

**CITY OF DELAFIELD BOARD OF ZONING APPEALS MINUTES**

1. CALL MEETING TO ORDER

H. Bills called the meeting to order at 7:50 P.M.

2. ROLL CALL

Present

Henry Bills

Thomas Hoffmann

Al Johnson

Gerry Maier

Gerry Mac Dougall (arrived 7:51 P.M.)

Absent

Rick Lieblang

Marty Sawall

3. APPROVE MINUTES OF APRIL 24, 2008 MEETING.

**G. MAIER MOTIONED TO APPROVE THE APRIL 24, 2008, BOARD OF ZONING MEETING MINUTES AS PRESENTED. T. HOFFMANN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. NEW BUSINESS

CASE 747 – APPEAL OF MR. & MRS. MATTHEW FENNIG (OWNERS) FOR PROPOSED GARAGE AND MUD ROOM ADDITION AT 2420 WOODLAND PARK DR, DELC 0751.078, PERTAINING TO MINIMUM INTERIOR SIDE YARD REQUIREMENTS AND OPEN SPACE REQUIREMENTS. SECTION 17.57 STATES THAT ANY EXPANSION OF A NON-CONFORMING STRUCTURE REQUIRES A VARIANCE.

H. Bills reviewed the case noting the request for proposed garage and mud room addition at 2420 Woodland Park Drive pertaining to minimum interior side yard requirements and open space requirements had been denied. He noted that the fees had been paid and neighbors notified as part of the process for this case. He also read into the record a letter dated May 14, 2008 from the building inspector stating that the addition would bring them too close to the lot lines. In addition, an open space allotment was allowed to 1,200 square feet, and the addition requested was 1,575 square feet, thus requesting a variance of 355 square feet.

H. Bills read into the record a letter from the applicant stating the request for variance. He noted the property held a non-conforming house structure and a ¾ car garage with year round outside parking. Having an attached garage would enhance safety and would provide much needed storage for lawn and garden tools currently being stored outside. Once the garage addition with vestibule entrance was constructed, the existing garage would be demolished.

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M. Fennig, applicant, noted that a letter had been submitted to the City on Tuesday of this week. The Board had not received a copy of this letter, and thus, M. Fennig read a letter of support from W. Pipp, 2416 Woodland Park Drive, into the record. W. Pipp supported the Fennig's request noting it focused on safety and storage.

Lori Gunderson, 2426 Woodland Park Drive, expressed concern for the proposed project. She stated construction of the new garage would not allow her to maintain her home as she required the use of M. Fennig's garage roof for maintenance of her home. She submitted photos of her house and property. In addition, the location of her front yard would now be M. Fennig's side yard and she was concerned for lack of adequate sun for her gardens as well as being able to navigate her property with a mower.

M. Fennig stated L. Gunderson had constructed a garage in 1986 on her property similar to his request.

L. Gunderson noted she had been sued by the City of Delafield as a result of that construction and she did not believe it fair that M. Fennig be allowed to proceed with his project.

G. Maier stated there would a wider access around L. Gunderson's house with the proposed addition, and he was concerned with the variance of 355 square feet.

A. Johnson stated there was open space available for L. Gunderson to navigate her property currently and the proposed addition would not lessen that space.

Mark Lillesand, 2111 West Shore Drive, stated he was present to support the request.

G. Maier noted some accommodation between neighbors could be made to allow L. Gunderson to make use of the property as was needed since M. Fennig had already been kind enough to allow use of his property in order for her to maintain her existing structures.

M. Fennig noted all neighbors approved, except L. Gunderson.

G. Maier questioned whether calculations had been made regarding the non-conformity reducing it from 355 square feet to approximately 127 square feet based upon removal of the existing garage that had not been figured into the calculations for the request.

**T. HOFFMANN MOTIONED TO APPROVE THE REQUEST, ONLY WITH VARIANCE OF APPROXIMATELY 127 SQUARE FEET, BASED UPON**

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**THE REMOVAL OF THE EXISTING GARAGE THAT WAS NOT INCLUDED IN THE ORIGINAL LETTER OF DENIAL FROM T. MANEY DATED MAY 14, 2008, RELATED TO THE VARIANCE FOR FLOOR AREA AND THAT THE EXISTING GARAGE WOULD BE TORN DOWN UPON COMPLETION OF THE NEW GARAGE. G. MAC DOUGALL SECONDED THE MOTION. G. Maier stated he thought better access would be had with the new garage than with the existing garage. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

CASE 746 – APPEAL OF MR. & MRS. JAMES ZAHORIK (OWNERS) FOR PROPOSED ADDITIONS AT 1942 WEST SHORE DR, DELC 0786.032, PERTAINING TO MINIMUM INTERIOR SIDE YARD REQUIREMENTS. SECTION 17.57 STATES THAT ANY EXPANSION OF A NON-CONFORMING STRUCTURE REQUIRES A VARIANCE.

Without objection from the Board, this case was heard prior to Case 747 on the agenda for this meeting.

H. Bills reviewed the case noting that the request for proposed additions at 1942 West Shore Drive pertaining to minimum interior side yard requirements had been denied. He noted that the fees had been paid and neighbors notified as part of the process for this case. This case had been placed on this agenda from the May 22, 2008 Board of Zoning meeting that had been cancelled due to lack of a quorum.

He noted a letter had been received from the applicants stating that the property was purchased with a house and detached garage that were non-conforming structures in the RL-2 zoning. The letter stated the hardship included living with the two non-conforming structures and noting that any improvement would require a variance. The letter noted that the family was growing and that the plan for an addition on the house had been submitted would be an asset to the neighborhood and also from the lake.

H. Bills stated the only thing that could be done would be to make the breezeway addition smaller or move the addition further north on the property.

James Zahorik, 1942 West Shore Drive, presented photos to the Board depicting the proximity of the current buildings to the property to the south. He also stated the property to the south was not shown sufficiently on the survey submitted to the Board for review. Specifically, photos 7, 8, and 9 depicted a garage constructed approximately ten years ago located close to the neighboring garage so the Zahorik's yard included open space. From the lake or road, there would be no change in the view. J. Zahorek stated there would be no increase or decrease to

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the distance from the lot line since there was nothing in the proposed plans currently not in existence.

A. Johnson noted the request was not increasing the non-conformity. H. Bills suggested reducing the size of the proposed breezeway to make it a bit less non-conforming.

Thomas B. Madden, 1936 West Shore Drive, stated he wished to respectfully state his concern. He stated the Zahorik's were great neighbors; however, he wanted to note his concern regarding the additional 21 feet of structure that would be located two feet off the lot line. Visually he did not want to look at approximately 42 feet of structure. Further, should he ever wish to provide any improvement to his house, it seemed as though it would be too long a continuous line so close to the lot line. He stated he was not opposed to the proposed improvements; however, he was concerned about the location of the addition.

J. Zahorik also explained the breezeway addition would provide an internal entry to the house from the garage as well as providing additional bedroom space. He noted if the breezeway addition were to be reduced he would lose the use of the bedroom space and the entrance to the house would be reduced.

Discussion ensued regarding what would be gained by moving the breezeway addition to the north versus what would be lost in purpose of the addition.

A. Johnson stated the Fire Department typically did not like having buildings located so close together. He also suggested the Zahorik's consider building a second story on the house in the future to avoid such issues.

J. Zahorik stated the neighboring properties needed to be examined. He was along a garage that was 36 feet long.

G. Maier stated when comparing the information presented with the proposed addition the concern centered on approximately 12 feet of space. He further stated it would not matter where the addition was placed, the visual line would have the same appearance from the lake, road, and neighboring properties. Furthermore, J. Zahorik was not creating an additional variance beyond what currently existed.

T. Madden stated he thought his concern was lessened if the addition was placed eight feet off the lot line as the Code directed.

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J. Zahorik explained the purpose of the addition would be mitigated if that was allowed.

**G. MAIER MOTIONED TO GRANT A VARIANCE FOR PROPOSED ADDITIONS AT 1942 WEST SHORE DRIVE, PERTAINING TO MINIMUM INTERIOR SIDE YARD REQUIREMENTS AS REQUESTED. A. JOHNSON SECONDED THE MOTION. T. Madden also stated, in response to a question by G. Maier, that the proposed addition on the lakeside would block a minimal portion of his lake view from his deck. T. Madden also stated he was less concerned about the lakeside addition blocking his view than having the entire structure built two feet from the lot line. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Without objection from the Board, H. Bills proceeded to Case 747 on the agenda for the evening.

5. CORRESPONDENCE

None.

6. ADJOURN

**G. MAIER MOTIONED TO ADJOURN THE JUNE 12, 2008, BOARD OF ZONING MEETING AT 9:00 P.M. G. MAC DOUGALL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:

Accurate Business Communications, Inc.