

MEETING:	REGULAR MEETING OF THE BOARD OF ZONING APPEALS
DATE AND TIME:	Wednesday, August 9, 2023 5:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL:**

III. **APPROVAL OF MINUTES:**

A. 7.13.2023 Minutes

Motion: Approve as presented with the addition of Ms. Huber being absent at the last meeting

Motioned By: Yao

Seconded By: White

On roll call vote:

Yes: Yao, White, Edwards

No:

Abstain: Huber

Approved (Yes 3, No 0, Abstained 1)

IV. **PUBLIC HEARINGS, DELIBERATION AND ACTION:**

Chairperson White read the public hearing notice.

Public Hearing opened: 5:40 pm.

Del Able, W148 N9665 Tree Top Drive, spoke in support of the requested variance.

Mike Christensen, W148 N8323 Albert Place, spoke in support of the requested variance.

Len Kastan, W159 N11449 Red Oak Circle, spoke in support of the requested variance.

Paul Koester, N77 W15448 Crossway Drive, spoke in support of the requested variance.

Ryle Vor, Hawkeye Court, spoke in support of the requested variance.

Chairperson White read an email in support of the requested variance from David and Sara Engles who lives near the site.

Chairperson White closed the hearing at 6:17 pm.

- A. THE PURPOSE of said hearing will be to hear any and all parties, their attorneys or agents, for or against a **VARIANCE APPEAL** filed by Excel Engineering, agent for Bethlehem Evangelical Lutheran Church, property owner, for a variance from Section 17.26(6)(a) of the Village's Zoning Code to reduce the minimum front/street yard building setback from 35 feet to 31 feet (a variance of 4 feet) for the property located at N108 W14290 Bel Aire Lane.

Chairperson White swore in Director Retzlaff. Retzlaff summarized the request.

Mike Christianson was sworn in by Chairman White. Mr. Christianson summarized his request. Kallie Ogi, Excel Engineering, spoke about the details of the project.

The Findings, Conclusions, Decision and Order were Deliberated.

1. **Is within the spirit of the zoning code.** The Board agreed unanimously.
2. **Are there exceptional, extraordinary or unusual conditions or circumstances that apply specifically to this lot or parcel that do not apply to others.** The Board agreed unanimously that the long frontage and interesting shape of the lot created an unusual condition.
3. **Is the variance necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district.** The Board decided this is not necessary for the preservation of property rights.
4. **Will/will not the variance create substantial detriment to adjacent property and will be contrary to the public interest.** The Board decided that this variance would not be detrimental to an adjacent property or public interest. There was no evidence or testimony that an adjacent property would be affected, and there would be no impact on public safety.
5. **A literal enforcement of the terms of the Zoning Code would/would not result in practical difficulty or unnecessary hardship to the appellant/applicant.** The Board decided that this request is not due to any hardship from the applicant.

Motion: To Approve the Variance Appeal

Motioned By: Barry White

Seconded By: None

Motion Failed due to a lack of a second.

V. NEXT MEETING DATE:

VI. ADJOURNMENT:

Motion: To adjourn at 6:36 pm

Motioned By: Lilibeth Yao

Seconded By: Tim Edwards

Motion approved

