

**City of Oconomowoc
Zoning Board of Appeals Minutes – March 9, 2022**

Chairman Brotheridge called the meeting to order at 6:00 pm and confirmed that appropriate notice was given.

Members Present: Danny Day Jr, Philip Cunningham, Ken Brotheridge, Carl Wickman and Bonnie Goodson
Members Excused: Kyle Driscoll
Staff Present: Jason Gallo and Tina Wallace

2. Approve Minutes of November 10, 2021: Motion by Wickman to approve the November 10, 2021 minutes; second by Day. Motion carried 5-0.

4. Public Hearing – 6:00 PM: The purpose of the hearing is to hear public comment on the variance application filed by Mark & Annika Triller (property owners) for an addition to the existing residential structure at 406 Greenland Ave. The owners are requesting a variance from §17.202 Residential Intensity & Bulk Requirements within the City Zoning Code, specifically the front/street yard setback & rear yard setback in the Traditional Residential zoning district which does not allow structures within 20' of the front or street property line & 20' from the rear property line. A variance of 5.5' is being requested to allow an addition to the home constructed 14.5' from the front/street property line from Dixie St & a variance of 7' is being requested to allow the addition 13' from the rear property line

Brotheridge opened the public hearing at 6:01 pm and swore in the property owner, Mark Triller, Sandra Trego, Architect, Nancy Wheeler, Neighbor, Jason Gallo, City Planner. Gallo gave a power point presentation on the applicant's variance request. He stated this is for an area variance. They are asking for a waiver of an ordinance from Section 17.202 Residential Intensity and Bulk Requirements for the property at 406 Greenland Ave. This is for a house encroachment. The City allows structures 20' from the street yard or rear yard property line as a setback. Along Dixie Place there will be no further encroachment than the existing dwelling. This property is located on the corner of Dixie Place and Greenland Street. The applicant would like to build an addition 14.5' from the front yard property line and 13' from the rear yard property line. The applicant is requesting a 5.5' encroachment into the street yard and 7' encroachment into rear yard setback to construct a new 2 car garage. There is approximately 25' of the existing driveway area that would be converted into the new garage. Gallo gave a brief history of the property. He stated some of the existing fence would be removed. The existing driveway is in the vision corner and would be removed and converted into greenspace. There is no stop sign on Greenland St. The home across the street on Dixie Pl. lines up with the proposed driveway. There is no sidewalk along Dixie Place that vehicles would hang over. We did receive letters of support and one letter of objection. Gallo stated in order for the Zoning Board of Appeals to grant a variance there is a three-part test. The applicant has the burden of proof to demonstrate that all three criteria defined in the state statute requirements are met: 1) is unique physical property limitations are existing; 2) no harm to public interests; and 3) unnecessary burden on the owner if it's not granted. Planning Staff finds the property contains unique physical property limitations, no harm to public interest and there is unnecessary burden placed on the applicant. Gallo concluded the Board has 5 alternatives to granting a variance: approve the request as submitted, deny request, approve the request in part, approve the request with conditions as determined, or postpone action. The Board should consider have they exhausted all other means; would a text amendment be a better solution and will granting this various set a precedent. The Board should consider the application, evidence during the public hearing, staff report, photos, letters and emails. Planning Staff recommends approval of the variance at 406 Greenland Avenue with the three conditions: 1) The existing driveway to Greenland Ave to be removed within 12 months of occupancy permit. 2) The garage doors to be individual to break up the visual impact and contain decorative windows. 3) Cars parked on the driveway shall not overhang onto Dixie Street.

Mark Triller, property owner, stated their property is on the Fowler Lake Historic Walking Trail. There are safety concerns with traffic and pedestrians walking in the streets. (He handed out a photo) He stated they would like the property more appealing by adding a 2-car garage on Dixie Place.

Nancy Wheeler, 806 Dixie Place, stated she submitted a letter of concerns. Her big concerns are urban heat, having four driveways come together in one area, traffic and pedestrian walking.

Sandra Trego, Architect, commented the intent is to meet the needs of the Triller's and minimize the impact to the neighborhood.

No additional public comments were received. The public hearing closed at 6:36 pm.

5. Consider/act on the application request of Mark & Annika Triller for a variance of 5.5 feet from the front/street property line and 7 feet from the rear property line to allow for construction of an addition to the home 14.5 feet from the front/street property line and 13 feet from the rear property line at 406 Greenland Avenue.

Commissioners discussed the zoning, the building footprint, non-support letter, parking near corner of Dixie Place. Triller stated some of the fence will be removed. There will be some landscape improvements and the existing concrete will be removed.

Motion by Wickman to approve the variance per the evidence they this evening, with the following three conditions: 1) The existing driveway that leads to Greenland Ave shall be removed by the applicant with 12 months of the occupancy permit; 2) The garage doors shall be two individual doors to break up the visual impact and contain decorative windows to create aesthetically pleasing garage doors; 3) Cars parked on the driveway shall not overhang onto Dixie Place ; second by Goodson.

No further discussion or action was taken.

Motion by Cunningham adjourn the meeting of the Zoning Board of Appeals; second by Wickman. Motion carried 5-0. The meeting adjourned at 6:52 pm.

Tina Wallace, Deputy City Clerk