

# Minutes

## BOARD OF APPEALS

June 7<sup>th</sup>, 2001

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

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

There was discussion in regard to changing the next meeting date from July 5<sup>th</sup>, 2001 to July 12<sup>th</sup>, 2001. It was decided through unanimous vote that the next meeting would be held on July 12<sup>th</sup>, 2001.

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 Peggy Jonsson, Case No. 2402. Mr. McGrath read the petition. It was noted that fifteen people were notified by mail and that publication had been made on two occasions. Roger Pelzman of 19570 Overlook Dr, Brookfield, WI, came forward to speak in favor of the petition. Mr. Pelzman stated that he is the father of the Petitioner and that he is in favor of moving the existing detached garage. He said that the garage is now located 4 feet onto the adjoining neighbor's property. Mr. Pelzman stated that if the variances were granted, a new concrete floor would be poured and the existing garage would be put on rollers and moved to the new location. Peggy Jonsson, of 17140 W Addison Avenue stated that she and her husband bought the property four years ago and the property deed included an easement to allow the garage to remain 4 feet onto the adjoining property with provisions for minimal maintenance and repairs. Mr. Pelzman presented the Board with pictures of the existing garage and the surrounding yard areas of the Jonsson and Mazoch properties.

At this point, Jorgen Jonsson, of 17140 W Addison Avenue, came forward to speak in favor of the petition. Mr. Jonsson stated that if variances were granted, there would then be 1 foot of separation from the overhangs of both buildings, however, the garage walls would be approximately 2½ feet from the walls of the house. He said that the framing of the existing garage is in good condition, but that the siding needs to be replaced, the roof is leaking, and the concrete floor is cracked and uneven. Mr. Jonsson said that if the garage could not be moved, only minimal repairs could be done.

Mr. Gyax stated that the Petitioner could not spend more than 50% of the value of what the garage was assessed at when it became a legal non-conforming structure for repairs and maintenance. He said that the City Assessor's office would have information on what the value would be.

Mr Gyax stated that the side on corner setback variance was in regard to the alley. It was noted that the alley is only 40 feet wide, which is not as wide as a street.

Mrs. Jonsson said that the area located to the west of the house is the main yard area that has a garden and play area for the children. She stated that moving the garage to this part of the property would destroy the beauty of the property and would limit the usable area of the yard. Mrs. Jonsson said that a driveway would also have to be added which would then exit onto Calhoun Road, and this would create a dangerous situation because of the heavy traffic on this road. It was noted that the existing asphalt driveway is in good condition.

Mr. Jonsson said that the garage could not be located closer to the alley because of the existing electric pole. He stated that he is prepared to add the proper amount of firewall protection to the garage if the variances were granted. It was noted that the alley gives added access for fire and emergency vehicles.

Mr. McGrath then read a letter of approval for the variance into the record. The letter was written by Jeff and Rose Mazoch who own the property that the garage is partially located on.

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. 2402 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of William Bentley, Case No. 2403. Mr. McGrath read the petition. It was noted that fifteen people were notified by mail and that publication had been made on two occasions. William Bentley of 3180 S Wehr Road, came forward to speak in favor of the petition. Mr. Bentley stated that his property is zoned R1/C2 and the side setback requirement is 25 feet and the rear setback is 50 feet. He said that to the north or rear of his property there is a 17 foot strip of land that belongs to the property owner to the west of the Petitioner. It was noted that this strip of land also includes a driveway. Mr. Bentley stated that a variance is needed for this rear lot line because if the 25 adjacent acres were subdivided, then the driveway would become a road and at that point, the barn located 23 feet from the rear lot line, would be in violation of the setback allowance. It was noted that a variance for the side lot line has already been granted by the Board of Appeals at a previous meeting. Mr. Bentley said that if the petition was denied, he would not tear down the existing barn, but that he would let the existing barn deteriorate until it fell down or until someone complained, and then he would remove it.

Vernan Bentley, of 3450 Johnson Road, came forward to speak in favor of the petition. He stated that the new pole building built within the existing foundation would be a functional and attractive alternative to the existing barn that is in need of repairs.

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. 2403 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Donald Hanke, Case No. 2404. Mr. McGrath read the petition. It was noted that seven people were notified by mail and that publication had been made on two occasions. Donald Hanke of 20745 W Coffee Road, came forward to speak in favor of the petition. Mr. Hanke stated that the existing front porch is made of concrete and is very old, cracked and rotten, and is built 7 feet out from the house. He said he would like to build the deck over the top of the stoop, but that he would have to take the top half of the concrete off first. Mr. Hanke said the house was built in 1900 and that the base of the existing porch is made of field stone that would be difficult to remove. It was noted that the property is approximately 150 feet wide and the house is approximately 50 feet from the road. Mr. Hanke said the house is located in a rural area and that it is isolated from other neighbors. He said that he would like a deck 8 feet wide so that there would be room for a table and chairs, and so there would be sufficient room for handicapped visitors.

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. 2404 was declared closed.

At this point Mr. McGrath declared the open portion of the meeting finished and the following decisions were then made.

The first petition considered by the Board was that of Peggy Jonsson, Case No. 2402.

Mr. Goetter 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 William Bentley, Case No. 2403.

Mr. Galke made a motion to grant the petition, and, Mr. McGrath seconded the motion.

All members voted in favor of granting the petition.

The next petition considered by the Board was that of Donald Hanke, Case No. 2404.

Mr. Goetter made a motion to grant the petition, and, Mr. Galke seconded the motion.

Mr. Gaulke, Mr. Goetter, Mr. Loohuis, and Mr. Wallner voted in favor of granting the petition. Mr. McGrath voted to deny the petition. The Petition was passed by a four to one vote.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:10 PM.

## **BOARD OF APPEALS**

### **CITY OF NEW BERLIN**

---

**Brian McGrath, Chairman**