

Minutes

BOARD OF APPEALS

December 7th, 2000

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

On roll call, Messrs. Goetter, McGrath, Boya, Gaulke, Wallner, and alternate Loohaus. Also present was Chief Inspector Howard Gygax.

John Goetter 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. Goetter also noted that it takes 4 affirmative votes to approve any variance request.

The first petition called was that of Thomas J Ludwig, Case No. 2394. Mr. McGrath read the petition. It was noted that fourteen people were notified by mail and that publication had been made on two occasions. Thomas and Lori Ludwig of 13108 W Meadow Lane and James Menash of Menash Builders, came forward to speak in favor of the petition. Mr. Ludwig stated that the home was built in 1928 and the stairway was constructed as part of the original construction. He said that the stairway violations were found during an inspection of a dormer addition that was being constructed. Mr. Ludwig stated that three bedrooms and a bathroom were added upstairs.

At this point, Mr. Dorlack joined the meeting and assumed his duties as Chairman of the Board of Appeals.

Mr. Menash stated that there is a kitchen on one side of the stairwell and a bedroom on the other side and that both walls are load bearing. He said that there could be a safety issue if one of the walls were moved so the stairway could be made wider. Mr. Menash stated that he increased the height of the doorway. It was noted that a 36 inch landing would not be possible with the existing stairwell. Mr. Ludwig stated that if the stairs were changed to allow for a 9 inch tread, the length of the stairway would be increased and would extend into the dining room area.

Paul Schueble, City of New Berlin Alderman, stated that he approves of the variance request.

Mr. Dorack read a letter of approval into the record from a neighbor at 13107 Meadow Lane.

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. 2394 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Glen Kulkoski, Case No. 2395. Mr. McGrath read the petition. It was noted that seven people were notified by mail and that publication had been made on two occasions. Glen Kulkoski of 16869 W Greenfield Avenue, came forward to speak in favor of the petition. Mr. Kulkoski stated that the original plan called for the proposed building to be placed on the west side of the lot with a separate driveway, and that this placement would have met all the setback requirements. He said that the Plan Commission made the decision to move the proposed building to the east side of the lot and to require a shared driveway with the adjoining property owner. It was noted that the proposed building would be two stories in height with approximately 2 feet of the lower portion of the building to be exposed above grade. Mr. Kulkoski stated that there would be window wells to allow natural light and ventilation into the lower level so that this area would become a habitable space. This provision would increase the total usable area of the building. He said that the original plan called for a larger building, but square footage was lost when the Plan Commission required the building to be moved to the opposite side of the

lot. Mr. Kulkoski said that the building walls would not be in violation of the side setback requirements, but rather just the window wells. He stated that if the building were moved to meet the side setback requirement, then one row of 8 total parking spaces would be lost. It was noted that parking spaces for a commercial property are required according to a formula of one space per employee and one space per 333 square feet of construction. Mr. Kulkoski stated that the Plan Commission is requiring a minimum of 29 parking spaces for the proposed building. Mr. Gygax noted that parking spaces are approximately 9 feet wide, 18 feet long, and with a turning radius of 24 feet. Mr. Kulkoski stated that a variance is needed for the rear setback because of the alley that is located in this area. It was noted that the rear setback distance is measured from the alley, and not from the actual lot line. Mr. Kulkoski said that city code does not allow cars to back out into an alley. He said that if the building were moved over to meet the side setback, the lost parking spaces could be added in the alley area if cars could back out into the existing alley.

Mr. Dorlack read a letter of approval into the record from the adjoining property owner, J.R.Plumbing.

Paul Schueble, City of New Berlin alderman, stated that he approves of the variance request.

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. 2395 was declared closed.

Mr. Dorlack then declared the open portion of the meeting to be closed, and the Board made the following decisions.

The first petition considered by the Board was that of Thomas Ludwig, Case No. 2394. Mr. Goetter made a motion to grant the petition, and, Mr. Galke seconded the motion. Mr. Dorlack abstained from voting. Mr. McGrath, Mr. Goetter, Ms. Boya, and Mr. Galke voted to approve the variances. Mr. Wallner voted to deny the variances. The petition passed by a four to one vote.

The next petition considered by the Board was that of Glen Kulkoski, Case No. 2395. Mr. McGrath made a motion to grant the petition, and, Mr. Wallner seconded the motion. Mr. Dorlack abstained from voting. Mr. Wallner, Mr. McGrath, Ms. Boya and Mr. Gaulke voted to approve the petition. Mr. Goetter voted to deny the petition. The petition 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 7:45 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

Joseph J. Dorlack, Chairman