

**VILLAGE OF GERMANTOWN
BOARD OF ZONING APPEALS
MEETING MINUTES
March 10, 2021**

CALL TO ORDER: The meeting was called to order at 5:34 p.m. by Chairman White.

ROLL CALL: Chairman White, Hansen, Schodron, Edwards, Huber, Knop, Director Retzlaff, and Clerk Braunschweig. David Leszczynski, Agent for Andrew and Kim Reed.

APPROVAL OF MINUTES: November 11, 2020.

Motion (Hansen/) to table until next meeting with correct adjourn.

Motion Carried unanimously.

PUBLIC HEARING.

Chairman White read the public hearing notice. Hearing is to hear any and all parties, their attorneys or agents, for or against the **VARIANCE APPEAL** filed by **David Leszczynski, Agent for Andrew and Kim Reed**, property owner, who is requesting a variance from (Section 17) to reduce the front/street yard building setback from 110' to 65' for the property located at N118 W12789 Taylor Trail (Lot 11 of Woodland Ponds Estates Subdivision).

Chairman White described the meeting order and that normally the Village's information is given first and review of the Variance is given first and then the applicant may give sworn information.

Chairman White swore in Director Retzlaff.

Director Retzlaff gave history and background of the Variance Appeal for N118 W12789 Taylor Trail. This is to reduce the front setback from 110' to 65' for the property located at N118 W12789 Taylor Trail (Lot 11 of Woodland Ponds Estates Subdivision). A map of the subject property was shown and discussed. The zoning was reviewed as Rs-3. The current minimum required set back is 110 feet. The request is for the setback to be reduced to 65'. The ordinance was reviewed. If granted the house would still meet the normal 45' setback by 20'. The sideyard will have a 20' setback. The sideyards would meet these requirements. Discussion ensued of the sideyard setbacks setting the distance between dwellings. The building envelope was discussed. If the existing home butts right up to the setbacks there is not additional room. The map of the parcel and grade were discussed and shown in relation to the building placement. The mound system requirements are enforced by the County.

Chairman White swore in Andrew Reed, of 2121 North 83rd Street, Wauwatosa.

Mr. Reed spoke of the lot and the intention of building on the lot. He commented on their research of building on the lot. The offer is contingent on the approval of the reduced setback. Concerns of the placement of the garage and the subdivision covenants requirement a 3 car garage and minimum house size requirements. There could be an uneven and steep drive. The setback would be too close to the ravine. The 110' setback would place close to the mound system. It is undesirable to have too close to the house. He commented on the previous variance granted. Each lot has its own features. They have watched the neighbors house in built phases.

Chair White questioned the slope of the lot is away from the street. Slopes downward. Move from the left to the right, slopes to that direction. Discussion of the change in elevation ensued. Dependent on starting point. It is a steep slope.

Chair White swore in David Leszczynski of 3223 Fleur De Lis Drive, Mequon.

David Leszczynski reported the Slope is 10 feet.

David Leszczynski pointed out the slope and grade. As the house is back will have to go around and fast and close to the ravine. Almost a straight drop of 10 feet. The garage doors were pointed out, drive way in the setback on the west side, left side of the picture.

David Leszczynski reported on the slope and grade 110 top of the foundation, 900 even, top of the foundation 65 is 909. There is a 9 foot difference. David Leszczynski referenced the pictures. David Leszczynski brought a letter from Shari Wagner with the same questions.

David Leszczynski, commented on visuals based on the land and the house next door.

Chairman White commented he drove by the area.

County 15 feet from the mound and cannot disturb the mound site. He discussed the digging of the basement and not to disturb the mound system area. David Leszczynski commented on the testing for the mound system. David Leszczynski commented that previously approved by Plan Commission with 45 foot setback and then the mound system tested to the appropriate area.

David Leszczynski commented the previous variance is not a detriment to the neighbors.

Sheri as the head of the homeowners association for Harvest Hills submitted a letter in favor of the variance. White will read at the end.

David Leszczynski, this is a unique lot and it is sought after, due to the slope and ravine.

This is a two story house. The other house is a single story with basement.

Chair White opened the Public Hearing at 6:14p.m.

Chair read the letter from Shari Wagner. The Harvest Hills HOA does not have any reasons to not allow the setback reduction and would look better aesthetically. There would be a hardship based on the ravine and mound system.

Public hearing closed at 6:16 pm

Chair White explained that the Board will deliberate the findings and that the Board of Zoning of Appeals does not routinely grant requests.

The Findings, Conclusions, and Decision and Order were deliberated.

White commented that the request is in accordance with zoning code.

Huber commented the variance will be in accord and in the interest of the zoning code. Will still meet the 45' set back and side setback requirements. Lot 12 is in a different part of the cul de sac. Nothing in the zoning code that as long as requirements are met can look similar. Not contrary to the public interest or neighbor. The area to the West to remain natural.

White commented the slope does seem to be very steep and location of the septic. Not removing or not granting and moving the house might present insurmountable challenge with the location of the mound and digging without disturbing. Edwards agrees. Huber agrees, Kevin agrees. Hansen agrees.

The variance would be necessary for the preservation and enjoyment of substantial property rights. There was consensus of agreement among the Board.

Discussion ensued of the mound system placement. Could grant to move 45' up and move the house further north but not all the way. If the required location of the mound system would prevent from being built in accordance with the zoning code, preserve the right to build a house. Are we required to grant the least restrictive and amend the application to make the least possible variance to be appropriate. Rises or falls on their own merit. It is necessary for the preservation and enjoyment. Huber agrees, the mound system is needed to enjoy property rights, it is a requirement. Hansen was not convinced of the slope and contour. Concerned of house looking way higher than the neighbor. This variance from testimony is necessary for the preservation and enjoyment of substantial property rights. Necessary variance. Schodron agrees.

The variance will create substantial detriment to adjacent property and will be contrary to the public interest.

Discussion ensued that the variance is not detriment to neighbors. The variance will not create substantial detriment to adjacent property and will not be contrary to the public interest.

A literal enforcement of the terms of the Zoning Code would result in practical difficulty or unnecessary hardship to the appellant / applicant.

Motion by Huber to approve the application for the variance as presented, second by Schodron.

Motion carried unanimously, roll call vote.

There will more than likely be two items for April 14, 2021 and one item for May 12, 2021. Chair White will not be at the April meeting.

Chairman White stated next hearing will be as needed.

Hansen motioned to adjourn the meeting at 6:35pm. Second by Chair White. Motion carried.

Respectfully Submitted,

Deanna B. Braunschweig, WCMC/CMC