped his neighbor could get the leak fixed, but he was concerned about additional water being directed toward his property as his house was very close to the Sigmond house.

D. Sigmond explained no additional water would be added to the property line and thus the water being routed to the lake would not change as a result of this request.

H. Bills questioned the increase of twenty eight feet. D. Sigmond explained this was simply due to the enlargement of the dormer area and would mitigate the need for a flat roof. He also reiterated there were to be no alterations to the foundation in this request.

A. JOHNSON MOTIONED TO APPROVE A REQUEST FOR A PROPOSED GABLE EXPANSION AND REMOVAL OF A FLAT ROOF AT 1543 MILWAUKEE STREET, WITH THE UNDERSTANDING THAT NO WATER WOULD BE DIVERTED ONTO THE NEIGHBORING PROPERTY AND THE STRUCTURE BE INCREASED ONLY BY 28 SQUARE FEET AS REQUESTED. M. SAWALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CASE 744 – APPEAL OF TODD DANNENFELSER (OWNER) AND PAUL SCHULTZ (AGENT) FOR A ADDITION AT 2534 WOODLAND PARK DR. DELC 0751.063, PERTAINING TO MINIMUM FRONT STREET SETBACK REQUIREMENTS AND MINIMUM SHORELINE SETBACK REQUIREMENTS. SECTION 17.57 STATES THAT ANY EXPANSION OF A NON-CONFORMING STRUCTURE REQUIRES A VARIANCE.

H. Bills reviewed the case, noting fees were paid and neighbors notified in the case. He noted that the house was non-conforming due to lot line setbacks and the expansion would have the same setback as the non-conforming house.

H. Bills read a letter dated March 19, 2008, from the applicant, T. Dannenfelsler into the record which explained the hardships in this case. He stated the property was an unusual peninsula parcel on the lake. Any construction done on the lot would require a variance due to its nonconformance by definition. The second hardship in the case existed because the house was placed very close to the northern lot line which was at the end of the dead end street. As a result, there was no place for cars to turn around at the end of the dead end street and motorists were required to back the entire street distance in order to exit the street. T. Dannenfelsler believed this posed a safety hazard for residents in the

CITY OF DELAFIELD BOARD OF ZONING MINUTES

area and he believed the construction of a garage and driveway on the property would enhance the safety of the area, as the six motorists in his family would then be able to exit the property safely. The letter also explained the new additional structure would not expand the non-conformity closer to the shoreline and he believed this to be the best design possible at this time.

T. Dannenfelsler was present at the meeting.

H. Bills reminded the Board of the history of the house and the lot. T. Dannenfelsler agreed, and noted driving in the area was difficult.

Chad Schmidt, 2529 Woodland Park, stated his property abutted the Dannenfelsler property. He stated he had lived there for 18 years and expressed concern for viewing a garage from the lake. In addition, he was concerned about the additional runoff to the lake from the proposed driveway, as well as the potential removal for various trees, specifically a large old oak tree on the property.

Dan Jarecki, 2432 Woodland Park Drive, stated he lived directly across the street and his view of the main lake would be restricted as a result of the garage construction. He also indicated concern for plant removal and the potential for his property values to decrease if his view of the main lake would be restricted.

H. Bills stated additional plantings could be made after the construction and he understood the concern about the obstructed views and garage placement as indicated by residents.

T. Dannenfelsler explained he had considered the placement of the garage addition so that the setbacks would not be changed; however, if the garage were to be turned away from the lake, it would impact the setbacks by an additional ten feet.

G. MacDougall stated he shared the concern about the view being blocked from the neighbors.

A. Johnson stated he understood people did not want to view a garage; however, the role of the Board of Zoning was to consider the case as it related to state regulations, not what people wanted for a view.

Lori Gunderson, 2426 Woodland Park Drive, expressed concern for the newly proposed floodplain setbacks established by the Wisconsin Department of Natural Resources (WDNR) as she believed it would impact this case. In addition, she stated she preferred that the house remain as it existed currently and noted T. Dannenfelsler understood the location and the need of the drivers living in his home prior to purchasing the house. She did not believe any special consideration should be given in this instance.

CITY OF DELAFIELD BOARD OF ZONING MINUTES

T. Dannenfelsler noted the floodplain was clearly demarcated on the survey supplied, and the proposed garage addition was not located in it.

Discussion ensued by the Board regarding the potential repositioning of the garage addition to mitigate the concerns of the residents present this evening. It was noted the non-conformity to the site was not changing as a result of the proposed addition.

Dean Wintersburger, 2370 Woodland Park Drive, stated his view would not be obstructed as result of the proposal; however, he heard the neighbors' concerns and requested the applicant consider a smaller garage with garage doors on the opposite side positioned away from the lake. In addition, he suggested removal of the two car garage and have the three car garage as an alternative. D. Jarecki agreed, noting he did not want to see cars on his side of the lot either.

D. Wintersburger also noted that a few years ago the Board had granted an addition on his home and he designed it so that it was conforming even though his property was nonconforming. He suggested that be done in this case.

A. Johnson stated anywhere on the shoreline people could find something undesirable to view while boating.

H. Bills noted the issue of tree cutting was handled by the WDNR.

A. Johnson suggested the applicant return with a new plan regarding placement of garage, and the floodplain labeled. T. Dannenfelsler stated the floodplain was accurately depicted on the survey submitted. In addition, his request included the garage placement as it would work best for him. He was not asking for anything additional in this case and no variance was required for the extra square footage on the addition over the proposed garage. He was within his right to make this request and he wanted to keep the proposed garage size and did not want to increase setback requirements.

G. MacDougall stated he understood the concerns of the neighbors regarding the view; however the role of the Board was to ensure zoning regulations were followed and in this case they had been. He noted there was currently a great deal of discussion being had in zoning regarding limited obstruction of view; however at this point in time, nothing had been completed, thus the Board was bound by current regulations.

In response to a question by H. Bills, T. Dannenfelsler explained he had considered a different location and placement of the garage doors and driveway; however, he thought it appropriate to minimize the amount of blacktop surface to alleviate additional runoff and eliminate other problems that would result. He also noted if he turned the garage, it would increase the non-conformity to the site. He had spoken with his adjoining neighbor on this issue and T. Maney, City Building Inspector, did not have an issue with the driveway.

CITY OF DELAFIELD BOARD OF ZONING MINUTES

A. JOHNSON MOTIONED TO APPROVE A REQUEST FOR AN ADDITION AT 2534 WOODLAND PARK DRIVE. M. SAWALL SECONDED THE MOTION. G. MAC DOUGALL STATED HE AGREED WITH THE NEIGHBORS' CONCERNS AND IF GIVEN THE OPPORTUNITY HE WOULD HAVE VOTED AGAINST A LARGER VARIANCE; HOWEVER, THAT WAS NOT THE CASE BEFORE THE BOARD AT THIS TIME. A. JOHNSON STATED LEGALITIES PREVENTED THE BOARD FROM DOING SO IN THIS CASE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. CORRESPONDENCE

None.

6. ADJOURN

G. MAC DOUGALL MOTIONED TO ADJOURN THE APRIL 10, 2008, BOARD OF ZONING MEETING AT 8:30 PM. M. SAWALL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.