



**CITY OF NEW BERLIN
BOARD OF APPEALS - MINUTES
Thursday, January 6, 2022**

**Council Chambers
3805 S. Casper Drive, New Berlin, WI, 53151**

6:00 PM

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER; PLEDGE OF ALLEGIANCE

Chairman Goetter called the meeting to order at 6:17PM

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

John Goetter, Chairman and Member
James Klappa, Member
James Oldham, Member
Scott Schulpus, Member
Nicole Willoughby, Alternate #1

EXUSED: Paul Langer

ALSO PRESENT Dan Hogan, Code Compliance Specialist
Steve Krentz, Lead Inspector
Kiran Bilan, Community Relations Specialist
Sherri Hanson, Deputy Clerk/Elections Specialist

APPROVAL OF MINUTES

November 4, 2021 Meeting Minutes

MOTION: Motion to approve the November 4, 2021 Board of Appeals Minutes

VOTE: Motion by:
Second by: Klappa James
APPROVED 5-0

NEW BUSINESS

BA-21-2658 Petitioner requests to construct a 48 panel solar array 3 feet from the rear property line. The property is zoned R1/R2 Rural Conservation Single-Family Residential District and requires a rear yard setback of 50 feet. A variance of 47 feet is required in order to obtain a building permit.

Chairman Goetter gave an overview of the appeals process. The staff report and variance request were read into the record. Chairman Goetter then swore in the

petitioner, Chris Denardis. The Petitioner is filing for a solar panel to be put in on their property. The purpose of the request is to determine where the homeowner can put the solar panel array on their property.

Petitioner Denardis provided more information from the previous meeting that was requested. The information included signatures of neighbors near the property. He also provided technical information on three different options as to where the solar panel could be placed. The petitioner laid out the various solar metric readings for the three locations. Each of three options were examined for the advantages and disadvantages of placing the solar panel in various areas. The area behind the property is a conservation area that cannot be built on and shielded by vegetation from the property to the north. The petitioner stated that these studies verify that option #1 still provided the best outcome.

Board member Willoughby asked if the signatures were for the #1 option, and petitioner Kropp said that they were for the #1 option.

Chairman Goetter asked if the neighbors were aware of the location of the solar panel on the property for option #1. Petitioner Denardis said that he added the location of the solar panel on the map provided since the initial map did not show the actual location. As a result neighbors were able to see where the proposed solar panel would be placed.

Board Member Oldham asked the petitioner why option #3 was not viable. Petitioner Kropp said that the neighbors would not approve the location and that placing the solar panel in that location would require several additional panels and at least two trees to be cut down.

No one spoke in favor of or against the variance request, however 13 neighbors signed a support letter in favor of option #1 for the variance.

Board Member Klappa made a motion to approve option #1 of the variance request. Board Member Schulpus seconded.

Board Member Klappa said he drove over to the area and observed that there was a great drop of elevation, and other options would be more visible from the road which neighbors may not like. He felt option #1 was a good location away from everyone and that the neighbors were in favor of it

Board Member Schulpus said that option #3 would be near the mound system which could cause problems later. He stated option #1 would be the best option.

Board Member Oldham stated option #1 was best choice for an efficiency standpoint.

Board Member Willoughby mentioned option #1 was not visible from the street line and best option.

Chairman Goetter said option #1 was in the best interest of the neighbors and practically the best place to put it. There are no neighbors behind him and other options would require more panels and more trees to be cut down.

Motion to approve passed 5-0.

MOTION: Motion to Approve Option #1

VOTE: Motion by: Klappa James
Second by: Schulpilus Scott
APPROVED 5-0

BA-21-2659 Petitioner requests to construct a 1,295 square foot addition 12 feet 9 inches from the front property line. The property is zoned B-2 General Retail Sales and Service District and requires a front yard setback of 40 feet along Howard Ave. A variance of 27 feet 3 inches is required in order to obtain a building permit.

Petitioner Kropp provided a background on the New Berlin Animal Hospital and the reasons for the request. The building is 40 – 50 years old built in a different era when there were different zoning codes. Based on their location they are unable to build South due to storage of mechanical equipment. East and West sides of the building are used for parking. New Berlin Animal Hospital is a growing facility and is not in ADA compliance which requires accessibility upgrades including adding an accessible bathroom, as well as widening doors and hallways to patient rooms. They would also like to add additional exam rooms to keep up with the growing number of clients.

Chairman Goetter asked how long they have been working on this. Petitioner Kropp said that the project has been going slow because of Covid but they have been working on this project for over 2 years and have not been able to get the project to fit the setbacks.

Board Member Schulpilus questioned if the reasons for the project were that the interior walls are older, doorways are too narrow and upgrades are needed to modernize. Also, the additional exam rooms are needed to accommodate the growing business. Petitioner Kropp replied that was correct, as well as there is no bathroom in lobby and the hallways from the lobby to exam rooms are not ADA compliant.

Chairman Goetter questioned if the interior walls are made of block. Petitioner Kropp said yes.

Board Member Schulpilus asked if there are any plans available for expansion to the North. Petitioner Kropp stated it would create a pinch point for snow and would require strengthening and reconfiguring of the roof.

Chairman Goetter said that he thought that the reason for the variance is not ADA compliance but the need for more and larger exam rooms. He questioned the parking to the East. Petitioner Kropp said they are so short on parking that they rent out spots from the adjacent business.

Board Member Willoughby asked to clarify the parking designs and only one proposed ADA stall. Petitioner Kropp said there are assigned customer spots for clients when they arrive and they need one ADA stall closer to the East side door. One ADA stall is enough to meet ADA requirements.

Chairman Goetter asked why they needed so much space. Petitioner Kropp replied to make it ADA compliant they need to have rooms with wider doors, and

they need larger rooms. He then asked why they needed more exam rooms. Petitioner Kropp stated that with the growth of the community their business has increased.

Motion by Board Member Oldham to approve the variance request. Seconded by Board Member Klappa.

Board Member Oldham reiterated the exam rooms are too small, there is no other place to expand and the demand for services and the two setbacks is the hardship.

Board Member Klappa said the two front setbacks create a hardship. Growth has increased the volume of clients and they are unable to handle the need without adding more exam rooms. ADA accessibility is key.

Board Member Schulpus asked if there is of any expansion or need for alternate right-of-way on Moorland Rd or Howard Ave. Dan Hogan said there is planned construction on Moorland Rd. but that is the right-of-way and there is no future right-of-way needs for Moorland Rd. or Howard Ave. Board Member Schulpus also asked if there is far enough space between the setback and curb. Dan Hogan said there is.

Chairman Goetter said he was sympathetic to the needs of New Berlin Animal Hospital however felt it better to hold the setbacks and have them look for a less intrusive solution or find a different location.

Board Member Willoughby said the proposed addition may only be a temporary solution, which makes this challenging. If they are already struggling with parking space how can they expand?

Motion failed 3-2 with Chairman Goetter and Board Member Willoughby voting against.

MOTION: Motion failed 3-2

VOTE: Motion by: James Oldham
Second by: James Klappa
DENIED

ADJOURN: Motion to Adjourn at 7:06PM

VOTE: Motion by: Scott Schulpus
Second by: James Oldham
APPROVED 5-0