

## BOARD OF APPEALS

November 4, 2004

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

On roll call, Chairman McGrath, Goetter, Klappa, Galke, Wallner and Loohuis. 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 Wayne Darling, Case No.#2489. Mr. McGrath read the petition. It was noted that 15 addresses were notified by mail and that publication had been made on two occasions. Mr. Darling, homeowner of 20601 Greenfield Ave came forward to speak in favor of the petition. Mr. Darling noted that he purchased the home in January of 1998 and at that time a one car detached garage existed on the property. Due to the State widening of Greenfield Avenue, that garage was demolished, there is currently no garage on the property. Mr. Darling would like to construct a 26' x 24' detached garage, however, the existing home is now legal non-conforming with regards to the front setback due to the widening of Greenfield Avenue. Mr. Darling explained that a pine forest and the private septic system existed to the west of the property and a large pine tree and concrete walkway existed to the south. There was much discussion by Board members regarding the existing driveway, drainage concerns and significant landscaping that would have to occur without the granting of a variance. 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.# 2489 was declared closed.

The next petition called was that of Ken Krause, Case No.# 2490. Mr. McGrath read the petition. It was noted that 24 addresses were notified by mail and that publication had been made on two occasions. Mr. Krause, homeowner of 12530 W New Haven Ct. came forward to speak in favor of the petition. Mr. Krause explained that the home was under construction and they currently have a permit to construct a 10' x 12' deck. They were unaware of the fact that the builder downsized the 12' x 12' deck they were expecting to have. Mr. Krause stated that the home could not of been moved forward, as it is at the required setback, and that a 30' wide drainage easement exists along the entire rear of the property. Mr. Krause also noted that the lot to the east is an out lot and will not be built upon. Mr. McGrath read a letter into the file signed by 11 neighbors in favor of the variance. Vicky Krause, wife of Ken Krause was also present and in favor of the variance. 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 #2490 was declared closed.

The next petition called was that of Rositta Zarske, Case No. #2491. Mr. McGrath read the petition. It was noted that 22 addresses were notified by mail and that publication had been made on two occasions. Mrs. Zarske, homeowner of 14599 W Cleveland Ave came forward to speak in favor of the petition. Mrs. Zarske showed pictures to the Board of the existing 2 story, 12' x 15' accessory building. She noted that a 50' pine tree, underground power lines and overhead power lines existed in the immediate are of the existing accessory building. Mrs. Zarske explained to the Board that she is in the process of sub dividing her lot and that the granting of this variance was the last item on her list to accomplish from the Plan Commission. It was noted that the existing accessory building was constructed prior to the house being built in 1959. Mrs. Zarske explained that the accessory building was used to store all lawn equipment, patio furniture, lawn figures and snow blower and that the building was in immaculate condition. Mrs Zarske's husband was also present and in favor of the variance. 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 #2491 was declared close.

The last petition called was that of Rick Rohda, Case No. 2492. 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 Rohda, homeowner of 19425 W Terrace Dr came forward to speak in favor of the petition. Mr. Rohda explained that the current home is a single story ranch under 1,600 square feet. The home was built in 1958 on a corner lot and that the current garage is only 20' wide. A private septic system exists on the south side of the property. Mr. Rohda stated that the proposed addition would consist of a 1 car garage stall, first floor family room and second floor bedroom suite just under 1,000 square feet. The addition was needed to house the applicants mother who would be coming to live with them. Mr. Sigrist stated that the addition was approximately 30' to 32' feet into the setback and that the current home is legal non conforming. It was noted that proposed garage addition was only affected in regards to the required setback. Howard and Judy Holland of 19310 W Glenwood Lane were present to speak in favor of the variance. They stated that they would be able to see the proposed addition and have no objection to it. 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. #2492 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 Wayne Darling, Case No.# 2489. Mr.Loohaus made a motion to approve the petition and, Mr Galke seconded the motion. The petition for a variance was unanimously approved.

The next petition considered by the Board was that of Ken Krause, Case No. #2490. Mr. Goetter made a motion to approve the request and Mr. Wallner seconded the request. The petition for a variance was unanimously approved.

The next petition considered by the Board was that of Rositta Zarske, Case No. #2491. Mr. Loohaus made a motion to approve the request with the restriction that if the existing accessory building was more than 50% damaged by storm or fire, it could not be replaced in the same location. Mr. Wallner seconded the motion with restriction. The petition for a variance was unanimously approved with the restriction that if the existing accessory building was more than 50% damaged by a storm or fire, it could not be replaced in the same location.

The last petition considered by the Board was that of Rick Rohda, Case No. #2492. Mr. Goetter made a motion to deny the request and Mr. McGrath seconded the motion. The petition was denied 4 to 1 as requested. Mr. Goetter then made a motion to grant a variance of 19 feet from the side on corner lot. Mr. Wallner seconded the amended motion. The amended petition for a variance was approved four to one, with Mr. McGrath voting no.

Mr. Sigrist then asked the Board about changing the date of the Board of Appeals meetings at the suggestion of the Plan Commissioners to the second Thursday of every month. The Board members agreed that the second Thursday of the month would be fine, but that they would have conflict if it were any later in the month.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:24 PM.

BOARD OF APPEALS  
CITY OF NEW BERLIN

---

Brian McGrath, Chairman