

VILLAGE OF ELM GROVE  
BOARD OF APPEALS  
Tuesday, June 11, 2019 \* 5:00 p.m.

Present: Barry Book Chairman, John Finerty, John Allen, Joe Puchner, and Frank Lorenz. Gordon Giampietro and Doug Jacobson excused.  
Village Clerk Mary Stredni, Zoning/Planning Administrator Tom Harrigan, and Assistant Village Attorney Chris Koehnke.

1. Roll Call

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

2. Minutes

Finerty and Lorenz moved and seconded to approve the May 1, 2019 minutes. Motion carried.

3. Consideration, hearing, and action on appeal for variance request – 910 Katherine Dr.

Mary Stredni swore in Thomas Harrigan, Kyle Kohlman, and Rob Miller.

Miller testified that the property has two street yards; Elm Grove Road to the rear and Katherine Drive to the front. Both require a 50 feet setback. Requested that Elm Grove Road be considered a rear yard. He has minimized the plan for the proposed home and moved it west on the lot, but the pool will not fit in the current required rear street yard setback. Confirmed that he has a contract with a buyer with the condition that a pool is built. The proposed pool is 18x36 and is only five feet from the house. Testified that the lot is difficult to work with. Requesting a setback of 29' 5" from Elm Grove Road.

Lorenz verified that the grade is about the same as Elm Grove Road. Book inquired as to whether Miller could sell to someone else without the pool. Miller stated that he did not know.

As there was no more testimony, Chairman Book closed the hearing.

4. Consideration, hearing, and action on appeal for variance request – 1080 Highland

Mary Stredni swore in Thomas Harrigan and Patrick Shanahan. Requesting a five foot variance on the north side yard in order to build a two car side by side garage. Currently have a 'tandem' garage with one door. Due to the location of the existing well head, the proposed new garage will be only 6 inches off the north side of the well head. The location of the well head creates a problem for extending the garage. Book verified that it would be approximately \$15,000 to relocate the well. Shanahan does have approvals from the neighbors. Testified that there is no basement; the home is built on a slab therefore a portion of the new garage will be for storage.

As there was no more testimony, Chairman Book closed the hearing.

5. Consideration, hearing, and action on appeal for variance request – 14265 Juneau Blvd.

Mary Stredni swore in Thomas Harrigan and James Emling, property owner. This is a vacant lot; the previous house and pool were demolished several years ago. Requesting a front yard variance of more than 30 feet farther back than the averaged setbacks. The street yard for new development cannot deviate more than 30 feet from the average of the existing street yards of the abutting structures on each side. The abutting house on the west side of the lot has an approximate front yard setback of 115 feet. There are two abutting homes on the east side; one has an approximate street yard setback of 33 feet and the other is approximately 127 feet. Depending on which property on the east side is used for the calculation the average setback is 74 feet or 121 feet. The proposed setback for this property is 190.79 feet which is more than the 30 foot average. The lot is approximately 3.477 acres.

Lorenz asked if the proposed home would be slightly further back than the previous home. Emling stated that it would be.

*David Moore, builder arrived and was sworn in.*

Book noted that the property has a unique topography. Moore stated that they are trying to preserve as many trees as possible. Concerned with the slope of the driveway.

Allen asked that with the home built so high on the lot will it impact the neighbors. Moore stated that it would not. Attorney Koehnke asked if the grade of the driveway could be reduced. Moore stated that if the home was built closer to Juneau Blvd., more modification would be needed for the slope of the driveway and there would be a higher chance for erosion.

The property owner of 14245 Juneau Blvd., (home to the east of the property which has a setback of 33 feet) stated concern with water runoff and privacy. Moore stated that the water runoff has been addressed and more landscaping will be installed to allow for privacy.

As there was no more testimony, Chairman Book closed the hearing.

6. Consideration, hearing, and action on appeal for variance request – 900 Katherine Drive

Former address 13550 Watertown Plank Road.

Mary Stredni swore in Thomas Harrigan, John Florance – property owner, and Rob Miller – builder. Puchner noted that he is friends with Florance.

Appealing administrative decision made by Village of Elm Grove. The original home on this property was demolished and a new home built. During the early stages of designing the new home, Village Staff determined that as a best practice, the new sanitary lateral servicing the home should be connected to the sewer main located within Watertown Plank Road. The Village engineers agree; the sanitary sewer in Watertown Plank Road is the only existing public sanitary sewer immediately adjacent to the property.

Harrigan verified that the sanitary sewer from the original home on this property was not connected to Watertown Plank Rd. but went north on the property and terminated in the vicinity of 910 Katherine Drive.

It has now been determined that the existing 60" storm sewer may potentially impede the gravity flow of the sanitary sewer lateral of the new home. To resolve the issue, a sanitary macerating/grinding pump would be needed to be installed in the new home to make sanitary flow to the sanitary main in Watertown Plank Road possible.

Miller stated that Florance is requesting to appeal the administrative decision in order to allow the connection of the Sewer to the existing sanitary sewer located on the neighboring property at 910 Katherine Drive. Doing so would require Florance to obtain a perpetual easement to connect in the back yard of the neighboring property. Florance stated that it would not go under any building, so he does not believe that maintenance would be a problem. Miller testified that to connect at Watertown Plank Road would cost approximately \$32,000, but to connect to the north at 910 Katherine Drive would cost approximately \$4500. It was also noted that this sanitary sewer has just been lined so there is the potential of compromise.

The opinion of the Village Engineer is that connection to a sanitary sewer main adjacent to the property is better for long-term maintenance and would avoid having to disturb a neighboring property when completing future maintenance; would avoid constructing a sanitary lateral connection to a location adjacent to a waterway with potentially high ground water levels, and would avoid connecting a lateral to a sewer that was just lined.

As there was no further testimony, Chairman Book closed the hearing.

4. Convene into closed session

By roll call vote at 5:45 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 6:36 p.m. Chairman Book informed the applicants for 910 Katherine Drive, 1080 Highland Drive, and 14265 Juneau Blvd. that the variances were approved.

Chairman Book informed the applicant for 900 Katherine Drive that the Board tabled the item in order to receive more information. The applicant will be notified as to when the next meeting will be.

6. Adjourn

Lorenz and Finerty moved and seconded to adjourn at 6:30 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk