

Minutes

BOARD OF APPEALS

April 4th, 2002

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

On roll call, Chairman McGrath, Messrs. Gaulke, Klappa, Loohaus, and Wallner. 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 first petition called was that of Eric Gassman, Case No.2421. Mr. McGrath read the petition. It was noted that twelve people were notified by mail and that publication had been made on two occasions. Eric Gassman of 18620 W College Avenue, came forward to speak in favor of the petition. Mr. Gassman stated that he has lived at this property for almost four years, and at the present, there is a small one car garage on his property. He said that he and his wife own three cars and that one is currently stored in the garage, one is parked outside, and the third car is placed in storage. Mr. Gassman noted that if the variance were granted, he would convert the existing garage into a third bedroom. He said that the lot is very narrow and there is no room to build the garage on the side of his house. Mr. Gassman stated that although the lot is very deep, there are several trees, gas lines, a well, and a septic mound system in the back yard that also limits placement of the garage. He said that the size of the garage would be 20 feet by 20 feet. It was noted that this is a very small sized two car garage and that many vehicles would not fit in a garage of this size. The Petitioner said that although he would like a larger garage, he would be willing to live with the smallest size two car garage in order to have a place to park his cars. It was noted that between 15 and 25 feet of distance must be kept between the septic / leach beds and any structure. Mr. Gassman said that he would like to keep as much of the back yard for recreation as there is very little area in the front yard for his daughter to play in.

Mr. McGrath read two letters of approval into the record from the Petitioner's immediate neighbors.

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.2421 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Jim Kurtz, Case No.2422. Mr. McGrath read the petition. It was noted that ten people were notified by mail and that publication had been made on two occasions. Jim Kurtz of 13275 W Paddock Parkway, came forward to speak in favor of the petition. Mr. Kurtz stated that he has lived at this property for several months, but has lived in New Berlin for approximately 22 years. He said that the house is built exactly at the front setback line, and it was noted that the road in front of his house is curved. Mr. Kurtz stated that there are approximately 15 to 20 acres behind his house that make up a wetland/conservancy area and that no building could be done on this land. He said that several options were considered to build the deck so that it would not require such a large variance for the rear setback. Mr. Kurtz said that one option was to build the stairs along the side of the house, however, there are 3 existing windows along the basement wall that would have to be covered over. He said that another option was to build the steps closer to the patio door, but that he believed this could create a hazard for someone exiting the house. Mr. Kurtz gave the Board members a letter of approval for the proposed deck from the Architectural Committee of Canterbury Woods 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.2422 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of the Star of Bethlehem Church, Case No.2423. Mr. McGrath read the petition. It was noted that thirteen people were notified by mail and that publication had been made on two occasions. David Miller of Anderson/Ashton of 2746 S 166th Street, New Berlin, came forward as a representative of Star of Bethlehem Church to speak in favor of the petition. Mr. Miller stated that the church has been at this location for 30 years and they have experienced significant growth. He said that unfortunately, the existing church facility is not expandable. Mr. Miller stated that the property is at the intersection of 2 busy roads and that there is no other realistic location for the proposed addition. He said that the classroom area needs extra room but they are limited by the existing requirements set forth by the State of Wisconsin. In addition, church members believe that the school children would be safer if the classrooms and playground area were not located along Casper Drive, but placed further back off the road. Mr. Miller said that the addition could not be located further east as that would limit the number of parking stalls that could be installed. It was noted that the Planning Department determines the number of parking stalls that are required.

Mr. Miller stated that several options were given consideration before the church members decided on this particular design and location. He said that one option was to move the addition to where the existing parking lot is. One problem is that asphalt is not conducive for a children's playground. In addition, the main entrance would then have to be moved and this would create problems with the whole interior layout. It was also noted that the setbacks have changed since the church was originally built and the side on corner setback is now 50 feet instead of 30 feet. Mr. Miller said that another option was to locate the addition at the rear of the existing building, but that parking stalls would be lost and that another driveway would have to be created. It was noted that it would be unlikely that another access could be granted for a new driveway entering onto Casper Drive.

Mr. Miller noted that one parking stall is required for each 3 seats in the sanctuary area of the church. Mr. Miller said that the proposed church size is based on the number of members and on the number of parking stalls that could be installed. He said that the front setback is for the school addition and the side on corner setback is for the new church. Mr. Miller said that if the church could be built to meet the needed seating, the setback requirements would not be able to be met. It was noted that the existing seating of the church is 180 to 220, and that by building a church that would meet the setbacks, the maximum seating would be a maximum of 375. Mr. Miller said that if the variance were denied, the hardship would be that the needs of the church to serve the people would not be met. He said that at this time, people avoid coming to church because there is no place to sit and no where to park the cars. It was noted that the seating capacity of the proposed church would be 522, and that the new addition would have a pre-school and one classroom for each grade. Mr. Miller said that at some point in the future when capacity is again reached, a sister congregation would be started in another location.

Dave Schoeneck of 4430 S. Sommerset Drive, came forward to speak in favor of the petition. Mr. Schoeneck stated that at this time there are four church services to accommodate all of the members. He said that three years ago a study was done for capacity issues, and it was found that 100 % capacity is reached on most Sundays. Mr. Schoeneck noted that the church Building Committee spent a lot of time to present the best possible building plan to the city.

Chip Tesch of 3270 S Manor Drive, came forward to speak in favor of the petition. Mr. Tesch said that when there is a large group of people for the service, chairs are set up in the gymnasium to hold the service. He noted that the acoustics are bad in the gym and the seating is uncomfortable. Mr. Tesch said that the church has experienced no new growth and that the existing small building size may be a contributing factor.

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.2423 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of David Branski, Case No.2324. Mr. McGrath read the petition. It was

noted that fourteen people were notified by mail and that publication had been made on two occasions. David Branski of 12125 W Black Oak Drive, Greenfield, came forward to speak in favor of the petition for the property he owns at 5510 S Nicolet Drive, New Berlin, WI. Mr. Branski stated that this is the second time he has applied for a variance for his property, and that this time he is requesting a smaller variance for the side on corner setback. The Petitioner read the letter that he had written for the first variance for the benefit of the Board member who was not present for the first meeting. Mr. McGrath then gave a brief description of Mr. Branski's first petition for a variance at the Board of Appeals meeting on February 14, 2002. It was noted that the Petitioner had found a lot in High Grove subdivision that is close to his church, school and parents. It was further noted that the Petitioner had special family needs that required a ranch style home, and that the Petitioner had found a house plan offered by Coventry Homes that fit their needs and also appeared to fit on the lot. It was found at a later date that the Coventry representative had been wrong, and that the house design that was chosen did not fit on the lot. It was further noted that this lot was the last lot available in High Grove subdivision, that it is a corner lot that has two side on corner setbacks, and it is also very narrow.

Mr. Branski stated that he has talked with several other builders such as Kingsway Homes and Trustway Homes to find designs of ranch style homes that would fit on his lot. Mr. Branski submitted examples of several house plans to the Board of ranch style homes offered by other builders that would not fit on his lot and stated that he was not able to find any designs that fit their needs and that also met the required setbacks. He noted that the next smaller house design was 215 square feet smaller, but that this plan would also require a four foot variance. Mark, of Coventry Homes, 1501 Paramount Dr, Waukesha, WI came forward to speak in regard to the proposed house plans. He said that several hours of planning were done by the Coventry staff with Mr. Branski to modify the building design so that the house would fit within the required setbacks. It was noted that many modifications and compromises were made to take inches and feet away from the design so that it would fit on the lot, however, there are no further places that can be changed. It was noted the variance being requested is for 4 1/2 feet.

Rock Piccolo, of 13510 Edgewood Drive, came forward to speak in favor of the variance. He stated that as a neighbor in High Grove subdivision he would like to see the lot developed by the Petitioner and that he has no objections to the reduced side on corner setbacks for the proposed house.

Mr. McGrath read a petition of approval for the variance into the record and he noted that the petition was signed by eight neighbors.

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.2324 was declared closed.

At this point Mr. McGrath declared the open portion of the meeting closed, and the Board then made the following decisions.

The first petition considered by the Board was that of Eric Gassman, Case No.2421. Mr. Klappa made a motion to grant the petition, and, Mr. Wallner seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of Jim Kurtz, Case No.: 2422. Mr. Wallner made a motion to grant the petition, and, Mr. Klappa seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of the Star of Bethlehem Church, Case No. 2423. Mr. Galke made a motion to grant the petition, and, Mr. Loohaus seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of David Branski, Case No.2324. 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 8:50 PM.

Board of Appeals

City of New Berlin

Brian McGrath, Chairman