

VILLAGE OF GERMANTOWN
BOARD OF ZONING APPEALS
MEETING MINUTES
SEPTEMBER 21, 2011

CALL TO ORDER

The meeting was called to order at 5:30 p.m.

ROLL CALL

Present was Chairman Pluta, members Riemer, and McDonnell. Absent were members Bojarski and Schleif. Also present were Village Attorney DeStefanis, and appellants Mr. & Mrs. Frydach.

PUBLIC HEARINGS:

5:30 P.M. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against the appeal as filed by Dave Frydach, owner seeking a review of an alleged error by the Zoning Administrator regarding a rear vs. side determination, and, an appeal for a rear yard setback variance for the property located at N107 W17021 Sequoia Ct. Germantown, WI.

David Frydach was sworn in by Chairman Pluta. He stated the following:

- His hobby is restoring old cars
- He has cars sitting outside
- His neighbors have no problem with the addition to the garage
- The building will look exactly like the current house and garage
- It will have windows, a house door, matching shingles and siding and will be landscaped
- He feels this is the side of his house not the rear
- This is a uniquely shaped lot

Debra Frydach was sworn in by Chairman Pluta. She stated the following:

- This will be a nice structure on the side of the house
- This area has always been thought of as the side yard

Village Planner Retzlaff cited the reasons for his interpretation. He cited the Zoning Code for the Village of Germantown and displayed a drawing of what is considered rear yard per the Zoning Code.

Motion by McDonnell second by Reimer to uphold the interpretation of the Zoning Administrator and that his interpretation is correct and consistent with 17.08(3) of the Code of Ordinances for the Village of Germantown. Roll call vote was taken, all present voted aye. Motion carried.

Debra Frydach further stated the cars need to be in a locked structure according to their insurance company. They pay to store the vehicles in the winter. The shed will be removed and it will be aesthetically better.

Planner Retzlaff stated a detached structure has to have a minimum of five feet for setback. This is 1/3 acre lot.

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DELIBERATION AND ACTION BY THE BOARD

The Board stated the following:

- The variance will not be contrary to the public interest and be in accord with the spirit of the Zoning Code because it will improve the aesthetics of the property
- There are exceptional or unusual conditions that apply to this parcel because of the unusual shape of the lot
- The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district because the neighbors will not have to look at the cars outside and it doesn't deny the rights of other neighbors that wouldn't need a variance.
- The variance will not create substantial detriment to adjacent property and will not be contrary to the public safety or interest because it will take away any liability and will be an improvement to the property
- A literal enforcement of the terms of the Zoning Code would result in practical difficulty or unnecessary hardship because he could not build the structure he needed and could not use the structure for its' intended use.

Motion by McDonnell second by Reimer to grant the variance from the rear yard from 30 feet to 12 feet. Roll call vote was taken, all present voted aye. Motion carried.

APPROVAL OF MINUTES: June 15, 2011

Motion by McDonnell second by Reimer to accept the minutes with the correction of misspellings of McDonnell. All present voted aye. Motion carried.

ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Elizabeth Knaack
Village Clerk