

VILLAGE OF ELM GROVE  
BOARD OF APPEALS  
Wednesday, July 26, 2017 \* 5:00 p.m.

1. Roll Call

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

2. Minutes

Lorenz and Giampietro moved and seconded to approve the February 23, 2017 minutes. Motion carried.

3. Consideration, hearing, and action on appeal for variance request – 14845 Lata Vista Drive

Ms. Stredni swore in Harrigan and Dave Atkinson, property owner.

Atkinson testified that the height of the basement ceiling is between 80 inches and 82 inches which is below the minimum required by the Wisconsin Uniform Dwelling Code. The Wisconsin Uniform Dwelling Code is applicable to homes built since June 1, 1980, but the Village has adopted Code to apply to any additions and/or alterations to homes built before June 1, 1980. Therefore a variance is required in order to do any alteration.

Atkinson testified that he wishes to finish 350 square feet of the basement. Doing so will make the ceiling height approximately 79 inches to 81 inches which is below the minimum required. Book inquired what percentage of the basement will be finished. Atkinson testified about 1/3 or less of the basement will be finished and stated that the basement is partially exposed.

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

4. Consideration, hearing, and action on appeal for variance request – 13905 Lloyd St

Ms. Stredni swore in Harrigan and Michael Maple, Home Path Financials, owner of the property.

Maple testified that Home Path Financials purchased the property with the intention of bringing the inside up to new standards, remove the breezeway and single car garage, and add a two car garage. The property is currently non-conforming as the east sideyard setback is 13.5 feet from the lot line. By adding a two car garage the encroachment on the east will increase 3.5 feet and result in a 10 foot setback. The requirement is 20 feet.

The demolition on the interior has begun; new kitchen and bathrooms, and creation of open floor plan on first floor. In addition to adding an attached two car garage, intends on painting the exterior and trim.

Lorenz inquired as to whether a one and one-half car garage would encroach further into the setback. Maple stated he was not sure. Book asked Maple that if the variance was not approved would the garage just be left as is. Maple stated that they would most likely jack up the existing one car garage and leave it.

Maple stated that the neighbor to the east had been asked as to whether they would be willing to sell a portion of that lot, and the answer was no.

Ms. Stredni swore in Maria Buchert, 13880 Lloyd. Also owns 13900 Lloyd St. Testified that she built homes in the 1960's on Lloyd St. and was required to stay within the 20 foot setback. Book asked if she had requested a change of the required 20 foot setback. Buchert stated that no she did not. Testified that she does not understand by someone would get special treatment and not have to follow the setback rules. She does have two car garage.

Finerty asked Buchert that if the 13905 Lloyd St. property is transformed would it have an impact on the neighborhood. Buchert stated she did not know.

Giampietro asked Buchert that other than she thinks no one should get special treatment, does she have any other concerns. Buchert stated no.

de la mora asked if the property was purchased out of bankruptcy. Maple stated yes he believed so. de la mora asked if the building inspector has looked at the garage and if it was unsafe. Maple stated no to both questions. de la mora asked if he had spoken to the neighbor to the East to buy land. Maple stated yes and they neighbor said no. de la mora stated that at the Plan Commission meeting it was asked as to whether the garage could be placed behind the home. Maple stated that he does not believe a new homeowner would want a garage in the backyard and testified that the back of the house is a sunroom.

Book asked for verification that the property was vacant when purchased. Harrigan stated that the property was vacant for a while.

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

5. Convene into closed session

By roll call vote at 5:26 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 5:39 p.m. Chairman Book stated that the Board had voted to approve the variance request for 14845 Lata Vista Drive. Chairman Book stated that the Board voted to deny the variance request for 13905 Lloyd St. as there was not a case for hardship made for the extra 3 ½ foot variance.

7. Adjourn

Finerty and Lorenz moved and seconded to adjourn at 5:40 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk