

VILLAGE OF ELM GROVE
BOARD OF APPEALS
Wednesday, February 20, 2019 * 5:00 p.m.

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

1. Roll Call
Mary Stredni took the roll. Puchner and Allen moved and seconded to appoint Giampietro as Chairman in the absence of Book. Motion carried.
2. Minutes
Allen and Puchner moved and seconded to approve the September 20, 2017 minutes. Motion carried.
3. Consideration, hearing, and action on appeal for variance request – 1200 Blue Ridge Blvd.
Ms. Stredni swore in Harrigan, Wendy Bautch property owner, and Chet Holms from CJ Homes Co., LLC.

Bautch testified that in 1992 she applied for a building permit for a 440 sq. foot deck and railings to the north side of the home. It was approved by the Building Board at that time and there was no mention of the need for a variance. The deck was approved and built 10.2 feet from the north side lot line. She now wants to build a sun porch on the same footprint, although it will be smaller and will be 13 feet from the north side lot line.
When Chet Holms spoke with Tom Harrigan, it was discovered that the deck was not in compliance with Village Code as the side yard setback on each side of any principal or accessory structure shall not be less than 20 feet.
After review, Harrigan found that there was no application or mention of the need for a variance at the time the property owner applied for a building permit for the deck. A copy of the application for the building permit and survey of the property was provided. The Board also reviewed the copy of the April 21, 1992 Building Board minutes with approval for the deck.
A photo of the deck was provided and marked as exhibit 1. A map showing the property lot was provided and marked as exhibit 2.
To the south side of the house, a 50 foot setback is required as it is a corner lot. Any deck or porch would be only five feet from that lot line because of the way the home is situated.
As there was no further testimony, Giampietro closed the public hearing.
4. Convene into closed session
By roll call vote at 5:17 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 5:32 p.m. Giampietro stated that the Board had voted to approve the variance request for 1200 Blue Ridge Blvd.
6. Adjourn
Puchner and Allen moved and seconded to adjourn at 5:33 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk