

VILLAGE OF ELM GROVE
BOARD OF APPEALS
MINUTES
Wednesday August 2, 2006

1. Roll Call

Present – Chairman Ornst, Botcher, Book, Jacobson, and Lorenz.

Also Present – Village Clerk Mary S. Stredni, Assistant Planner Austin Eich, and Patricia Schober Attorney for appellant.

2. Consider request by The Donna L. McKeever Revocable Trust of 2004 for variance from the side yard setback requirement in the Rm-2 Multiple-Family Residential District for 720 Elm Grove Road. Tax Key #1106.982.007.

Village Clerk Mary S. Stredni swore in Ms. Schober and Mr. Eich.

Ms. Schober stated that she believes that the original plans for the residence in question called for a deck on the side. The deck was actually built on the rear. Both actually violated the Village Code of Ordinances at the time of construction. Ms. McKeever was not the original owner and was not aware of the problem until she applied for an addition of a sun room.

At that time Mr. Eich, Assistant Planner determined that the existing deck was not in compliance with the Village setbacks. The existing deck is located 11.12 feet from the southern side lot line, which is an encroachment of approximately 8.88 feet into the required side yard setback. Mr. Eich concluded that the application for an addition of a sun room should be denied based on this information.

Ms. Schober stated that as Ms. McKeever has now passed away, the family is requesting a variance as they believe it will be extremely difficult to sell the property as they would need to disclose that the existing deck is not in compliance with Village Code.

Mr. Eich noted that if the variance is not approved the existing deck would not be in compliance and he could enforce the Village Code and require that the deck be removed. Mr. Eich opined that he would not be in favor of such enforcement.

Discussion regarding approving variance for the existing deck only or for a future enclosure. Also discussion regarding whether this case meets the hardship and/or unusual circumstance requirements.

It was noted that on the application form for the Board of Appeals the description of nonconforming structures is incorrect. It should read 'The southwest corner'.

There were no further questions.

3. Closed Session

Jacobson and Book moved and seconded to go into closed session at 5:15 p.m. as allowed under Wis. Statute 19.85 (1) (a) deliberating after any judicial or quasi-judicial trial or hearing. Motion carried 5-0.

4. Reconvene into open session

The Board moved back into open session at 5:25 p.m. Botcher and Book moved and seconded to approve a variance for a structure on the existing deck footprint and does not include any increase in the setback that currently exists. Motion carried 5-0.

5. Minutes

Jacobson and Book moved and seconded to approve the July 11, 2006 minutes. Motion carried 5-0.

6. Adjourn

Botcher and Book moved and seconded to adjourn at 5:30 p.m. Motion carried 5-0.

Respectfully submitted,
Mary S. Stredni , Village Clerk