

**CITY OF CEDARBURG
BOARD OF APPEALS
June 17, 2010**

APP20100617-1

A regular meeting of the City of Cedarburg Board of Appeals was held Thursday, June 17, 2010 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers.

Vice Chairperson Steve Ehlers called the meeting to order at 7:00 p.m.

Roll Call: Present - Steve Ehlers, Gerald Stutz, Linda Smith, Kristofor Hanson, Tom Mesalk (1st Alternate), Dick Dieffenbach (2nd Alternate)

Absent - Chairperson Vera Brissman

Also Present - Building Inspector Michael Baier, City Clerk Constance McHugh, Petitioner Sandra Weber

STATEMENT OF PUBLIC NOTICE

City Clerk McHugh acknowledged that the Board of Appeals agenda was posted and distributed in compliance with the Wisconsin Open Meetings Law. Notice of the public hearing was published in the *News Graphic* on May 27, 2010 and June 3, 2010 and mailed to properties within 300' feet of the subject property on May 26, 2010.

APPROVAL OF MINUTES

A motion was made by Mr. Mesalk, seconded by Mr. Stutz, to approve the minutes of the March 11, 2009 meeting. Motion carried unanimously.

REVIEW AND CERTIFY CODE OF ETHICS

A motion was made by Ms. Smith, seconded by Mr. Mesalk, to acknowledge that the Board of Appeals reviewed and certified the Code of Ethics. Motion carried unanimously.

REQUEST FOR A VARIANCE - Petition of Christopher and Sandra Weber for an area variance to construct a new two car garage on the property at N70 W6238 Bridge Road.

The applicant is proposing to build a garage that is setback 2.2 feet off the north property line abutting Adler Street; thereby, encroaching into the 25 foot setback requirement. Because the proposed garage encroaches into the required 25 foot setback requirement, the request for a permit was denied.

Vice Chairperson Ehlers asked Board of Appeals members if they could hear this matter fairly and objectively without bias for or against any party. Each member of the Board answered in the affirmative.

Vice Chairperson Ehlers said that the issues to be decided by the Board of Appeals are:

1. Did the Building Inspector act in a manner that was consistent with ordinances and within his authority when he did not approve the application to construct the proposed garage?
2. Is the proposed construction of the new two car garage contrary to the public interest?
3. Would denial of the request for a variance result in an unnecessary hardship?

HEARING – PETITION OF CHRISTOPHER AND SANDRA WEBER

The hearing was declared open by Vice Chairperson Ehlers on the petition of Christopher and Sandra Weber appealing the denial by Building Inspector Baier to issue a permit to construct a new two car garage at N70 W6238 Bridge Road.

Sandra Weber, N70 W6238 Bridge Road, was sworn in by the City Clerk.

Ms. Weber said currently her property has a one car garage with a very narrow driveway. The driveway extends from Alder Street through the garage and across the entire length of the property to Bridge Road. Her property also has a shed that collapsed due to snow last winter and it is the intent of her and her husband to build a new two car garage in the location of the existing shed. She said that several options were looked at to meet the 25 foot required setback; however, doing so would put the garage in the middle of the rear yard.

Ms. Weber said all houses on the north side of Alder Street utilize driveways and garages off Alder Street, with the exception of her house. She said the proposed garage is in keeping with the neighborhood and would add to the aesthetics of the neighborhood. The area behind the existing garage will be paved and another concrete slab will be installed.

Ms. Smith asked if any objections from neighbors have been received.

Ms. Weber said she has spoken to most of her neighbors and none of them have any concerns with the garage in the proposed location.

City Clerk McHugh confirmed that staff has not received any negative comments.

Building Inspector Baier said that although Alder Street is considered a street, it is treated as an alley. If it were an alley, the setback would be 5 feet. He said that the Weber's lot is unique in that it is a lot with three street frontages.

Mr. Mesalk said the Plan Commission approved the proposal to have more than one driveway approach subject to the driveway to Bridge Road being vacated and no longer used if the variance is granted.

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Ms. Weber said this driveway is very narrow and no longer will be used if the variance is granted. She said the concrete will be removed if necessary.

Mr. Mesalk said both the Police Department and Fire Department indicated they have no concerns with the proposed garage.

A motion was made by Ms. Smith, seconded by Mr. Stutz, to close the public hearing at 7:15 p.m. Motion carried unanimously.

A motion was made by Ms. Smith, seconded by Mr. Mesalk, to approve the request for a variance to erect a new two car garage at N70 W6238 Bridge Road.

Mr. Stutz asked the Building Inspector if there are any other issues with the proposal.

Building Inspector Baier said the proposal is compliant with the City Code in all other respects.

Mr. Stutz pointed out that all other garages along Alder Street have similar setbacks.

Motion carried unanimously with Mr. Stutz, Ms. Smith, Mr. Hanson, Mr. Ehlers, and Mr. Mesalk voting aye.

ADJOURNMENT

A motion was made by Ms. Smith, seconded by Mr. Mesalk, to adjourn at 7:18 p.m. Motion carried without a negative vote.

Constance K. McHugh, CMC
City Clerk