

Village of Elm Grove Board of Appeals Meeting Minutes

The meeting was called to order at 4:00PM.

ROLL CALL:

BARRY BOOK - absent

JOHN FINERTY

JOSEPH PUCHNER

DOUGLAS JACOBSON

JOHN ALLEN

GORDON GIAMPIETRO – alt

FRANK LORENZ – alt

HECTOR DE LA MORA, VILLAGE ATTORNEY

TOM HARRIGAN, ZONING AND PLANNING ADMINISTRATOR

MICHELLE LUEDTKE, VILLAGE CLERK

Before the meeting could begin, a pro tem chair was selected.

MOTION BY JACOBSON, SECOND BY FINERTY, TO SELECT JOHN ALLEN AS CHAIR PRO TEM.

ALL IN FAVOR. MOTION CARRIED.

MINUTES:

MOTION BY JACOBSON, SECOND BY FINERTY, TO APPROVE THE MINUTES FROM JUNE 14, 2021.

ALL IN FAVOR. MOTION CARRIED.

HEARING 1 – 15055 Wisconsin Ave:

Applicant(s): James Klein (owner)

John Stearns (neighbor) 15105 Watertown Plank Road

Andrew Simpson (contractor) – via Zoom

The Clerk swore in the applicant(s), their neighbors, and Tom Harrigan, Zoning and Planning Administrator.

Mr. Allen introduced the item. Asked the applicant to speak.

The applicant signed a contract with a contractor for a window install. They took out an existing window to replace it with another window. They did apply for a building permit in January. That permit was not issued by the time the construction began. The applicant indicated he found out that the permit was requested but not approved on the April 20th. The window was installed on April 19th. He was not involved with any of that other than to say the contractor was taking care of this.

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Mr. Allen asked if the applicant was aware that the permit was not issued. The applicant was not aware a permit was required or not given. He assumed it was taken care of. The contractor told the applicant on Tuesday that it was not issued.

Mr. Allen asked if at that point there was a hole in the house. The applicant indicated it was completed. Mr. Allen confirmed the contractor had already cut the hole before they had the permit. The applicant confirmed.

Mr. Simpson indicated the applicant is accurate with his comments. He works with several municipalities and knows it takes time for these things to go through. This window was installed earlier than other people in his business because the applicants already had the window and all they had to do was bring the siding. He came to pick up the permit and when he did, it was not granted. He didn't know the window was installed without the permit. The window did not meet guidelines from the Village. He let the applicant know. There wasn't anything structurally, but architecturally.

Mr. Allen asked if anyone had any other questions.

Mr. Lorenz asked about someone telling them on the 19th that the permit was ready to be picked up. Do you know why that is? The contractor indicated this was likely a miscommunication. Someone thought it was ready and once they arrived, they found out it was not approved. Mr. Lorenz asked about the timing of the building board.

Attorney De La Mora asked the applicants why they supplied the window. The applicant indicated they got it for nothing from their friend. They lost their trees that spring and they decided to reside it and replace the window/gable vent. They had bats living up there. They found a beautiful window to put in.

Attorney De La Mora asked about the photograph of the window already installed from the inside. He also asked about the photograph with the dimensions of the window added on. With regards of the height to the floor of the attic, does this show how high it is from the floor? The applicant stated 16 inches. The applicant said that was to code.

Attorney De La Mora asked if the applicant talked to anyone around him about his window. He talked to John who looks directly at the window.

Attorney De La Mora asked if neighbor John expressed anything negative about the window. The applicant indicated none.

Attorney De La Mora asked about the signed papers from the neighbors about their window. He has 18 documents of approval. They have the date of May 13, 2021. Were these given to the building board? No. The board was April and the approval letters were in May. The May information was not available to the building board.

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Attorney De La Mora asked what dictated the placement of the window. The applicant indicated there was a gable vent there that needed to be replaced. The window was available so they put it in.

Attorney De La Mora asked about the style of the window. The applicant said it is a casement window with blinds. He was not trying to dictate or change anything. He had no concept that this could be thought of as a bad thing to do. His reasoning for the building permit was the safety and strength. He knew he needed one when they wanted to cut the wall.

Attorney De La Mora asked about the appearance of this window vs the other windows on the other portion of the house. The applicant asked for everyone to look at page 14 and 15 on the document. This shows the back of the house. This has 2 double hung, 2 casement, and 1 garden window. There are 8 other casement windows on the east side. This area also has a double hung window that is 30+ years old. There were blueprints indicating the addition approval with a mix of windows.

Attorney De La Mora asked if the images were available to the building board the night they met. The applicant indicated they were not because he had not gotten involved yet.

Attorney De La Mora asked if they wanted to finish the upper level. The applicant stated it does not have heat and is not insulated. There would be a lot of work that would need to occur. He has been there 25-30 years.

Mr. Jacobson asked about the timing of the permit application being filed in January and the applicant's contractor getting notified in April to be picked up. Tom Harrigan indicated it was misplaced in the workflow and disappeared. At the time the contractor asked for it, we indicated it was not available. This would normally trigger a building board review. We attempted to schedule a special building board meeting with Weather Tight. At that time it was not brought to our attention that the window was already installed. We held off on the second special meeting because of this. We will need to take some ownership that the permit was submitted and misplaced.

Mr. Jacobson asked if the issue is the window being put in without a permit or the window itself.

Mr. Domaszek answered that this is both, but more so the window. From the Building Board perspective the appropriate paperwork was not submitted to do the work. Mr. Domaszek referred to the Building Board meeting. He indicated this type of thing is typically not approved when it does not meet the code and the owner is not in attendance at the meeting. Things like this get approved, but not in a form like this. No shutters, the side of the window, etc. This is right on Watertown Plank. He understand the neighbors didn't complain, they don't complain. This was mostly on the merits of the window.

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Mr. Simpson indicated he did not know the window was installed and he was not trying to hide anything. He indicated there are things being argued here that don't match what happened in the last meeting. He understands Weather Tight will be on a scrutiny list.

Mr. Allen asked about the objections from the building board regarding the size of the window and if there is a clear code indicating violations. Mr. Domaszek indicated there isn't. They were looking at the consistency for the rest of the house and the area. Y

Mr. Allen asked about the offset comment. He believes you would need to center it on the gable or the window. The gable looks better. If you added shutters, even as a smaller window, would look odd. There is no way you can actually please both requirements.

Mr. Jacobson has no further questions.

Mr. Finerty added that he understands the Building Board process. He asked what the problem would be if the window remained but is reduced in size with some matching shutters? Mr. Domaszek indicated if this came back to the building board, it could be worked out. Just not the way that it currently looks.

The applicant went through his presentation which included notes, minutes, and photographs of other houses. Mr. Stearns, the applicant's neighbor, added some context in favor of the project.

Mr. Giampietro asked about Mr. Harrigan's memo and the building permit. What was the permit asking to do? Mr. Harrigan stated a building alteration. Mr. Giampietro asked how long a permit normally takes. Mr. Harrigan indicated 48 hours for internal and 3 weeks for external because the Building Board meets 2 times per month.

Mr. Domaszek wanted to add the windows in the applicant's presentation look better. The Highland property is planning on having landscaping.

CONVEINE INTO CLOSED SESSION

MOTION BY JACOBSON, SECOND BY ALLEN, TO CONVIENE INTO CLOSED SESSION.

ROLL CALL VOTE-

YAY-JOHN ALLEN

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

YAY-DOUGLAS JACOBSON

YAY-GORDON GIAMPIETRO - alt

MOTION CARRIED. CLOSED SESSION STARTED AT 5:03PM.

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RECONVIENED INTO OPEN SESSION

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

ALL IN FAVOR. MOTION CARRIED.

Action on the Closed Session item:

MOTION BY LORENZ, SECOND BY JACOBSON, TO TAKE THIS MATTER UNDER ADVISEMENT PENDING THE PREPERATION OF A DRAFT DECISION BY LEGAL COUNCIL.

ROLL CALL VOTE-

YAY-JOHN ALLEN

YAY-JOHN FINERTY

YAY-FRANK LORENZ

YAY-JOSEPH PUCHNER

YAY-DOUGLAS JACOBSON

YAY-GORDON GIAMPIETRO - alt

ADJOURNMENT

There was no further business.

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

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 5:24PM

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: 8/10/21