



**CITY OF NEW BERLIN
BOARD OF APPEALS - MINUTES
Thursday, July 7, 2022**

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

6:00 PM

Please note: Minutes are unofficial until approved by the Board of Appeals at the next regularly scheduled meeting.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER; PLEDGE OF ALLEGIANCE

Chair Goetter called the meeting to order at 6:00PM

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present were: Chairman Goetter, Board Members Klappa, Langer, Schulpius, and Alternate # 1 Willoughby.

Also present: Code Compliance Specialist Dan Hogan, City Clerk Rubina R. Medina, Deputy City Clerk, Sherri Hanson, Administrative Services Assistant Megan Roche and Alternate Board Member #2 Stair

Excused: Board Member Oldham

APPROVAL OF MINUTES

March 3, 2022 Meeting Minutes

MOTION: Motion to approve the March 3, 2022 Board of Appeals Minutes

VOTE: Motion by: Board Member Schulpius
Second by: Board Member Langer
Motion passed 5-0

NEW BUSINESS

ITEM: Petitioner requests to construct a 1,440 square foot accessory building that is '19' 6" tall in addition to an existing 571 square foot accessory building. The property is zoned R-5 Medium-Density Single Family and requires a maximum accessory structure height of 15 feet and a maximum accessory square footage of 840 square feet combined between 2 accessory structures. A height variance of 4'6" and a square footage variance of 1,171square feet are 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 petitioners Sarah Tyrrell and Adam Sobieralski

Petitioner Tyrrell read the request to the board stating their house is a 689 square foot 1 bedroom ranch with a 571 square foot detached garage. The property has unique limitations which prevents them from attaching a garage to their home. There is a sanitary easement that runs between the home and the detached garage and nothing can be built

over the easement. The house sits on the north property line and the west and south sides of the home are located in a flood plain; therefore, they are not able to build an attached garage in those areas either.

Due to these same unique property limitations they are not able to expand their homes footprint.

The request is to build a 2nd detached garage to improve storage needs. It would be used as a residential garage, workshop and shed.

The property is located on a dead end out of view from the interstate, W. College Avenue and neighboring properties. The addition would be surrounded by heavily treed areas on the north and east sides and located in a secluded area behind their house.

The Petitioner provided signatures from 18 surrounding neighbors who support the variance. A total of 49 nearby property owners were notified of the Appeal.

Chairman Goetter thanked Petitioner Tyrell and opened up the meeting for questions.

Board Member Klappa asked why the wall height is 16 foot high.

Petitioner Sobieralski said he has a company van with ladders on top and he would like to build a loft to use as an entertainment area.

Board Member Langer asked what direction the building would face and if it would be visible from the road.

Petitioners said it would be facing east toward Linnie Lac Road. The backyard is where the garage doors would be and it would not be visible from the road. They said the only neighbor that would see it is the neighbor to the south.

Chairman Goetter said he was struggling with the size of the building and questioning why it needed to be so big.

Petitioner said he has his work van, personal truck, a boat with a motor, SUV, ATV and camper which are currently in the backyard and an eyesore.

Chairman Goetter asked why they needed a loft.

Petitioner Sobieralski said he would like upstairs space on the back of the garage for an entertainment recreation room.

Board Member Schulpus asked if there are currently 2 garages

Petitioner said one garage was built onto another garage and it is not being used for vehicles but is used for storage due to the size of the home.

Chairman Goetter asked why the garage could not be attached to the house.

Dan Hogan said there are two separate lots and you have to be 10 feet off the lot line.

Chairman Goetter asked if they could put a building on the second lot.

Dan Hogan stated that they would not be able to put an accessory building on the other lot because it does not have a primary residence.

Chairman Goetter then asked if there was anyone else in attendance in favor of the proposed request or anyone against. Seeing no one, he asked for a motion.

Motion by Board Member Langer to approve the variance, seconded by Board Member Klappa.

Board Member Langer said this was a pretty unique situation and that from an aesthetic standpoint he felt it would be better. There are 18 surrounding neighbors that signed in support with nobody against so he felt they met the definition of hardship.

Board Member Klappa agreed with Langer plus stated the size of the house is small and there is no way they can put it near the house.

Chairman Goetter said that just because they have a lot of vehicles does not mean they have to put them all under one roof.

Board Member Willoughby questioned if the lots could be combined.

Chairman Goetter said that is an extensive process and costs a lot of money

Board Member Langer asked if the building is the width of a 2 car garage.

Board Member Klappa said no this would be bigger. Normally a garage is 8 feet high and they are requesting 16 feet. If the building was attached it would be fine but as a detached it exceeds the height.

Chairman Goetter asked for any other comments or questions and, seeing none, called the vote.

Motion denied with Board Members Klappa, Langer and Willoughby voting yes and Schulpius and Goetter voting nay. Variance requires a minimum vote of 4 -1 to pass.

**ADJOURN
MOTION**

Motion to Adjourn at 6:42PM

VOTE:

Motion by: Board Member Langer
Second by: Board Member Schulpius
Motion passed 5-0

Respectfully submitted,

**Sherri L Hanson
Deputy City Clerk/Election Specialist**