

# Minutes

## BOARD OF APPEALS

September 2<sup>nd</sup>, 1999

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

On roll call, Chairman Dorlack, Messrs. Goetter, McGrath, Boya, 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.

The first petition called was that of Vito Sorce. Case No. 2355. Mr. McGrath read the petition. It was noted that the case was tabled from the August 5<sup>th</sup>, 1999 meeting, and that nine people were notified by mail and that publication had been made on two occasions. Vito Sorce of 1646 S Triangle Avenue, came forward to speak in favor of the petition. Mr. Sorce stated that his property is only 50 feet wide and there is no other place to install the driveway. It was noted that the driveway was constructed when the house was first built. Mr. Sorce stated that he bought the property nine months ago and has been remodeling the house since that time. It was noted that the garage is located at the back of the property. Mr. Sorce said the new concrete driveway would be the same width as the existing 12 foot driveway. The Petitioner showed the Board pictures of the existing driveway. It was noted that the house is located 65 feet from the front lot line and the garage is 12 ½ feet from the side lot line.

Jeff Manuszewski, of 1645 Parkview Avenue, came forward to speak in approval of the variance. He stated that he lives close to the Petitioner's property and that the concrete driveway would nicely finish the remodeling project and would improve the appearance of 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. 2355 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Staci Hansen, Case No. 2359. Mr. McGrath read the petition. It was noted that the petition was tabled from the August 5<sup>th</sup>, 1999 meeting. Staci Hansen, of 12621 S Graham Street, came forward to speak in favor of the petition. Ms. Hansen presented the Board with copies of a letter from Jeff Chase, City Engineer. The Board took several minutes to read the letter. Ms. Hansen stated that she has had conversations with Jeff Chase and with Mayor Gatzke and the issue of the easement appears to be of a legal nature. Ms. Hansen requested that her petition be tabled to the next meeting. Mr. Dorlack made a motion to table the petition to the October 7<sup>th</sup>, 1999 meeting so that the Petitioner can gather more information, and Mr. McGrath seconded the motion. All members, except Sally Boya, voted to table the petition.

The next petition called was that of Kurt Leistikow, Case No. 2360. Mr. McGrath read the petition. It was noted that nineteen people were notified by mail and that publication had been made on two occasions. Kurt Leistikow of 4060 S Regal Drive, came forward to speak in favor of the petition. Mr. Leistikow stated that there are buried utility cables and large trees and bushes in the back yard of his property. It was noted that the house was built in 1976 and is considered to be legal non-conforming as the building code changed in 1994. Mr. Leistikow stated that he has owned the property for four years and has been storing the lawn mower, snow blower, bikes and other yard tools outside and in the existing garage. He noted that the area where he would like to place the shed is relatively flat and there are a lot of tall bushes to help screen the shed. Mr. Leistikow stated that there is a fence on the easement line along the rear of the

property, and the distance from the back of the house to the easement is 38 feet. He said that he would like to build a deck off the back of the house in the future and there might not be enough room for the deck and a shed, if he had to build the shed in the back yard. It was noted that there would be 20 feet from the proposed 18 foot wide deck to the easement. Mr. Leistikow stated that he would not be able to place the shed too close to the fence as he would have to cut the grass behind it. He said that the property slopes down hill to the rear lot line. Mr. Leistikow stated that he does not want to locate the shed in the rear yard because he does not want to obstruct the view of the golf course and the wildlife. It was noted that the shed would be located closest to Harcove Street, and that the front of the neighbor's house across Harcove Street faces Harcove, and not Regal Drive.

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. 2360 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Alan Hajewski, Case No. 2361. Mr. McGrath read the petition. It was noted that nineteen people were notified by mail and that publication had been made on two occasions. Alan Hajewski of 14622 W Woodland Drive, New Berlin, came forward to speak in favor of the petition. Mr. Hajewski stated that he is the owner of the property at 6075 S Preston Lane and the house is presently under construction. The Petitioner stated that he does not believe there is enough room at the rear of the house to install an air conditioner. He noted that there is a large bowed window in the dinette area and the condensing unit would be an eyesore for anyone sitting there. Mr. Hajewski stated that he would like to add a patio area at the rear of the house, but it can only be placed on the south side. The patio could not be located closer to the garage because the garage is 16 inches lower than the rest of the house. Mr. Hajewski stated that there is no place at the rear of the house that would be a good location for the air conditioner. He noted that the adjoining property closest to the proposed location of the unit, also has the air conditioner located on the side of the house. It was noted that the location of the furnace in the basement is unknown at this time.

Mr. Dorlack read a letter of approval for the variance 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. 2361 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Jeff Maruszewski, Case No. 2362. 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. Jeff Maruszewski of 1645 S Parkview Avenue, came forward to speak in favor of the petition. Mr. Maruszewski stated that he is the prospective buyer of the property at 13524 W Prospect Place. He stated that the existing 840 square foot home was built in 1940 and is in such a bad state of disrepair, that it is not feasible to fix it. Mr. Maruszewski said that he would like to demolish the existing home and rebuild with a house design called 'Hartford II'. It was noted that the existing house is 15 feet from the front lot line and the new house would be the same distance from the road, however, the other setbacks would be different. Mr. Maruszewski stated that he did not want to move the proposed house further back on the lot because the land slopes drastically down to the conservancy area and it would be too costly to add the required fill. It was noted that the conservancy area requires a 50 foot setback. Mr. Maruszewski stated that a house could be built further back on the lot if it were constructed with an exposed basement, however, that would add approximately \$20,000 to the cost of the home. It was also noted that the whole house could be turned to match the curvature of the road without needing a variance.

Iris Ann Potter, owner of the property at 13524 W Prospect Place, came forward to speak in favor of the petition. Ms. Potter stated that she is selling the property for the land value, because the house needs so much work. She said that the new home would be more aesthetically pleasing to the area than the old house.

Dave Snodgrass, of 13816 W Forest Drive, came forward to speak in favor of the petition. Mr. Snodgrass stated that tearing down the existing home and rebuilding would be an asset to the neighborhood.

Wendy Testin, of 17602 W Lincoln Avenue, came forward to speak in favor of the petition. Ms. Testin stated that the proposed new home would improve 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. 2362 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Morton Buildings, Case No. 2363. Mr. McGrath read the petition. It was noted that thirteen people were notified by mail and that publication had been made on two occasions. Gene Plautz, owner of the property at 18900 W Coffee Road, came forward to speak in favor of the petition. Mr. Plautz stated that variances for height and size were granted for a pole building in October of 1998. He said that the building was never constructed, and that he would now like to build an accessory building that would be greater in size and of less height than the proposed building that was previously granted variances for. Mr. Plautz stated that he owns twelve acres of land and that the proposed building would be a long distance from the road. He noted that he would be storing vehicles, boats, and other miscellaneous items in the building, and he would like to begin construction as soon as possible. It was noted that a survey of the Petitioner's property was not included with the variance request. A copy of the minutes and facts and decisions were found for the variances that were granted in 1998, and the Board members took a few minutes to read through them. Mr. Plautz stated that the new building would be built in the same spot as the previously proposed building. It was noted that the size of the new building would be 30 feet by 40 feet. Mr. Plautz stated that if the variance was denied, he would not have enough room to store his possessions and that some of them would have to remain outside. It was noted that if the variance were denied, the Petitioner would still be able to build the 1,040 square foot building that was granted in 1998.

Rich Blaha, of 18730 W Coffee Road, came forward to speak in favor of the petition. Mr. Blaha stated that no one would be able to see the proposed building because the land behind it is in a flood plain and is considered unbuildable.

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. 2363 was declared closed.

The next petition called was that of Larsen Brothers Funeral Home, Case No. 2302. Mr. Dorlack asked if there was anyone present to speak in behalf of the Petition. There was no one to speak in favor of the petition, and there was no one to speak in opposition to the Petition.

Mr. Dorlack then closed the open portion of the meeting. It is noted that Sally Boya did not participate in the voting during the following closed portion of the meeting.

The first petition considered by the Board was that of Vito Sorce, Case No. 2355.

Mr. McGrath made a motion to grant the petition, and, Mr. Galke seconded the motion.

All members voted in favor of granting the petition.

The next petition considered by the Board was that of Kurt Leistikow, Case No. 2360.

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

All members voted in favor of denying the petition.

The next petition considered by the Board was that of Alan Hajewski, Case No. 2361.

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

Mr. Wallner, Mr. McGrath, and Mr. Goetter voted to deny the petition. Mr. Dorlack and Mr. Galke voted to deny the motion to deny the petition. The petition failed by a three to two vote.

The next petition considered by the Board was that of Jeff Maruszewski, Case No. 2362.

Mr. Goetter made a motion to table the petition so that the Petitioner has an opportunity to gather more information regarding the proposed home, and, Mr. Wallner seconded the motion.

Mr. Dorlack abstained from voting. Mr. Goetter, Mr. Wallner, Mr. Galke, and Mr. Mc Grath voted to table the petition until the October meeting.

The next petition considered by the Board was that of Morton Buildings, Case No. 2363.

Mr. McGrath made a motion to grant the petition subject to the building not being built in the C2 area, and, Mr. Galke seconded the motion. Mr. McGrath, Mr. Galke, Mr. Wallner, and Mr. Dorlack voted to approve the petition as amended. Mr. Goetter voted to deny the motion. The petition, as amended, passed by a four to one vote.

The next petition considered by the Board was that of Larsen Brothers Funeral Home, Case No. 2302. Mr. McGrath made a motion to grant the extension of the petition that was granted on September 15<sup>th</sup>, 1999, subject to the City Attorney confirming that the Board of Appeals has the ability to grant an extension, and, Mr. Goetter seconded the motion. All members voted in favor of granting an extension of 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 9:15 PM.

BOARD OF APPEALS

CITY OF NEW BERLIN

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Joseph J. Dorlack, Chairman