MINUTES OF THE BOARD OF APPEALS MEETING
Board of Appeals
07-18-12

The meeting of the Slinger Board of Appeals was called to order by Chairman Martin at 300 Slinger Road, Slinger Wisconsin on Wednesday, July 18, 2012 at 5:30 p.m.

I. Roll Call & Notice of Meeting:

	Present	Absent
Candi Martin	x	
Rick Knipfer		x, excused
Eugene Mueller	x	
Larry Toraason	x	
Craig Wolf	x	
Dave Malecha (Alternate)	x	
Erin Rauh (Alternate)		x, excused
	5	2

Also Present: Terry Frederickson, Village Building Inspector/Zoning Administrator
Margaret Wilber, Deputy Clerk
Tammy Tennies, Confidential Administrative Assistant

Chairman Martin called the meeting to order at 5:30 p.m. Deputy Clerk Wilber took the roll call and stated that the open meeting law had been complied with in connection with this meeting.

Deputy Clerk Wilber administered the Oath of Witness to all who wished to speak before the Board at this time. Sworn in were Zoning Administrator Terry Frederickson 300 Slinger Road and Glen Charles, 203 Church Street, Hartford WI.

II. Public Hearing

A. Petition for Appeal

Deputy Clerk Wilber read the Notice of Public Hearing and announced that the petitioner, Mike Bellante, was requesting a variance to allow the construction of a 12' x 18' screen porch along the south or rear side of his home at 400 Maple Grove Terrace. She stated that the variance was necessary because the screen porch addition will not comply with the minimum 25' required rear yard setback in the R-3 zoning district. Deputy Clerk Wilber informed the Board that all posting and publication requirements had been met.

Deputy Clerk Wilber informed the Board that one comment had been received prior to this meeting. She read it into the record as follows:

> Dear Slinger Zoning Board of Appeals, My property borders Mike Bellanti's property on the East and I wanted to let you know that I am in support of allowing him to construct a 12 x 18 screen porch. The only minor concern I do have is how storm water will be handled off the East side of the porch roof. We currently get some storm water ponding on the lot line between our properties which I believe used to drain to the west along the southern portion of the Bellanti property prior to when their home was constructed. The situation has been manageable to date and I would ask that the builder gives this some thought to make sure the situation does not get significantly worse in the future.

> I have attached a picture to show how I believe storm water used to drain. I was hoping to discuss this issue directly with Mike Bellanti and his builder prior to the meeting, but Mike has been traveling in Africa and the builders name was not listed on the information filed at Village Hall. In my opinion this issue is relatively minor and can be avoided with a little planning. I hope the variance will be granted and the project can proceed. Thanks, Chris Leis, 380 Maple Grove Terrace

Deputy Clerk Wilber stated that Board members were provided with a copy of the comment and the accompanying photo for their review. Chairman Martin opened the public hearing portion of the meeting at 5:35 p.m. and asked if anyone was present to speak for the petitioner.

B. Petitioner's Case

Glen Charles stated that he was appearing for the petitioner, Mike Bellante. He stated that Mr. Bellante is the pastor for Northbrook Church and is presently in Istanbul trying to get back from a mission trip. Mr. Charles stated he had no further information other than what was included in Mr. Bellante's original application.

Board member Malecha asked about the slope of the proposed attachment and Mr. Charles stated it would follow the pitch of the existing doorway to the patio. Board members asked Mr. Charles if he had any additional information regarding the stormwater issue that was raised. Mr. Charles stated he was not aware of the specific problem, but he questioned how the drainage could be redirected due to the slope of the back yard area. Mr. Charles asked why the drainage would change if this addition is permitted, since the concrete slab is already there and creates stormwater runoff as an impervious surface. Board members discussed the fact that a concrete patio at ground level would not have the same type of runoff as a raised building with a sloped roof.

C. Zoning Administrator's Determination

Chairman Martin asked Zoning Administrator Frederickson to discuss the Village's position on this petition. Zoning Administrator Frederickson stated he could not make a recommendation on this matter either way. He explained that while the impact of this proposal would be minimal, he could not determine that there was any hardship here that was not self-imposed.

Mr. Charles stated that the proposed porch would be the same dimensions as the concrete pad that is already located at the back of the house. He asked why a variance was needed in the case of a porch when it wasn't needed for the concrete pad that had been installed by the builder. Zoning Administrator Frederickson explained that there is more of an encroachment when a structure is added to a building.

Mr. Charles stated there is a house in the subdivision already that has a screened-in porch attached to the rear of the building, but that property must not have needed a variance for the setback.

Board member Wolf asked Zoning Administrator Frederickson why there was a different setback allowed for sheds as opposed to porches or other additions to the home. Zoning Administrator Frederickson explained that sheds are allowed within 5' of a lot line because they are accessory structures. He stated one of the reasons for this was because an addition to the house changes the footprint of the building and has more of an impact on the dimensions. He stated that another reason is the need for additional foundation for a structure that is added to an existing building. He explained that a stand-alone shed would not need as deep a foundation since it could be allowed a little float, while an attached structure could not be allowed to move in response to frost or other ground conditions.

Discussion was held on how the porch would be constructed and if the concrete patio would have to be removed in order to lay sufficient foundation for the porch. Zoning Administrator Frederickson stated there were alternative methods that could be used to establish an adequate foundation around the existing pad if needed.

Mr. Charles asked if this structure would be authorized if it were built nearer to the garage, which is farther away from the rear lot line. Zoning Administrator Frederickson stated this might be possible, but it would probably have to be as a separate structure due to the layout of the house.

D. Public Comment Period

Chairman Martin opened the public comment portion of the meeting at 5:45 p.m. and asked if anyone else in attendance wished to make a comment during this time. There being no further public comment, Chairman Martin closed the public comment portion at 5:46 p.m.

E. Closing Statements

Chairman Martin asked Mr. Charles if he wished to make a closing statement. Mr. Charles stated that all Mr. Bellante was trying to do was enjoy his back yard area without getting annoyed by bugs. He stated the porch would be an attractive addition to the house and would have no impact on neighboring properties since the concrete pad is already there. He stated that the house was placed in its present location with the concrete pad installed before Mr. Bellante bought it. He stated that Mr. Bellante had told him that if he had realized there was going to be a problem with adding a porch to the house, he might not have purchased the property in the first place.

Chairman Martin asked Zoning Administrator Frederickson if he had anything to add for a closing statement and he stated he did not.

III. Deliberation of Petition:

A. Discussion on the Requested Variances

B. Findings of Fact

Chairman Martin stated the Board would now deliberate on this request and she asked Deputy Clerk Wilber to review the findings of fact that are used to make any determination on variance requests. Deputy Clerk Wilber read the findings of fact as listed in Village of Slinger Zoning Code Section 12.07. She explained that five findings need to be deliberated: Preservation of Intent, Exceptional Circumstances, Economic Hardship and not Self-Imposed Hardship, Preservation of Property Rights and Absence of Detriment.

Board member Wolf discussed the Exceptional Circumstances finding and stated that if this were approved, it would appear that the Zoning Ordinance should be changed to allow a 20' rear year setback in the whole zoning district. Zoning Administrator Frederickson stated that most of the lots in this subdivision are configured differently from this particular one and would not have a problem with the 25' setback. Board members stated that they did not consider the circumstances in this situation to be exceptional and the house's location in relation to the lot line should have been considered by the property owner.

Board members discussed the Economic Hardship and not Self-Imposed Hardship finding and asked if the porch could be made less wide to accommodate the setback requirement. Mr. Charles stated this would not be feasible as it would have to be an 8' x 18' structure and would be too small to use as a porch.

Further discussion was held and Board members agreed that a compromise would be reasonable in this situation. Board member Wolf pointed out that if the structure were built as 9' x 18', one side of the porch would be within the setback and the other side would not encroach as much as originally requested.

C. Additional Conditions (if necessary)

Board members discussed whether the motion could be worded to modify the size of the structure so at least one side would not encroach upon the setback. They agreed that a different size of the structure could be considered either an additional condition or a modification of the requested variance. Board members also discussed the fact that if Mr. Bellante felt that the modified size would be unacceptable, he would have access to the appeals process to pursue his original request.

D. Action to Approve, Modify, or Deny the Requested Variance

Motion Wolf/Mueller to approve the request for a variance to allow construction of a screen porch along the south (rear) side of the home at 400 Maple Grove Terrace with the additional condition that the structure be no larger than 9' x 18'; carried unanimously.

E. Notice of Appeal Rights

Deputy Clerk Wilber informed Mr. Charles that Mr. Bellante will receive a letter informing him of this decision within the next few days. She stated that the letter will also contain information on the appeal process.

IV. Adjourn Meeting

Motion Toraason/Malecha to adjourn at 6:05 p.m.; carried.

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Margaret Wilber, Deputy Clerk