

# Minutes

## BOARD OF APPEALS

SEPTEMBER 7<sup>TH</sup>, 2000

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

On roll call, Chairman Dorlack, Messrs. Goetter, McGrath, and Gaulke. 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 Garrett and Jennifer Albrecht, Case No. 2389. Mr. McGrath read the petition. It was noted that 16 people were notified by mail and that publication had been made on two occasions. Mr. & Mrs. Albrecht of 3807 S. Town Rd. came forward to speak in favor of the petition. Mrs. Albrecht stated they are building a new stairway and bathroom on the second floor of their home. She stated their home has a dormer roof and due to this fact, 50% of the floor area does not have a ceiling height of 7 feet. It wasn't until an inspector came to make a rough inspection that the problem of the ceiling height was discovered. Mrs. Albrecht said a marble tub has already been installed. She stated 60% of the floor area has a ceiling height of 6 feet 10 inches. The lower ceiling area in the bathroom will contain cabinets or fixtures on the walls. Mrs. Albrecht stated that because of the dormer roof other alternatives would be substantial and extremely costly.

A neighbor, Kevin Carr, of 2770 S. Town Rd., came forward to speak in favor of the petition. He stated the Albrecht's have improved the appearance of their property and this remodeling would increase the value of their home. Lillian Carr of 3790 S. Town Rd. also spoke in favor of the petition. 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. 2389 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Miracle Homes, Case No. 2390. Mr. McGrath read the petition. It was noted that 17 people were notified by mail and that publication had been made on two occasions. Mr. Bill Pucillo of Miracle Homes had a death in the family so Mr. Tom Hignite, 1977 Mayfield, in Richfield, represented Miracle Homes. Mr. Hignite stated this house has a walkout basement with an angular concrete patio. The deck is angular above the patio with a peak that points out at a 90 degree angle in the outside corner. There are 6 x 6 treated posts buried in concrete supporting the deck. Mr. Hignite stated the house backs up to a common way and a lake so there are no neighbors to the back of the house. Mr. Hignite said the deck is not visible to the neighbors on either side of the house. Mr. Hignite stated if the portion of the deck which encroaches on the setback were torn down and the concrete broken up to put in another post for support, then the view of the lake from the patio and deck would be lost. There was much discussion. 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. 2390 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of James Luterbach, Case No. 2391. Mr. McGrath read the petition. It was noted that 5 people were notified by mail and that publication had been made on two occasions. Mr. Luterbach, President of Luterbach Construction, 2880 S. 171<sup>st</sup> St., New Berlin, came forward to speak in favor of the petition. Mr. Luterbach stated he intends to build an office warehouse facility in Town Corporate Park. Mr. Luterbach said the average setback for this building is 67 feet, and the encroachment on the setback is in a small triangular area in the southwest corner. Square corners are needed in the building because of the racking in the warehouse. Mr. Luterbach stated the docks would be on the south

side of the building. Most buildings usually have a depth of 400 feet, but the depth of this building is 200 feet. Mr. Luterbach said this building could not be moved back further because the lot is very narrow and not very large. It was noted that the Planning Commission and the State have approved the building plans and the landscaping. Mr. Luterbach stated other facilities in the City have this identical situation and have received the needed 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. 2391 was declared closed. Mr. Dorlack then closed the open portion of the meeting.

The first petition considered by the Board was that of Garrett and Jennifer Albrecht, Case No. 2389. 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 Miracle Homes, Case No. 2390. Mr. Galke made a motion to grant the petition, and, Mr. Goetter seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of James Luterbach, Case No. 2391. Mr. McGrath made a motion to grant the petition subject with the building being built consistent to the plans on file with the Planning Commission, and, Mr. Galke 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 8:20 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

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Joseph J. Dorlack, Chairman