

VILLAGE OF GRAFTON

ZONING BOARD OF APPEALS MINUTES

SEPTEMBER 3, 2015

**CASE NO. 237: SCOTT VAN DYNE
SITE ADDRESS: 419 WASHINGTON STREET**

The scheduled meeting and public hearing for Case No 237 was called to order at 5:00 p.m. by Chairman Greg Eichstaedt.

Board members present: Mike Effinger, Greg Eichstaedt, Richard Rieck, William Harbeck, Stephanie Backrack, and Tom Bartlein

Staff/Officials present: Building Inspector Tom Johnson, Assessment Technician Cindy Geiger

Others present: Mr. and Mrs. Scott Van Dyne, Erwin Groeler

NOTICE OF PUBLIC HEARING & REASON FOR APPEAL

Building Inspector Tom Johnson read the notice of public hearing that the Board of Zoning Appeals of the Village of Grafton will hold a public hearing in the Village Hall Committee Room located at 860 Badger Circle on September 3, 2015 at 5:00 p.m. for the following: Variance of Grafton Municipal Code 19.03.0801 B. relating to playhouses in the front yard of the R-2 zoning district. This variance if granted may allow a playhouse to be located in the front yard of 419 Washington Street. Any person wishing to be heard on this variance are invited to be present. Written correspondence should be submitted to the Building Inspector's office at the Village Hall. Should you have questions regarding the matter of the public hearing or the hearing process, contact 262-375-5305. This notice will be posted at the following locations: subject site - Washington Street and Second Avenue #67-29407, Washington Street and Seventh Avenue #03-09430 and Bridge Street and Fifth Avenue #E61-11251.

BUILDING INSPECTOR'S REPORT

The Board packets contained several documents: the agenda, a copy of the applicable zoning code section, a written statement by the applicant, a plot plan of the subject site, and photos and plans. The applicant is requesting a variance from Grafton Municipal Code 19.03.0801 B. relating to playhouses in the front yard of the R-2 zoning district. The construction was discovered in June of 2015. The Building Inspector received an anonymous complaint, viewed the site and notified the applicant of the violation and his options. It should be noted that a permit is not required for this project.

PERSONS REQUESTING TO TESTIFY

All persons wishing to testify were sworn in by Mike Effinger. Scott Van Dyne spoke as the applicant. He indicated that his corner lot is extremely small, restricted, and has two front yards and almost no rear yard. He had constructed the play house in components. He and his wife have worked hard over the years to improve their property. He reviewed the documents with the Board. His reason for constructing the play house in the current location was due to the size of the lot and many safety concerns for his children and grandchildren. Traffic, close calls with vehicles on Washington Street, and recent attempted child abductions.

A neighbor Erwin Groeler spoke of the closeness of the power lines. The applicant spoke with the neighbors and many asked if they would need to testify,

WRITTEN CORRESPONDENCE

Tom Johnson stated that 14 notices were sent and all were received. No written correspondence was received.

BOARD OF APPEALS MEMBERS

Mike Effinger indicated there is nobody here to testify against the variance. William Harbeck had questions concerning the notification of the violation, and the definition of yards. The Building Inspector explained the definition of the front, side, and rear yards. The applicant was further questioned about the progress of the construction when he met with the Building Inspector.

Greg Eichstaedt expressed concern about visibility when the foliage is gone in the fall. The home was built in 1955, with an addition in the 70s. The code in effect at the time of initial construction and if a house of that size and lot could be built today. Tom had no recollection of the code in 1955. The distance to the power line was discussed. The line is located on the neighbor's property.

Richard Rieck questioned if a permit is required for this structure and the committee of jurisdiction was discussed. The applicants were asked about dismantling the play house.

Mike Effinger stated that he lived on a corner lot. He also stated the applicant has done a good job improving the property.

Motion by Richard Rieck, seconded by Mike Effinger to grant the variance.

William Harbeck is sympathetic about the safety issues. The applicant indicated that he explained to many individuals that the Village was doing their due diligence.

Motion approved 3-2 (Eichstaedt and Harbeck-nay).

ANY OTHER BUSINESS

None.

ADJOURN

Motion by Mike Effinger, seconded by Richard Rieck to adjourn at 5:38 p.m.
Motion carried.

A tape recording of this meeting is available.