

BOARD OF APPEALS

March 4, 2004

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

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

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 Lawrence Hawk, Case No. 2467. Mr. McGrath read the petition. It was noted that 23 addresses were notified by mail and that publication had been made on two occasions. Lawrence Hawk of 12601 W Cleveland Avenue came forward to speak in favor of the petition. Mr. Hawk stated that the existing garage is 57 years old, is becoming an eyesore, is coming off the foundation, the sides of building are bulging, and the roof is sagging. The cement floor is cracked and heaving and is need of replacement. He is asking to replace the garage with basically the same size garage in the same spot. Because of the limitations of the current zoning codes he needs a variance approved. He is limited as to where the garage can be placed on the lot. The house is on the back third of the lot and there is about 33 feet between the house and the garage.

Mr. McGrath asked the Petitioner why the proposed garage couldn't be put closer to the house? Mr. Hawk stated that they put a dinette addition that is all windows on to the house, and if the garage was any closer all you would be looking at from the dinette is the garage. The discussion continued, and the Petitioner showed pictures of his lot to the board members. Mr. Loohauis stated he didn't understand why the garage couldn't be moved to the north and east to meet most of the setbacks. Mr. Hawk said if they did that the garage would be extremely close to the house, and a large Evergreen tree and shrubs would be in the way. In addition, the driveway would have to be reconfigured.

Mr. McGrath read a letter into the record of approval for the variance request from the neighbor most affected by the proposed 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. 2467 was declared closed.

The next petition called was that of Thomas Peterson, Case No. 2468. Mr. McGrath read the petition. It was noted that 28 addresses were notified by mail and that publication had been made on two occasions. Thomas Peterson of 13545 W Maple Ridge Road came forward to speak in favor of the petition. Mr. Peterson stated that he and his wife have worked for about a year and a half to come up with a solution that would allow them to keep three cars in their garage. They have three cars, two of which are their daily driving cars, and a 1987 BMW convertible that's in fairly good condition but needs some upkeep. They would like to be able to store this car on site to be able to work on it during the down months when it's not being driven. The requested variance would allow them to maintain some storage space. Currently the garage has about 130 square feet of storage space. When they built the house in 1992 they asked the builder to push the back wall of the garage out for additional storage space knowing they would want to accommodate something. At that time their builder informed them that what they currently have is the most they could do.

After talking to other contractors, the Petitioner was told that structurally there were other things that could have been done to make the garage as long as they would have wanted to. Mr. Peterson stated they just didn't pursue the builder hard enough at the time.

They have looked at a number of other options such as building a stand alone garage behind the house, or an attached garage to the South side of the house opposite the existing garage. The first option would put the new structure in direct line of sight of both adjoining neighbors, require removal of a mature tree, and extension of a concrete drive to the rear of the house. In addition, a variance would be needed to meet the current requirements for a side drive. The second option would not be architecturally appealing and would require a separate driveway. A third option was to add a third stall on to the north side of the existing garage which would require a third garage door to the front. This would be less out of sight but would require the Petitioner to ask for what they thought would be too much of a variance (13 or 14 feet), and they didn't feel right asking for that much. They then went back to looking at extending out the back of the existing attached garage.

At this point the Petitioner gave pictures to the Board showing the approximate footprint of where the proposed addition would be in relationship to the existing garage. Mr. Peterson stated they looked at putting a jog in the wall so they could stay within the setback, but if they did that, they would lose all the current storage space. They also looked at a storage lift inside the garage but most of those require a four-point post landing on the ground, which would take away storage space. With two children they need the space for bikes, wagons, etc.

Mr. McGrath asked why the house was built more to one side of the lot than the other. Mr. Peterson replied that when they built the house they had contemplated putting a sunroom or solarium on the south side of the house so they left the space open for that. He said it seemed like a good plan at the time but they are paying for it now. Mr. Peterson noted that they put in for a five-foot variance, but after looking at the survey again and scaling it off with Mr. Sigrist, the amount of the variance actually needed is more like three feet.

At this point Mr. Goetter asked for clarification about the extension of the gable roof and discussion ensued.

Mr. McGrath asked if there was anyone else here to speak in favor of the variance.

Jack Pope, of 13555 W Maple Ridge Road, came forward to speak in favor of the variance. Mr. Pope stated that the Petitioner and his wife have discussed this for over a year, that he has looked at the plans, and as one of the neighbors that would be affected, what Mr. Peterson has done makes sense. He understands his need for the third car space as he has gone through something similar himself. Mr. Pope stated that he knows the Petitioner goes through things as thoroughly as can be done, and he thinks the variance request is appropriate and he agrees with it.

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

Ed Sabinash, of 13525 W Maple Ridge Road came forward to speak against the petition for a variance. Mr. Sabinash stated that when they built their house the Peterson house was already in place. He stated they viewed the setback requirement of 15 feet as gospel. It seemed like a good thing because it would enhance and maintain the value of all the properties rather than every other one. Having come from the Milwaukee environment where 30 and 40-foot lots were quite common, the setback circumstance was a very positive one for them, and they paid dearly to get it. The proposed variance request takes that setback and voids it. If you change the setback regulation now, what prevents it from being changed again later?

That being the case Mr. Sabinash thought that his view may be myopic and maybe he should ask around. He spoke to an architect, realtor, lawyer, the assessor and his alderman because each would look at it from a different perspective. One common ingredient from all was that it doesn't add any value to his property; in fact, it may even detract from it.

There is no up side for them. Mr. Sabinash stated that he is sorry that his neighbors put their house sixteen feet off the side lot line, but he didn't participate in that decision, and now he is being asked to adjust or compromise so that they can accommodate a third car.

Mr. Sabinash asked the Board to consider supporting the decision of the City Building Inspector and leave the setback at 15 feet.

There was no one further to speak in opposition to the petition. Case No. 2468 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 Lawrence Hawk, Case No. 2467. Mr. Goetter made a motion to approve the petition and, Mr. Wallner seconded the motion. The petition for a variance was approved by four to one vote, with Mr. Galke voting no.

The next petition considered by the Board was that of Thomas Peterson, Case No. 2468. Mr. Goetter made a motion to deny the petition, and, Mr. McGrath seconded the motion. All members voted to deny the petition.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:50 PM.

BOARD OF APPEALS
CITY OF NEW BERLIN

Brian McGrath, Chairman