

# Minutes

## BOARD OF APPEALS

April 6<sup>th</sup>, 2000

The meeting was called to order at 7:00 PM.

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

Chairman Dorlack 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. Dorlack also noted that it takes 4 affirmative votes to approve any variance request.

The first petition called was that of John McKay, Case No. 2376. Mr. McGrath read the petition. It was noted that 12 people were notified by mail and that publication had been made on two occasions. John McKay of 12920 W Graham Street, came forward to speak in favor of the petition. Mr. McKay stated that the house is 50 years old, and that the finished basement area had been done by the previous owner many years ago. He noted that he has owned the property for five months, and that the City of New Berlin Inspector found the violations during a water heater and water softener inspection in February of this year. Mr. Gyax stated that part of the basement is 10 courses high, and the rest of the basement is 11 courses high. He noted that because of the different height, only part of the finished basement area is in violation of the ceiling height requirement. It was also noted that ½ of the landing has the required height, but that there is no solution to correcting the other half because of the chimney that is in the way. Mr. Gyax stated that there are numerous plumbing violations for the basement bathroom that cannot be corrected until the variances are granted. If the variances are not granted, the bathroom fixtures will have to be capped or removed as they are a health hazard at present without the proper venting, and the property would not be able to be sold in the future until this was done. It was also noted that 50% of the doors in a house have to be at least 2 feet 8 inches wide, and that the basement bathroom door does not meet this handicap width requirement. Mr. McKay noted that there is a shower on one side of the bathroom door and a closet on the other side which would make it difficult to widen the door. He also noted that it does not make sense to try to widen the door because there is a step before the bathroom that would prohibit wheelchair use even if the door were the correct width. Kathy Glum of Realty Executives in Waukesha, came forward to speak in favor of the petition. Mr. Gyax stated that many violations, such as the lack of permits for work done in a house, were not found when houses were sold prior to 1990, however, since that time, the law requiring 'full and complete disclosure' is responsible for many violations coming to light.

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. 2376 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of James & Kathleen Hribar, Case No. 2377. Mr. McGrath read the petition. It was noted that fourteen people were notified by mail and that publication had been made on two occasions. James Hribar of 13655 W Deer Park Drive, came forward to speak in favor of the petition. Mr. Hribar stated that he has lived at the property for four months and would like to beautify his home and property by adding a deck. He said that his property is an irregular shaped parcel that has a large portion of the lot on the curve of the road. Mr. Hribar stated that he was not aware that a deck had to be built in the allowable building area and that the existing house already takes up most of this space. It was noted that his lot is ¾ acre in size. Mr. Hribar said that the grade is very steep from the front to the back of his property and that there is approximately a five course difference in elevation. He said that a deck higher off the ground was needed to match the grade for the kitchen patio door workout. It was noted that the proposed deck would be 14 feet wide. Mr. Hribar said he would like the deck wide enough to

accommodate a table and chairs. It was noted that there was no room on the side of the house for a deck, and that the rear of the house was more suitable for privacy as there are a lot of trees and bushes. Mr. Hribar said that neighbors to the rear of his property would not be able to see the proposed deck because of the vegetation. It was noted that if the deck were less than 4 feet high, no variance would be needed.

Mr. Dorlack read two letters of approval from neighbors to the rear of the Petitioner into the record. He then read a communication from a neighbor across the street stating that he would like the guidelines previously set by the City of New Berlin and the subdivision architectural committee to be maintained.

There was no one further to speak in favor of the petition, and there was no one further to speak in opposition to the petition. Case No. 2377 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of William Tomczak, Case No. 2378. 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 Tomczak of 2832 S 132<sup>nd</sup> Street, came forward to speak in favor of the petition. Mr. Tomczak stated that he purchased the property in September of 1999 and that it is about 1 $\frac{3}{4}$  acres in size. He said that the existing one car detached garage was built in 1955 and that, if the variance were granted, he would tear this garage down as it is in need of a lot of repairs. It was noted that there is not an attached garage on the property. Mr. Tomczak stated that he has three cars, a snowblower, lawn mower, construction ladders and other miscellaneous items that need to be stored as well as a boat and trailer he is in the process of buying. He said that at present, a lot of these items are stored outside as he is not able to store many things in the existing one car garage. Mr. Tomczak stated that there is a 12 foot by 16 foot barn-shaped building that is used for recreation purposes only and not for storage. He said there is only a partial basement under the house that is large enough for laundry purposes only. It was noted that the size of the proposed garage would be 26 feet by 30 feet. It was further noted that before 1990 two accessory buildings were allowed on a property provided the setback requirements were met.

Mr. Dorlack read letters of approval for the variance into the record from seven neighbors.

Mr. Bob Field of 2855 S 132<sup>nd</sup> Street, came forward. He said that he is in favor of granting the variance as the new garage would improve the appearance of the property.

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. 2378 was declared closed.

At this point, the Board moved into the closed portion of the meeting to make the following decisions.

The first petition considered by the Board was that of John McKay, Case No. 2376. Mr. Wallner made a motion to grant the petition, and, Mr. Dorlack seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of James & Kathleen Hribar, Case No. 2377. Mr. McGrath made a motion to grant the petition, and, Mr. Dorlack seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of William Tomczak, Case No. 2378. Mr. McGrath made a motion to grant the petition, and, Mr. Wallner 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 8:15 PM.

BOARD OF APPEALS  
CITY OF NEW BERLIN

---

Joseph J. Dorlack, Chairman