

Minutes

BOARD OF APPEALS

February 14th, 2002

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

On roll call, Chairman McGrath, Messrs. Boya, Gaulke, Goetter, Loohaus, and Klappa. Also present was Chief Inspector Howard Gyax.

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 petition called was that of Dave Branski of 5510 S Nicolet Drive, Case No. 2420. Mr. McGrath read the petition. It was noted that eighteen people were notified by mail and that publication had been made on two occasions. Dave Branski of 12125 W Black Oak S Drive, Greenfield, WI, came forward to speak in favor of the petition. Mr. Branski had submitted a letter on February 6th, 2002 and was going to read the letter before the Board, however, it was determined that the members had read the letter just before the meeting started. Mr. McGrath asked if the Petitioner had anything further to add. Mr. Branski stated that he had purchased the lot in the fall of 2001, and that this area of New Berlin would fit their needs of living close to school, church, and elderly infirm parents. Mr. Branski stated that he and his wife has been looking for approximately six years for an appropriate house plan that would fit their needs of a ranch style home that would be large enough for elderly parents to eventually live with them, as well as being large enough for their business entertaining. He said that the "Montclair" design with Coventry Homes would adequately fit their needs. Mr. Branski said that the house plan was purchased first, and then he looked for a lot that would fit the house design. Mr. Branski said that the corner lot in High Grove Subdivision would accommodate an exposed basement, good southern exposure, a type of siding he preferred, and the lot was also on high ground that would not be prone to flooding. He stated that, most importantly, the agent for Coventry Homes indicated that the proposed house would fit on the lot.

Mark Kugi, of Coventry Homes of 1501 Paramount Drive, Waukesha, WI, came forward to give testimony. Mr. Kugi stated that the agent who did the preliminary lot review for Mr. Branski is no longer with Coventry Homes. He said that agents do not always have a final survey when they do lot reviews, but may sometimes use a tape measure to determine setbacks and house placement. Mr. Kugi noted that it would be difficult to fit most ranch style homes on this lot, and that a narrow two-story home may be able to be built. It was noted that the width of the building envelope was a maximum of 67 feet.

Mr. Branski said that he did not know what he would do if the variance were denied. He stated that he needs to be close to his elderly parents who have many serious health problems, and would like to live close to their church and daughter's school, and that there are not many lots left in this geographical area. It was noted that the size of the proposed house would be approximately 2,674 square feet. Mr. Branski stated that he had signatures of neighbors from 4 properties who approve of the variance. Mr. McGrath read the signed petition and noted that the wording of the petition does not indicate that those who signed the petition approved of the variance, but rather that they are simply aware that a variance was being requested.

Rock Piccolo, of 13710 Edgewood Drive, New Berlin, WI, came forward to give testimony. Mr. Piccolo stated that he signed the petition after talking with Mr. Branski, and that there was no doubt in his mind

that he signed it because he approved of the variance. Mr. Piccolo said he approved of the variance being requested because the proposed house is very attractive in design, that it would be an asset to the neighborhood, and the variance for the side on corner setback was a very minimal amount.

It was noted that the house to the west, across the street from the Petitioner, was a spec home that was built after Mr. Branski purchased his lot. It was further noted that the house is much smaller in size than the home that the Petitioner would like to build. Mr. McGrath asked Mr. Branski if he had considered other house plans besides the "Montclair" design. Mr. Branski stated that he has looked at many designs over the past few years. He said that there are not many one story house plans available that would fit his family's needs. Mr. Branski stated that his present home is 1 ½ stories, but that a house built all on one level would be best for his daughter and his elderly parents.

At this point, Mr. Branski showed the Board plans of his proposed house. It was noted that two additional feet are needed for Jack & Jill style bathrooms, and that there did not seem to be a way that two feet could be eliminated from the house design. It was further noted that another two feet is needed for the reasonably sized walk-in closet in the master bedroom. It also appeared that there was no area of the house that could reasonably be reduced to make the house smaller so that it would fit within the required setbacks. Mr. Branski stated that the penalty of his lot is that it is on a corner with a large setback area. It was noted that the proposed house was reasonable in size and comparable to most homes in the area, and that the rooms in the house were also of average size for an upscale area such as High Grove Subdivision.

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. 2420 was declared closed.

At this point, Chairman McGrath declared the open portion of the meeting to be closed. The Board then made the following decision.

The petition considered by the Board was that of Dave Branski, Case No. 2420. Mr. Goetter abstained from voting as he was late to the meeting and did not hear all of the testimony. Mr. Gaulke made a motion to grant the petition, and, Mr. Klappa seconded the motion. Mr. Gaulke, Mr. Loohaus, and Mr. Klappa voted to grant the petition. Mr. McGrath and Ms. Boya voted to deny the petition. The petition for the variance failed by a three to two vote.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:45 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

Brian McGrath, Chairman