

VILLAGE OF ELM GROVE
BOARD OF APPEALS
Tuesday, June 28, 2016 * 5:00 p.m.

1. Roll Call

Present: Chairman Barry Book, John Finerty, Doug Jacobson, John Allen, and Frank Lorenz. Joe Puchner arrived at 5:05 p.m. Gordon Giampietro excused.
Village Clerk Mary Stredni, Zoning/Planning Administrator Tom Harrigan, Village Manager David De Angelis, and Village Attorney Koehnke.

2. Minutes

Finerty and Jacobson moved and seconded to approve the February 25, 2016 minutes. Motion carried.

3. Consideration, hearing, and action on appeal for variance request – 14320 Hillside

Ms. Stredni swore in Harrigan, De Angelis, Jeff Gregg, Robert Prindiville – Design Group 3, and Don Ralfs 14300 Hillside.

Prindiville stated that currently the property is non-conforming regarding impervious surface. The maximum allowable impervious surface is 30%. At this time the property is at 34.6%. Prindiville stated that with the proposed new construction there will be the removal of some of the impervious surface with the end result of 34.5% total impervious surface.

In 2011, a garage addition and driveway extension were constructed on the property. At that time, 263 square feet of existing driveway was to be removed which would have left the property at a conforming status with 29.61% of impervious surface. This was never done.

Attorney Koehnke asked why the 263 square feet of existing driveway was never removed. Prindiville did not know.

Harrigan testified that in addition to the 263 square feet of existing driveway not being removed, additional impervious surfaces were added to the property: sidewalks/walkways and a patio.

Allen asked when the garage was added was the condition that 263 square feet of asphalt be removed. Harrigan stated that yes it was the condition.

Prindiville stated that the owner built retention ponds in the front and back of the property for stormwater management, which makes the property uneven. The owner spend a lot of time and money to repair and restore the property so that it does not flood. So he should be able to do this proposed project. Gregg testified that he wants to build an indoor pool for his daughter to practice swimming and to improve the value of his property.

Finerty questioned the non-compliance of the property. De Angelis stated that the property became non-compliance in 2011 when Gregg added the garage but did not remove the impervious surface which was part of the agreement. Had the 263 square feet of existing driveway been removed at that time, the property would be conforming.

Don Ralfs, neighbor, testified that before the improvements of the retention ponds there were time when there was standing water one foot deep. There is no longer a problem. Gregg testified that he worked with the railroad to divert stormwater from the property.

Book questioned Gregg regarding the 2011 project of a garage addition with the agreement of removing 263 square feet of existing driveway and why that was not done. Gregg answered – it just wasn't done.

De Angelis stated that Village Code does allow 30% impervious surface with an additional 3% if permeable surface materials are used.

Book asked whether the builder has looked into alternatives. Prindiville stated that nothing can be taken out.

Harrigan again stated that since the 2011 project more impervious surface has been added by adding a patio and walkways.

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

4. Convene into closed session

By roll call vote at 5:32 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 5:55 p.m. Chairman Book stated that the Board had voted to deny the variance request as this is a solvable problem. There is no hardship, the Board is required to work within the law; the property can be put into compliance by removing the 263 square feet of impervious surface which was required by the Village in 2011. The property owner can also utilize up to 3% of permeable surface materials.

Book noted that the owner should work with the building department.

6. Adjourn

Allen and Puchner moved and seconded to adjourn at 6:00 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk