

Minutes

BOARD OF APPEALS

March 6, 2003

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

On roll call, Chairman McGrath, Messrs. Galke, Goetter, Loohaus, Klappa, Rath 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 Correy Eifert, Case No. 2454. Mr. McGrath read the petition. It was noted that seventeen people were notified by mail and that publication had been made on two occasions. Correy Eifert of 2727 S 132nd Street came forward to speak in favor of the petition. Mr. Eifert stated that when designing the addition to his home it was discovered that the addition could only be added to the south side of the home because of the set back limits on all the other sides of the house. After some creative redesigning and moving and rebuilding the garage, they were able to work within the set backs. Working within the yard set backs then posed a problem with the interior staircase. If only the winders were removed and the staircase extended straight, all the rise and run would have to be brought up to code. The decision was made to remove the entire staircase and rebuild it by straightening it out. The safety issues of the code were addressed in that the rise and run were corrected, but a 3-inch variance for the stair width (from 36 inches to 33 inches) would be required. The walls could not be moved to widen the steps because they are load-bearing walls. Mr. Eifert also stated that code requires 36-inch width on new construction and also allows for 4½ inches worth of handrail obstructions, moldings, or interior trim work. Based on that, the new stairs are still wider than the allowable opening for new construction.

At this point Mr. McGrath asked Mr. Sigrist if there is a safety reason for the 36-inch stair width. Mr. Sigrist stated that the 36-inch width is a standard and that by correcting the rise and run situation and eliminating the winders, the stairs were made safer.

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. 2454 was declared closed and the Board proceeded to the next petition.

The next petition called was that of Peter Bakke, Case No. 2453. Mr. McGrath read the petition. It was noted that nine people were notified by mail and that publication has been made on two occasions. Mr. Peter Bakke of 1500 S Springdale Road came forward to speak in favor of the petition. Mr. Bakke stated that the building has 20-foot ceilings and very limited floor space therefore, using the mezzanine would be putting the space to better use. If pallet racking were put up it would be no different than the mezzanine. Mr. Bakke further stated that pulling down the wood and putting in pallet racking is not an alternative because of cost. Mr. McGrath replied that the code suggests that an economic hardship, i.e. cost, would not be a sufficient basis to grant the variance. At this point Mr. McGrath asked if there is any other reason that Mr. Bakke couldn't have another solution. Mr. Bakke again stated there is limited floor space as 2400 square feet of the building is dedicated to machinery and as a hobby shop to restore cars and various other things. He is achieving getting the items up off the floor by using the mezzanine for storage. Additionally, the main reason for the mezzanine is to tie in the corner of the structure due to the

fact that there was a foundation failure. A new foundation has been poured. The walls are 20 foot high and they started to buckle at the mid-span. A wall was built down the middle of the building upon the engineer's recommendation to tie it in. Currently the mezzanine consists of I-joists with 200 square feet of the I-joists being covered with plywood and being used for storage. Mr. McGrath then asked if the mezzanine was put in at the same time the building was built. Mr. Bakke said yes. Mr. McGrath then asked if he knew at that time that he was exceeding the square footage allowed in the code. Mr. Bakke said no because he never even thought of it as square footage. When the inspector came in he saw the mezzanine and brought it to Mr. Bakke's attention.

At this point Mr. McGrath asked Mr. Bakke what the hardship would be if the variance were not granted. Mr. Bakke stated that there would be no way to tie the corner in and that he would have to take the I-joists down. This could be a huge hardship if there are more problems with the foundation. At this time there is no reason to believe there would be more problems, but with the circumstances he would like to take every precaution that he can. Mr. Bakke then stated that if someone has another suggestion that fits in his budget he is open to it.

Further discussion continued with regard to removal of the I-joists and the need to go back to the engineer to redraw the plan that show the I-joists as structural support.

Mr. McGrath read a letter of opposition for the variance into the record. The letter was from an adjoining neighbor and expressed concern that the Petitioner is setting up the building for his construction business.

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. 2453 was declared closed and the Board proceeded to the next petition.

The next item was a Communication from Gregory W. Kessler, Director of Community Development for the City of New Berlin. The communication is a request from the Department of Community Development for an extension to the variance granted on April 4, 2002, Case No. 2423, to the Star of Bethlehem Evangelical Lutheran Church located at 3700 S. Casper Drive.

The project has been put in limbo due to the new requirements on stormwater retention by the Milwaukee Metropolitan Sewer District. Because of this the church had to come up with either a total change in the design of the structure and site plan or they can possibly buy into part of the stormwater retention basin system that will be going into Malone Park some time in the next year to eighteen months. So through no fault of their own they have not been able to go ahead with their plans and start construction within the one year time frame of the Board of Appeals approval of the variance that was granted to them on April 4, 2002.

At this point 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 Mr. Correy Eifert, Case No. 2454. Mr. Loohuis made a motion to grant the petition, and, Mr. Goetter seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of Mr. Peter Bakke, Case No. 2453. Mr. Goetter made a motion to grant the petition, and, Mr. Galke seconded the motion. Mr. McGrath, Mr. Klappa, Mr. Loohuis, Mr. Rath, and Mr. Wallner voted to deny the petition. Mr. Goetter abstained and Mr. Galke voted to grant the petition. The petition for a variance was denied by a four to one vote.

The next petition considered by the Board was the communication from Mr. Gregory Kessler, Department of Community Development, City of New Berlin, in regards to Case No. 2423. Mr.

Klappa made a motion to grant the petition, and, Mr. McGrath seconded the motion. All members voted in favor of granting the petition.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:05 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

Brian McGrath, Chairman