

Minutes

BOARD OF APPEALS

July 11th, 2002

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

On roll call, Chairman McGrath, Messrs. Gaulke, Loohaus, Klappa 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 Randy Macholl, Case No. 2427. Mr. McGrath read the petition. It was noted that 33 people were notified by mail and that publication had been made on two occasions. Randy & Karen Macholl, of 3675 S Sunny Slope Road, came forward to speak in favor of the petition. Mr. Macholl stated that the existing garage was built in 1928 and is 14 feet 9 inches by 20 feet in size. He said that the existing garage does not meet the current zoning on his property and is therefore considered to be 'grandfathered', or legal non-conforming. Mr. Macholl said that the garage is very old and is in very poor condition and needs to be replaced. He stated that there is no basement under his house and that he needs a place to store things that would otherwise be kept in a basement. Mr. Macholl said that at present he stores things in the garage under tarps to keep them protected from the weather as the roof is leaking. It was noted that the Petitioner has lived at this property for 13 years. Mr. Macholl said that at the present time he parks both of his vehicles outside, and that the proposed garage would be large enough to park the cars inside and to store all of his things inside as well. It was noted that the new garage would be located in the same place as the existing garage and that the new garage would be 24 feet by 24 feet in size.

At this point Mr. Macholl submitted to the Board letters of approval from 6 neighbors who would be most affected by the proposed garage. Mr. McGrath read the approvals into the record.

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. 2427 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Kevin Wanta, Case No. 2428. Mr. McGrath read the petition. It was noted that 26 people were notified by mail and that publication had been made on two occasions. Kevin Wanta, of 17643 W West Lane, came forward to speak in favor of the petition. Mr. Wanta stated that his property is pie shaped and that the back yard is very small and that he would like to preserve as much space as possible in the back yard for his children to play in. He said that if the garage were moved 5 feet further back on the lot, the setback requirements could be met, but that would mean extra space would have to be taken from the back yard area. Mr. Wanta said that if the variance were granted he would also be able to remove the existing shed that is in the back yard and then store the shed items in the proposed garage addition. This change would then free up more space in the back yard that could be used by his children. It was noted that if the variance were granted, the Petitioner would then have a 4 car garage in which to store cars, a boat, and many other items. Mr. Wanta said it was only one corner of the proposed garage that would be in violation to the setback requirements. It was noted that the original setback for his property was 50 feet and that now it is only 40 feet. It was further noted that if a 19 foot garage addition were built instead of a 24 foot addition, a variance would not be needed.

Greg Grant, of 17732 West Lane, came forward to speak in favor of the petition. Mr. Grant stated that the garage would not look as aesthetically pleasing if it were pushed further back on the property to meet the

setback requirements. He said that he approves of the variance as requested.

Mr. McGrath then read letters of approval into the record from 4 neighbors who would be 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. 2428 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Mark Brost, Case No. 2429. Mr. McGrath read the petition. It was noted that 21 people were notified by mail and that publication had been made on two occasions. Mark & Kathryn Brost, of 17001 W National Avenue, came forward to speak in favor of the petition. Mr. Brost stated that his home was built in 1903 and that the codes were very different during that period of time. He said that he and his wife have been remodeling and repairing their house since they bought it four years ago, but in the process of doing so they would like to retain as much of the character and aesthetic flavor of the original house as possible. Mr. Brost said that all the doors are narrow and the threads are not code complying. He said that all of the interior doors are 2 feet 6 inches wide with a 29 inch clearance, that the second floor stairway has a 72 inch head clearance, and that the basement stairway has 68 inches of clearance with 10 ¼ inch rises. Mr. Brost said that the stairway leading to the third floor is the only stairway entry that no one has to duck to access, and that there would be a new staircase built leading to the third floor that would meet all current building codes and would also be the main stairway between the second and third floors. Mr. Gygax stated that when you change the use of a space to a habitable use room, then all of the stairways must conform to the code. It was noted that the code violations were revealed during a rough inspection of some recent remodeling work.

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. 2429 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of David Roerig, Case No. 2430. Mr. McGrath read the petition. It was noted that 10 people were notified by mail and that publication had been made on two occasions. David Roerig, of 3160 S Wehr Road, came forward to speak in favor of the petition. Mr. Roerig stated that his home was built in 1903 and he has lived there for 28 ½ years. He said that he needs a 22 foot by 24 foot addition onto the existing detached garage for a workshop and storage area. Mr. Roerig stated that he has 2 vehicles and a lot of other things that need to be stored. He said that the old existing barn has been demolished and that is why he now needs more storage area. Mr. Roerig stated that he would prefer to add an attached garage onto his home, but that there is no practical location to put the addition and that it would also be very difficult to make alterations onto the 1903 stone foundation of the house. He noted that all of the buildings and additions that he has added over the years have been the result of old existing buildings that have been demolished. Mr. Roerig said that he has 1.7 acres and that the setback requirements could easily be met. He stated that he would like the proposed addition to be located closer to the house so that he would have less snow shoveling to do in the winter, especially because there is heavy drifting of snow between the house and the existing accessory building. Mr. Roerig said that he would use part of the proposed addition to build a metal and wood workshop and he noted that the basement in his house could not be used for a workshop because the floors have a tendency to get wet.

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. 2430 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Heide Drayna, Case No. 2431. Mr. McGrath read the petition. It was noted that 11 people were notified by mail and that publication had been made on two occasions. Heide Drayna, of 3507 S Moorland Road, came forward to speak in favor of the petition. Ms. Drayna stated she lives on a very busy corner where Moorland Road and Coffee Road intersects. She said that the back yard has a lot of sloping and that it is not suitable for children playing. Ms. Drayna stated the front of the house faces Moorland Road and the side yard borders Coffee Road and that there is a lot of traffic. She said that there is a heavy bush and tree line along Coffee Road in the back yard and that she would like to fence in

the side yard along Coffee Road up to the tree line. Ms. Drayna is requesting a 6 foot high fence because she believes it would hide the sight and noise of the traffic far better than a 4 foot high fence, and that it would also keep her child safer from cars and from strangers. She stated that this fenced area would be the main location where her young daughter would play. Ms. Drayna stated that she has lived at this address for three years.

Mr. McGrath read two letters of approval into the record from neighbors on St. Francis.

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. 2431 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Brian Blake, Case No. 2432. Mr. McGrath read the petition. It was noted that 24 people were notified by mail and that publication had been made on two occasions. Brian Blake, of 5265 S Majors Drive, came forward to speak in favor of the petition. Mr. Blake stated that he has several collector cars that he would like to store inside a garage. He said that a wider garage is needed so that he can get in and out of the vehicles without denting the doors. Mr. Blake said that the new garage would house three vehicles and that a 10 foot wide addition would be too narrow. He stated that at present, 2 of the cars are parked outside. It was noted that the existing garage is 640 square feet in size. Mr. Blake said he bought the house in 1987 and that the property is ½ acre in size. He then submitted a petition of approval for the variance to the Board.

Mr. McGrath then read the petition into the record and it was noted that the 5 neighbors most affected by the proposed garage addition are all in approval of the variance as requested.

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. 2432 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Antonio Lopiparo, Case No. 2433. Mr. McGrath read the petition. It was noted that 11 people were notified by mail and that publication had been made on two occasions. Antonio Lopiparo, of 12845 W Valley Ridge Drive, and, John Stark of Matt Stark & Sons Builders of S68 W19749 Black Walnut Court, Muskego, both came forward to speak in favor of the petition. Mr. Stark stated that there are four casement windows in the dining and living rooms that are installed 6 inches from the finished floor. Mr. Stark said that from the bottom of the windows there is an approximate 9 foot drop to the ground. He stated that casement windows are easy for children to open and that the Petitioner is concerned that one of his grandchildren could fall from the window and become seriously injured. Mr. Stark said the Petitioner did not realize at the time his home was built that the windows would be located so close to the floor. Mr. Stark stated that the 3,500 square foot home is less than one year old and that it is built exactly on the front and rear setback lines. It was noted that a reasonably sized home could have been built on the lot with enough room for a future deck that would have met the setback requirements. Mr. Lopiparo stated that there is an open field 200 yards behind his house that is zoned conservancy and beyond that is a multi-family development. It was noted that a deck only 4 feet wide is being requested, which is just wide enough to walk across and which will prevent injuries if one of the grandchildren falls through the window.

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. 2433 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Lawrence Velk, Case No. 2434. Mr. McGrath read the petition. It was noted that 24 people were notified by mail and that publication had been made on two occasions. Lawrence Velk, of 16073 W Monterey Drive, came forward to speak in favor of the petition. Mr. Velk stated that his property is 2/3 of an acre in size, and that the proposed building would be an architectural match to the existing building in regard to brick, color and design. Mr. Velk stated that the new garage would be in the same location as the existing garage. He said that at the present time he parks his car in the driveway. Mr. Velk said that he needs more space to store things in the garage because he does not want to store too many things in the basement as he has developed problems with his knees over the years and finds it

difficult to move up and down stairs. In addition, his daughter and wife have developed health problems so that having space in the garage for work projects would be better for them as well. Mr. Velk stated that the proposed garage would replace the existing garage that is 550 square feet in size. He said that he would like an attached garage and that a logical location for an attached garage would be to the north. Mr. Velk said that this location would meet all the setbacks, however, that it would not be a commonsensical placement.

William Nickel, of 3101 Reno Drive, came forward to speak in favor of the petition. He said that he lives 5 houses north of the Petitioner and that he is in favor of granting the variance as requested.

Karen Ehrensberger, of 16045 S Monterey Drive, came forward to speak in favor of the petition. She said she lives next door to the Petitioner and is in favor of granting the variance because she does not believe it would adversely affect the neighborhood.

Mr. McGrath then read a letter of opposition into the record from the neighbor directly behind the Petitioner.

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. 2434 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Laurel Pope, Case No. 2435. Mr. McGrath read the petition. It was noted that 26 people were notified by mail and that publication had been made on two occasions. Mr. Depratt of KD Pool Scapes, 11932 S 120th Street, came forward to speak in favor of the petition. Mr. Depratt stated that the whole problem came about as a result of miscommunication. He said that he took out the building permit for the pool and for the pool house foundation, and that he believed that the setbacks for both installations were the same. Mr. Depratt stated that no one told him that the side setback for the pool house was 15 feet, and therefore he constructed the concrete foundation for the building with a 5 foot setback, which was the same as the pool. It was noted that because an in-ground pool is not considered to be a structure, it can be built as close as 5 feet to the side and rear lot lines.

At this point, a five minute break was taken by the Board members.

The Board reconvened and Jack and Laurel Pope, of 13555 W Maple Ridge Drive came forward to speak in favor of the petition. Mr. Pope stated that the house was built in 1990 and that the pool was installed last summer. He said they decided to wait to put up the pool house after the pool was finished, but that they had the contractor pour the slab ahead of time. Mr. Pope said the problem arose when a new contractor came to construct the pool house building, and he assumed that a permit had already been issued for the building because the slab was in place. It was noted that the size of the pool accessory building is 12 feet by 18 feet. Ms. Pope said that new measurements were taken and it was found that the building is 10 feet from the lot line. She said if the pool house were made smaller, there would be a big gap in the fencing that is required to be around the pool. It was also noted that the slab was poured with a thickened perimeter suitable for a larger sized building, and that all the concrete would have to be broken up and a smaller slab poured if a 10 foot by 12 foot shed were built instead. It was noted that there was no other practical location to build the pool house because, in addition to the pool, there is also a sport court and a retaining wall on the property.

Mr. Tom Peterson, of 13545 Maple Ridge Road, came forward to speak in favor of the petition. He stated that he is the closest neighbor that would be the most affected by the pool house. Mr. Peterson said that the building matches the rest of the house, that it looks aesthetically pleasing, and that he has no problem with granting the variance because there are plenty of bushes and trees that screen the pool house from his view.

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. 2435 was declared closed.

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

decisions.

The first petition considered by the Board was that of Randy Macholl, Case No. 2427.

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 Kevin Wanta, Case No. 2428.

Mr. Klappa made a motion to grant the petition, and Mr. Loohaus seconded the motion. Mr. Klappa, Mr. Gaulke, and Mr. Loohaus voted to grant the petition. Mr. McGrath and Mr. Wallner voted to deny the petition. The request for a variance fails by a three to two vote.

The next petition considered by the Board was that of Mark Brost, Case No. 2429.

Mr. Wallner made a motion to grant variances for the ½ inch in riser height, 2 inches in door width, 4 inches of headroom, and 3 feet in direction of travel, but, to deny the variance in regard to the 1 ½ inches of riser height. Mr. McGrath seconded the motion. All members voted in favor of granting the petition as amended.

The next petition considered by the Board was that of David Roerig, Case No. 2430.

Mr. Gaulke made a motion to deny the petition, and, Mr. Wallner seconded the motion.

All members voted to deny the petition as requested.

The next petition considered by the Board was that of Heide Drayna, Case No. 2431.

Mr. Klappa made a motion to table the petition until the next meeting so that the applicant can submit styles of the proposed fence to the Board, and, Mr. Wallner seconded the motion. All members voted in favor of tabling the petition until the August 1st, 2002 meeting.

The next petition considered by the Board was that of Brian Blake, Case No. 2432.

Mr. Wallner made a motion to grant the petition, and, Mr. Gaulke seconded the motion.

Mr. Wallner, Mr. Gaulke, Mr. Klappa, and Mr. Loohaus voted in favor of granting the petition. Mr. McGrath voted to deny the petition. The petition for the variance passed by a four to one vote.

The next petition considered by the Board was that of Antonino Lopiparo, Case No. 2433.

Mr. Klappa made a motion to grant the petition, and, Mr. Wallner seconded the motion.

Mr. Klappa, Mr. Wallner, Mr. Gaulke, and Mr. Loohaus all voted in favor of granting the petition. Mr. McGrath voted to deny the petition. The petition for the variance passed by a four to one vote.

The next petition considered by the Board was that of Lawrence Velk, Case No. 2434.

Mr. Loohaus made a motion to grant the petition, and, Mr. Klappa seconded the motion.

Mr. Klappa, Mr. Loohaus, Mr. Wallner, and Mr. Gaulke all voted in favor of granting the petition. Mr.

McGrath voted to deny the petition. The petition for the variance passed by a four to one vote.

The next petition considered by the Board was that of Laurel Pope, Case No. 2435. Mr. McGrath made a motion to grant the variance for the side setback, but to deny the variance to eliminate the grade beam, and, Mr. Gaulke seconded the motion. Mr. McGrath, Mr. Gaulke, Mr. Klappa, and Mr. Loohaus all voted in favor of granting the petition as amended. Mr. Wallner voted to deny the petition as amended. The petition to grant the variance for the side setback but to deny the variance for the grade beam was passed by a four to one vote.

At this point Mr. McGrath read a letter into the record by Rick Yerondopoulos, of 13990 W Paddock Parkway. Mr. Yerondopoulos requested the Board of Appeals to reconsider Case #2426, which had previously been denied on May 2nd, 2002, at the next meeting on August 1st, 2002. He stated in the letter that he has gained new testimony and evidence regarding his request for a variance.

After discussion by the Board members, it was decided that Case #2426 would not be reconsidered at the next meeting. It was suggested that the Petitioner could formally apply for the variance again, and the case would then be reconsidered at a future meeting so that all of the appropriate neighbors could be notified of the reconsideration and they would have an opportunity to hear all new evidence presented.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 10:05 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

Brian McGrath, Chairman