

CITY OF NEW BERLIN
PROCEEDINGS OF THE BOARD OF APPEALS
Thursday, May 5, 2011

CALL MEETING TO ORDER; PLEDGE OF ALLEGIANCE:

Meeting was called to order at 7:03 by Chairman McGrath.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE:

Present were: Commissioners Perry Grutza, Dennis Bohlen, Milton Galke, Brian Loohauis and James Klappa. Commissioner John Goetter was absent.

Also Present: Lead Inspector; Al Wnek, Code Compliance Specialist; Corliss Tischer and Records Technician; Donna Cox.

APPROVAL OF MINUTES: JANUARY 6, 2011 MEETING.

Motion by Commissioner Loohauis to approve the minutes from the January 6, 2011 meeting. Seconded by Commissioner Bohlen.

Motion Passed

NEW BUSINESS: CASE NO. 11-2594, WILLIAM KLUSMANN, 21601 W. LOCHINVAR LANE.

- Petitioner requests to erect a seasonal swimming pool 31- feet from the front yard lot line. The property is zoned R-1 / R-2, Rural Conservation, Single Family Residential, and requires a 50- foot front yard setback. A variance of 19- feet is required to erect the seasonal swimming pool in the front yard.

The first and sole petition called was that of William and Paula Klusmann, of 21601 W. Lochinvar Lane, New Berlin, WI, Case No. 11-2594. Chairman McGrath read the petition. It was noted that 23 addresses were notified by mail and that publication had been made on two occasions.

Mr. and Mrs. Klusmann came forward to speak and explained to the Board their reasons as to why their request for a variance should be granted.

Mr. Klusmann stated that because of the layout of their property, this was the only practical place to put the seasonal swimming pool because of the existing level surface of the concrete slab, and that because of the heavy terrain, a retaining wall, steep sloping, and a septic system on other areas of the property there are no alternative locations. Also, the Klusmann's have a practical difficulty because they have two front yards. Further, it is not clear under the Code that the Klusmann's need a variance for placing a pool in this location but because of a prior complaint, the Klusmann's want to be 100% certain their use of the pool is permitted under the Code. The Klusmann's also noted and provided to the Board, 7 letters written in the same format that were signed by neighbors supporting the request for the variance including the neighbor directly across the street who would have the best view of this location. The pool will only be 4 feet in height which is the same height or shorter than the existing fence, so the pool will not be visible to passers-by or neighbors. One neighbor who was not in favor of the variance did phone Corliss Tischer; Code Compliance Specialist.

There was no one further to speak in favor or in opposition to the petition.

Based on the reasons provided above by the applicants, the Commissioners agreed that because of the unique situation of by code, having two front yards, heavy terrain on the property, a retaining wall, steep sloping, and a

septic system that this would be the most logical and safest location to place the seasonal swimming pool. The Board considered the 7 signed letters from neighbors that support the request and also considered that the location of the swimming pool would only be visible to the neighbor to the west who is in favor of the variance.

The sole petition considered by the Board was that of Mr. & Mrs. William Klusmann, Case No. 11-2594. Commissioner Klappa made a motion to approve the variance required to erect a seasonal swimming pool that shall not be higher than 4-foot and the diameter not to be greater than 20- foot, and that the seasonal swimming pool be removed each fall. Seconded by Commissioner Milton.

The motion to approve the variance passed, 5 to 0

ADJOURN:

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:35 PM.

Respectfully Submitted:

D. Cox
Community Relations / Clerk's Office