

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

BOARD OF APPEALS
Thursday, February 25, 2016 * 5:00 PM * Park View Room

AGENDA

1. **Bring meeting to order and roll call**
2. **Review and act on minutes from January 27, 2015**
Documents: BA012715md.pdf
3. **Consideration, hearing and action for an appeal for a decision on a building permit and a varaince - 1415 N. 124th Street**

Review of an appeal of decision on building permit and a variance from Section 106-4C(1)

Documents: BOA memo 1415 124th St 021816.pdf, 1415 N. 124th St. Application and Letter.pdf
4. **Consideration, hearing and action for variance - 14805 Watertown Plank Road**
Request of variance to allow for a side yard setback of 16 feet from the east property line.

Documents: 14805 Watertown Plank Rd- Application for Variance.pdf, 14805 Watertown Plank Rd- Survey and Plans.pdf, BOA memo 14805 Watertown Plank Rd 021816.pdf
5. **The Board may convene into closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate the above referenced quasi-judicial hearings**
6. **The Board may reconvene into open session to render its decision.**
7. **Adjourn**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE
BOARD OF APPEALS
Tuesday January 27, 2015– 5:00 p.m.**

1. Roll Call

Present: Chairman Barry Book, John Finerty Doug Jacobson, and John Allen. Joe Puchner by phone. Frank Lorenz and Gordon Giampietro excused. Village Clerk Mary Stredni, Zoning/Planning Administrator Casey Griffiths, and Village Attorney de la mora.

2. Minutes

Jacobson and Allen moved and seconded to approve the January 12, 2015 minutes. Motion carried.

3. Consideration, hearing, and action on request for variance – 13015 Elmhurst Parkway
Ms. Stredni swore in Craig Schedler, property owner, Luis Ruiz, Building Contractor, Sue Frkovich – 13005 Elmhurst Parkway, and Casey Griffiths.

Mr. Schedler, testified that he intends to add a small kitchen addition and has Building Board approval.

Griffiths testified that a variance was applied for in 1994 for a garage addition. There is record of a public hearing notice indicating that a Board of Appeals meeting was scheduled for June 21, 1994. The variance request was for a setback of 11 feet into the side yard setback. The Building Board approved the plans on June 6, 1994, and a building permit for the addition was issued on August 9, 1994. He found no record of the Board of Appeals minutes or written decision for a variance. It is assumed that the variance is granted. The small kitchen addition does not encroach any farther into the sideyard setback than the existing home.

The applicant is requesting that the Board of Appeals correct the error, as allowed under Village Code and grant a variance for an encroachment into the setback area.

Mr. Ruiz stated that the addition will not increase the setback.

Ms. Frkovich, next door neighbor, testified that she lived there in 1994; she doesn't want to look at the addition from her Florida room which faces that way. It was noted that her home has only a 12 foot setback on that side.

Book verified that the addition does not encroach any further into the setback. Griffiths testified that it does not.

As there was no more testimony Chairman Book closed the public hearing.

4. Convene into closed session

By roll call vote at 5:20 p.m. the Board of Appeals convened into closed session pursuant to Wis. Stats. §19.85(1)(a) for purposes of deliberating the above hearing. The Board may convene into opens session to render its decisions.

5. Reconvene into open session

The Board reconvened into open session at 5:30 p.m. Chairman Book stated that there is clear circumstantial evidence that the Board of Appeals granted a variance in 1994. The Board of Appeals now formally ratifies the prior action of granting a variance.

6. Adjourn

Book and Finerty moved and seconded to adjourn at 5:32 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk

Memo

To: Board of Appeals

From: Casey Griffiths, Zoning & Planning Administrator/ Asst. to the Village Manager

Date: February 19, 2016

Re: Request for an Appeal and Variance- 1415 N. 124th Street.

IPVestments, LLC (represented by Jeffrey Steier) is requesting a hearing for an appeal of the decision of the Building Inspector as allowed under §335-69(D) and a variance from §106-4C(1). The applicant was issued a building permit, 828-15-12B for a bathroom, kitchen and basement remodel on December 11, 2015. The plans submitted for the permit included a diagram showing the renovations of the basement, however the interior ceiling height of the basement was not indicated on the plans. In conditionally approving the plans, Corry Eifert the Village's Building Inspector, had informed the applicant that the minimum ceiling height would be subject to the requirement of the Wisconsin Uniform Dwelling Code (UDC). Upon rough inspection of the project Mr. Eifert discovered that the height of the ceiling did not meet the minimum height requirements of the UDC.

Under Wisconsin UDC, SPS 321.06, all habitable rooms, kitchens, hallways, bathrooms and corridors are required to have a ceiling height of at least 7 feet. Rooms can have a ceiling height of less than 7 feet provided that at least 50% of the room's floor area has a ceiling height of at least 7 feet. The current basement has a ceiling height of between 6 feet 8 inches and 6 feet 9 inches. The applicant would like to finish half of the basement to include a bathroom, laundry room and recreation room.

According to assessment records, the home was constructed in 1949. The Wisconsin UDC is the statewide building code for one and two family dwellings built since June 1, 1980. Under §106-4 the Village had adopted the state dwelling code. Subsection C reads in part:

C. For the purposes of this section, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

(1) Additions, alterations, and major equipment replacements for one and two family dwellings built before June 1, 1980.

The state does not have construction code for additions or alterations for homes built prior to June 1, 1980. The Village has chosen to require those additions and alterations to meet UDC requirements. As such the alteration for this home would need to comply with UDC standards. Because there is no state code governing such issues, the Elm Grove Board of Appeals has jurisdiction over this matter.

Please see the enclosed letter from the applicant and Board of Appeals application.

**APPEAL/APPLICATION FORM
VILLAGE OF ELM GROVE BOARD OF APPEALS**

Petition # _____ Date Filed 1/15/16 \$ 125.00 fee paid

Name: IP Investments LLC

Address: 1415 N. 124th St. Elm Grove

Phone: 414-349-0182

Legal Description: _____ 1/4, SE 1/4, S 24, T 7N, R 20E, Village of Elm Grove, Waukesha County.

Lot area and dimensions: _____ sq. ft., _____ x _____ ft.

Zoning District: RS-1

Current Use: Single family Dwelling

Nature and disposition of any prior petition for appeal, variance or conditional use:

Description of all nonconforming structures and uses on the property:

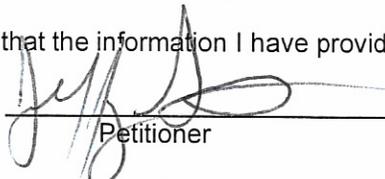
Reason for Appeal Check the type of administrative decision appealed.

- Zoning district boundary dispute.
- Ordinance interpretation.
- Board, Committee, or Commission decision.
- Administrative decision, measurement, or order in dispute.
- Request for a variance.

Please attach the information below as required by Article IX Board of Appeals.

- Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- Plat of survey prepared by a land surveyor, registered in the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator, showing all of the information required under § 335-84 of this chapter for a building permit.
- Additional information required by the Zoning Administrator, the Board of Appeals or the Village Plan Commission.

I certify that the information I have provided in this application is true and accurate.

Signed: 
Petitioner

Date: 1/15/2016

Remit to: Casey Griffiths, Zoning and Planning Administrator, Village Hall, 13600 Juneau Boulevard, Elm Grove, WI 53122.

Date: 1/15/16

Casey Griffiths
Zoning and Planning Administrator
Village Hall - 13600 Juneau Blvd
Elm Grove, WI 53122

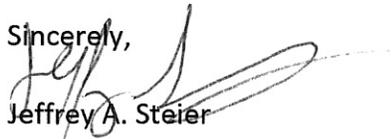
We are requesting a variance for 1415 124th Street. Current UDC code requires a 7' ceiling height for basements. The basement of this home measures between 6'8" and 6'9" in most areas. We would like to finish 50% of the basement for use as full bathroom, laundry room and additional useable space i.e. recreational room for pool table etc. This home already had a permitted ½ bath in the basement when purchased.

½" drywall will be installed directly to the floor joists to utilize the most head space possible. Recessed lighting will also be used for this area to keep everything even with the floor joists.

We'd like the variance to make this home comparable to other homes in the area that utilize the basement for useable finished space.

Thank you for your consideration in this matter.

Sincerely,



Jeffrey A. Steier
IPVestments LLC

**APPEAL/APPLICATION FORM
VILLAGE OF ELM GROVE BOARD OF APPEALS**

Petition # _____ Date Filed 1/21/16 \$ 125.00 fee paid

Name: Nick Pfeffer

Address: 14805 Watertown Plank Rd.

Phone: 312-672-9699

Legal Description: SE 1/4, NW 1/4, S 26, T 7N, R E, Village of Elm Grove, Waukesha County.

Lot area and dimensions: 35,425 sq. ft., _____ x _____ ft.

Zoning District: RS 1

Current Use: single family residence

Nature and disposition of any prior petition for appeal, variance or conditional use:

N/A

Description of all nonconforming structures and uses on the property:

N/A

Reason for Appeal Check the type of administrative decision appealed.

- Zoning district boundary dispute.
- Ordinance interpretation.
- Board, Committee, or Commission decision.
- Administrative decision, measurement, or order in dispute.
- Request for a variance.

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- Additional information required by the Zoning Administrator, the Board of Appeals or the Village Plan Commission.

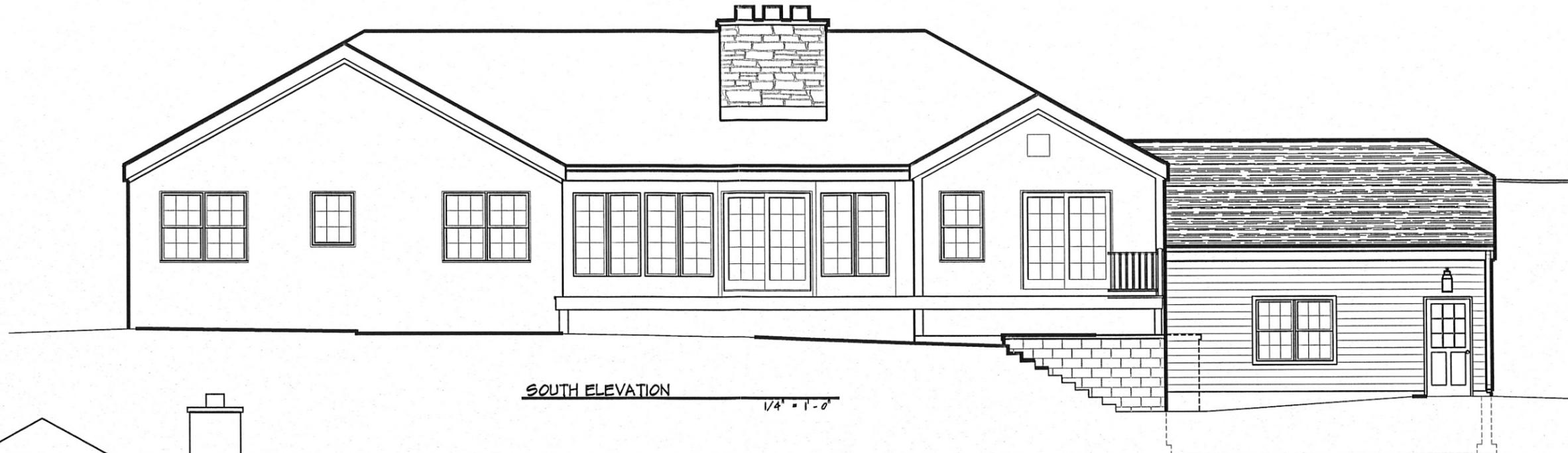
I certify that the information I have provided in this application is true and accurate.

Signed: _____

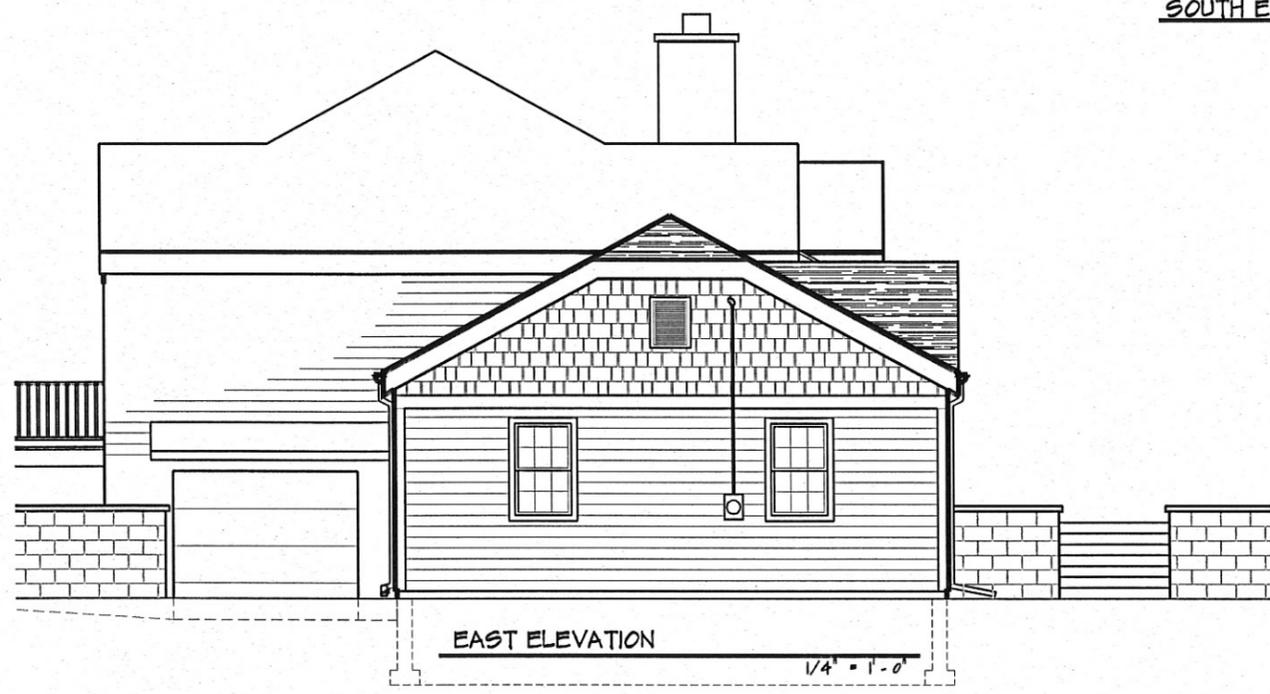
Petitioner

Date: 1/21/2016

Remit to: Casey Griffiths, Zoning and Planning Administrator, Village Hall, 13600 Juneau Boulevard, Elm Grove, WI 53122.



SOUTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

CONTINUOUS RIDGE VENT

50 yr. DIMENSIONAL SHINGLE
OVER 15# FELT OVER 5/8" CDX
PLYWOOD SHEATHING

1" x CEDAR RAKE BOARD
& MOLDING TO MATCH
EXISTING

CEMENT SIDING SHINGLES

ALUM. GUTTER &
DOWNSPOUT (typ)

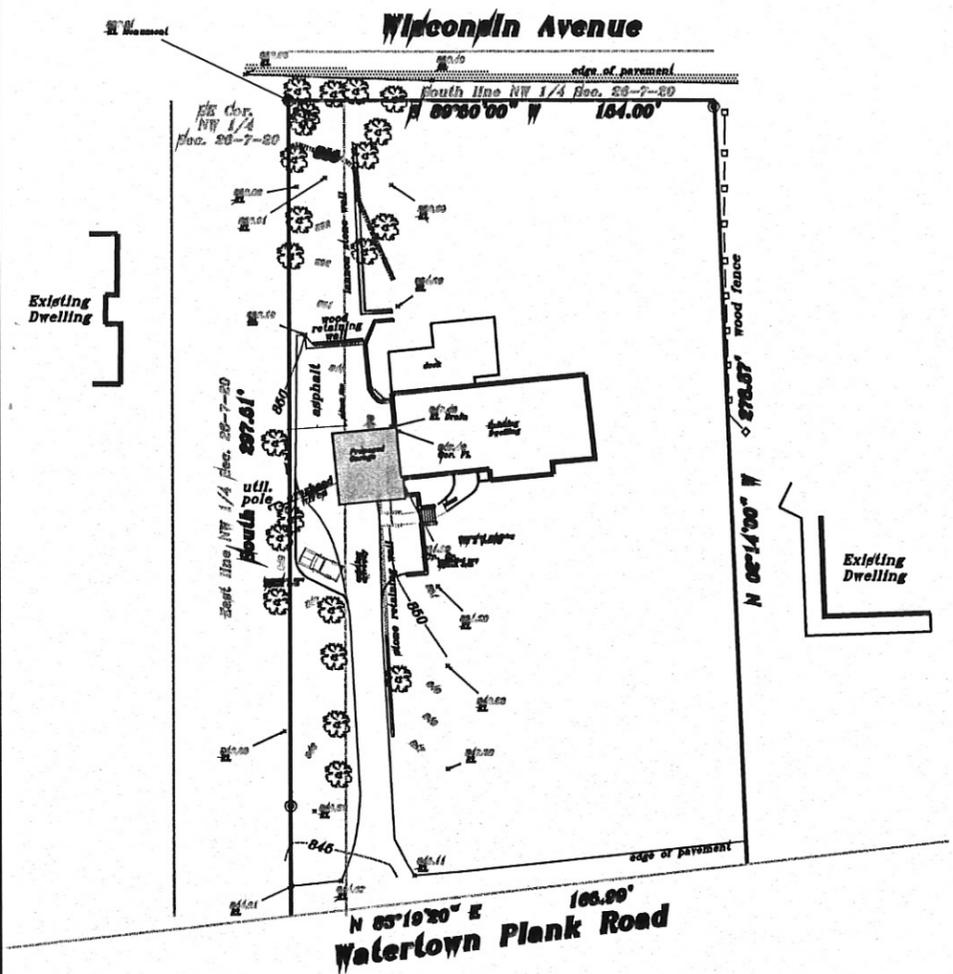
1" x 6" CEMENT
CORNER BOARD

1" x 10" CEMENT
BOARD TRIM

DOUBLE-SIDED
STEEL OVERHEAD
DOOR

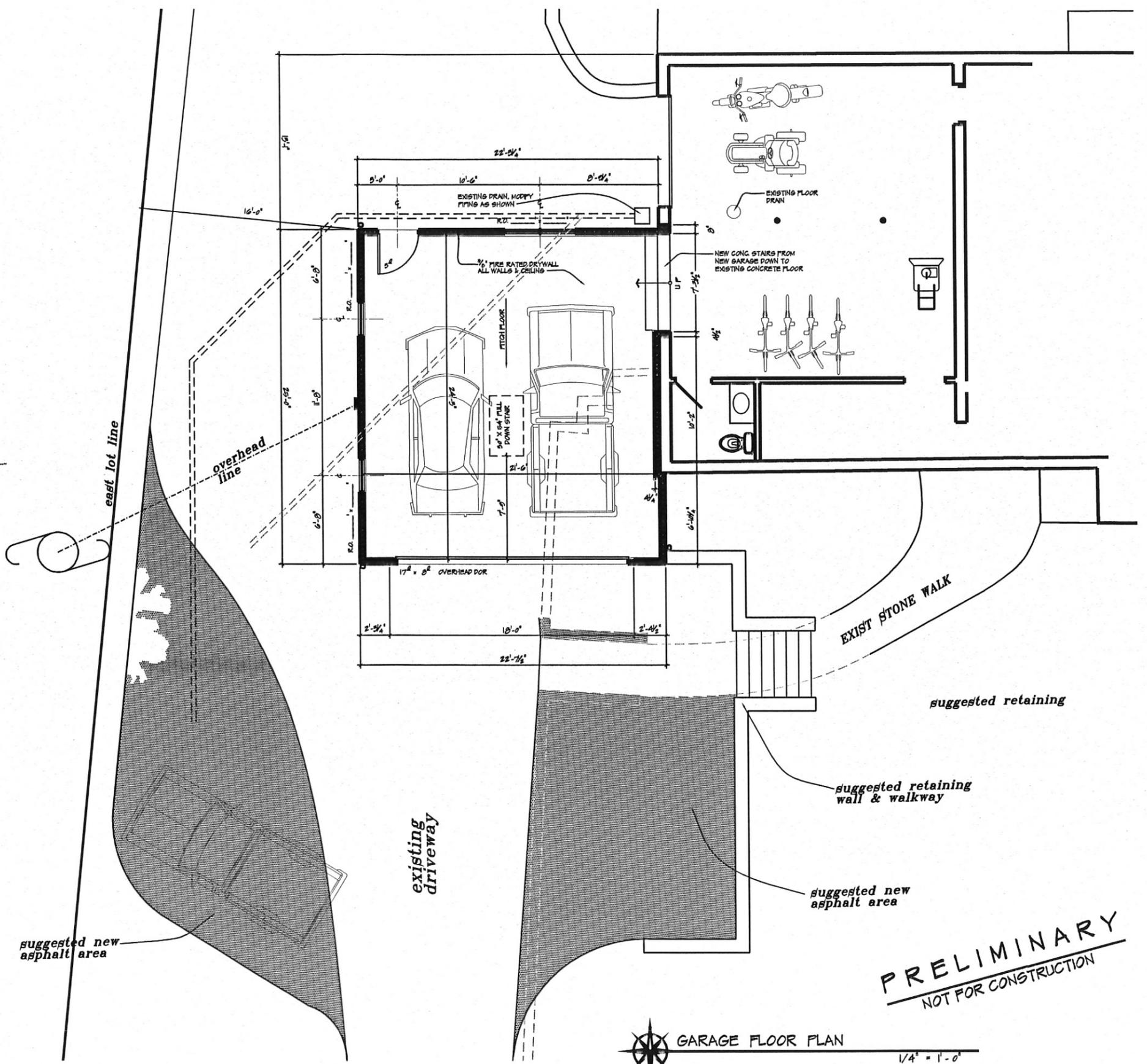
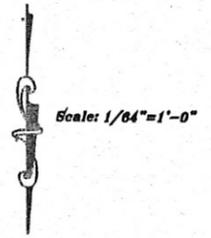
1" x 4" CEMENT
BOARD TRIM

PRELIMINARY
NOT FOR CONSTRUCTION



METROPOLITAN SURVEY SERVICE, INC.
 REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
 5800 Broad Street, Greendale, Wisconsin 53129
 PH. (414) 529-5380 FAX (414) 529-9787
 email address: survey@metropolitansurvey.com

- — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set
- ⊕ — Denotes Brass Monument Found



GARAGE FLOOR PLAN
 1/4" = 1'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION

DESIGN GROUP THREE
 ARCHITECTURE
 RENOVATION
 CONSTRUCTION
 5050 N. Port Washington
 Milwaukee, WI
 414.982.2222

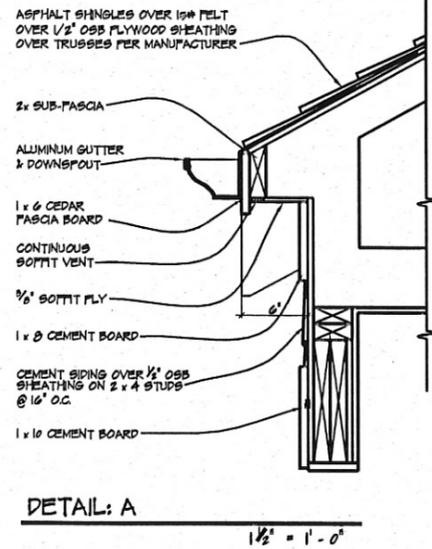
CLIENT APPROVAL
 SIGNATURE _____
 DATE _____
 DO NOT SCALE OF DRAWING
 REVISION DATA

Garage Addition for:
Nick Pfeiffer

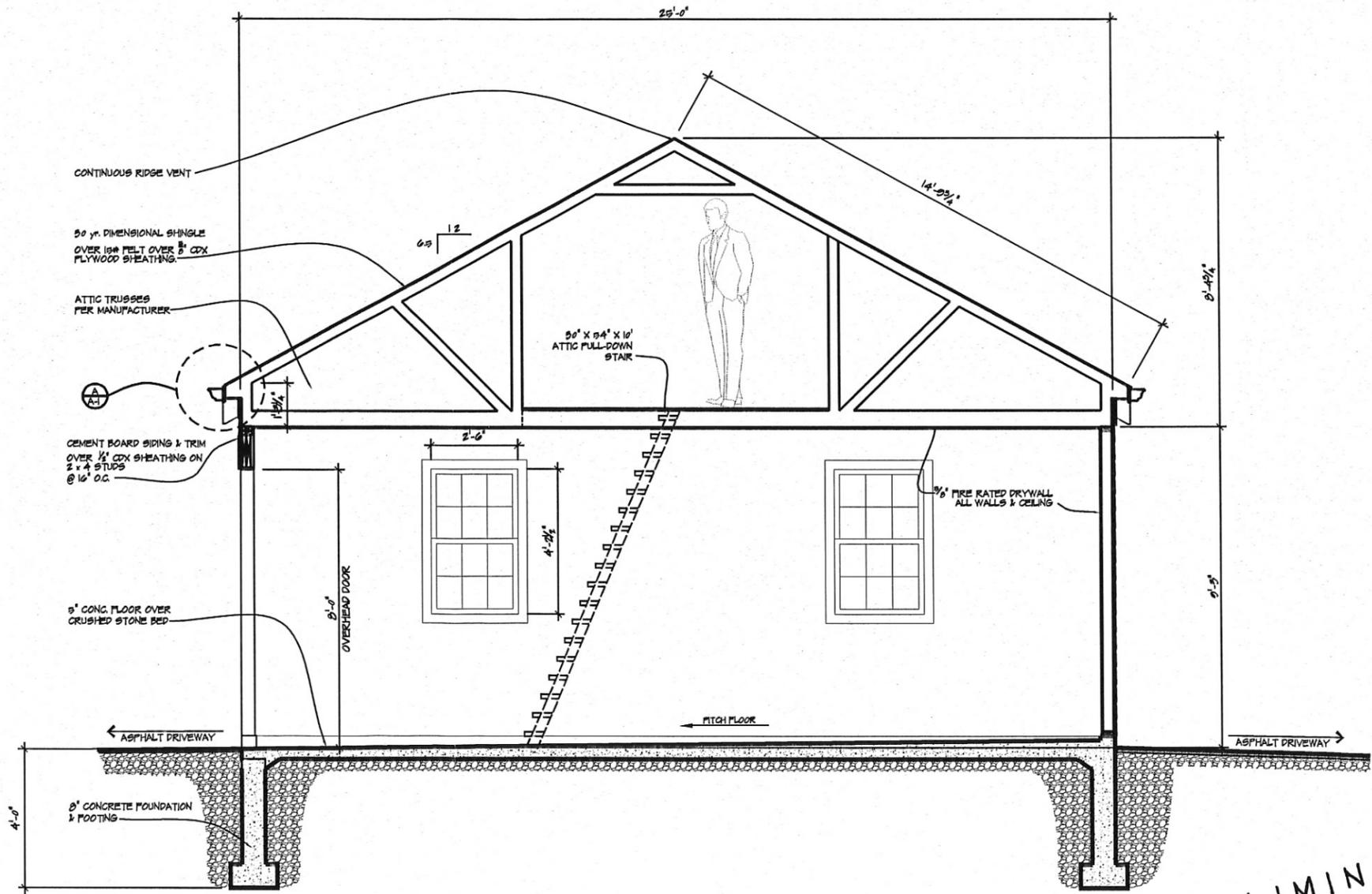
DRAWN BY:
 mjk@

DATE:
 10.4.

SHEET NO.:
2
 2 OF



DETAIL: A
1/2" = 1'-0"



BUILDING SECTION: A
1/2" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

Memo

To: Board of Appeals

From: Casey Griffiths, Zoning & Planning Administrator/ Asst. to the Village Manager

Date: February 19, 2016

Re: Request for Variance - 14805 Watertown Plank Road

Nick Pfeffer is requesting a variance from the side yard setback requirements of the Village's Code of Ordinances to allow for the construction of a garage addition. The property is zoned Rs-1 Single Family Residential District. The side yard setback requirement for the Rs-1 District is twenty feet. The section of code regarding side yard setbacks reads as follows:

§333-17F(2): There shall be a side yard setback on each side of any principal or accessory structure not less than 20 feet in width.

Under §335-94 *Terms defined*, a side yard setback is defined as:

"A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure."

The proposed garage addition would encroach 4 feet into the east side yard setback, resulting in a setback of 16 feet from the property line. The home's current side yard setback is 48.86 feet as measured to the rear southeast corner of the building, which is the nearest point of the structure.

The neighboring property owners have been notified of the variance request and notice of the public hearing has been posted in the required locations.

Enclosed for your review is the Board of Appeals application form, survey map demonstrating the proposed location of the garage, and architectural drawings of the proposed garage.

If you have any questions please do not hesitate to contact me.