

Minutes

BOARD OF APPEALS

JULY 1ST, 1999

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

On roll call, Chairman Dorlack, Messrs. McGrath, Liljestrand, Gaulke, 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.

Mr. Dorlack noted that Phil Larsen, applicant for Cases No. 2338 & No. 2339 requested that the cases be tabled to the next meeting. There were no objections to the request, and Cases No. 2338 & No. 2339 were tabled until August 5th, 1999.

The next petition called was that of Robert Ryckman, Case No. 2347. Mr. McGrath read the petition. It was noted that thirteen people were notified by mail and that publication had been made on two occasions. Robert Ryckman of 19730 W Imperial Court, came forward to speak in favor of the petition. Mr. Ryckman stated that he needs another garage so that he can store lawn equipment such as two lawnmowers, a wood chipper, and other tools. He also has a fourteen foot boat and pool equipment that he would like to store in the proposed garage. It was noted that most of these items are now outside in the yard. Mr. Ryckman stated that there is an in-ground pool in the backyard that is placed on a diagonal from the house and this takes up a large portion of the back area. He said that there is a septic system in the back yard that also takes up a large portion of the available building area. Mr. Ryckman noted that his house is built on a hill and if the proposed garage were placed further back on his property, it would have to be built into the hill as well. The Petitioner stated that he would like to locate the garage next to the driveway, even though he would not be storing vehicles in it.

Michael Kenelly, of 19700 Imperial Court, came forward to speak in approval of the variance. Mr. Kenelly stated that he is the neighbor closest to the proposed garage, and he does not have a problem with the location. He noted that if the garage were placed in another spot, there may be a problem with the traffic pattern of the cars entering and exiting the garage.

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. 2347 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Patio Enclosures, Case No. 2348. Mr. McGrath read the petition. It was noted that twenty-four people were notified by mail and that publication had been made on two occasions. Jason Brosseau of Patio Enclosures, came forward to speak in favor of the petition. Mr. Brosseau stated that the size of the proposed patio room would be the same size as the existing room. It was noted that Allis Industries constructed the original room, however, no permits were taken out at that time. Mr. Brosseau stated that it was during a recent storm that the roof blew off and wall damage was sustained. He said that the existing patio room is a hazzard the way it stands at present. It was noted that the lot is pie shaped and short in length and is located at the end of a cul-du-sac. Mr. Brosseau stated that the existing room has footings, and that this would be verified by the Inspectors. He stated that building and electrical permits would be secured from the Inspection Department for the new room and would be built according to the current code. Mr. Dorlack read letters of approval from seven property owners in the neighborhood.

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. 2348 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Kevin Henrichs, Case No. 2349. Mr. McGrath read the petition. It was noted that twenty-seven people were notified by mail and that publication had been made on two occasions. Kevin Henrichs of 14305 W Hemlock Drive, came forward to speak in favor of the petition. Mr. Henrichs stated that the shed was found to be located on the lot line when a survey was done for the vacant land to the rear of his property. It was noted that the Petitioner bought his property in 1991 and the shed had already been constructed at that time. Mr. Henrichs stated that the previous owner received a variance for the side setback for the shed, and he thought the entire matter was resolved when he purchased the property. Mr. Henrichs said that other survey markers seem to indicate that the shed is three feet from the rear lot line instead of being located directly on the lot line. He stated that he is in the process of selling his property and wants to be sure that everything is in order for the sale.

Mr. Dorlack read a letter of approval from the adjoining neighbor to the west.

Christine Wukoman, of 14300 Crimson Lane, came forward to speak in regard to the variance. Ms. Wukoman stated that her property abuts the Petitioner's property at the rear. She said that although she has no objections to the shed in the present location, she does not want the Petitioner to store things behind the shed on her property. Mrs. Wukoman stated that railroad ties and a picnic table have been stored behind the shed. Some, but not all of the items, have been moved. Ms. Wukoman expressed concerns regarding debris being moved to the east of the shed and the actual lot line. She indicated that the applicant's actions display a total lack of respect for their property.

James Wukoman, of 14300 Crimson Lane, came forward to speak in opposition to the variance. Mr. Wukoman stated that he would like the situation corrected now, because he does not know who the new property owner will be.

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. 2349 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Staci Hansen, Case No. 2350. Mr. McGrath read the petition. It was noted that fifteen people were notified by mail and that publication had been made on two occasions. Dave Koscielniak, of 3125 S Stonegate Circle, stated that he is the architect working for the Petitioner. It was noted that the lot is 50 feet wide by 135 feet deep and is very small. Mr. Koscielniak stated that the house was built in 1984 without a garage. It was noted that the house is 25 feet wide, and the side setback on the west is 14 feet and the side setback on the east is 11 feet. Mr. Koscielniak stated that, after taking measurements and doing a conceptual site plan of the Petitioner's property, he discovered that the house is not placed on the property as the current survey shows it to be. It was noted that the survey with the site of the proposed house was done in 1984, but the house was not built until 1985. Mr. Koscielniak stated that the houses of the adjoining neighbors have approximately 24 to 25 feet of front setback and he submitted to the Board a cadastral of Graham Street. He noted that this map shows that there is a precedent for the houses located closer to the street than what the code allows. It was noted that Mr. Koscielniak is not a certified surveyor. Mr. McGrath stated that a conceptual site plan is insufficient for the Board to consider, but rather a certified survey map or an Engineering Department approved map is needed. Mr. Koscielniak submitted to the Board pictures of the existing home. He noted that there is a private well and city utilities that take up a portion of the property. Mr. Koscielniak stated that if the garage were located in the rear of the property, it would be very difficult to access the garage. He said that there is a concrete drainage pipe on the west side of the house. Mr. Gygax showed the Board an official re-certification of the house when it was built which shows that the house is 45 feet from the front. It was noted that this changes the setback variance for the proposed garage. The Board agreed to allow the Petitioner and Mr. Koscielniak some time to decide whether they wanted to proceed with the case today as it was officially published, or, to come back next month with a different variance. Mr. Dorlack stated that the Board would hear the next two cases while the Petitioner makes a decision.

The next petition called was that of James Halstead, Case No. 2351. Mr. McGrath read the petition. It was noted that twelve people were notified by mail and that publication had been made on two occasions. James Halstead of 5150 S Mars Drive, came forward to speak in favor of the petition. Mr. Halstead stated that the existing shed was permitted in 1994, but that the metal exterior is deteriorating and rusty. He said he would like to replace the shed on the existing concrete slab with a vinyl sided shed. Mr. Halstead stated that the code has changed since he built the shed in 1994 and now a shed can only be placed in the rear yard. He said that proposed shed will be the same size as the existing shed. Mr. Halstead stated that he could repaint the shed, but that would not be a lasting solution. He said that if the shed were moved to a different location, the existing concrete slab, which is in very good condition, would have to be broken up and removed. Mr. Halstead stated that because the shed is used for the neighborhood well and generator, others use the shed for water. Mr. Dorlack read letters of approval from neighbors 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. 2351 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Carl Deutsch, Case No. 2352. Mr. McGrath read the petition. It was noted that fifteen people were notified by mail and that publication had been made on two occasions. Carl Deutsch of 13420 W Wembly Drive, came forward to speak in favor of the petition. Mr. Deutsch stated that he has lived at the property for two years. He said that his property is one house away from 134th Street and Howard Avenue, which is a high traffic area. Mr. Deutsch stated that he has a four year old daughter and a dog and he would like a fence for protection and for privacy. It was noted that the cost for relocating the telephone cable would be about \$200-300 and the cost for relocating the electric cable would be about \$1000. Mr. Deutsch gave the Board pictures of the proposed fence. It was noted that if the fence was less than 50 inches high, it could be located on the lot line. Mr. Deutsch stated that the fence he would like to build is 72 inches high and that he needs a fence of that height for privacy. He noted that he would not build a 48" high fence because it would not provide enough privacy.

Mr. Dorlack read letters of approval from the 6th District Alderman, from a neighbor at 13425 Wembly Drive, from the president of the Weatherstone Homeowner's Association, and from the architectural control chairperson of Weatherstone Homeowner's Association into the record.

Mr. Dorlack then read a letter of opposition from an adjoining neighbor at 13420 Wembly Dr. It was noted that this neighbor would be most affected by the proposed fence.

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. 2352 was declared closed.

Mr. Dorlack then recalled Case No. 2350. Mr. Koscielniak stated that the Petitioner would like to proceed with the case. He then showed the Board eight different plans for placing the proposed garage on the property. At this point there was considerable discussion regarding these plans. It was noted that all of these alternate ideas would block the view of the beautiful greens of the golf course. Mr. Koscielniak stated that there was also a deck at the rear of the house that interferes with many of the proposed garage locations.

Mr. Dorlack then read letters of approval for the variance from five neighbors 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. 2350 was declared closed.

At this point a five minute break was taken, and the Board then reconvened to make the following decisions.

The first petition considered by the Board was that of Robert Ryckman, Case No. 2347.

Mr. McGrath made a motion to deny the petition, and, Mr. Wallner seconded the motion.

Mr. McGrath, Mr. Wallner, Mr. Galke, and Mr. Liljestrand voted in favor of denying the petition. Mr. Dorlack opposed the motion to deny the petition. The petition was denied by a four to one vote.

The next petition considered by the Board was that of Patio Enclosures, Case No. 2348.

Mr. Liljestrand made a motion to grant the petition, and, Mr. Galke seconded the motion. All members voted in favor of approving the petition.

The next petition considered by the Board was that of Kevin Henrichs, Case No. 2349.

Mr. Wallner made a motion to approve the petition, subject to the shed, when it needs to be replaced or rebuilt, being replaced or rebuilt according the code requirements at that time. Mr. Galke seconded the motion. Mr. Wallner, Mr. Galke, Mr. McGrath, and Mr. Liljestrand voted to approve the petition as amended. Mr. Dorlack voted to deny the petition. The petition, as amended, was approved by a four to one vote.

The next petition considered by the Board was that of Staci Hansen, Case No. 2350.

Mr. Liljestrand made a motion to approve the petition, and, Mr. Wallner seconded the motion. Mr. Liljestrand, Mr. Wallner, Mr. Dorlack, and Mr. Galke voted in favor of approving the petition. Mr. McGrath voted to deny the petition. The petition passed by a four to one vote.

The next petition considered by the Board was that of James Halstead, Case No. 2351.

Mr. Dorlack made a motion to approve the petition, and, Mr. Liljestrand seconded the motion. All members voted in favor of approving the petition.

The next petition considered by the Board was that of Carl Deutsch, Case No. 2352.

Mr. McGrath made a motion to deny the petition, and, Mr. Dorlack seconded the motion.

All members voted to deny the petition.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 9:45 PM.

BOARD OF APPEALS
CITY OF NEW BERLIN

Joseph J. Dorlack, Chairman