

Village of Elm Grove Board of Appeals Meeting Minutes

The meeting was called to order at 4:01PM. Technical difficulties stopped the meeting for a short time.

ROLL CALL:

BARRY BOOK

JOHN FINERTY

JOSEPH PUCHNER

DOUGLAS JACOBSON

JOHN ALLEN - absent

GORDON GIAMPIETRO – alt - absent

FRANK LORENZ – alt

HECTOR DE LA MORA, VILLAGE ATTORNEY

TOM HARRIGAN, ZONING AND PLANNING ADMINISTRATOR

MICHELLE LUEDTKE, VILLAGE CLERK

MINUTES:

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

ALL IN FAVOR. MOTION CARRIED.

HEARING 1 – 1085 Grandview Drive.

Applicant(s): Philip and Lori Dallman - owners, Brian Witteman - Architect

The Clerk swore in the owner/applicant(s), Architect, and Tom Harrigan - Zoning and Planning Administrator.

Architect Witteman indicated referred to the drawing with the current building area of the site. The red area indicates the buildable area of the lot. The existing house does not conform already. The owners would like to tear down the old house and build a new house. They would like to build a similarly sized house to those in the neighborhood. Requesting two variances. The neighborhood already has odd setbacks.

Member Lorenz asked if the documents show the new proposed home. The architect indicated no. they did not want to incur fees for the client.

Owner Lori Dallman indicated they want a home they can retire in that is all one level. The sun room was made into living space and another addition was added in the breezeway. Both of those items are on slab only. They are not looking to build a “mcmansion”, they would like a handicap accessible home for their retirement.

Village of Elm Grove Board of Appeals Meeting Minutes

Member Jacobson asked when the property was purchased. The owner indicated July. Jacobson asked if they knew they were in violation of the setbacks already. The owner indicated no; it took a while to get a survey.

Attorney De La Mora asked the owners if they have moved in. They have not ever lived here. Architect Witteman indicated they are asking for a variance prior to planning to save cost. The owner confirmed. Attorney De La Mora asked if their sale was represented by an attorney. They indicated no, just a broker. They did not go over nonconforming use with the broker. Attorney De La Mora asked Architect Witteman what the hardship is. Architect Witteman indicated the buildable area is not conducive to any reasonable sized home. Attorney De La Mora asked if they considered a smaller house. Architect Witteman indicated they have not. Attorney De La Mora asked what a reasonable sized house would be for the space. Architect Witteman indicated the current footprint would allow for a living room, kitchen, and dining room with garage. Attorney De La Mora asked if they would be willing to have more than one floor. The owners indicated they want one level. Attorney De La Mora pointed to the homes in area being more than one floor. Attorney De La Mora asked they the owners or architect were aware of the ordinance for impervious surface. Architect Witteman confirmed. Attorney De La Mora asked if the property will be in compliance with the impervious surface. Architect Witteman confirmed. They have done the calculations. Attorney De La Mora asked how they would know if there would be no detrimental effect on property values. Architect Witteman believes the new home would be an upgrade. Property values will increase. Attorney De La Mora asked how the home would it conform. Architect Witteman indicated property values based on tax assessment. Attorney De La Mora asked if they had any idea what the cost or value is going to be. Architect Witteman indicated they had some ideas of what it could be. Attorney De La Mora if any of the images were shown to any neighbors or if they received any feedback from the neighbors. Architect Witteman stated no.

Mr. and Mrs. Dallman indicated they had conversations with some of the neighbors.

Member Puchner asked why they asked for certain distances if they don't have a plan yet. The colored area on the map would lead him to believe there is a large buildable area. What are the other setbacks? It sounds like no one is in compliance with the 50' setback. Architect Witteman went through a few setbacks in the area.

Attorney De La Mora pointed to the county GIS there the two homes north of the parcel in question. Do they know the setback of these homes? Architect Witteman stated no.

Zoning and Planning Administrator Harrigan added that a plat of survey was mailed over to him today by a neighbor. The setbacks on the county GIS are approximate based on the ariel

Village of Elm Grove Board of Appeals Meeting Minutes

photo. Zoning and Planning Administrator Harrigan went over an example. Attorney De La Mora clarified the properties from the example.

Attorney De La Mora asked Architect Witteman about the variance along Grandview. Architect Witteman indicated they would like to orient the house to the street better. Attorney De La Mora asked what would be the legal basis for this difference between curb and property line. Architect Witteman indicated a 50 foot setback is not consistent for the properties along Grandview Drive. The thought was 50 feet at the corner but more room on the northwest side to build the home. Attorney De La Mora clarified he is asking these questions for the record for those who are not familiar with this area or the requirements.

Zoning and Planning Administrator Harrigan shared GIS maps again to look at setbacks of adjacent properties.

Maureen Denny of 1075 Grandview Drive is the property directly west. All properties in the area have wonky lots. They don't want wonky houses. She has no objections to any of the variances.

Lilly Harris of 1020 Kurtis Drive lives across the street. Personally thinks this would be lovely. Massive improvement. Question into a green checkered space on the building area map – will this be all house? The owners indicated it would not. Ms. Harris asked how far out will the house and patio be? The owner indicated there would be no deck and that the house would be wheelchair accessible.

Member Lorenz asked about the small fence. Ms. Harris indicated it belongs to the Dicks.

Joan Riederer of 1090 Grandview Drive is hearing all good things. Not hearing a tall two story house. She has no objections.

Jim Vanderheiden of 975 Brinsmere Drive has one objection to this - that there is no conceptual plan. Horizontal dimensions are one thing, but you cannot get a good idea of this house. He went over his interpretations of the setbacks in the area. He believes 20 feet would be too much. This seems like the wrong lot for a one story house.

Phil Reamer of 955 Brinsmere Drive referred to his letter with his two concerns. Just wants to highlight the rainwater displacement. His property is downhill. His property has experiences water damage even with the addition of a small ditch from the previous owners. He would like to see this addressed in the plans. It is odd to not have a building proposal there. There is no guaranty though if the variance is granted. When you walk through the area – the property clearly showed it was built on a concrete slab. Big concern is rainwater and the encroachment with 20 feet down the entire lot.

Village of Elm Grove Board of Appeals Meeting Minutes

Chairman Book asked Zoning and Planning Administrator Harrigan if he had anything to add. Zoning and Planning Administrator Harrigan indicated he did not.

Ms. Harris wants to remind everyone that is a front yard for Kurtis Drive and backyard for Grandview Drive.

CONVEINE INTO CLOSED SESSION

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

ROLL CALL VOTE-

YAY-BARRY BOOK

YAY-DOUGLAS JACOBSON

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

MOTION CARRIED. CLOSED SESSION STARTED AT 4:54PM.

RECONVIENED INTO OPEN SESSION

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

ALL IN FAVOR. MOTION CARRIED. OPEN SESSION AT 5:18PM

Action on the Closed Session item:

MOTION BY JACOBSON, SECOND BY LORENZ, TO DENY THE VARIANCE REQUESTS.

THE FINDINGS OF FACT INCLUDE 1.) UNUSUAL TOPOGRAPHY PRESENT IN THE GENERAL NEIGHBORHOOD WHICH COULD BE ADVERSELY IMPACTED BY THE GRANTING OF VARIANCES WITHOUT SPECIFIC DESIGN DETAILS AND DRAINAGE CALCULATIONS. 2.) THE VILLAGE HAS AN ORDINANCE 335-39(E) WHICH WOULD BE DISREGARDED IF THE VARIANCES THAT HAVE BEEN APPLIED FOR IN THE ABSTRACT WERE APPROVED WITHOUT ANY PROPOSED HOME PLACEMENT OR DESIGN. 3.) THE APPLICANT FAILED TO DEMONSTRATE THE EXISTENCE OF ANY LEGAL HARDSHIP THAT IS NOT SELF IMPOSED WITH RESPECT TO THE TWO VARIANCES REQUESTED.

ROLL CALL VOTE-

YAY-BARRY BOOK

YAY-DOUGLAS JACOBSON

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

Monday, January 11, 2022

4:00 PM

Village of Elm Grove Board of Appeals Meeting Minutes

ADJOURNMENT

There was no further business.

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

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 5:20PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: October 3, 2022