



**Plan Commission  
Meeting Minutes  
September 24, 2019**

3930 N. Murray Ave Village of Shorewood, WI 53211

**1. Call to order.**

The meeting was called to order at 6:30 p.m.

**2. Roll call.**

President Allison Rozek	Aye (via phone)
Trustee Jessica Carpenter - Acting Chair	Aye
Leah Blankenship	Aye
Eric Couto	Aye
Tim Hansmann	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Sangeeta Patel	Aye
Daniel Wycklendt	No

**3. Statement of Public Notice.**

Staff posted and publicly noticed the meeting according to local and state regulations.

**4. Approval of July 23, 2019 meeting minutes.**

President Rozek moved to approve the minutes, seconded by Mr. Couto. Vote 8-0 to approve.

**5. a). Public Hearing: Conditional use application to construct 4 chimneys that exceed the maximum building height on a new single family residence at residential property 3534 N. Lake Drive, property owner Chris Abele.**

Trustee Carpenter opened the public hearing at 6:31 p.m.

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. Mr. Griepentrog added that on September 23, 2019 he received an email with the height specifications of the chimneys' that was shared with the commissioners. Per the email the two outer chimneys height from reference grade are 37' 6" to the top of the masonry flue and 40' to the top of the shroud and the two main (middle) chimneys' height from reference grade are 41' 6" to the top of the masonry flue and 44' to the top of the shroud.

Trustee Carpenter asked if there have been any additional information or statements from the applicants. Mr. Griepentrog stated that aside from the email "no". Trustee Carpenter asked if there have been any comments from the public. Mr. Griepentrog stated nothing was submitted.

Mr. Luke Sims, resident at 3562 N. Lake Drive, stated the total height of his house is 26 feet from the ground level to the top of the roof and by comparison the proposed house is over 35 feet to the top of the roof line. It is a big house visually. He does not like the idea of the chimneys being at 44 feet and 41 feet tall. He understands the chimneys are on the lake side of the house and not as visible as they would be on the Lake Drive side but the house is large and the chimneys will only detract from the size of the residence.

He asked the planning director if there had been any other recent conditional use applications for similar chimneys in recent history and believes it was no. He feels the chimneys are out of character for the height of the existing neighborhood and Shorewood.

Attorney Bayer added that there has been a change in the last few years on the state level. Per State Statute 62.23(7) if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board the city shall grant the conditional use permit and any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. He explained that if by substantial evidence the applicant can establish the conditions in 535-25C can be met, then the commission is compelled by state statute to grant it.

President Rozek understands that if the applicant meets the standards they have to grant the approval but the conditions are pretty vague specifically condition number two that states "*the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood*". She asked if someone has to prove that it does impair property value. Attorney Bayer said the burden is on the applicant to prove the conditions are met. President Rozek asked if substantial evidence has been submitted that they will not substantiate property value loss or interfere with the use of a property as residential. Attorney Bayer stated that is for the commission to determine based on the application. President Rozek asked if staff had a recommendation. Mr. Griepentrog reviewed the height of the neighboring properties and the house to the north (3550 N. Lake Drive) has a chimney at 34" and the house to the south (3510 N. Lake Drive) has a garage chimney of 36" and a house chimney of 49". He stated there are numerous houses along Lake Drive that probably have chimneys that exceed 30" and that is not injurious nor devalues properties. He has no reason to object to the conditional use based on the seven criteria.

Ms. Myriam Migrditchian, applicant with Northworks Architects, stated that part of the drive for the chimneys was a historical reference and that the house is based on Georgian design which was covered in detail with the Design Review Board. The line of the roof and the supporting line of the chimneys is based on historical reference. They are working within the historical context of the architecture and following the lines of that precedent. She stated there are numerous homes within Shorewood that have similar roof lines with relative chimneys that were presented at Design Review Board that have a relationship between the high points of the chimneys anchoring the front facade. Without the chimneys the house would look bare. There is a functional aspect too with having a fireplace and having chimneys to make them work. The two outer chimneys are within the allowed max roof height but the building code requires that chimneys be at least two feet taller than any roof line within a ten foot radius otherwise there is a fire code issue. The two outer chimneys are required to be at their height. The two interior chimneys are drawing a bit taller because of the way chimneys draw and if all fireplaces are operating at once that the draw of patterns affect one another and you don't want them all stacked at the same height. The middle chimneys are larger and taller which is a characteristic of Georgian precedent and also have fireplaces on the second floor feeding to them and need to have a certain amount of flue height to draw properly of those fireplaces when they are offering wood burning (they are designed to be both wood burning and gas). Relatedly, because the chimneys have double flues they are wider but the width points toward the lake so you don't see it from the façade.

The public hearing was closed at 6:47 p.m.

**b). Consideration of conditional use application to construct 4 chimneys that exceed the maximum building height on a new single family residence at residential property 3534 N. Lake Drive, property owner Chris Abele.**

Ms. Kiely Miller stated she appreciated that additional information and that it does make sense that the maximum height falls between the eaves of the house and the ridge of the roof and that the chimneys needs to be so much so higher and with only an eighth of an inch to spare they are going to be over the maximum height. She was curious about other houses on Lake Drive and appreciated the information about the chimney heights on the adjacent houses also. Ms. Kiely Miller said that two of the conditions/criteria they were to consider referred to public safety and about meeting other regulations and her concern as far as any zoning had to do with the bluff and what the setback was and the stabilization of the bluff.

Mr. Griepentrog stated that during the permitting process this will all be reviewed (plans and engineering reports) to code and the rear setback and bluff stabilization does not impact the chimneys.

President Rozek moved to approve the conditional use application to construct four chimneys that exceed the maximum building height on a new single family residence at residential property 3534 N. Lake Drive, seconded by Ms. Klein. Vote 8-0 to approve.

**6. Schedule next meeting.**

Trustee Carpenter stated the next meeting would be October 22<sup>nd</sup>. Mr. Griepentrog explained that if no applications are received there would be no need for a meeting in October. He did inform the commissioners that the Census has rescheduled their training for October 22<sup>nd</sup> because even without a Plan Commission meeting it is a day commissioners would typically have available. Mr. Griepentrog stated the training is scheduled to last two hours.

**7. Future agenda items.**

President Rozek asked about a previous topic that was discussed during the budget and it was suggested to talk with the Plan Commission about it. Mr. Griepentrog said that during the last special privilege approval at the Board level it had been discussed with the suggestion of having approvals recorded against the properties so that future property owners knew those privileges were there. That would require an ordinance change and the Plan Commission could make a recommendation but are not required to. President Rozek said she liked the topic but it was not what she was referring to. Trustee Carpenter added that the topic had been discussed along with changing the fee schedule and bringing it to Plan Commission.

Ms. Kiely Miller asked if there were any other initiatives that needed to be addressed. Mr. Griepentrog said the Comprehensive Plan is the big initiative and the budget for it will be approved in a few weeks and upon that approval a scope of services will be completed to reconfirm with the Commission. The Board still had to review the amount and source of the funding for the comprehensive plan update.

**8. Adjournment.**

Mr. Couto moved to adjourn the meeting at 6:58 p.m., seconded by Mr. Hansmann.  
Vote to adjourn 8-0.

Recorded by,

A handwritten signature in blue ink that reads "Crystal Kopydlowski". The signature is written in a cursive, flowing style.

Crystal Kopydlowski  
Planning Department Administrative Clerk