VILLAGE OF ELM GROVE
13600 Juneau Boulevard
Elm Grove, WI 53122

BOARD OF APPEALS
Wednesday, August 7, 2019 * 5:00 PM * Park View Room

AGENDA

1. Bring meeting to order and roll call

2. Review and act on Minutes

   Documents:

   BA070119md.pdf

3. Consideration, hearing, and action on appeal for rear yard setback - 850 Morningside Ln.

   Documents:

   Variance Application and Letter from Home Owner.pdf
   850 Morningside Ln.pdf

4. Convene into closed session

5. Reconvene into open session

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.

1. **Roll Call**
Chairman Book brought the meeting to order at 5:00 p.m. Mary Stredni took the roll.

2. **Minutes**
Puchner and Finerty moved and seconded to approve the June 11, 2019 minutes. Motion carried.

3. **Consideration, hearing, and action on appeal for administrative decision – 900 Katherine Drive**
   Former address 13550 Watertown Plank Road.

   Appealing administrative decision made by Village of Elm Grove Public Works Director who determined per his November 6, 2018 letter that as a best practice, the new sanitary lateral servicing the home should be connected to the sewer main located within Watertown Plank Road.

   Petersen testified that last fall the sanitary sewer line which is on the 910 Katherine Drive property was lined because it was leaking. 910 Katherine Drive will be allowed to connect to that line as it is the only adjacent line. Typically the Village and the engineers do not want connections to a lined watertight pipe.

   Since the Public Works director in November made the determination that the connection for 900 Katherine Drive should be in Watertown Plank Road it has been discovered that to resolve the issue of gravity flow of the sanitary sewer lateral of the new home a sanitary macerating/grinding pump will be needed to be installed to make the sanitary flow to the main in Watertown Plank Road possible. The property owner now wants to connect to the newly lined sewer which goes across 910 Katherine Drive.

   Petersen testified that from an engineering perspective, the best solution would be to extend the public sewer south along Katherine Drive to allow both 900 and 910 Katherine Drive to connect to a gravity flow sanitary lateral in a public sewer located in a public right-of-way.

   To connect to the lateral on the property of 910 Katherine Drive it would require a perpetual easement. It is always in the best interest of property owners to not use an easement as any maintenance and repair would require the owner of 900 Katherine Drive to go onto the property of 910 Katherine Drive. Both property owners may agree now, but in the future there will be different owners.

   Lorenz asked if gravity flow is the best practice. Petersen stated that it is. Puchner asked if the connection across 910 Katherine would work. Petersen stated that it would, but it would require an easement and a second connection to the newly lined lateral.

   Finerty asked if there was an estimate of cost to connect in the public right-of-way of Katherine Drive. Peterson stated that he did not know.

   Another option to connect to the lateral on 910 Katherine Drive would be to go east into the right-of-way of Elm Grove Road, but the road is higher than the properties.
Finerty clarified that the Watertown Plank Road connection is a private lateral connecting to existing sanitary sewer.

De Angelis testified as to the normal process. Sanitary and stormwater sewer are in the street. The property to the north (910 Katherine Drive) was always vacant. The sewer lateral for 900 Katherine Drive did go north and was assumed that it was connected on the 910 Katherine Drive property line. In the past both lots were owned by the same person so there was no need for an easement. The Village does not want an easement because of issues in the future. In his opinion, there are always problems with different owners in the future. Also, the pool on the property of 910 Katherine Drive is very close to where the line will be which will cause difficulty for service and maintenance. Either the extension of Katherine Drive or the connection to Watertown Plank Road are the best options.

Richard Paul testified that the reason the lateral on 910 Katherine Drive was lined was because it was difficult to get to for repairs and maintenance and it was leaking. Testified that there is no film for this lateral.

Mr. Florance stated that doing a private lateral on Katherine would be expensive. He already has the approval of the owner for 910 Katherine Drive for an easement and does not see how it would negatively affect the Village. Connecting to the newly lined lateral is not a problem in his mind. Planned to go along the back portion of the lot so will not be near any structures.

Rob Miller, owner of 910 Katherine Drive, stated that for 900 Katherine Drive the pitch on Watertown Plank Road will not allow for gravitational pull; a pump will be needed. Testified that the cost would be approximately $35,000 for the Watertown Plank Road connection. For a new lateral in Katherine Drive, the cost would be approximately $30,000 to $35,000. The connection to the lateral on 910 Katherine Drive will be between $5,000 and $7000.

De Angelis stated that to put the lateral in the Elm Grove Road right-of-way with the extreme grade would need to go before the Public Works Committee to get permission; asking to deviate from the norm, which is to connect to the closest connection.

Attorney Koehnke asked for verification as to the cost of connecting to Watertown Plank Road. Miller stated about $35,000 including the pump.

As there was no further testimony, Chairman Book closed the hearing.

4. **Convene into closed session**  
   By roll call vote at 6:00 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 6:17 p.m. Chairman Book stated that the Board of Appeals approved the appeal of the administrative decision and approved the request to connect the new house to the existing sanitary sewer located on the 910 Katherine Drive property which requires a perpetual easement from the owner of 910 Katherine Drive.

6. **Adjourn**  
Puchner and Lorenz moved and seconded to adjourn at 6:20 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk
APPEAL/APPLICATION FORM  
VILLAGE OF ELM GROVE BOARD OF APPEALS  

Petition #________  Date Filed 7/2/19 $ 125.00 fee paid  

Name:  MARK & KAREN KIRCHER  
Address:  850 MORNINGSIDE LANE  
Phone:  (H) 262-780-0860  (C) 414-688-7879  
Legal Description:  NW ¼, S ¼, T 7N, R 20E, Village of Elm Grove, Waukesha County.  
Lot area and dimensions:  24,554 sq. ft., 143' x 146' ft. x 154' x 175'  
Zoning District:  RS-1  
Current Use:  Residential  
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:  DECK  
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.  

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:  Karen Kircher  Date:  7/1/2019  
Petitioner  

Remit to:  Thomas Harrigan, Zoning and Planning Administrator, Village Hall, 13600 Juneau Boulevard, Elm Grove, WI 53122.
Along with my husband Mark Kircher, I am a co-owner of the property at 850 Morningside Lane, Elm Grove, 53122. When we bought the house in 2002, a deck of unknown age existed on the rear of the house. Apparently, the prior owners did not seek a variance or permit to construct the existing deck.

We are planning to replace the existing deck, which is rotting and dangerous, with a new deck on the same footprint. The deck does not meet the rear yard setback and so we are seeking a variance from the Board of Appeals.

Having a deck is a use intended by the regulations for the district and, in and of itself, is not unusual in any way. Our lot is very steep in the backyard and, without a replacement deck, the ground level is 5 or 6 feet below the back door. Other properties in our neighborhood and the district generally are not so situated.

A variance is necessary for the continued use and enjoyment of the privacy and natural setting of our backyard and will not be a detriment to any adjacent property.

Thank you for your consideration of this request.

Karen Kircher
7/1/2019
DESCRIPTION OF PROPERTY

All that part of Lot 1, Block 1 in STENZCREST, being a subdivision of a part of the Northwest 1/4 of Section 25, Town 7 North, Range 20 East, in the Village of Elm Grove, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said Lot 1; thence North 23°51'1" West on and along the Westerly line of said Lot 1, 175.14 feet; thence North 66°59'0" East, 143.15 feet to a point in the Easterly line of said Lot 1; thence South 29°26'21" East on and along the Easterly line of said Lot 1, 1/6.10 feet to the Southeast corner of said Lot 1; thence South 56°11'1" West on the Southerly line of said Lot 1, 159.80 feet to the place of beginning.

SURVEY CERTIFICATE


THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE 11 YEAR FROM DATE HEREBY.

Dated at
this 26th day of JUNE 1978

[Signature]
Kircher Project: Proposed New Deck – Same Location / Size as existing. Finish Materials; Decking and Fascia – Azek Vintage Collection, Cypress in color. Rails; Westbury Aluminum rails – Riviera in style, Textured Black in color

Existing Deck Photos

Proposed Deck Rendering