

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

1. CALL MEETING TO ORDER

H. Bills called the meeting to order at 7:32 P.M.

2. ROLL CALL

Present

Henry Bills  
Al Johnson  
Rick Lieblang  
Gerry Maier  
Marty Sawall

Absent

3. APPROVE MINUTES OF OCTOBER 9, 2008 MEETING

**H. BILLS MOTIONED TO APPROVE THE OCTOBER 9, 2008, BOARD OF ZONING APPEALS MEETING MINUTES AS PRESENTED. G. MAIER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. NEW BUSINESS

CASE 754 – APPEAL OF ANDREW & BARBARA JOHNSON (OWNERS) FOR PROPOSED REBUILDING OF SHED AT 1133 MILWAUKEE ST, DELC 0788.997, PERTAINING TO SECTION 17.39(11)(H) REGARDING MINIMUM INTERIOR SIDE YARD REQUIREMENTS.

H. Bills reviewed the case, noting the request for a proposed rebuilding of a shed at 1133 Milwaukee Street, pertaining to minimum interior sideyard requirements that had been denied. He noted fees had been paid and neighbors notified as part of the process for this case. He read into record a letter from the City Building Inspector denying the request for building permit, noting the proposed shed was only 1.19 feet off the west interior side yard lot line. Next, he read into record a letter from the applicants explaining the request for a new shed noting they would like to increase the size of the current shed to accommodate increasing storage needs while maintaining maximum green space for the property. The letter noted the applicants would be willing to locate the shed two feet away from the side and back property lines.

Andrew Johnson, applicant, was present.

R. Lieblang questioned whether the shed would be bigger and whether it would be less non-conforming by moving it two feet from either lot line. He also questioned the impact to the proposed curly willow tree next to the shed in the landscape drawings presented. A. Johnson explained the shed would be bigger and would also be less non-conforming if moved to be two feet off the lot line. With regard to the tree, he stated the shed

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would interfere with the root system of the tree if moved to another location.

G. Maier questioned whether neighbors had been consulted on the proposed placement of the shed. Andrew Johnson stated there was only one neighbor close to the property and this matter was not an issue. G. Maier stated he did not see any conflict with zoning intentions in this case.

Andrew Johnson clarified that he misunderstood the question from R. Lieblang. He noted the curly willow tree was proposed as part of the new landscaping, and could be moved; however, to move the shed to a different location would negatively impact the roots of the larger existing tree on the property.

**G. MAIER MOTIONED TO APPROVE THE VARIANCE REQUEST AS PRESENTED WITH THE SHED LOCATION BEING TWO FEET FROM THE BACK AND SIDE LOT LINES. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

CASE 755 – APPEAL OF MICHAEL SCHUETTE (OWNER) AND JODY RYG (AGENT) FOR PROPOSED ENCLOSING OF 2ND FLOOR DECK AREA INTO MASTER BEDROOM AT 2710 BURRIES RD. DELC 0752.022 PERTAINING TO SECTION 17.39(9)(G) REGARDING SHORELINE SETBACK REQUIREMENTS, SECTION 17.39(9)(I) REGARDING INTERIOR SIDE YARD REQUIREMENTS AND SECTION 17.39(9)(M) REGARDING FLOOR AREA RATIO ALLOWED.

H. Bills reviewed the case, noting the request for enclosure of the second floor deck area into a master bedroom at 2710 Burries Road regarding shoreline setback requirements, interior side yard requirements, and allowable floor area ratio had been denied. He noted fees had been paid and neighbors notified as part of the process for this case. He read into record a letter from the City Building Inspector denying the request for building permit noting non-conformities related to the shoreline setback requirement, interior side yard setback requirements, and allowable floor area ratio. The letter also noted a variance had previously been granted to the property with regard to each of these requirements.

Mike Schuette, applicant, and Jody Ryg, agent from Dream Kitchens, were present. J. Ryg stated he had nothing to add, but wanted to clarify that the only non-conforming section of the zoning code that would be impacted in this request would be the allowable floor area ratio as no changes were being made to the shoreline setback and interior sideyard setback noted in the correspondence between the applicant and City Staff. Further, he noted, there would be no encroachment into any

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additional areas as the footprint of the house was not be changed in any way.

G. Maier questioned the hardship in this case. J. Ryg stated the hardship was found in the way the house had been designed with the majority of the house being an open floor plan that would not allow for appropriate expansion as requested for placement of a master bedroom suite and closet space. The only logical place for this expansion to occur was over the existing deck as requested.

M. Schuette explained he would like to expand his home and with the current housing market, these proposed plans would allow his house to be viable in the marketplace.

H. Bills then read into record a letter from the applicants detailing the request to enlarge the structure. The applicants requested the variance be allowed because the proposed addition would be constructed over and supported by the first floor level living space and would not enlarge the existing structural footprint of the house. Second, the proposed addition retained a portion of the second floor level roof deck and stairway that would allow safe egress to the ground in the event of a fire. Third, the actual floor area ratio of the residence was 3,682 square feet and had already been exceeded in Variance No. 507 for the residence.

A. Johnson clarified setbacks and footprints were not being impacted at all in this case. J. Ryg agreed.

**A. JOHNSON MOTIONED TO APPROVE THE REQUEST FOR VARIANCE AS PRESENTED. M. SAWALL SECONDED THE MOTION. M. SAWALL CLARIFIED THERE WERE NO CHANGES BEING PROPOSED EXCEPT FOR CLOSING UP THE UPPER DECK. SALLY KAHN, NEIGHBOR TO THE SCHUETTES, WAS PRESENT AND STATED SHE HAD NO OBJECTION TO THE REQUEST. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. CORRESPONDENCE

None.

6. ADJOURN

**G. MAIER MOTIONED TO ADJOURN THE OCTOBER 23, 2008, BOARD OF ZONING APPEALS MEETING AT 7:55 P.M. M. SAWALL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.