



**VILLAGE OF SHOREWOOD
BOARD OF APPEALS MINUTES**

August 13, 2019

1. **Call to Order**
Mr. Paulson called the meeting to order at 5:32 p.m.
2. **Roll Call**
Members present: Michael Paulson, April Toy, Jon Toutenhoofd and Adam Burns (arrived at 5:33 p.m.). A quorum was noted present.

Others present: Building Inspector Justin Burris and Planning and Development Administrative Assistant Crystal Kopydlowski.
3. **Statement of Public Notice**
Ms. Kopydlowski stated that the meeting had been posted and noticed according to law.
4. **Approval of June 11, 2019 Minutes**
Draft minutes were not complete and provided to review.
5. **Attorney to review the standards by which the Board of Appeals must abide.**
Village Attorney was not present. Mr. Paulson outlined procedures for the meeting. A variance can be granted if sufficient evidence is provided to meet the legal standards. With the item on the agenda there must be a showing of unusual hardship that would unreasonably prevent the owner from using the property or would render conformity with the restrictions in the zoning ordinance unnecessarily burdensome. The second aspect is showing the unique property limitations such that they would prevent ordinance compliance.
6. **Public Hearing: Appeal of denial by the Village Building Inspector to construct an addition to a legal non-conforming structure within the side yard zoning setback at residential property 4064 N. Richland Court.**
The appeal was withdrawn from the agenda. New survey of property determined no build within the setback area.
7. **Consideration of appeal of denial by the Village Building Inspector to construct an addition to a legal non-conforming structure within the side yard zoning setback at residential property 4064 N. Richland Court.**
The appeal was withdrawn from the agenda. New survey of property determined no build within the setback area.
8. **Public Hearing: Appeal of denial by the Village Building Inspector to construct a new single family home that does not meet the established front yard zoning setback at residential property 4450 N. Lake Drive.**
Mr. Paulson opened the Public Hearing at 5:37 p.m.
Mr. Paulson closed the Public Hearing at 5:38 p.m.
9. **Consideration of appeal of denial by the Village Building Inspector to construct a new single family home that does not meet the established front yard zoning setback at residential property 4450 N. Lake Drive.**
Village Building Inspector Justin Burris was sworn in.
Mr. Burris introduced the item per the memo provided to the Board. Mr. Burris explained that because the applicant is essentially asking to maintain the current setback as is the village is in support of the variance.
Mr. Toutenhoofd asked if the house at 89 feet was part of the average that contributed to the 105-foot setback. Mr. Burris said yes.

Laura Bush with Wade Weissmann Architecture was sworn in. She explained that there are a number of mature trees in the rear yard and the bluff is a consideration as well. They are very sensitive to the stabilization of the bluff and trying to keep as much work away from that. Pushing the house back to maintain a 105-foot setback pushes closer to the bluff. She said that with the lot being only 85 feet wide pushes the design for a longer house on the lot. She said no neighbors are being impeded upon by keeping and maintaining the 89-foot setback.

Mr. Toutenhoofd asked about removal of trees. Ms. Bush said that there is a tree near the current house's porch that would be removed during the over dig. She said the five trees in the rear would be kept if allowed to maintain the 89-foot setback.

Mr. Paulson asked if the proposed footprint of the new house been shared with any neighbors. Owner Kris Baritt said that they have discussed the location of the house with neighbors at a recent welcome to the neighborhood event. Mr. Paulson accepted the hearsay from Mr. Baritt.

Mr. Paulson moved that a variance be granted to permit construction at 4450 N. Lake Drive with a setback of 89 feet from Lake Drive. Seconded by Ms. Toy.

Mr. Paulson added that on the record the board found there is unnecessary hardship as defined by Wisconsin Law because if the variance was not granted it would unreasonably prevent the owner from using the property as a residential property in a safe manner both from distance from the bluff and to maintain that buffer. Compliance with the required setback would be unreasonably burdensome by increasing the risk of bluff instability also. Similarly, it does not harm any public interests because it is no closer to Lake Drive than the existing structure and it would continue to serve the general purpose of maintaining a reasonable setback from Lake Drive. A variance would be consistent with the intent of the ordinance.

Roll Call Vote in Support 4-0.

13. Adjournment

Mr. Toutenhoofd moved to adjourn the meeting at 5:58 p.m., seconded by Ms. Toy. Vote to adjourn 4-0.

Respectfully submitted,



Crystal Kopydlowski
Planning Department Administrative Assistant