

MINUTES OF BOARD OF ZONING APPEALS MEETING
June 24, 2010

The Board of Zoning Appeals was called to order at 7:00 p.m. by Chairperson Marshall.

Members Present: Marshall, Olsen, Stone, Vail, Ponder.

Members Absent: None.

Others Present: Susan Messer, Rick Hintze, Zoning and Code Enforcement Director Bruce Parker, Secretary - Debbie Hilgen.

It was moved by Olsen and seconded by Stone to nominate Alan Marshall to serve as the Board of Zoning Appeals Chairperson. Being no further nominations, a vote was taken. Marshall was re-elected as Chairperson. AYES: Olsen, Stone, Vail, Ponder, Marshall. NOES: None.

It was moved by Olsen and seconded by Marshall to nominate Beverly Stone as Vice-Chairperson of the Board of Zoning Appeals. Being no further nominations, a vote was taken. Stone was re-elected as Vice-Chairperson. AYES: Vail, Olsen, Stone, Marshall, Ponder. NOES: None.

CASE OF SUSAN MESSER AND RICK HINTZE

Tax Parcel: /WUP00051

To allow for a variance to Section 19.06.120(f) to reduce the required side yard setback from 10 feet to 7 feet to allow for the construction of the proposed new deck that will be 7 feet from the south side yard lot line of the property.

Chairperson Marshall explained the procedures of the Board of Zoning Appeals. Appellant Susan Messer, Rick Hintze and Bruce Parker were sworn in by Chairperson Marshall.

Appellant Rick Hintze explained they would like to re-build the deck because the current one is old and small. The house is close to the lot line and the existing deck is 8 feet from the lot line right now. The current deck is 10 x 10 in size. The rear door is 6 foot wide and presently starts on the edge of the deck. They would like to extend the deck 1 foot for more room by the door. Rick and Susan Messer have lived there since the mid 90's. They wouldn't be able to extend the deck north because there is a basement window and a water faucet along the house. They would like to have the upper deck be 12 feet in length and 2 steps down to the lower deck of 10 feet in length.

Appellant Susan Messer stated she supports this request. They would be able to extend their outdoor activities.

No questions from the board.

City of Whitewater Zoning Administrator Bruce Parker explained the existing deck is legal non-conforming being 8 feet off the lot line where 10 feet is the rule. Section 19.060 states you can add/change or alter but not increase conformity. They need the basement window assessable for air ventilation. The patio door would also be replaced. The deck drops down to the lower deck because of the grade of the yard going down to the creek. They have contacted neighbors and Parker has not heard back from anyone.

Olsen questioned if the house is already 4 ½ foot from the lot line, why can't they build to the edge of the house?

Parker explained it's a non-conforming structure. Increasing length of non-conforming is not allowed. If an addition is added in the back or above the house, they would have the same problem.

Stone clarified that all the trees would be saved.

Hintze stated yes.

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

Being no further testimony or questions, it was moved by Vail and seconded by Olsen 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: Olsen, Ponder, Vail, Marshall, Stone.

NOES: None.

ABSENT: None.

The regular portion of the Board of Zoning Appeals meeting adjourned at 7:15 p.m.

Respectfully submitted,

Debbie Hilgen
Secretary