

Village of Elm Grove Board of Appeals Meeting Minutes

DRAFT

The meeting was called to order at 3:01PM.

ROLL CALL:

BARRY BOOK - absent

JOHN FINERTY

JOSEPH PUCHNER

DOUGLAS JACOBSON - absent

JOHN ALLEN

GORDON GIAMPIETRO – alt

FRANK LORENZ – alt

HECTOR DE LA MORA, VILLAGE ATTORNEY

TOM HARRIGAN, ZONING AND PLANNING ADMINISTRATOR

MICHELLE LUEDTKE, VILLAGE CLERK

PRO TEM CHAIR:

MOTION BY LORENZ, SECOND BY FINERTY, TO ELECT ALLEN FOR PRO TEM CHAIR.

ALL IN FAVOR. MOTION CARRIED.

MINUTES:

MOTION BY PUCHNER, SECOND BY FINERTY, TO APPROVE THE MINUTES AS PRESENTED.

ALL IN FAVOR. MOTION CARRIED.

HEARING 1 – 13685 Watertown Plank Road:

Applicant(s): John and Emily Schneider (owner) and David Draeger (Miller Marriot Developer)

The Clerk swore in the applicant(s), the Miller Marriot Developer, Leslie Smith (neighbor), Christine Dzwierzynski, and Tom Harrigan - Zoning and Planning Administrator.

The applicant, John (Jack) Schneider, began by explaining there were changes to where the driveway was located outside of the plans approved by the Village. There were changes to the location of the well from the South side of the property to the Northeast next to the house. He is asking for this variance because there is no parking allowed on Watertown Plank Road, he feels there is a safety component for his family, guests, and delivery drivers. They have added a parking pad in front of the house to aid in turning around. He believes there is a 12% pitch with the grading for the property. They had a van slide into Watertown

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Plank Road. They would like less pitch, a driveway wide enough for turning, and better parking to come from this variance. He referred to his letter for more detail.

Finerty asked about moving the driveway east three feet. The applicant clarified he wanted the setback to go from three feet to one foot. Finerty asked about the width. The developer indicated it was about fourteen feet. Finerty asked about the development plan. He said he couldn't read the width that was approved on the map. He asked if the map was a proposal, estimate, or the final. Zoning Administrator Harrigan indicated it was the approved map. It showed the footprint of the new driveway, but you had to do math in order to get the number. The approved drive was approximately 11'8" wide.

Puchner asked if they are able to move the driveway closer to the home. Zoning Administrator Harrigan indicated they could, but that they have their reasons not to.

Allen asked why the well was being moved from the back to the front. The developer indicated it was for better access if something were to go wrong. Allen asked if there was another place it could have been. The developer indicated this was the best spot in his opinion. Allen asked if it was possible to relocate the well. The developer indicated the well is in already. To move it would be expensive for the owner.

Lorenz asked how a driveway running north and south would have the pitch be affected if it was mearing made wider. The developer indicated it was for an expiation and ease of access. Lorenz asked to where. The developer indicated to get around the well and lamp post. Lorenz asked if this change was made after the approved plan. He asked if the owner made the changes. The developer confirmed.

Allen asked if this was a tear down. The developer confirmed. Allen asked if they regraded at that time and if it was possible to foresee the driveway issue then. The developer did not know.

John (Jack) Schneider believed the elevation change was between 20-25 feet from the south to the north of his property. Allen indicated the plans show about a twelve foot change.

Emily added that the driveway is narrow. Backing in is an issue especially for the garbage and mail people. They want to try and create the most width. They bought it this way. Allen believes the wall from the neighbor being one foot away would be worse for safety and turning around.

Emily and John indicated the retaining wall is not on the lot line. It is set back a little bit so it would not be right on top of the wall.

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Lorenz asked about the red stakes on the property now. Emily and John indicated those were lot lines placed there by the neighbor's surveyor.

Allen asked about the original plan indicating the wall was going to be replaced or repaired. He asked if this happened. John indicated there was no damage to the wall during construction so no adjustments were needed. Zoning Administrator Harrigan went over the revised landscape plan from the original approval and indicated they were supposed to extend the wall.

Lorenz asked about the parking pad and how many cars it can hold. Emily indicated one.

Allen asked how many cars the drive could hold all together. John and Emily determines about three in the circle. 8-10 bumper to bumper on the driveway.

Puncher asked about the standard of the driveway width. The developer indicated they like to see 16 feet for cars to pass. 14 feet is too tight to pass.

Allen asked about the well placement. He wanted to know about moving the drive over even if you keep the well where it is. Emily indicated she believed it to be too narrow. She reiterated her delivery and garbage concern.

Zoning Administrator Harrigan answered a call out question about the red area in the original plans. He indicated this was likely a tracking pad. It was also determined the parking pad was approximately 20 feet wide. Allen indicated you can fit two vehicles on that pad. Emily added that currently it is gravel and would likely not fit two cars. The developer indicated he was able to bring up the plan and confirmed the red portion to be the tracking pad that has since been removed.

Ms. Dzwierzynski asked why the misjudgments of others is leading to the devaluation of her neighbor's home (referring to the neighbor with the retaining wall that was listed as being replaced on the approval plan). She asked why what the builder promised is not being fulfilled.

Allen indicated that is not what they are there to discuss and brought the item back to the driveway.

Giampietro asked the developer about the location of the well again. And why it was placed there. He asked for three items ranked. The developer indicated the first reason was the lateral that runs into the home. They wanted to have it close to the mechanical room of the house. He also did not want it under the driveway. The second reason was to not disturb the trees. With a well, the booms on the trucks can reach up to 70 feet high. Third, they like to place the well as close to the home as possible. Sometimes as close as ten feet.

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Lorenz asked if they knew or thought about the impact the well would have on the driveway during the beginning phases of the planning. The developer could not recall.

Allen asked if the developer could have put the well further west and still allow the access he was referring to. John indicated there would not have been enough room to do so. Allen asked about widening the driveway north of the well. The developer indicated they did not want to do that for aesthetic purposes. They also did not want to hit the well casing.

Attorney De La Mora asked what the developer's role in the process was. The developer indicated he worked construction for Miller Marriot. Attorney De La Mora asked if he was part of it from the beginning. The developer indicated he takes on the project after it has been approved but before construction. Attorney De La Mora asked what documents he had in front of him at the time. The developer indicated none. Attorney De La Mora referred to a development plan Exhibit A with the name TRIO at the top from 2019. He asked the developer if he worked with that plan. The developer said no. Attorney De La Mora referred to the plan and highlighted the portion acknowledging the three foot setback per code 335.34 and asked if the developer was aware that was on there. The developer indicated no. Attorney De La Mora asked the developer to help everyone understand how the site of the well is chosen. The developer was unsure. Attorney De La Mora asked the developer if he submitted the plan for approval. The developer indicated someone from Miller Marriot would have. Attorney De La Mora asked the developer how the change in the location of the well came about. The developer indicated this would have been completed in the field. Attorney De La Mora had no further questions.

CONVEINE INTO CLOSED SESSION

MOTION BY LORENZ, SECOND BY ALLEN, TO CONVIENE INTO CLOSED SESSION.

ROLL CALL VOTE-

YAY-JOHN ALLEN

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

YAY-DOUGLAS JACOBSON

YAY- GORDON GIAMPIETRO

MOTION CARRIED. CLOSED SESSION STARTED AT 3:50PM.

RECONVIENED INTO OPEN SESSION

MOTION BY PUCHNER, SECOND BY LORENZ, TO CONVIENE INTO OPEN SESSION.

ALL IN FAVOR. MOTION CARRIED. OPEN SESSION AT 4:02PM.

Monday, September 30 , 2021

3:00 PM

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Action on the Closed Session item:

MOTION BY ALLEN, SECOND BY LORENZ, TO DENY THE VARIANCE REQUEST.

THE FINDINGS OF FACT INCLUDE 1.) THE APPLICANT AND CONTRACTOR FAILED TO DEMONSTRATE UNDUE HARDSHIP.

ROLL CALL VOTE-

YAY-JOHN ALLEN

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

YAY-DOUGLAS JACOBSON

YAY- GORDON GIAMPIETRO

ADJOURNMENT

There was no further business.

MOTION BY ALLEN, SECOND BY LORENZ, TO ADJOURN THE MEETING.

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 4:03PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: