

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

BOARD OF APPEALS
Thursday, October 20, 2016 * 5:00 PM * Park View Room

AGENDA

1. Bring meeting to order and roll call

2. Review and act on minutes - 7/12/16

Documents:

BA071216md.pdf

3. Consideration, hearing, and action on appeal for variance request - 955 Lone Tree Road

Requesting variance for basement ceiling height

Documents:

BOA memo 955 Lone Tree 102016.pdf

955 Lone Tree Road Variance Application Form.pdf

955 Lone Tree Road Variance Request Letter.pdf

ltr abutting properties- 955 Lone Tree Road -Appeal 10.20.16.pdf

Notice - 955 Lone Tree Road.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
Tuesday, July 12, 2016 * 5:00 p.m.

1. Roll Call

Present: Chairman Barry Book, John Allen, and Frank Lorenz. Gordon Giampietro by telephone. Finerty, Jacobson, and Puchner excused. Village Clerk Mary Stredni, Zoning/Planning Administrator Tom Harrigan, Village Manager David De Angelis, and Village Attorney de la mora.

2. Minutes

Allen and Lorenz moved and seconded to approve the June 28, 2016 minutes. Motion carried.

3. Consideration, hearing, and action on appeal for variance requests – 14055 Wisconsin Avenue

Ms. Stredni swore in Harrigan, De Angelis, Metzger homeowner, Walter Neumann, and Daniel Radler, 670 Florence Drive.

Neumann testified that he and Metzger came up with the concept for the home. With the current garage location, you must back out of the driveway onto Wisconsin Avenue which is not safe. Plan to keep part of the existing driveway for guest parking and locate the new driveway and larger garage on the northeast portion of the house. Enough room will be allowed to turn around in the driveway so will not have to back out onto the road. As parking on the street is dangerous, keeping part of the existing driveway will allow space for guests to park. Requesting sideyard setback of 16 feet; a 20 foot street right-of-way setback, and variance from the maximum building footprint area required of 20% to 22%.

Neumann testified that also plan to build a berm to eliminate water runoff. Lorenz asked Radler if his is the house to the south. Radler stated that it is. Allen asked if Radler was worried that there would be more water runoff. Neumann stated that it will actually improve.

Attorney de la mora asked what the hardship is. Neumann stated – none. Lorenz asked that when Metzger bought the property in 1975 was he aware that it was not in compliance. Metzger stated that he was not. Book asked what the hardship was. Neumann stated that backing out of the driveway is dangerous and by changing the driveway so that a person would not have to back out of the garage onto Wisconsin Avenue it would be safer.

Attorney de la mora asked why the driveway could not just be relocated. Neumann stated that would not work. There would not be enough room to turn around. De Angelis stated that would most likely then be over the impervious surface maximum.

Giampietro stated that he was not sure that the owner wanted to continue to state there is no hardship. Neumann stated that the hardship is the lack of safety in backing out of the current driveway. Attorney de la mora stating that if part of the current driveway is kept for guests, they will be backing out onto Wisconsin Avenue which is dangerous. Metzger stated that the problem is that cars are going too fast down the street and he does not like to back out of his current driveway so he believes the proposed change would be safer.

Allen asked about the impervious surface. Harrigan stated that the property is under the 30% maximum.

Radler stated that he is now satisfied with what he has heard in regard to water runoff.

Book confirmed that the proposed plan does not encroach any further than the 7.6 feet on the southern property line.

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

4. Convene into closed session

By roll call vote at 5:25 p.m. the Board convened into closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate the above referenced quasi-judicial hearings.

5. Reconvene into open session

The Board reconvened into open session at 5:59 p.m. Chairman Book stated that the Board has voted to approve the variances due to the unusual nature of the structure on the lot and the unusual traffic pattern given the intersection that the property sits on. However, if the owner feels that it is unsafe to back out of the current driveway onto Wisconsin Avenue then that driveway must be removed. Otherwise the argument that it is not safe is gone. Therefore, the approval is conditioned upon the removal of the existing driveway and the sidewalk to the front cannot be put in as it would encourage people to park there.

6. Adjourn

Allen and Lorenz moved and seconded to adjourn at 6:04 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk

Memo

To: Board of Appeals

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

Date: October 13, 2016

Re: Request for a Variance- 955 Lone Tree Road.

David and Heather Tanner are requesting a variance from §106-4C(1) of the Village of Elm Grove Code of Ordinances. The applicants intend to renovate the basement area of their home and are aware of the Wisconsin Uniform Dwelling Code (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 9 inches and 6 feet 10 inches. The applicant would like to finish half of the basement to include a recreation room, bar area, kid's area and an additional bedroom room.

According to the Village property file, the home was constructed in 1940. 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 9/28/16 \$ 125⁰⁰ fee paid

Name: David and Heather Tanner

Address: 955 Lone Tree Road

Phone: 414-651-0260

Legal Description: PTNW 1/4, PTSW 1/4, S 26, T 7 N, R 20 E, Village of Elm Grove, Waukesha County.

Lot area and dimensions: .459 ac sq. ft., _____ x _____ ft.
↳ per assessment (no available survey info)

Zoning District: residential

Current Use: single-family

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

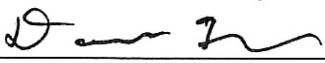
Reason for Appeal Check the type of administrative decision appealed.

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

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:  Date: 9/28/16
Petitioner

THOMAS HARRIGAN

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

September 28, 2016

Thomas Harrigan
Zoning and Planning Administrator
Village Hall-13600 Juneau Blvd
Elm Grove, WI 53122

RE: variance request

We are requesting a variance for our residence at 955 Lone Tree Road. The current UDC code requires a minimum ceiling height of 7' for basements. Our home was constructed in 1940 and measures 6'9" and 6'10" from the concrete floor to the floor joist in most areas.

We would like to finish 40 to 50% of the basement for use as a rec room, bar area, kids area and an additional bedroom with an egress window. We would like a bathroom in the lower level, but the overall basement space is limited. Our contractor would install the ½" drywall to the floor joists wherever possible in order to maximize the clear height. Additionally, we would install recessed can lighting and HVAC extensions in the proposed finished area.

We are requesting this variance as our home was constructed before the current code with the minimum 7' ceiling height was put into place. By having the ability to add to the size of our home, we feel that our residence would be more comparable to other houses in the immediate area. Our goal is to create some additional living space and increase the value of our house in this wonderful neighborhood that we have called home for the past 11 years.

We appreciate your consideration on this matter.

Sincerely,

David and Heather Tanner

October 4, 2016

SCHOENBORN FAMILY TRUST DATED NOV 1, 1994
HEATHER TANNER
SHELL BEACH CA 93448-1809

Re: Board of Appeals Request for 955 Lone Tree 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 David and Heather Tanner, 955 Lone Tree Road. Per §106-4 of the Village of Elm Grove Code of Ordinances, the Village has adopted Wisconsin Uniform Dwelling Code the purposes of building construction. The standards for such construction shall be expanded to apply to any alterations, additions and major equipment replacements for one and two family dwellings that were built before June 1, 1980. The owner of the property would like to build a recreation room in the basement. Current Wisconsin Uniform Dwelling Code requires a minimum ceiling height of seven (7') feet. The applicants would like a variance to that code to allow for a ceiling height of between six feet seven inches (6'7") and six feet ten inches (6'10").

The meeting and public hearing will be held on Thursday, October 20th, 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. If you have any questions, concerns or register an opinion on this matter please do not hesitate to contact me at (262) 782-6700 or tharrigan@elmgrovewi.org.

Sincerely,

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

CC: Building File

Enclosure

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; and

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 Thursday, October 20, 2016 at 5:00 p.m. to consider the following petition:

A request by David and Heather Tanner, 955 Lone Tree Road for an appeal for a variance related to §106-4C(1) which requires that additions, alterations, and major equipment replacements for one and two family dwellings built before June 1, 1980 be constructed to the standards found in the Wisconsin Uniform Dwelling Code.

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 properties.

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

The foregoing petitions are on file in the office of the Village Clerk and are available for inspection.

Dated at Elm Grove, Wisconsin this 3rd day of October 2016
Mary S. Stredni, Village Clerk

Posted: Village Hall, 13600 Juneau Blvd.