

**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. 124th 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