

Minutes

BOARD OF APPEALS

March 4, 1999

The meeting was called to order at 7:30 PM.

On roll call, Chairman Dorlack, Messrs. Goetter, McGrath, and Liljestrand. Also joining the meeting at approximately 8:00 PM was Chief Inspector Howard Gyga.

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 Robert Zavadil, Case No. 2336. Mr. McGrath read the petition. It was noted that 41 people were notified by mail and that publication had been made on two occasions. Robert Zavadil of 3620 Sandalwood Drive, came forward to speak in favor of the petition. Mr. Zavadil stated that when he built the detached deck in 1996, he was not aware a permit was needed. He noted that because he is in the process of selling his property, a survey was done, and it was found that the deck is 2 ½ feet from the lot line rather than 3 feet. Board Members stated that a variance can not be granted for more than what was initially requested. The Petitioner decided to continue with the discussion for a variance for 2 feet of side setback. Mr. Zavadil stated that he has letters of support from 18 neighbors for the existing deck. He said that the hardship, if the variance were denied, would be that the deck would have to be made smaller. It was noted that the deck is now a maximum of 7 feet wide, but that the deck would have to be cut down to 5 feet to fit within the allowed setbacks. Mr. Zavadil stated that the deck would be nothing more than a narrow walkway, which could be a safety hazard when there are a lot of people using the deck for sitting and walking. It was noted that the deck wraps around half of the pool and is 3 feet in height. Mr. Zavadil stated that the pool pump and equipment, a garden, and electrical utilities are located on one side of the pool, and the deck is located on the other side. He noted that the electrical line had to be moved over to make room for the pool, and that if it were not for the electrical line, the pool could be moved over to make room for a deck to be built within the setback requirements. Mr. Zavadil stated that the neighbor closest to the pool/deck is in approval of the variance. He noted that there are a lot of trees and bushes to screen the deck and pool from the neighbors, and that the construction is not an eyesore to anyone.

Mr. Dorlack read the letter of approval into the record which had been signed by 18 neighbors.

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. 2336 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Patio Enclosures, Case No. 15120 Maple Ridge Rd. Mr. McGrath read the petition. It was noted that 30 people were notified by mail and that publication had been made on two occasions. Steve Menden of Patio Enclosures, came forward to speak in favor of the petition. Mr. Menden stated that Mrs. Bertzyk, the home owner, has been a nurse for twenty years, and that due to the heavy lifting that her job at a nursing home requires, the home owner has sustained back, shoulder and knee strain and injuries over the years. Mr. Menden stated that Mrs. Bertzyk has been under a doctor's care for this health problem for several years and that her doctor has recommended regular use of hydro therapy to alleviate the condition. Mr. Menden stated that there is currently a spa located outside on the deck, however, inclement weather often makes it impossible for the home owner to maintain a regular program of water therapy. He noted that this is the reason the home owners want to enclose the spa in a patio room. Mr. Menden stated that it is not possible to add a room onto the other three sides of the house. In addition, the patio room needs to be 12 feet by 21 feet or there will be problems meeting the

electrical code requirements of the spa. The size of the existing spa is 7 feet by 7 feet 3 inches and this dictates the size of the room that is needed. It was noted that the room would be built on the existing foundation and will not be larger than the deck that is already in place. Mr. Menden stated that there are bushes and trees that will screen the addition from the neighbors, and he provided the Board with letters of approval from seven neighbors.

Mr. Dorlack read the letters of approval into the record.

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. 2337 was declared closed, and the Mr. Dorlack then closed the open portion of the meeting as there were no additional cases to be heard.

The first petition considered by the Board was that of Robert Zavadil, Case No. 2336.

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 Patio Enclosures, Case No. 2337.

Mr. Goetter made a motion to grant the petition, and, Mr. Perry Liljestrand seconded the motion. All members voted in favor of granting the petition.

The next issue before the Board was a communication regarding 15801 W Robin Road from Robert Sigrist, Inspection/Zoning/Maintenance Director. Mr. Dorlack read the communication into the record. After deliberation, the Board maintained that the minutes and facts/decisions of the Reid Murphy Case No. 2209 are correct as written and recorded.

The next issue before the Board was a test regarding open meeting regulations that Bill Bowers, City Clerk, would like the board members to take. Board members present then took the test which would be forwarded to Bill Bowers.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 9 PM.

BOARD OF APPEALS
CITY OF NEW BERLIN

Joseph J. Dorlack, Chairman

The meeting was called to order at 7:15 PM.

On roll call, Chairman Dorlack, Messrs. Goetter, Liljestrand, Satula, 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 Thomas Haase, Case No. 2333. Mr. McGrath read the petition. It was noted that nine people were notified by mail and that publication had been made on two occasions. Mr. Haase of 1700 S Calhoun Road, came forward to speak in favor of the petition. Mr. Haase stated that the air conditioner was installed by the previous owner and that it is presently located on the side of the house. It was noted that the driveway and garage of the adjoining neighbor are located closest to the air conditioner so that noise of the unit would not be heard by them. Mr. Haase submitted to the Board a letter of approval from the neighbor closest to the air conditioner. The Petitioner stated that the unit could be moved to the rear of the property, however, there is an existing patio slab and several bedroom windows located in this area.

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. 2333 was declared closed.

The open portion of the meeting was then declared closed and the Board proceeded to decide the case.

The petition considered by the Board was that of Thomas Haase, Case No. 2333. Mr. Liljestrand made a motion to grant the petition subject to appropriate landscape screening of the air conditioner, and, Mr. Wallner seconded the motion. All members voted in favor of granting the petition as amended.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:45 PM.

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Joseph J. Dorlack, Chairman