



THESE ARE THE MINUTES OF THE **BOARD OF APPEALS** MEETING ON THURSDAY, **APRIL 12, 2018**, AT 7:00 P.M. HELD IN THE COUNCIL CHAMBERS AT CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD.

**MEMBERS PRESENT:** Kevin Bublitz, Robert Buikema, Gordon Rozmus, Frank DeGuire, Alderman Ron Balzer

**MEMBERS ABSENT & EXCUSED:** Rod Carter, Alderman Lisa Mellone (alt.)

**ALSO PRESENT:** Zoning & Building Administrator Larry Goudy

Kevin Bublitz called the meeting to order at 7:15 p.m. He stated that the notice of hearing has been duly published pursuant to the State open meetings law and explained the procedure to present the appeals to the Board this evening.

1. **Roll Call**

Mr. Bublitz indicated that a quorum is present and that the request for variances must receive the affirmative vote of three members of the Board in order for a request to be granted.

**New Business:**

2a. **February 8, 2018, Minutes**

- Frank DeGuire moved approval of the February 8, 2018, Board of Appeals meeting minutes. Seconded by Robert Buikema and carried unanimously.

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**Public Hearing & Consideration of Appeal:** *Certain requests for building permits have been submitted to the City of Brookfield and have been denied by the Zoning & Building Administrator because they did not comply with the Zoning, Building or Sign Code of the City of Brookfield. There will be a Public Hearing held before the Board of Appeals on February 8, 2018, at 7:00 pm at the Common Council Chambers for the express purpose of considering the following request(s) for variance. Please note that following the public hearing(s) the Board intends to take action by considering the request indicated:*

3a. **James Wozniak, 12880 Cardinal Crest Dr.: addition**

The next item was the request of James Wozniak, E 40 ft of Lot 8 & W 70 ft of Lot 9 Blk 1 Cardinal Crest PT NE ¼ Sec 36 T7N R20E, to appeal Section 17.36.020 B to permit a residential addition at 12880 Cardinal Crest Drive which is located 13.85' from the lot line. The Code requires a minimum of 18'4" offset from the side property line at this location.

Zoning & Building Administrator Larry Goudy stated this is the same item that was before the Board in February. It's back because an error was discovered when a new survey was created to get the permit. Section 17.36.020 B. identifies the offset as 20' minimum in this zoning district. However, Section. 17.112.020 allows for an offset reduction for substandard

lots. This lot is less than the normal 120' so their offset is reduced at a similar ratio. The offset for this property is 18.33'. The applicant is proposing a garage and a mud room addition which is located 13.85' from the property line or a 5.48' variance. There may be a potential new driveway as well as it's currently a side-entry garage. The new garage is a front entry garage. Mr. Goudy added that the resident to the west had some questions about the variance but decided she did not want to make any comments. Mr. Goudy believes the applicant had a conversation with her as well. There is a neighbor to the east that provided a letter of support which is provided in the Board's packet. The neighbor was concerned that the value of her house would be diminished. Mr. Wozniak said he will be spending \$125,000 with the new addition.

Mr. Rozmus asked because there would be removal of trees, what is proposed at the property line. Mr. Wozniak replied there will be a masonry wall 14x10' which is part of the garage. It is not a free-standing wall. There will be nothing done at the lot line as that area is needed for drainage. He will re-landscape to bring water to front and swale a French drain. He wants to put in a retaining wall to save a clump birch. He has a terrible water problem because the pitch is running back into the house. There is no change from earlier approval. If he gets rid of the driveway, he can get a better pitch to divert the water away from the house. The new garage will act as a retaining wall. The drainage course will go towards the freeway and towards the street. The front is a mess and the whole lot needs to be re-graded. Mr. Goudy added that the topography and grading plan will be reviewed by our stormwater engineer to make sure there isn't a negative impact on neighboring properties.

Mr. Bublitz remembers there were some restrictions in reviewing this the first time. One was removal of the existing driveway and landscaping. Mr. Goudy added that the applicants would need to get approval thru Engineering on what they plan on doing for the grading.

Mr. Bublitz added that the previous variance was granted at 1'4", now it is 4.48'.

- Rod Buikema moved approval of the variance as requested because of the challenges of the lot and size, and no objections from the neighbor to the west. The motion was seconded by Frank DeGuire and carried unanimously.

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- Frank DeGuire moved to adjourn. Seconded by Rob Buikema and carried unanimously. Meeting ended at 7:32 p.m.

Minutes submitted by Renee J. Tadych, Deputy City Clerk.