



**Village of River Hills**  
7650 N Pheasant Ln  
River Hills, WI 53217

Village Hall: 352-8213  
Public Works: 352-0080  
Police: 247-2302

## **BOARD OF APPEALS MINUTES**

### **Wednesday, April 28, 2021 @ 4:00 pm**

**This meeting was a virtual meeting through Zoom – Meeting code 949 4939 9920, Passcode 418402**  
**This meeting was recorded and a copy of that record can be requested.**

1. **Roll Call:** was answered at 4:08 p.m. by Chairman Steven Spector, Billie Smith, Chris Beidel, Don Daugherty and Alternate Kieran Donohue. Also present: Village Manager Tammy LaBorde, Deputy Clerk Stephanie Waala and Building Inspector Tod Doebler.

2. **Approval of minutes for April 14, 2021.**

Motion by Daugherty and seconded by Smith to approve as submitted with corrections on page 3 and 6; motion carried unanimously.

3. **Hearing for consideration and possible decision on the amendment to an approved variance of Andrew & Lily Noegel, 1315 W Larkspur Ln that is in current violation of the setback variance that was granted on November 11, 2019.**

Homeowner Andrew Noegel informs the board the initial packet for the detached garage variance that was submitted for approval was based off the Milwaukee County GIS mapping system. During the submission for a separate project there were discrepancies in the drawings and the village requested a new survey to be done.

Board member Daugherty inquires if JD Griffith was aware of the variance before ground was broken. Contractor Brad Karazsia of JD Griffith informs the board they were aware.

Contractor Karazsia informs the board that they placed the garage where they thought was the correct location. There was confusion on where the exact lot line was, but thought they were further into the yard than what was required.

Board member Daugherty inquires as to if this is the commonly used mapping system used by JD Griffiths. Mr Karazsia informs the board that no they normally work off of a survey.

Board member Smith asks for clarification on how the one setback could be off by 10 feet. Board member Beidel points out that on the GIS map it is written that the detached garage would be 15 feet from the house garage. But when visiting the property, it is clear the distance is more than 15 feet from garage to garage.

Board member Donohue asks for clarification that the contractor was given the GIS map with the distances written on it. Also, what marking were used to ensure the variance was complied with. Deputy Clerk Waala informs the board yes, they were given the map. Mr Karazsia informs the board the setback from the road was based off of the street, but he was not the one there that day that did it. He had the understanding that when the pre pour inspection foundation was done the distances would be verified.

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Board Chairman Spector inquires as to when were inspections done and were they signed off on. Building Inspector Tod Doebler informs the board that the contractor and homeowner were given information on how to request those records, but SafeBuilt has not received those requests yet. Building Inspector Mike Moore is the individual who inspected this project and may not have been aware of the variance. They rely on the contractors to have put the structure in the correct location. The pre-pour inspection was made on 7/9/20 and approved.

Board member Smith inquires as to who is responsible for verifying the location of the structure – inspector, homeowner, or contractor. Building Inspector Doebler informs the board this is a you said, I said, he said situation. The inspector relies on the contractor to put it in the right place. Surveys only show current structure so the issue that still comes up is dependent upon the measuring done the day of construction. If the contractor is not measuring from the correct spot the location will be off whether it is a survey or a drawing.

Board member Smith inquires as to what the cost would be to move the structure and make it compliant. Would JD Griffith be insured for a mistake like this if they are deemed at fault. Mr Karazsia informs the board it would be a complete teardown and rebuild. The estimated cost would be \$30,000. They are insured and bonded but would have to check with their insurance representative to see if this particular situation is covered.

Board member Smith suggests the board reconvene after receiving the documentation from the inspection company and guidance from the village attorney.

Board member Beidel inquires about the distances presented by Mr Noegel in an email where he states them and how the current placement distances can be so off of what he proposed. Mr Noegel informs the board he got the numbers from using the tools on the GIS mapping system to measure.

Village Manager LaBorde inquires about what questions should the village pass along to Mr Dineen to be answered before the next meeting. The Board informs the village of the following questions to be asked:

- Where does the risk fall – on the village or the homeowner?
- During the pre-pour inspection what was the legal purpose and did it include placement?
- What was approved of during the inspection?
- Where and when during the inspections does the village have responsibility or risk associated with where someone puts something?

Board member Beidel inquires on who from JD Griffith was directly responsible and involved with the early steps of the foundation pour. Mr Karazsia informs the board that individual no longer works for the company.

Motion by Daugherty and seconded by Spector to table the item until additional information can be collected; motion carried unanimously.

### **4. Adjourn**

Motion by Daugherty and seconded by Smith to adjourn at 4:48 pm; motion carried unanimously.