

VILLAGE OF ELM GROVE  
BOARD OF APPEALS  
Wednesday, May 1, 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 Village Attorney de la Mora.

1. Roll Call  
Chairman Book brought the meeting to order at 5:00 p.m. Mary Stredni took the roll.
2. Minutes  
Puchner and Lorenz moved and seconded to approve the March 13, 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 owns the vacant lot. Testified that it is a buildable lot, but has two street yards: Katherine Drive and Elm Grove Road. Street yards require a 50 foot setback. Requesting that Elm Grove Road be designated as a rear yard, which has a setback of 25 feet.

There is a creek on the north side of the property, so a 50 foot setback is required for that side yard. The south side yard is the required 20 foot set back. This lot has never been built on, it has always been vacant.

de la Mora inquired if Miller purchased the lot. Miller testified that yes he owns the lot. de la Mora clarified that Miller was requesting a reduction of 50 feet to 25 feet on the Elm Grove Road street yard and that the hardship is the odd shape of the lot, which pushes the house towards the southeast corner of the lot. The 25 feet is standard for a back yard setback. de la Mora questioned the square footage of the proposed house. Miller testified that the first floor is 1700 square feet with a total of 3000 square feet; the lot is 25,542 square feet. de la Mora questioned why the house could not be angled. Miller stated that he does not want to angle the house as no other houses on the street are angled and he is trying to match the neighboring houses in regard to placement. The lot is being filled so it is at the same height as the house to the south.

de la Mora asked whether Miller was aware that on the east side of Elm Grove Road the Reinder's property is zoned manufacturing and that there may be a proposal to build multi-family housing on the property. Miller stated that he was aware. de la Mora provided 'Exhibit 1' a portion of Village map with this property marked. de la Mora then asked if Miller was aware that Elm Grove Road may be widened and some of the trees on the west side of Elm Grove Road may not stay. Miller stated yes he has heard that.

Puchner questioned the drawing that Miller provided of 910 Katherine Drive with the property and the outline of proposed residence as it looks like it has a 50 foot setback, so what is the hardship if the proposed residence fits within the setbacks. Miller stated that there will be future hardscapes; possibly a patio and pool and they would require a 25 foot setback as they would not fit within the 50 foot setback.

Book stated that the placement of the house now does fit within the east and west setbacks of 50 feet.

Miller noted that the owners of the property to the south are supportive of a 25 foot setback. Not being able to do more structures would affect the value of the property. There is a hardship because of two street yards and the navigable water to the north so nothing can be built farther to the north of the

property. Testified that he has a current client who wants to build this house and also a patio and pool, which will add value to the property and neighborhood. A 25 foot setback will not impact the neighbors.

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

4. Convene into closed session

By roll call vote at 5:40 p.m. the Board convened into closed session pursuant to Wis. Stats. §19.85(1)(a) to deliberate the above referenced quasi-judicial hearing.

5. Reconvene into open session

The Board reconvened into open session at 6:06 p.m. Chairman Book told the applicant that the Board voted to deny the motion for the variance as the construction of the proposed house fits within the setbacks and the Board does not find any hardship.

6. Adjourn

Puchner and Allen moved and seconded to adjourn at 6:08 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk