

VILLAGE OF ELM GROVE
BOARD OF APPEALS
Thursday, May 28, 2020 * 5:00 p.m.

Present: Barry Book Chairman and Frank Lorenz. Joe Puchner, Doug Jacobson, and Gordon Giampietro by Zoom. John Allen and John Finerty excused.
Village Clerk Mary Stredni, Zoning/Planning Administrator Tom Harrigan, and Village Attorney Hector de la mora.
Also by Zoom – Applicants Jeremy Doering and Tracy Capes. Steven and Harriet Quade.

1. Roll Call

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

2. Minutes

Jacobson and Lorenz moved and seconded to approve the March 26, 2020 minutes. Motion carried.

3. Consideration, hearing, and action on request for appeal Variance – 2025 Hawthorne Dr.

Requesting side yard variance for a solarium. Mary Stredni swore in applicants Jeremy Doering and Tracy Capes; Steven and Harriet Quade 14950 Irene Court; and Thomas Harrigan.

Capes testified that the existing deck has been removed and they wish to build a solarium. The solarium will encroach 2.7 feet into the side yard setback. This is a corner lot and the owners wish to make the lot to the rear of the home the side yard which requires a 20 foot setback.

Book clarified that the previous deck had encroached farther into the setback.

The owners purchased the property in August 2019 and learned that the deck was non-conforming when they started this process. Testified that the soil conditions to the south of the lot are very wet.

Attorney de la mora asked whether the owners had looking into placing the addition to the south of the property. Capes stated that no, because that is where the garage is. De la mora inquired as to what the homeowners believe the hardship is. Capes stated that they want a space that they can walk out of the patio doors that is enclosed and large enough to use. De la mora then asked if the photograph that was furnished is a good representation of the proposed solarium. Capes stated that it will be all glass and flush to the back of the house.

Giampietro asked whether the owners are able to build on the north or south side of the house. Capes stated that on the north side of the house there is a closet and on the south side there is an office. The proposed location already has a patio door. Confirmed that the proposed solarium is 18 x 14 feet.

Jacobson asked whether they could decrease the square footage to 18 x 11.7 feet and then a variance would not be needed. Doering stated that it could be an option.

Steven Quade testified that to his knowledge the deck had been built without a permit and it was 18" off the ground. During the summer months, it was not visible to him on his property. The solarium will be very visible all year. Also stated his belief that calling this a side yard was a conflict as it is really a rear yard. The setback should be maintained; aesthetically does not care for the solarium.

As there was no more testimony, Chairman Book closed this portion of the hearing
(The Quades, Jeremy Doering, and Tracy Capes all left the Zoom meeting.)

4. Convene into closed session

By roll call vote the Board went into closed session at 5:25 p.m.

5. Reconvene into open session

The Board reconvened into open session at 5:43 p.m.

Tracey Capes rejoined the Zoom meeting.

Chairman Book stated that the variance request is denied as no hardship has been met. Verified that the owners cannot encroach into the setback.

6. Adjourn

Giampietro and Puchner moved and seconded to adjourn at 5:48 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk