

## Town, building owner inch toward settlement

Written by MARK JAEGER

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### Supervisors question if altering walls in accessory structure goes far enough

Town of Saukville officials came close last week to reaching a settlement with a Cedar Sauk Road property owner over a summer kitchen that officials contend is a little too nice to be an accessory building.

However, close did not mean the ongoing dispute is resolved.

Since March, town officials have wrestled with what to do about a 1,000-square-foot, free-standing building Ruth Engeldinger had erected behind her farmhouse at 2236 Cedar Sauk Rd., claiming it could illegally be converted into a residence.

The town zoning code does not allow more than one residence on a lot.

According to the building permit issued in May 2009, the accessory building is intended to be a summer kitchen/studio. An occupancy permit has yet to be issued for the building.

Engeldinger told town officials the building would be used for storage and to allow more room for her poultry, fruit and vegetable processing business. That use is permitted under the town's agricultural zoning.

The building as originally proposed had a 500-square-foot, attached garage, laundry room, bathroom, kitchen with glass-top range, living room with gas fireplace, carpeting, air conditioning and a separate utility room with a closet.

The utility room and closet were seen as a red flag by Building Inspector Walter Grotelueschen, who suggested the space might be used as a bedroom.

"I looked at the plans and it appeared to me that the plans showed a one-bedroom house, not just a summer kitchen and studio," Grotelueschen said in his report earlier this year to the Town Board.

He included a notation on the permit placard, stating, "This is not to be used as a residence. No sleeping allowed."

To better judge the issue, Town Chairman Barb Jobs decided an on-site visit of the building was in order.

The board's interest drew a letter from attorney Stephen Castner, who is representing Engeldinger.

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Revised floor plans presented by Castner last week showed a 600-square-foot work area, a 130-square-foot utility room and a separate 190-square-foot room that no longer has a closet.

He characterized the removal of the closet as a demonstration of good faith by Engeldinger.

“At the same time, I want to be clear that no single or combination of features in the building causes it to be a residence or dwelling,” Castner wrote.

He said the furnishings and amenities are compatible with the use Engeldinger detailed in the building permit application.

Castner said Engeldinger would also grant the town a restrictive covenant prohibiting residential use of the building.

With those pieces in place, it appeared a resolution of the matter was at hand.

However, Town Board members had questions last week when they reviewed the revised floor plans.

Supervisors were concerned that leaving stub walls in the storage room would make it easy to convert an area back into a closet.

“What I see is not in the spirit of what I was led to believe would happen,” Supr. Curt Rutkowski said.

Rutkowski said he was not convinced the removal of the closet would keep the building from being used as a residence, but called the offer “the least objectionable compromise we heard.”

Castner said the revised plans had the backing of the building inspector, but Grotelueschen was not present at the board meeting.

He then asked the board to approve the plans conditionally, subject to final approval by Grotelueschen.

Uncomfortable with that suggestion, the board tabled action until the building inspector confirms that he is satisfied with the compromise Castner offered.

“I can understand the desire not to have this issue go on and on. We are sick of it too,” an exasperated Castner said.