

# VILLAGE OF ELM GROVE

13600 Juneau Boulevard  
Elm Grove, WI 53122

## BOARD OF APPEALS

Tuesday, June 28, 2016 \* 5:00 PM \* Park View Room

### AGENDA

**1. Bring meeting to order and roll call**

**2. Review and act on minutes - 2/25/2016**

*Documents: BA022516md.pdf*

**3. Consideration, hearing, and action for a variance for - 14320 Hillside**

Requesting variance regarding allowable impervious surface

*Documents: 14320 Hillside Rd Application and Letter.pdf, 14320 Hillside Rd Survey and Plans.pdf, Itr abutting properties-14320 Hillside Rd- Variance Request 06.28.16.pdf, notice of public hearing 062816.pdf, Property Owners.pdf, BOA memo 14320 Hillside Road 06 28 16.pdf*

**4. The Board may convene into closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate the above referenced quasi-judicial hearing.**

**5. The Board may reconvene into open session to render its decision**

**6. 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  
Thursday February 25, 2016– 5:00 p.m.**

1. Roll Call

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

2. Minutes

Finerty and Jacobson moved and seconded to approve the January 27, 2015 minutes. Motion carried.

3. Consideration, hearing, and action on appeal for building permit decision and variance 1415 N. 124<sup>th</sup> Street

Ms. Stredni swore in Jeffrey Steier representative of IPVestments LLC, Corry Eifert, Village Building Inspector, and Casey Griffiths.

The home was purchased in November 2015 with intent to improve the ½ bath in basement, add laundry room, and recreation room; the ceiling height is between 6'8" and 6'9". Steier was aware of 7 foot ceiling height requirement in basement according to State building code which went into effect June 1, 1980, but believed that since the home was built in 1949 the requirement would not be applicable as it isn't in other municipalities where he has worked.

Upon rough inspection of the project the building inspector discovered that the height of the ceiling did not meet the minimum height requirements for the State. Therefore, Steier is requesting a variance.

Finerty questioned whether there was an exit to the outside or windows and the fire rating. Steier stated that there is no exit, there are glass windows, and the fire rating is about two hours. The existing ½ bath ceiling is not 7 feet.

Steier talked to the State to inquire about requirements; according to the state because the house was built in 1949 there are no requirements.

Eifert followed the Village Code which follows State 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 Village chose to require that additions and alterations meet UDC requirements.

Eifert stated that safety is not a factor. de la mora asked whether having the house raised would be an alternative. Eifert stated that it might be but could damage the house. Another alternative would be to leave the ceiling open; the space between the rafters would give enough extra inches to make the 7 feet.

As there were no other questions, Chairman Book closed the hearing.

4. Consideration, hearing, and action on request for variance of 4 feet to allow a side yard setback of 16 feet from the east property line for 14805 Watertown Plank Road

Ms. Stredni swore in Matthew Krier, builder, Nick Pfeffer, owner, and Casey Griffiths.

Krier reviewed the proposal for a new garage. Currently the garage is under the house and the grade is sloping, so in extreme conditions the garage has standing water. The current garage door is also a problem, not all vehicles will fit. Home was built in the late 1940's.

Jacobson asked whether the neighbor to the east is opposed. Pfeffer stated that the owner to the east has no problem with the addition and with the addition drainage will go to the north.

Finerty inquired as to the attic space proposed in the new garage. Noted that it is for storage only.

de la mora asked whether the homeowner had considered putting a new garage on the west end of the home so setback would be met and no variance would be needed. Krier stated that putting a garage on the west end of the home would not work because of the floor plan; the

driveway would also need to be moved. It was clarified that there is no radiant heat in the basement. de la mora asked again if there was enough room to put a garage on the west side of the home. Krier stated that yes there is, but it is not possible because of the topography, the floor plan, and the driveway. Cannot raise the grade in the current location; the garage doors would be unusable. de la mora opined that with a new garage the builder is creating a physical barrier and more rain water will be diverted to the old garage. Krier explained that the rain will be diverted away from the current problem area so it will not make it worse. Book asked the owner if he would expect the new garage to be dry to which the owner said yes. Giampietro asked whether the encroachment is to allow for a 2 or 2 ½ car dry garage. Krier stated about a 2 ½ car garage. A 2 ½ car space is being created by the depth of the garage not the width – having a 2 ½ car space vs a 2 car space does not encroach further into the setback.

As there were no other questions, Chairman Book closed the hearing.

5. Convene into closed session  
By roll call vote at 5:55 p.m. the Board convened into closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate the above referenced quasi-judicial hearings.
6. Reconvene into open session  
The Board reconvened into open session at 6:14 p.m. Chairman Book stated to both applicants that both variances were granted.
7. Adjourn  
Jacobson and Finerty moved and seconded to adjourn at 6:15 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk

APPEAL/APPLICATION FORM  
VILLAGE OF ELM GROVE BOARD OF APPEALS

Petition # \_\_\_\_\_ Date Filed 6/6/16 \$ 125.00 fee paid

Name: Jeff Gregg & Julie Gregg

Address: 14320 Hillside Road, Village of Elm Grove

Phone: \_\_\_\_\_

Doc # 3807182

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

Lot area and dimensions: 38,465 sq. ft., \_\_\_\_\_ x \_\_\_\_\_ ft.

Zoning District: Rs-1

Current Use: Residential

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

Description of all nonconforming structures and uses on the property:

EXISTING SINGLE FAMILY HOME AND DRIVEWAYS ARE NON-CONFORMING DUE TO EXCEEDED ALLOWABLE IMPERVIOUS AREA.

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.

RECEIVED

MAY 31 2016

VILLAGE OF ELM GROVE

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. *(Not Provided)*
- 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: [Signature] Date: 4/14/16  
Petitioner

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

May 3, 2016

Dear Appeals Board Members:

We are planning to build a 320 square foot addition to our home at 14320 Hillside Road.

In the planning process we discovered that our existing property is non-conforming because it does not meet the requirements of Zoning Chapter 335-17-H which limits the amount of impervious surface area to 30% of the lot's square footage. The property is currently at 34.66%. The plan, as proposed, would remove 347 square feet of impervious paving and sidewalk and add 320 square feet of living space. The net effect would slightly reduce the degree of non-conformity.

We understand the purpose and intent of this ordinance is to limit and control storm water runoff. Our property is unusual in relation to other properties in our area. Much of our front yard is dedicated to a large water retention area and a second smaller water retention area. These are fed by the storm water culvert running along our side of Hillside Road and an 18" RCP that runs under the road feeding storm water into our property from many properties on the opposite side of the road. In addition, there is a 15" RCP that runs along our north property line which directs the water to the northeast.

Since purchasing the property, we have been good stewards in preserving and improving the storm water management in our neighborhood. We have invested considerable effort and expense in the maintenance of the detention ponds. We have repaired and extended the 15" RCP along our north property line and have regraded our entire east property line where it abuts the railroad tracks. In addition, we worked with the railroad initiating an effort to clear and repair a large culvert that runs under the tracks to restore the flow of storm water.

Given the circumstances of our lot and the ongoing efforts we have made to improve storm water management we respectfully request that you grant our variance.

  
\_\_\_\_\_  
Jeff Gregg, Homeowner

5/4/16

Date

  
\_\_\_\_\_  
Julie Gregg, Homeowner

5/4/16

Date

14320 Hillside Rd.  
Elm Grove, WI 53122

Impervious area calculations:

Current impervious area:

House & porch = 5,405 SF

Driveway = 6,668 SF

Patio & Walks = 1,260 SF

Total = 13,333 of impervious area.

Lot Area = 38,463.  $13,333 / 38463 = .346$  or 34.6% is currently impervious.

Proposed impervious area:

House & porch = 5,405 SF

Driveway = 6,454 SF

Patio & Walks = 1,127 SF

New Addition = 320 SF

Total = 13,306 of impervious area.

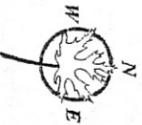
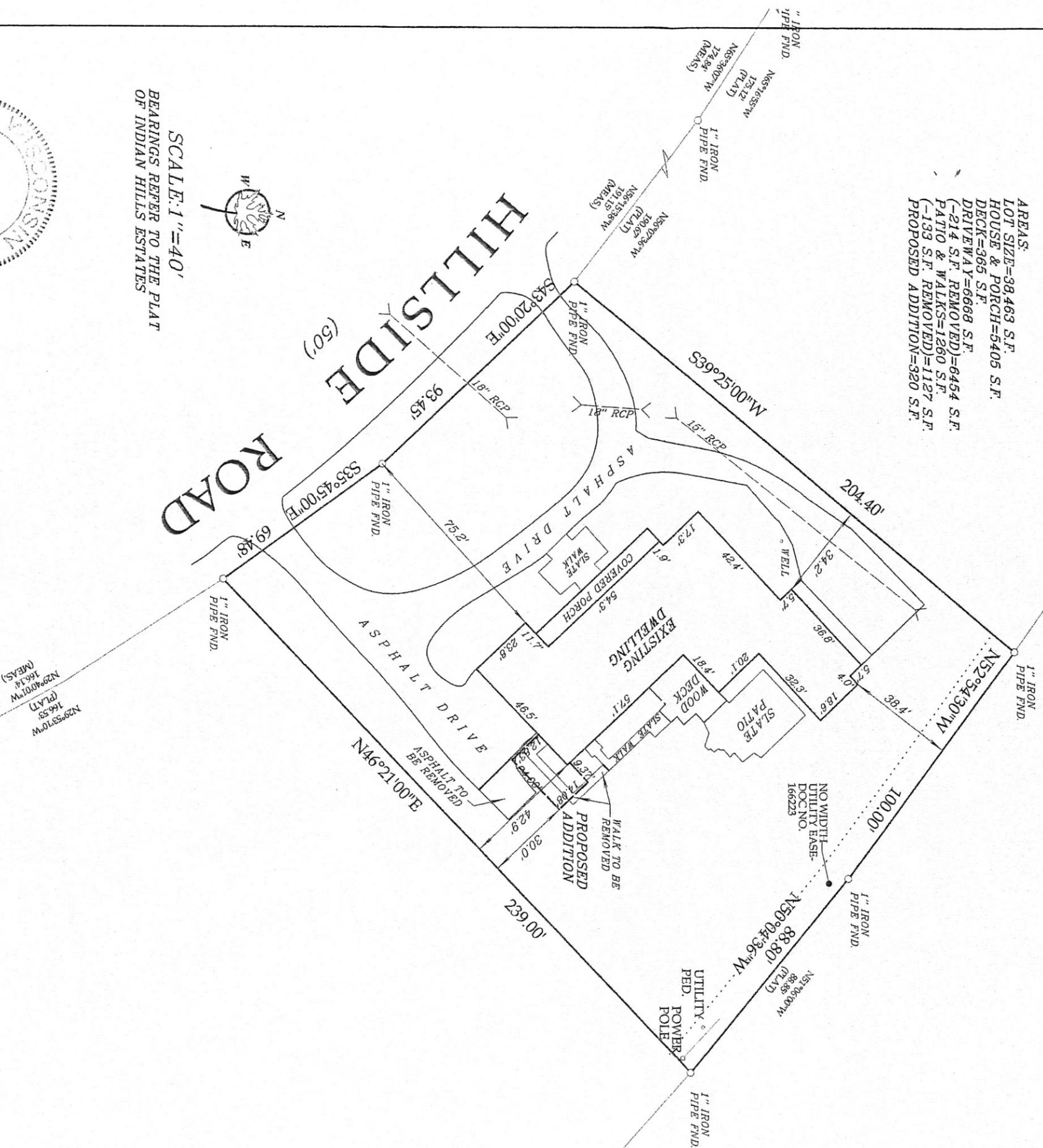
Lot Area = 38,463.  $13,306 / 38463 = .345$  or 34.5% proposed impervious area.

**EDGEWOOD**  
SURVEYING  
14195 BEECHWOOD TRAIL • NEW BERLIN • WISCONSIN 53151  
(262)366-5749 • fax (262)797-6329  
**PLAT OF SURVEY**

PREPARED FOR: **DESIGN GROUP 3/GREGG**  
 LOCATION: **14320 HILLSIDE ROAD, VILLAGE OF ELM GROVE**  
 LEGAL DESCRIPTION: **LOT 3, BLOCK 1, INDIAN HILLS ESTATES, BEING A SUBDIVISION OF A PART OF THE SE 1/4 OF SECTION 23, THE SW 1/4 OF SECTION 24, AND A RE-SUBDIVISION OF BLOCK 8 IN SUNNY RIDGE NO. 2, ALL IN TOWN 7 NORTH, RANGE 20 EAST, VILLAGE OF ELM GROVE, WAUKESHA COUNTY, WISCONSIN.**  
 FEBRUARY 22, 2010  
 REV 3/31/16  
 REV 4/8/16  
 REV 5/13/16

WAU-1193

AREAS:  
 LOT SIZE=38,463 S.F.  
 HOUSE & PORCH=5405 S.F.  
 DECK=365 S.F.  
 DRIVEWAY=6668 S.F.  
 (-214 S.F. REMOVED)=6454 S.F.  
 PATIO & WALKS=1260 S.F.  
 (-133 S.F. REMOVED)=1127 S.F.  
 PROPOSED ADDITION=320 S.F.



SCALE: 1"=40'  
 BEARINGS REFER TO THE PLAT  
 OF INDIAN HILLS ESTATES



THIS IS AN ORIGINAL PRINT ONLY  
 IF SEAL IS IMPRINTED IN RED

I hereby certify that I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadway and visible encroachments if any. This survey is made for the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

Signed

*Christopher J. Kunkel*

CHRISTOPHER J. KUNKEL REGISTERED LAND SURVEYOR S-1765

June 10, 2016

Re: Variance Request for 14320 Hillside Road

Dear Property Owner:

Per Village of Elm Grove Ordinance Chapter 335-71(A) I am enclosing a Notice of Public Hearing for the Board of Appeals. You are receiving this notice as you are considered a party of interest to the proceeding.

The public hearing is in regards to a variance request by Jeff and Julia Gregg at 14320 Hillside Road. The applicant has requested a variance from §335-17(H) of the Village of Elm Grove Code of Ordinances to allow for 34.5% of the property to be impervious surface for the purpose of constructing an addition to the principal structure. The maximum impervious surface per Village Ordinance Chapter §335-17(H) is 30% of lot area.

**The meeting and public hearing will be held on Tuesday, June 28, 2016 at 5:00 p.m. in the Park View Room of Village Hall, located at 13600 Juneau Boulevard.** The meeting is an open and public meeting and you are welcome to attend. If you would like to view the proposed plans you may view them in the office of the Zoning & Planning Administrator at Village Hall, between 8:00 a.m. and 4:30 p.m. Monday through Friday, or access the documents on the Village website at [www.elmgroviewi.org](http://www.elmgroviewi.org). If you have any questions, concerns or would like to register an opinion on this matter please do not hesitate to contact me at (262) 782-6700 or [tharrigan@elmgroviewi.org](mailto:tharrigan@elmgroviewi.org).

Sincerely,

Thomas Harrigan  
Zoning and Planning Administrator/  
Assistant to the Village Manager

CC: Building File

**NOTICE OF PUBLIC HEARING**  
**Board of Appeals**  
**Village of Elm Grove**

**WHEREAS** , pursuant to Village of Elm Grove Ordinance 335-66 to 335-74 a petition has been filed by an aggrieved party regarding a Village Ordinance regulation; and

**WHEREAS** , matters of public interest are involved.

**NOW THEREFORE, PLEASE TAKE NOTICE** , that there will be a public hearing before the Board of Appeals of the Village of Elm Grove, at Village Hall, 13600 Juneau Blvd, on Tuesday June 28, 2016 at 5:00 p.m. to consider the following petition:

*The request of Jeff and Julie Gregg, 14320 Hillside, Elm Grove, Wisconsin requesting a hearing on a variance pursuant to §335-17 (H) of the Village Code of Ordinances.*

The Board may go into closed session, as allowed by Wis §19.85(1) (a) deliberating after any judicial or quasi-judicial trial or hearing, to deliberate and determine a decision of the Board of Appeals with respect to the abovementioned property..

The Board will then reconvene into open session to make its decision.

The foregoing petition is on file in the office of the Village Clerk and is available for inspection.

Dated at Elm Grove, Wisconsin this 8<sup>th</sup> day of June 2016  
Mary S. Stredni, Village Clerk

Posted: Village Hall

<b>Taxkey</b>	<b>Name 1</b>	<b>Name 2</b>	<b>Address 1</b>	<b>City</b>	<b>2</b>
EGV 1100002002	JEFF GREGG	JULIA GREGG	14320 HILLSIDE RD	ELM GROVE	WI 53122
EGV 1100002001	BORDEN FAMILY HOLDINGS II LLC		2938 NORTH SHORE DR	DELEVAN	WI 53115
EGV 1100002003	DONALD & MARY E RALFS TRUST		14300 HILLSIDE RD	ELM GROVE	WI 53122
EGV 1100014	GLENN O STARKE REVOCABLE TRUST		14355 HILLSIDE RD	ELM GROVE	WI 53122
EGV 1100027	JOHN M RIEMER	MARY O RIEMER	14325 HILLSIDE RD	ELM GROVE	WI 53122
EGV 1100026	ROBERT A ORNST SR REVOCABLE TRUST		14305 HILLSIDE RD	ELM GROVE	WI 53122
	JEFF SPORER		5050 N. PORTWASHINGTON	MILWAUKEE	WI 53217

[Redacted]

[Redacted]

[Redacted]

[Redacted]

# Memo

To: Board of Appeals

From: Thomas Harrigan, Zoning & Planning Administrator/ Asst. to the Village Manager

Date: June 23, 2016

Re: Request for Variance – 14320 Hillside Road

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Mr. and Mrs. Gregg are requesting a variance from the maximum impervious surface requirement of the Village's Code of Ordinances to allow for the construction of a pool room addition. The property is zoned Rs-1 Single Family Residential District. The maximum allowable impervious surface requirement for the Rs-1 District is 30 percent. The section of code regarding maximum impervious surface reads:

*§335-17H: Maximum impervious surface: 30% of lot area.*

Under §335-94 *Terms defined*, impervious surface is defined as:

*"The total amount of area within a parcel covered by the principal and accessory structures, driveway, loading area, sidewalk and all other surfaces covered with asphalt, concrete, or other similar impervious surfaces, that prevent rain, surface water runoff, or melting snow from infiltrating into the ground below."*

In 2011, a garage addition and driveway extension were constructed on the property. As a component of the project, 263 square feet of existing driveway was to be removed from the property. After completion of this project, the total impervious surface percentage of the property was to equal 29.61%. According to the property survey (revised 5/13/16), Portions of the driveway that were to be removed during the 2011 construction remain in place. Additionally, since the 2011 project, extensions of the walkways and patio area have increased the total impervious surface area.

Currently, the property has a total impervious percentage of 34.6%. Included in the new construction proposal is the removal of 347 square feet of impervious surface which includes the 263 square feet that was to be removed in 2011, and some additional walkway. This removal would offset the proposed pool room's impervious surface by 27 square feet, resulting in 34.5% total impervious surface. Please see the calculations below.

Current Impervious Area:

Total Lot Area = 38,463 SF

House & Porch = 5,405 SF

Driveway = 6,668 SF

Patio & Walks = 1,260 SF

Total = 13,333 SF

13,333 / 38,463 = 34.6% Currently Impervious Surface

Proposed Impervious Area:

Total Lot Area = 38,463

House & Porch = 5,405 SF

Driveway = 6,454 SF (-124 SF REMOVED)

Patio & Walks = 1,127 SF (-133 SF REMOVED)

Total = 13,306 SF

13,306 / 38,463 = 34.5% Proposed Impervious Surface

Under Village Ordinance §335-12C *Lot Coverage*, an additional 3% of impervious surface may be added to a lot if permeable surfaces materials are used:

*“Three percent may be added to the total maximum impervious surface coverage for an individual district through the use of permeable surfaces. However, the total amount of impervious surface may not exceed the square footage that would otherwise be permitted in the underlying zoning district.”*

With utilization of the Village Ordinance §335-12C, the property would still be 1.5% over the maximum allowable impervious surface area.

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.