

MINUTES OF BOARD OF ZONING APPEALS MEETING  
March 28, 2013

The Board of Zoning Appeals was called to order at 7:07 p.m. by Chairperson Stone.

**Members Present:** Stone, Olsen, McPhail, Sobolewski (alternate member).

**Members Absent:** Ponder, Kaluva.

**Others Present:** Dean and Jackie Fischer, Neighborhood Services Manager/City Planner Latisha Birkeland, Administrative Assistant - Debbie Hilgen.

**APPEAL OF DEAN FISCHER**

Tax Parcel: /PB00004

Request to allow a proposed three season room addition to the rear (east) of the building at 155 Maple Lane, making the rear yard setback 21 feet. The variance requested is a 9 foot variance to the rear yard setback requirement of 30 feet. (19.18.060C)

Chairperson Stone explained the procedures of the Board of Zoning Appeals. Appellant Dean Fischer and Neighborhood Services Manager/City Planner Latisha Birkeland were sworn in by Administrative Assistant Hilgen.

Appellant Dean Fischer indicated the three season porch would cover an existing screened porch. This new construction would extend 10 feet to the east. Upon reviewing Fischer's property lot line, Fischer discovered there is a 27 foot wide area of land between the neighbor behind him to the east and his property. This land is in the Town of Whitewater. Fischer has spoken with the neighbor to the east of him, Dave Morse and Morse indicated that this gap has been there since 1992. Fischer had a land surveyor, Mark Miritz, review the legal description. Miritz stated to Fischer that there was an error in Morse's real estate legal description. Miritz felt to correct this error could be costly to Morse. This could be corrected when Morse decides to sell his property. Fischer stated his neighbor, Morse, understood what Fischer was requesting with his 3 season porch. Fischer verified his property line is within the city limits.

City of Whitewater Neighborhood Services Manager/City Planner Latisha Birkeland explained there are four properties affected by this gap. If Morse was willing to sell the land to Fischer, this would be a very timely task and an annexation to the City of Whitewater would also be necessary. There has only been one phone call to Birkeland regarding this case and they were just looking for information. Birkeland did state the aerial view could be off by 10 feet by her experience.

Fischer confirmed the slope of the porch roof would be from the east and west which would tie into the existing roof. The peak comes off of the east. The floor boards would come into the existing concrete for water flowage.

There were no people in the audience or letters objecting to the project.

Being no further testimony or questions, it was moved by Olsen and seconded by Sobolewski to adjourn to closed session, not to reconvene, per Wisconsin Statutes 19.85(1)(a) "deliberating concerning a case which is the subject of a quasi-judicial hearing before the board."

AYES: Stone, Olsen, Sobolewski, McPhail.

NOES: None.

ABSENT: Kaluva, Ponder.

The regular portion of the Board of Zoning Appeals meeting adjourned at 7:20 p.m.

Respectfully submitted,

Debbie Hilgen  
Administrative Assistant