

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
November 24, 2015**

**Members Present:** L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy  
**Others Present:** T. Barbeau, *Town Engineer*, 6 citizens

**First order of business:** Call to Order  
*Chairman Krause called the meeting to order at 7:00 p.m.*

**Second order of business:** Pledge of Allegiance

**Third order of business:** Citizen Comments  
*There were no citizen comments.*

**Fourth order of business:** Approval of November 10, 2015 Town Board Minutes  
*The minutes will be filed as prepared by the clerk.*

**Fifth order of business:** Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #56432 TO #56478 IN THE AMOUNT OF \$210,031.59**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,633.68**

**MS. DUCHOW/MR. KRANICK**

**MOTION CARRIED.**

**Sixth order of business:** Communications (*for discussion and possible action*)

A. None

**Seventh order of business:** Unfinished Business

A. None

*Chairman Krause requested to take Item 8B out of order.*

**Eighth order of business:** New Business

B. Approval of Letter of Credit Reduction for Summerhill West

*Engineer Barbeau recommended approval to reduce the subject Letter of Credit in the amount of \$186,341.*

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**

A. Request from Gertrude Mihalovich, N20 W29976 Glen Cove Road, for an exception to Section 9.14 of the Town of Delafield Code

*Engineer Barbeau directed attention to the existing Plat of Survey. He identified the subject property as being located on the west end of Glen Cove Rd., just before entering the cul-de-sac and very close to the westerly lot line. The original request allowed setbacks of 7.48', but the Town Code requires 7.50'. The applicant has agreed to meet the required 7.50' separation from the side lot lines on both sides of the house. Also, he is proposing to remove an existing structure on the property and construct a new home that is separated from its outward-most points by approximately 15.43' from the house to the west and 17.68' from the house to the east.*

Chairman Krause requested that the applicant build the house back far enough on the property in respect of his neighbor to the west. Mr. Mihalovich presented a letter of support from the subject neighbor.

Engineer Barbeau stated Section 9.14(9)(a) of the Town ordinance requires that an exception cannot be granted unless there are exceptional circumstances, which the ordinance describes:

1. "(a) Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this Section 9.14 would result in a severe burden. Such circumstances should not apply generally to other properties or be of such a recurrent nature as to suggest that Section 9.14 should be changed." He believes that this standard has been met in this case because the parcel is approximately 50' wide. The owner will be meeting the required 7.50' separation from the side lot lines on both sides of the house; thus resulting in a buildable width of 34.89 feet. The separation distance between the existing house and the house to the west is approximately 11'. The separation distance between the existing house and the house to the east is 33". The request by the owner is not for a specific house location but to determine the lot separation distances to determine an envelope to build a new house. If the proposed house is shifted north, the distance between the outer limits of the house to the existing house to the east will be 17.70'.

Section 9.14(9)(b) of the Town ordinance requires that an exception cannot be granted unless there is a need to preserve property rights, which the ordinance describes:

2. "(b) Preservation of Property Rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity." Engineer Barbeau believes that this standard has been met in this case because, 1. The proposed new construction will provide a substantial improvement to the neighborhood by increasing the west side lot separation and overall building separation and allow the owner adequate space to enjoy their property; 2. The new construction will add value to the neighborhood; 3. The new construction will allow construction of a house that is rectangular, without indentations to accommodate the building separation requirement that would result in the house width to be 30.39' or less.

Section 9.14(9)(c) of the Town ordinance requires that an exception cannot be granted unless there is an absence of detriment, which the ordinance describes:

3. "(c) Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property, the desirable general development of the Town and its environs, and will not materially impair or be contrary to the purpose and spirit of this Section 9.14." Engineer Barbeau believes that this standard has been met in this case because the exception is consistent with the purposes of this ordinance, as this maintains the health, safety and welfare of the Town and its inhabitants, and it preserves property values; this does not increase adverse impact risks of fire or adversely affect access by public safety personnel and equipment or risks to public safety personnel, it does not create disturbance from one property to another whether by noise or other cause, or substantially interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns and preserves property values for the benefit of the Town.

**MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO GRANT THE SPECIAL EXCEPTION TO THE 20' EAVE SEPARATION FOR THE REASONS EXPLAINED BY ENGINEER BARBEAU IN SPECIAL EXCEPTIONS 1, 2 AND 3. MOTION CARRIED.**

**Ninth Order of business:** Announcements and Planning Items

- A. Next Plan Commission Meeting – December 1
- B. Next Town Board Meeting – December 8
- C. Next Park and Recreation Commission Meeting – January 11, 2016

**Tenth Order of Business:** Adjournment

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 7:26 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary Elsner  
Town Clerk/Treasurer

Minutes approved on: December 8, 2015