



THESE ARE THE MINUTES OF THE **PLAN REVIEW BOARD** MEETING HELD ON THURSDAY, **NOVEMBER 21, 2019** AT 4:30 P.M. IN THE COMMON COUNCIL CHAMBERS OF CITY HALL, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR STEVE PONTO PRESIDING

MEMBERS PRESENT: Alderman Mark Nelson, Alderman Rick Owen (3 members physically present to meet quorum)

STAFF PRESENT: Building and Zoning Administrator Larry Goudy, Economic Development Coordinator Todd Willis, Administration & Licensing Clerk Mary Schulz

## **1. Roll Call**

Mayor Ponto called the Plan Review Board meeting to order at 4:30 p.m. A quorum was present.

## **2. Announcements**

- a. Approval of these items must also be given at the regular Plan Commission meeting of December 9, 2019 and the Common Council meeting of December 17, 2019.
- b. The next regularly scheduled Plan Review Board meeting will be held on December 19, 2019.

## **3. New Business**

### **a. Deborah Bramel: detached garage**

Request of Deborah Bramel, for a detached garage at 17980 Martin Drive, Brookfield.

Larry Goudy reported: 1. Chapter 17 of the municipal code regulates garages in residential districts. Generally speaking, the code encourages the erection of attached garages. There are circumstances where detached garages are permitted (subdivisions with substandard lots, replacement of existing detached garages, etc.).

2. 17980 Martin Drive does not have a garage currently. The home was built in 1953 and never had a garage. This construction date predates the city zoning code (which requires a garage).

3. The applicant would like to construct a 20' x 24' (480 square feet) detached garage in the rear yard of this property.

4. The initial building permit application was denied by staff. This was based on the belief that this type of garage was not consistent with the architectural character and integrity of the neighborhood.

5. The code grants the Plan Review Board the authority to permit detached garages when they meet the written criteria.

Larry Goudy presented an aerial rendering of the neighborhood of the subject property showing other properties with detached garages. The Greenfield Heights neighborhood is mostly detached garages.

Staff' recommendation: Staff's recommendation was initially to deny. He had a conversation with the applicant who will explain further, regarding a natural gas pipeline easement on the property. It indicates on the survey that it is 20' in length. The company told the applicant they could not build anything within 30' of the easement. He does not have documentation reflecting this condition; however, if the board approves this item, he asks that the board require documentation. Typically, easements are granted for the space that is needed and not for an additional buffer zone on top of it, however, this is the conversation the applicant had with the company.

Deborah Bramel, owner, appeared before the board for comments and/or questions.

Ms. Bramel stated she was originally going to up an attached garage toward the front of the house, but city code would not allow it. She had a site survey done. If she went 30' from the easement, it would go to the corner of the house, which would not be allowed. Therefore, she went with a detached garage placed in the back of the property.

Mr. Goudy noted that the code requires attached garages to have minimum of 50% of the common wall. Mayor Ponto said he has never heard of a company that has benefitted from an easement claiming rights beyond the easement territory. Ms. Bramel stated originally, the company said 10', which they felt was a lot. She asked the company to verify that 10' was correct. The company researched further and indicated it actually would be 30' from the easement. Alderman Owen stated the Trans Union gas pipeline are running

through this neighborhood. Mr. Goudy said the survey indicates the gas line is not located in the easement; it is located towards the house by 9'6".

Alderman Nelson asked Ms. Bramel when she moved into the house. Ms. Bramel responded her mother had passed away two years ago and she is fixing it up. Once done, she will be moving in; currently she lives in Michigan. Her mother moved into the house in 1971. Alderman Nelson asked if Ms. Bramel plans having the driveway to the garage, no matter where the garage is. Ms. Bramel stated 'yes', even if the garage is in the rear of the property where much of the yard will be lost to the garage. Ms. Bramel stated she will be putting up an attractive garage.

Alderman Nelson asked Mr. Goudy if the garage could be placed in the 'notch' to the north east of the house. Ms. Bramel indicated that corner has a bedroom wall, which would not be feasible to access the garage through, and the other wall is a fireplace. Alderman Nelson stated you would not need access to the garage, even if it were an attached garage. Mr. Goudy stated you are not required to access a garage through the house. The garage would be an attached garage with no access. Alderman Nelson stated the detached versus attached has nothing to do with the access, it is the architectural standards and how it fits into the neighborhood. He added that if the garage were detached, you would have the driveway go through the yard to meet the garage. No matter where you put the garage, you will have to go outside to get to it. He added that if the garage were attached to the house in at the northeast corner, you would lose a bedroom window and bathroom window. Mr. Goudy added that the attached garage cannot have windows. Alderman Owen added that anything you do needs to benefit you and the neighborhood. There may be a better spot to place the garage.

Alderman Nelson asked if the driveway infringe upon the easement. Mr. Goudy said typically, it can, but was unsure on this parcel as it has its own easement documentation that the city does not enforce. The city does not have regulations regarding location of driveways; they can go right up to the property line. The pipeline company may have some regulations. Typically, they do not care about 'on surface' structures. Mayor Ponto noted that the pipe is outside the easement.

Alderman Owen stated the board is receptive to working out a solution, which includes consideration of a detached garage. Ms. Bramel stated she did not want to place the garage in the northeast corner of the home because of the window issue. When she looks out the window, she sees the yard with large, mature trees. Alderman Nelson agreed with Ms. Bramel stating the detached garage would also take away from the view.

The board was concerned that there is a 20' easement and the gas is not in the easement and the company, TransCanada, wants the applicant to pay \$100,000 to have the easement moved. Where would the applicant move it to; back into the easement where it should have been in the first place. Mr. Goudy said he has never heard of a natural pipeline being removed in the City of Brookfield. Ms. Bramel said she had to get a site survey done within a year to give to the city. The survey did not include the easement, which made the company investigate. The easement was placed on the new site survey. Alderman Nelson noted that if you have a 20' easement, the land owner gave up some rights to those 20'. Does the company have the right to dictate at 21', take the additional 9', where the pipe is located, and tell the applicant they cannot build 20' from where the company put the pipe in improperly? Mr. Goudy felt that it requires a renegotiation of the easement. The company, TransCanada would have to renegotiate the easement.

Alderman Nelson asked if the garage was initially going to be at the front of the house. Mr. Goudy said 'yes, but it violated setback violations by 11'. The Board of Zoning Appeals can modify this. Ms. Bramel noted that this neighborhood has many detached garages. Alderman Owen said the detached garages predate the city code. The city did not regulate detached garages.

Alderman Nelson questioned if the Plan Review Board or Plan Commission ever approve a detached garage under these circumstances. Mr. Goudy replied this is the first one under these circumstances. Alderman Owen added that there are not many homes in the city without garages.

Alderman Nelson said the board is sympathetic to the homeowner but need to stick to the rules. We have to figure out how to deal with the easement. Alderman Owen added that this is a unique house; it will be difficult to solve this issue.

**Motion by Nelson, seconded by Owen to postpone the item to the next Plan Review Board and direct applicant to work with staff on setback and easement issues and bring back to the Plan Review Board.  
Motion carried 3-0.**

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Items 3b and 3c were taken together.

b. **State Bank of Chilton: monument sign**

Request of State Bank of Chilton, for approval of a monument sign at 14040 W. Capitol Drive, Brookfield.

Larry Goudy reported: The sign dimensions are 7'4" x 3' = 22 sq. ft. and 6' in height above roadway. The sign content is: State Bank of Chilton, A Trusted Partner Since 1891, address. The structural material and color are routed aluminum on a brick base to match building. Dark bronze background, white and brown copy. Lighting will be internal.

Staff recommends approval.

**c. State Bank of Chilton: wall sign**

Request of State Bank of Chilton, for approval of two wall signs at 14040 W. Capitol Drive, Brookfield.

Larry Goudy reported: The sign dimensions are 18'2" x 2' = 36 sq. ft. and 14" in height above roadway. The sign content is: State Bank of Chilton. The structural material and color are channel letters, white copy. Lighting will be internal.

Staff recommends approval.

Mr. Goudy added this is a new building at the northwest corner of Capitol Drive and Lilly Road. The site easement plan was reviewed by the Engineering department, which felt the location was fine.

Alderman Owen asked if the monument sign was two sided. Mr. Goudy stated 'no, the sign is parallel to Capitol Drive. Alderman Owen noted it is a good looking sign and is consistent with city code. It is nice that this property is getting an upgrade.

**Motion by Owen, seconded by Nelson approve staff's recommendation of approval of a monument sign and two wall signs for State Bank of Chilton at 14040 W. Capitol Drive. Motion carried 3-0.**

**Motion by Nelson, seconded by Owen to adjourn the Plan Review Board meeting. Motion carried 3-0. 5:15 p.m.**

Minutes respectfully submitted by Mary Schulz CAP, Administration & Licensing Clerk