

**VILLAGE OF ELM GROVE
BUILDING BOARD
MEETING MINUTES**

Tuesday, May 2nd, 2023

1. Roll Call

Present: Chairman Olson, Mr. Roge, Ms. Stuckert (via Zoom), Ms. Raysich, Ms. Steindorf, Mr. Falsetti, Mr. Thedford

Absent: Mr. Janusz, Mr. Matola

Also present: Ms. Gehl, Ms. Walters, and Applicants

Chairman Olson called the meeting to order at 5:34 P.M.

2. Review and act on meeting minutes dated April 18, 2023

Mr. Falsetti motioned to approve the minutes as corrected. Mr. Thedford seconded. Motion passed 7-0.

3. Review and act on a request by The Good Feet Store, 15280 W. Bluemound Road, for new business signage.

Mr. Kelly Hanaway from Milwaukee Sign Company was present before the Board to represent the request.

This item was tabled at the April 18th, 2023 Building Board meeting so that the applicant could present a modified proposal to the Building Board and staff could conduct additional research. Applicant is requesting approval for the following new business signage: an Internal Red LED aluminum channel letter sign above the front entryway to be 23.13 square feet, an Internal Red LED aluminum a channel letter sign on the side of the building to be 18.06 square feet, and two (2) backlit polycarbonate panels with translucent vinyl on the monument each to be 14.2 square feet.

The Board confirmed with Ms. Gehl that the proposed signage square footage totals are within acceptable range.

Ms. Gehl reviewed the past approvals for a tenant signage on the east side and south side of the building as requested by the Board at the prior meeting.

Mr. Falsetti expressed his concern about hours of illumination. He is looking for assurance that the illumination will not be overpowering. Mr. Hanaway explained the light level will be within code and will be on a timer to shut off at 11:00 P.M.

Mr. Hanaway explained that the proposed signage follows The Good Feet Store precedence.

Mr. Falsetti motioned to approve store signage as presented. Ms. Raysich seconded. Motion passed 7-0.

4. Review and act on a request by Jilly's Car Wash, 15340 W. Bluemound Road, for an accessory structure.

Mr. John Zimmerman, the owner; Mr. Chris Wenzler, the architect from Briohn Building Corporation; and Ms. Caitlin LaJoie were present before the Board to represent the request.

This item was tabled at the February 7th, 2023 Building Board meeting so that the applicant could present a modified proposal to the Building Board. Applicant, John Zimmerman, who is the business owner of Jilly's Car Wash, is requesting approval for an addition of an employee booth accessory structure proposed to be located to the northeast of the existing building at the entrance of the drive thru lane. The proposed accessory structure complies with B-1, Local Business District setback requirements.

The intent of the structure is to house an employee in inclement weather. Mr. Wenzler explained that there will not be exterior illumination on the structure. The structure will have dark bronze windows to match the principal building's windows.

The Board noted the modified proposal has improved greatly since it was last considered.

Mr. Roge motioned to approve the request as submitted noting that all Building Board requests were reviewed and met. Ms. Steindorf seconded. Motion passed 7-0.

5. Public Hearing, review and act on a request by Alex and Molly Castillo, 1100 Circle Drive, for a fence variance request.

Chairman Olson opened the Public Hearing.

Ms. Christine Baumann, 14125 St. George Court, spoke against the proposal noting the following concerns:

- 1) Elm Grove has beautiful landscape and there is already a beautiful existing tree line.
- 2) There are few fences in Elm Grove except surrounding swimming pools where fences are needed.
- 3) The property in question, 1100 Circle Drive, is already nicely landscaped.
- 4) Ms. Baumann does not want to look at a fence from her property which abuts 1100 Circle Drive as she does not feel fences are attractive.

- 5) The homeowner stated the fence is to contain the dog and Ms. Baumann who has 2 small dogs herself does not require a fence. She stated there are many neighboring homes that also have dogs but do not have fences.
- 6) The existing fence is actually located on her property and is being used to stabilize a berm 8' above grade. She would not like this removed.
- 7) Ms. Baumann questioned the homeowner on the size, age, and breed of the dog as she was concerned by the applicant's characterization of the dog as a "guard" dog.

Mr. Craig Baumann, 14125 St George Court, spoke against the proposal noting the following concern:

- 1) Mr. Baumann would prefer the proposed fence not be approved but asked for the smallest fence footprint possible if it were to be approved.

Ms. Karen Lloyd, 1080 Circle Drive, who lives east of the property in question spoke against the proposal noting the following concerns:

- 1) The homeowners most desired proposed fence location would be very close to her property line.
- 2) Ms. Lloyd also has concerns of aggression of the dog due to the homeowner's categorization of the dog as a "guard" dog.

Mr. James Lloyd, 1080 Circle Drive spoke against the proposal noting that a dog can still climb a fence of this height.

Chairman Olson read comments submitted to staff prior to the Building Board meeting from Mr. Marcus and Ms. Connie Perry who reside at 1110 Circle Drive.

"We have lived at our property since 2004 and love the view from the back of our house. We are not pleased to hear that a fence has been proposed that would go all around our neighbor's backyard, abutting up to our property. We don't like the look of a fence and it takes away from the charm of the property. However, the thing we are more concerned about is the fact that our new neighbors are going to have a "guard dog" that is such a risk that they are requesting a 5 foot fence, instead of the normal 4 foot fence or an invisible fence.. Clearly, if they are bringing a dog that is such a danger to other dogs and potentially the many children in the neighborhood, then we have little choice but to accept a fence. We have a small dog and a teenage daughter at home and certainly we don't want to limit our freedom of being in our yard when the "guard dog" is present. We ask that this fence be as far away from our property line as possible and hopefully not encompass their whole backyard. We look forward to being good neighbors, but unfortunately this is a no win situation for us."

Hearing no additional comments, Chairman Olson closed the Public Hearing.

Mr. Alex and Ms. Molly Castillo were present before the Board to represent the request. The family's realtor, Ms. Kim Devine, was present at the meeting and the family's fence contractor was present on Zoom for any questions as well.

Applicants are requesting approval to construct a 5' tall open fence in the backyard of their property. The applicants are requesting to construct the fence within the 20' side yard setback area and 25' rear yard setback area which will be at variance with Section 335-88D(8)(g)[3][a] of the Village Code. As an alternative, the applicants have also presented a proposal to construct a 5' tall open fence in the backyard of their property which would be less at variance with the Code of Ordinances regulating fencing. Both of these proposals; however, would still be at variance with the Code of Ordinances regulating fencing and require a Public Hearing and Building Board consideration. It is important to note that staff has been made aware of an existing chain link fence that has been determined to have been permitted for 1100 Circle Drive in 1999. The Village Code does not permit there to be 2 fences on 1 property, so any approval of the Building Board tonight should be made contingent on the removal of the existing fence. The Village sent letters notifying the adjoining neighbors of the Public Hearing and I have received a written comment which is attached herein.

Mr. Falsetti asked for an explanation of the guard dog and why the applicants used this description in their request.

Mr. Castillo explained that it is not an aggressive dog but is protective of the children and his wife, Molly.

Ms. Castillo noted that fencing is something they've had at all of their homes in the past and like how fences look.

Mr. Falsetti asked the contractor about the construction and installation of the fence.

Jeff, the contractor, stated the 2"x3" posts will be installed 3' in the ground and that they will be able to take a lot of impact. The sections are attached with a slotting screw system which will have 3 self-tapping screws per rail section, totaling 6 screws per post.

Mr. Thedford clarified that the Code would permit the homeowners to install a 4' high, 50% open fence on their property and would not require a variance.

Ms. Gehl confirmed.

Ms. Steindorf explained that she would vote against this variance and would recommend to the homeowners to install a 4' fence.

Mr. Roge, Ms. Raysich, and Mr. Falsetti also were in agreement that the homeowners should stay within the Code parameters for fencing so they would not need a variance.

Ms. Steindorf motioned to deny the fence as requested. Mr. Roge seconded. Motion passed 7-0.

6. Public Hearing, review and act on a request by Steffen Matijevich & Hailey Keeser, 1280 Longwood Avenue, for a fence variance request.

Chairman Olson opened the Public Hearing.

Hearing no comments, Chairman Olson closed the Public Hearing.

Mr. Steffen Matijevich, 1280 Longwood Avenue, was present before the Board to represent the request.

Applicants are requesting approval to construct a 4' tall open fence in the backyard of their property. The applicants are requesting to construct the fence approximately 22' forward of the rear property line of their home which will be at variance with Section 335-88D(8)(g)[3][d] of the Village Code regulating fencing and requires a Public Hearing and Building Board consideration. The Village sent letters notifying the adjoining neighbors of the Public Hearing and I have not received any written comments.

Mr. Matijevich explained that he is requesting to bring the fence forward of the rear property line due to an existing walk-out basement patio that extends off of the side of the home and beyond the rear line of the home.

There was Board consensus that an approval would set a precedence and there are other options for the homeowner, although they may not be optimal, to install a fence and not require a variance.

Mr. Roge motioned to deny the fence as requested. Ms. Steindorf seconded. Motion passed 7-0.

7. Review and act on a request by Jacob & Alexandria Shully, 630 Hi-View Court, for a new shed.

Mr. Jacob Shully, the homeowner, was present before the Board to represent the request.

Applicant is requesting approval to construct a new shed in the southeastern corner of their rear yard. The shed would have a footprint of 120 square feet and would stand 9'4" in height. The applicants are proposing to construct the shed 10' from their rear and side yard lot lines which is within the setback areas; however, per Section 335-88(c)[4] of the Village Code, an applicant can present written consent of such location of the shed from each adjoining neighbor to which the structure shall be visible at any time during the year. The applicants have provided written consent from 4 of their 5 adjoining neighbors; however, the applicant has made multiple attempts to contact their neighbor at 625 Vernon Place and has not been able to reach them. The shed complies with

impervious surface requirements and the applicants are proposing to paint the shed the same color theme as their home with grey siding and white trim.

Mr. Shully brought swatches of proposed shed color. The shed material will be wooden flat panels and the shed doors will be fiberglass. The siding will be horizontal to match the home and the colors will be Sherwin Williams Site White and Ellie Gray.

Mr. Shully also explained that the window trim and shingles will match the principal structure and there will be no electricity run to the shed.

Mr. Falsetti motioned to approve the request as submitted. Ms. Stuckert seconded. Motion passed 7-0.

8. Review and act on a request by Steve & Karen Steen, 1005 Longwood Avenue, for a home alteration.

Mr. Steve and Ms. Karen Steen, the homeowners, were present before the Board to represent the request.

Applicant is requesting approval for multiple exterior changes as part of a home renovation. The applicant is proposing to remove 2 existing double-hung and 1 existing fixed window on the west elevation and replace with casement and picture windows. The applicant is also proposing to install 2 new casement windows on the south elevation. The applicant will be installing new cement board siding to match existing siding style and color and will be installing new brick veneer to match existing.

Chairman Olson stated he likes the proposed changes to the exterior.

Mr. Steen explained that the windows on the south side of the home are proposed to be 6 ½' high to gain southern light and to fit the scale of the room.

The applicant passed material samples around. The window trim will remain white.

Ms. Steindorf motioned to approve the request as presented. Mr. Thedford seconded. Motion passed 7-0.

9. Review and act on a request by Joseph Zechlinski, 14180 Juneau Boulevard, for a home addition.

This request was withdrawn prior to the meeting as it requires approval from the Indian Hills Homeowners Association prior to Building Board review.

10. Other Business

The normally scheduled Tuesday, June 6th meeting will be moved to Thursday, June 8th, at 5:30 P.M. The normally scheduled Tuesday, July 4th meeting will be moved to Thursday, July 6th at 5:30 P.M. if a meeting is needed that week.

11. Adjournment

Ms. Steindorf motioned to adjourn. Mr. Falsetti seconded. Motion passed 7-0.

Meeting adjourned at 7:06 P.M.

Respectfully Submitted,

Diane Walters
Administrative Assistant