

Village of Elm Grove Board of Appeals Meeting Minutes

The meeting was called to order at 3:04PM.

ROLL CALL:

BARRY BOOK - absent

JOHN FINERTY

JOSEPH PUCHNER

DOUGLAS JACOBSON - absent

JOHN ALLEN

GORDON GIAMPIETRO – alt – absent

FRANK LORENZ – alt

HECTOR DE LA MORA, VILLAGE ATTORNEY

TOM HARRIGAN, ZONING AND PLANNING ADMINISTRATOR

MICHELLE LUEDTKE, VILLAGE CLERK

PRO TEM CHAIR:

MOTION BY ALLEN, SECOND BY FINERTY, TO ELECT PUCHNER FOR PRO TEM CHAIR. PUNCHNER OPTED OUT DUE TO NOT BEING ABLE TO REVIEW THE MATERIALS PRIOR TO THE MEETING. ALLEN VOLUNTEERED. ALL IN FAVOR.

MINUTES:

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

ALL IN FAVOR. MOTION CARRIED.

HEARING 1 – 13400 AND 13450 Dunwoody Dr.:

Applicant(s): David and Lisa Volm (owner 13400) and Lane and Danielle (Zoom) Warner (owner 13450)

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

David Volm spoke regarding his driveway. Indicated it needs to be replaced and is in bad shape. They hit a snag with the driveway meeting/exceeding the impervious surface code requirements. Would like to maintain the existing driveway with no additional items or additions. There are a few other properties with the same type of driveway setup. Was this their first choice? Probably not. But they wanted to be in Elm Grove. Elm Grove meets all of their needs.

Lane Warner spoke about moving in five years ago. They realized they were sharing the driveway. The circle portion of the driveway is theirs. They didn't know about the lot line until the repaving item came up.

Mr. Allen verified the variances being requested by both entities.

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Mr. Harrigan referenced the attached map showing the driveway and referenced the code speaking to the requirements for each. Noting there are technically three variance requests.

Attorney De La Mora had some clarifying questions. Is the driveway the original driveway? The applicant indicated to the best of their knowledge – yes. Attorney De La Mora asked about the builder. Mr. Harrigan indicated by his research, he is confident they were the same builder. Attorney De La Mora asked about a shared driveway agreement. They are both unaware of such an agreement. Attorney De La Mora asked about any comments in the home sales as it refers to the driveway or lot line and how narrow it is.

Mr. Volm indicated there is a seam down the middle of the lot line and they assumed that was the lot line. Mr. Allen asked if that seam is on the lot line. The applicant and the map indicate it is not.

Mr. Lorenz asked about who pays for what. The applicant indicated they have come to a mutual understanding.

Attorney De La Mora summarized that they are just asking about replacing the main driveway or the entire driveway. Mr. Warner confirmed the whole driveway. Attorney De La Mora asked if they would entertain the idea of a driveway maintenance agreement. Both applicants agreed to entertain an agreement.

Mr. Finerty asked for this to be implemented, we would need a maintenance agreement recorded. Is this fair to the applicants? Mr. Puchner indicated this might not work if both properties are financed. The mortgage companies would have to consent. The applicants confirmed they have mortgages. Attorney De La Mora confirmed the mortgage company would need to sign off. Attorney De La Mora indicated the BOA jurisdiction ends at the variance and not on the driveway easement.

CONVEINE INTO CLOSED SESSION

MOTION BY FINERTY, SECOND BY PUCHNER, TO CONVIENE INTO CLOSED SESSION.

**ROLL CALL VOTE-
YAY-JOHN ALLEN
YAY-JOHN FINERTY
YAY-FRANK LORENZ
YAY-JOSEPH PUCHNER**

MOTION CARRIED. CLOSED SESSION STARTED AT 3:25PM.

RECONVIENED INTO OPEN SESSION

MOTION BY PUCHNER, SECOND BY FINERTY, TO CONVIENE INTO OPEN SESSION.

Monday, August 10, 2021

3:00 PM

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ALL IN FAVOR. MOTION CARRIED. OPEN SESSION AT 3:37PM.

Action on the Closed Session item:

MOTION BY PUCNHER, SECOND BY LORENZ, TO APPROVE THE VARIANCES ASSOCIATED WITH 13400 AND 13450 DUNWOODY DRIVE INCLUDING THE 13400 SETBACK, THE 13450 SETBACK, AND THE OVERALL IMPERVIOUS SURFACE. ALL AS APPLIED FOR.

THE FINDINGS OF FACT INCLUDE 1.) A HARDSHIP NOT A SELF-CREATED. 2.) THE GRANTING OF THE VARIANCE WILL NOT RESULT IN GREATER NON-CONFORMITY OF THE PROPERTIES WITH THE APPLICABLE CODE SECTIONS.

**ROLL CALL VOTE-
YAY-JOHN ALLEN
YAY-JOHN FINERTY
YAY-FRANK LORENZ
YAY-JOSEPH PUCHNER**

ADJOURNMENT

There was no further business.

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

ALL WERE IN FAVOR. MOTION CARRIED. MEETING ADJOURNED AT 3:39PM.

Minutes transcribed by: Michelle Luedtke

Minutes Approved on: 9-30-2021