

Minutes

BOARD OF APPEALS

May 4, 2000

The meeting was called to order at 7:05 PM.

On roll call, Chairman Dorlack, Messrs. Goetter, McGrath, Liljestrand, and Ms. Boya. Also present was Chief Inspector Howard Gygax.

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 Daryl Dyr, Case No. 2379. Mr. McGrath read the petition. It was noted that 18 people were notified by mail and that publication had been made on two occasions. Daryl Dyr of 5400 S. Steven Court, came forward to speak in favor of the petition. Mr. Dyr stated that the new building is not built any closer to the lot lines than the previous one. He said he received a variance for the previous building. A storm tore up the last shed, 220 square feet in size, so Mr. Dyr tore it down and rebuilt it, 665 square feet in size. Mr. Dyr stated that he placed the new building in the same location as the shed. It was noted that Mr. Dyr said his neighbor reminded him he needed a permit for the new building. Mr. McGrath asked how old the variance was for the previous building. Mr. Dyr couldn't remember so Howard Gygax retrieved the folder from the office. Variances were granted for the previous building on March 2, 1989. The new building is no closer to the lot lines but is built more into the yard. Mr. Dyr stated he needs more room for his equipment, as he is a self-employed paint contractor. He said that previously part of his equipment was stored in the garage, part in the old building, and part at his paint store. He now uses the building to store ladders, a lawn mower, supplies for business, tools, a table saw, etc. Mr. Dyr has owned the property since 1967. Mr. Dyr said that the building is 4 feet from the side lot line, and that it is the only place to build because of the leech bed. Mr. Dyr had four letters in support of the variance from neighbors and a letter from Waukesha County stating that the building would have no adverse effect on the sewage system. 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. 2379 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Donna Jensen, Case No. 2380. Mr. McGrath read the petition. It was noted that 25 people were notified by mail and that publication had been made on two occasions. Jim and Donna Jansen of 21431 W. Orchard Drive, came forward to speak in favor of the petition. Mr. Jansen stated they would like to enlarge the living room area of the house and it would give the front of the house a facelift with decorative brick and a bay window. The present living room is 11 feet by 18 feet. The Jansen's have four teenagers. They are a close family and sit, visit and watch television together. Mr. Jansen and his wife both come from large families. When extended family visits, there are close to 50 people present, and it would be convenient to have a larger room for everyone to congregate. The proposed addition would be 23 feet by 8 feet. Donna Jansen stated extra footage was added to the request to use as a buffer. Brian McGrath asked what the distance is from the front of the house to the actual road. Mr. Jansen said that it is exactly 65 feet from the edge of the road. The road right-of-way is 60 feet from the side (the ditch on the culvert side of road is 30 feet). It was noted that the Jansen's live on a dead end street. Brian McGrath asked how much further out the addition would be. It was noted that the addition would be 8 feet out with 4 feet of overhang. John Goetter suggested the variance be changed from 15 feet to 12 feet. The house is 35 feet wide at present. Mr. Jansen had two letters from neighbors in support of the variance. It was noted that neither neighbor was a next door neighbor. The Board asked if the next door neighbors disagreed with the support of the variance. Mrs. Jansen said that one next door neighbor had a heart attack last weekend, and the other is a new neighbor that just moved in and speaks

very broken English, but that she is not aware that either of them oppose the variance. They also had a letter from Waukesha County stating the addition would have no effect on the sewage system. 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. 2380 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Patrick Sweeney, Case No. 2381. Mr. McGrath read the petition. It was noted that 21 people were notified by mail and that publication had been made on two occasions. Patrick Sweeney of 6255 S. Racine Place, came forward to speak in favor of the petition. Mr. Sweeney stated that the roof of the building was flat and there have been constant leakage problems. He has tried to correct the problem with tar, but the roof has been in continual need of repairs. Mr. Sweeney decided to put a peak on the roof and get rid of the flat roof to solve the leakage problem. The garage has been in place since about 1948. Mr. Sweeney moved there 23 years ago and the garage was there at that time. Presently everything is legal and non-conforming. There would be no structural change other than putting a peak on the roof. The block is in good shape except at the top where the construction company will put a new cap on it. John Goetter explained the difference between a hip roof, double hip roof, and cement and wood gable walls. There was much discussion about the flat roof, gable side walls, and double hip roof. If using wood for side walls, the wood part is non-conforming because it is a side wall and not a roof. John Goetter asked why Mr. Sweeney couldn't use a double hip roof. Mr. Sweeney stated that the wood frame gable was what the construction company had suggested. Howard Gygax stated that some people like the looks of gable rather than the double hip. Also, the house has a gable so the garage would look more appropriate if it was the same. Perry Liljestrand asked if the gable ends can be made of block. Howard said yes, but they would need to cut each block at angles as it goes up. Howard also stated with cement block fire can't get in and out as easily as with wood gable. Mr. Sweeney had four letters from neighbors supporting the variances. 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. 23381 was declared closed.

Mr. Dorlack then closed the open portion of the meeting.

The first petition considered by the Board was that of Daryl Dyhr, Case No. 2379. Mr. McGrath made a motion to grant the petition, and, Mr. Liljestrand seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of Donna Jansen, Case No. 2380. Mr. Goetter made a motion to grant the petition, but to modify it to a variance of 12 feet instead of 15 feet and, Mr. Liljestrand seconded the motion. Messrs. Goetter, McGrath, and Liljestrand, and Ms. Boya voted in favor of the petition as amended. Chairman Dorlack voted to deny the petition as amended. The amended petition passed.

The next petition considered by the Board was that of Patrick Sweeney, Case No. 2381. Mr. Dorlack made a motion to grant the petition, and, Mr. Goetter seconded the motion. There was much discussion and then Mr. Dorlack withdrew the motion. Mr. Goetter withdrew his second of the motion. Mr. Goetter amended the motion to grant variances to exceed the square footage and 25 foot setbacks, but not to grant the variance on the wood frame gable ended roof onto the cement block garage. Mr. McGrath seconded the motion. All members voted in favor of the amended motion.

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

**BOARD OF APPEALS
CITY OF NEW BERLIN**

Joseph J. Dorlack, Chairman

