

BOARD OF APPEALS

September 1, 2005

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

On roll call, Chairman McGrath, Galke, Wallner, Loohaus, Goetter and Jim Klappa. Also present was Inspection Services Manager Robert Sigrist.

Excused: Dennis Bohan

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 Allison & Michael Label, Case No.2508. Mr. McGrath read the petition. It was noted that 22 addresses were notified by mail and that publication had been made on two occasions. Mr. & Mrs. Label, homeowners of 14104 Kostner Lane came forward to speak in favor of the petition. Mr. Label explained the main reason for getting a variance for the detached garage is to park his vehicles and for storage. Currently there is no garage on the lot only a shed. The need for the variance is due to the location of the house so that they can pull in and out of the garage. The new detached garage would be 840 square feet. The petitioner has several signatures from neighbors and also a letter from Alderman Hopkins and the former Alderman showing support for the garage.

There was no one further to speak in favor of the petition, and there was no one to speak in opposition to the petition. Case No. 2508 was declared closed.

The second petition called was that of Michael & Leslie Kim, Case No.2509. Mr. McGrath read the petition. It was noted that 23 addresses were notified by mail and that publication had been made on two occasions. Mr. & Mrs. Kim, homeowners of 4865 S Hawthorne Drive came forward to speak in favor of the petition. Mr. Kim explained the reason he would like to get a variance for the addition of the attached garage to his home is due to the need for a family/play room. The new addition would keep the babies rooms warmer and be able to see the street for more security. He expressed the lot is so oddly shaped, there are no other options to put the addition anywhere else. There is one letter on file opposing the variance for the addition that letter is from the Country Estates Homeowners Association.

There was no one further to speak in favor of the petition, and there were 3 people to speak in opposition of the petition.

The first two were Mr. & Mrs. Kasica of 4845 S Hawthorne Dr. This couple is directly west of the Kim's and would be most affected by the variance. They noted that it would infringe of the aesthetics of the neighborhood and the value of there property. They also feel that this would set a precedence for other home owners in the County Estates subdivision to do the same. He also presented a packet with some other options for the Kim's and a variance petition opposed signed by several people in the subdivision.

The last person to speak in opposition was Bob Zande from the Country Estates Homeowners Association who is a member of the board. He stated that the houses were built subject to ordinances. They would like to keep the setbacks consistent and feel it would have a negative impact on the subdivision. Mr. Zande stated that any changes to your home has to go through the Homeowners association for approval. He also stated that when you built or move in you do receive a copy of the deed restrictions.

The Kim's were allowed to come back up and speak. Mr. & Mrs. Kim stated that they did look at other options and this was the best possible option for them. They had decided to come to the city first to see if they could be approved first, and were then going to go to the Homeowners association. Due to their lot size and shape they feel they had no other options.

Case No. 2509 was declared closed.

Mr. McGrath declared the evidentiary portion of the meeting completed, and the Board made the following decisions.

The first petition considered by the Board was that of Allison & Michael Label, Case No. 2508. Mr. Goetter made a motion to approve the petition with the condition that the shed be removed once the garage is build and, Mr. Wallner seconded the motion.

The petition for a variance was approve 4-1.

The second petition considered by the Board was that of Michael and Leslie Kim, Case No.2509. Mr. Goetter made a motion to deny the petition without prejudice and Mr. McGrath seconded the motion.

The petition for a variance was denied with out prejudice 4-1.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:30 PM.

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CITY OF NEW BERLIN

Brian McGrath, Chairman