

Minutes

BOARD OF APPEALS

July 6, 2000

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

On roll call, Chairman Dorlack, Messrs. Galke, Goetter, McGrath, and Wallner. 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 Peter Piotrowski, Case No. 2384. Chairman Dorlack read the petition. It was noted that 20 people were notified by mail and that publication had been made on two occasions. Peter Piotrowski of 4630 S. Hearth Ridge Court, came forward to speak in favor of the petition. Mr. Piotrowski stated that there is no way to safely exit the home from the existing five patio doors on the main level as they are fully exposed at the rear above a walkout basement. The house is 90% complete and is positioned on a corner lot conforming to the natural topography of the site with a walkout and backside exposure. Mr. Piotrowski wants to construct a deck with a 5 foot wrap around walkway. He stated this portion of the deck would only be used as a walkway and not as the main entertainment area. Mr. Piotrowski stated the portion needing the variance is 70 square feet in size, which is less than 10% of the total deck area.

Mr. Piotrowski contacted many of the property owners who were notified by mail. He stated several lots were still owned by developers. Mr. Piotrowski had a statement of support signed by four neighbors. He also spoke with three additional neighbors who verbally supported his variance. Mr. Goetter inquired as to the position of the house on the lot. Mr. Piotrowski stated the house was positioned in relationship to the natural topography on the site. He admitted being negligent of the setback rules as he relied on the builder's expertise. Mr. Piotrowski was shocked when he found there was no room to add a deck off the sliding patio doors. Mr. Wallner questioned the placement of the deck on the building plans. Mr. Piotrowski stated the original house plans contained no plans for a deck, but the patio doors and rear exposure were in place on the plans. Mr. Goetter questioned the relationship of the Petitioner's house to the house located on lot 121. Presently no house has been built on lot 121. Mr. McGrath asked why Mr. Piotrowski's house was not further forward on the lot. Mr. Piotrowski stated that at the time of construction the setback did not appear to be a problem. The house was positioned in accordance to the slope of the lot for the exposed basement. If the house would have been moved 10 feet forward, the rear may not have been fully exposed. When the lot was purchased it was represented as a walkout with backside exposure. Mr. Galke noted only one corner of the deck exceeds the setback. Mr. McGrath stated the wrap around area never extends further than 5 feet from the house. Mr. Lindenberg, the Petitioner in Case No. 2385, spoke in favor of this petition, and there was no one to speak in opposition to the petition. Case No. 2384 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Nancy Lindenberg, Case No. 2385. Mr. McGrath read the petition. It was noted that six people were notified by mail and that publication had been made on two occasions. Jim Lindenberg of 20215 Rustic Ridge, came forward to speak in favor of the petition. Mr. Lindenberg stated the architect who drew plans for the accessory building was also the architect who drew plans for his house and pool. Joe Luterbach was to pour concrete, but couldn't obtain a permit due to the building size, height, and wood frame construction in this zoning district. Mr. Lindenberg stated the height could be lowered from 16 feet to 15 feet as the height was set at 16 feet to match the house. The property is located on approximately 5 ½ acres of land. Mr. Lindenberg stated the building would consist of four

rooms. One room is to contain the pool equipment (heater, pump, etc.). A second room would be a small changing room. The third room would be storage for bikes (they have five children), lawn mowers, etc. The fourth room would be a big screened porch. He said woods surround this property on three sides. It was mentioned that the council would soon be voting on a change in the code to allow larger plots of land to have larger accessory buildings. Mr. McGrath questioned the timing issue with regard to the accessory building. Mr. Lindenberg stated when the builder applied for the permit they were ready to pour the concrete. The landscaping and rock is in place around the pool. Mr. Lindenberg stated they have waited a month for the Board of Appeals meeting, and would like to construct the building so they could enjoy it yet this summer. Mr. McGrath stated that if the council passes the ordinance at the July meeting, a variance would not be needed. It was suggested that cement could be poured for the building. Howard Gygax stated that if cement is poured to go around the perimeter of a building, the outer edges are to be thickened. If cement were poured without a permit, it would not be inspected. When the building is constructed, the inspector needs proof that the grade beam meets the building code. Information was read from the minutes of the June Common Council meeting. Mr. Lindenberg submitted a letter signed by three neighbors in support of the variance. 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. 2385 was declared closed.

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

The first petition considered by the Board was that of Peter Piotrowski, Case No. 2384.

Mr. McGrath made a motion to grant the petition, but to modify it to a variance of 5 feet instead of 10 feet, and, Mr. Wallner seconded the motion. Messrs. Wallner, McGrath, Goetter, and Galke voted in favor of the motion to grant 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 Nancy Lindenberg, Case No. 2385.

Mr. Goetter made a motion to deny the request. Mr. Wallner seconded the motion. There was much discussion regarding the vote by the council on the code. Mr. Goetter stated the petition might not need to be submitted depending on council vote at the July meeting. Mr. Wallner stated he would rather see an ordinance change before voting on the petition. It was suggested the petition be tabled until next month. Chairman Dorlack made a motion to table the petition for one month. Mr. McGrath seconded the motion. All members voted in favor of the motion to table. Case # 2385 will be first on the agenda at the August meeting.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 8:05 P.M.

BOARD OF APPEALS

CITY OF NEW BERLIN

Joseph J. Dorlack, Chairman