

BOARD OF APPEALS

November 1, 2007

Please note: Minutes are unofficial until approved by the Board of Appeals at their next regular scheduled meeting.

The meeting was called to order at New Berlin City Hall, at 7:00 PM.

On roll call, Chairman Brian McGrath, Loohuis, Galke, Bohlen, and Valerius . Also present was Inspection Services Manager Robert Sigrist and Lori Schulpus Inspection Services.

Excused: John Goetter and Jim Klappa

Motion by Anthony Valerius to approve the minutes from the Board of Appeals meeting from September 6, 2007, seconded by Dennis Bohlen and carried unanimously.

Chairman McGrath reviewed the procedures for taking testimony for the pending petitions with the persons assembled for the meeting, noting that if your case was approved, a building permit is required and it can be picked up at the Building Inspection Department. Mr. McGrath also noted that it takes 4 affirmative votes to approve any variance request.

The first petition called was that of Rick Yocum, Case No.2550. Mr. McGrath read the petition. It was noted that 36 addresses were notified by mail and that publication had been made on two occasions. Mr. Yocum came forward to speak in favor of the petition. Mr. Yocum explained that the main reason for getting a variance was he is going to be purchasing a motor home and would like to park it inside a garage. Mr. Yocum explained that it would make the neighborhood look more appealing if there was a garage instead of just having the motor home parked outside.

There was no one else to speak in favor of the petition.

There were two people to speak in opposition to the petition.

Bill Honeyager of 20020 W Lawnsdale came forward to speak in opposition. Mr. Honeyager owns the property adjoining the rear of the property. He wants to keep the back yards open and feels people do not want to look at a huge garage. He feels this would cause more stormwater issues. Pat Bassill of 14515 W Wilbur Dr came forward to speak in opposition. Mr. Bassill has purchased one of the lots behind the Petitioner and feels this will lower his property value. There were 2 written communications from neighbors located at 14001 W Howard Ave and 3949 S Sunny Slope Rd in favor of the garage.

Case No. 2550 was declared closed.

The petition considered by the Board was that of Rick Yocum, Case No. 2550. Mr. Loohuis made a motion to deny the variance and Mr. Valerius seconded the motion.

The motion to deny the variance passed 4 to 1.

The second petition called was that of Alan Olson, Case No.2551. Mr. McGrath read the petition. It was noted that 22 addresses were notified by mail and that publication had been made on two occasions. Alan Olson of 4145 S Avon Dr came forward to speak in favor of the petition. Mr. Olson owns the property at 2880 S Moorland Rd. He explained the main reason for getting a variance was his law firm is growing and he needs additional space and also would like to add office space to rent to a tenant. The petitioner would like to keep the green space and trees in the back instead of putting any parking back there. The architect for the project was also present Peter Swartz. He stated that based upon the flow patterns and ADA rules and meeting the clients additional needs he did not feel he could t change the plans.

There was 1 person to speak in favor of the petition.

Craig Plazak of 12975 Wimbledon he is a neighbor of Alan Olson and wanted to state that Mr. Olson has a great practice and the expansion of the building would feel like a residential neighborhood.

There were two people to speak in opposition to the petition.

Nicholas Hlavinka of 2879 S Acredale came forward to speak in opposition. Mr. Hlavinka owns the property adjoining to the north and east. The property is zoned R5 currently and has a 50 foot setback, if Mr. Hlavinka's property were zoned commercial than the setback for the Olson property would be changed to 25 feet . He is concerned with the parking and stormwater issues. Mr. Nicholas Hlavinka also stated if the variance is approved how they will go about deciding what development can take place on the front part of their property. Ron Hlavinka of 2879 S Acredale also came forward to speak in opposition. Mr. Hlavinka stated that the property has never been commercial and that there is an easement on the property for a frontage road.

Case No. 2551 was declared closed.

The petition considered by the Board was that of Alan Olson, Case No. 2551. Mr. McGrath made a motion to deny the request and Mr. Bohlen seconded the motion.

There were two votes in favor of the motion and three votes against the motion for the sake of the record, a second motion made by Mr. Loohuis and seconded by Mr. Galke to approve the request for the variance.

The motion to approve the variance failed three in favor to two opposed.

The third petition called was that of Dan Zehnder, Case No.2552. Mr. McGrath read the petition. It was noted that 24 addresses were notified by mail and that publication had been made on two occasions. Richard Trott of RNT Builders located at 227 Royal Hill Ct came forward to speak in favor of the petition. Mr. Trott explained the main reason for getting a variance is to store the extra vehicles in the garage instead of the driveway. Mrs. Zehnder of 3785 Cari Adam also stated that the shape of the lot has limited them to where they can build the garage.

Case No. 2552 was declared closed.

The petition considered by the Board was that of Dan Zehnder, Case No. 2552. Mr. Bohlen made a motion to approve the variance and Mr. Galke seconded the motion.

The petition for a variance to approve was unanimous 5 to 0.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:52 PM.

Respectfully Submitted

Lori Schulpus, Inspection
Clerk/Typist