



**CITY OF NEW BERLIN
BOARD OF APPEALS - MINUTES
Thursday, March 3, 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 Meeting at the next regularly scheduled meeting.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER; PLEDGE OF ALLEGIANCE

Vice Chair Klappa called the meeting to order at 6:00PM

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present were: Vice Chairman Klappa, Board Members Klappa, Oldham, Alternate #2 Stair and Alternate # 1 Willoughby.

Also present: Code Compliance Specialist Dan Hogan, Lead Inspector Steve Krentz, Deputy City Clerk, Sherri Hanson and Alternate Board Member

Excused: Chair Goetter and Board Member Schulpus

APPROVAL OF MINUTES

ITEM: February 3, 2022 Board of Appeals draft Minutes

MOTION: Motion to approve the February 3, 2022 Board of Appeals minutes.

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

NEW BUSINESS

ITEM: BA-22-2662 PDI Architectural on Behalf of New Berlin Animal Hospital, 3840 S. Moorland Road. Petitioner requests to construct a 1,140 square foot addition 18 feet 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 22 feet is required in order to obtain a building permit

Vice- Chairman Klappa gave an overview of the appeals process. The staff report and variance request were read into the record. Vice Chairman Klappa swore in the petitioner, Bradley Kropp, 11525 W North Ave. Wauwatosa of PDI Architecture on behalf of New Berlin Animal Hospital and tenant of the building. The Petitioner is requesting to reduce the front setback to approximately 20 feet for the building addition with an 18 foot overhang to accommodate the addition.

Petitioner Kropp followed up on a previous meeting in January where he presented an addition that was just under 1400 square feet in a similar location but in a square shape. The setback was about 8 feet less than what they are requesting now based on some of the comments and feedback from board members at the January meeting. They are looking for additional square footage in the building due to hardships they are facing including ADA requirements necessary as they try to make improvements and accommodate the growing community and needs of owners in the area. They are on a corner lot so have two major frontages which require 40 foot setbacks. They are asking for reduction on the secondary street which is Howard Ave. The existing building already encroaches the 40 foot setback there because it was built prior to the current zoning code. With the reduction of the square footage they lost one of the exam rooms but are still able to meet a lot of the needs they were looking for while trying to provide the setback that was requested at the meeting in January. The 18 feet is to the overhang or closer to 20 feet to the building, That's 5 foot more than the typical side yard setback that is required to the streets, so closer to the standards if this was on the street side yard as opposed to a frontage. New Berlin Animal Hospital has been there 50 years and with a changing of how vet clinics operate there is a tenant, which is CareVet that leases back to the doctors who work there. CareVet has signed a 10 year lease.

Board Member Paul Langer asked if the existing setback now is 30 feet, how much further are you asking. Petitioner Kropp said 10 more feet to the building, 12 feet to the overhang. Board Member Langer then asked if the entrance changes. Petitioner Kropp replied that this will not be the entrance, this will be for internal additions including ADA bathrooms for customers, two treatment rooms, modifying the reception area to make it more accessible for the public, ADA deficiencies in the front half of the building and the addition of a grooming area back in the lab area.

Board Member Langer then asked if they are a tenant in the building. Petitioner Kropp said yes that New Berlin Animal Hospital was owned by doctors but vet clinics are phasing this out as doctors get closer to retirement. CareVet is the tenant that hire the doctors and staff back and handle the behind the scenes accounting, ordering of supplies, charts etc.

Board Member Olham asked what the difference is to the plan that was submitted earlier and the revised plan. Petitioner Kropp said the previous plan was about 8 feet closer to the right of way so they were just under 12 feet to the building and now they are 20 feet to the building line. We became more rectangular as suggested and reduced it by 8 feet.

Board Member Oldham then asked if they did any line of site analysis coming up Howard Ave and coming out of that front parking lot and if there will be any real obstruction coming out of the parking lot heading West on Howard Ave. Petition Kropp stated customers would have to cross over the median and there is still an additional 10 to 15 feet as the right of way tapers.

Board Member Willougby reiterated from a previous meeting that the reason the expansion was not proposed to the east side where the parking spots are is due to an already shortage of parking. Petitioner Kropp said although they meet the parking requirements they are still short on parking spots and have to rent out spots from adjacent buildings.

Vice-Chairman Klappa said the two setback created a hardship. Howard Ave is an access to get into the strip mall and there really is no residential homes in the area. There were questions previously about any issues with westbound traffic on Howard Ave and it was mentioned there would be no impact because it would be on the east side coming off on Moorland Rd.

Vice-Chairman Klappa then asked if anyone in attendance was there to speak for or against. Seeing none the meeting went into closed session at

Board Member Langer made a motion to approve the variance as submitted. Board Member Oldham seconded the motion.

Board Member Langer stated there were a number of factors that he is in favor of approving the variance. One is the existing building already does not meet the current zoning requirements and two the petitioner reduced the size and setback as requested at a previous meeting. There is no detrimental impact to the businesses in the area or the residents nearby. Under all the facts and circumstances the variance is warranted.

Board Member Oldham agreed with what Board Member Langer said as well as they just signed a 10 year lease so they aren't going anywhere. Looking at where this building is within the lot there really is nowhere else they can go with it.

MOTION: Motion to Approve the Variance

VOTE: Motion by: Board Member Langer
Second by: Board Member Oldham
Motion passed 4-1 with Board Member Willoughby opposing.

ITEM: BA-22-2663 Petitioner Richard Zimmer, 14601 W. Oklahoma Ave. New Berlin, requests to construct a 256 sq foot addition 16 feet from the rear property line. The property is zoned R-5 Medium-Density Single Family Residential District and requires a rear yard setback of 25 feet where the lot fronts an open drainage ditch. A variance of 9 feet is required in order to obtain a building permit.

Vice-Chairman Klappa read the staff report and variance request into the record. He then swore in Petitioner Richard Zimmer who resides at 14601 W. Oklahoma Ave. New Berlin. The Petitioner is filing for a 256 square foot addition to his property.

Petitioner Zimmer explained the nature of his appeal is to get a variance to build an 8 foot extension on the back of his existing garage to use as a workshop. This would cut down on noise since he would be using saws and other equipment inside the garage instead of out on his driveway. With the present garage he is unable to unload and load his truck when he pulls it in. He stated when he bought the house he didn't realize there was a setback behind him. He said that his hardship is that due to lung issues from COVID he is a semi-retired contractor and unable to climb up into the truck. They previously had a two story home and sold it to buy the current one due to health issues.

Vice-Chairman Klappa mentioned there were letters sent out to the many addresses in the surrounding area and a letter of hardship was provided as well as 4 signatures from adjacent neighbors in favor of the request. He asked if there was

any other place that this could be done that would be functional for his operation. Petitioner Zimmer said he can't go out to the side because his neighbors are right there.

Board Member Willoughby asked if the current garage from the back of the property line is currently 25 feet. Petitioner Zimmer said he believes it is 26 feet. Board Member Willoughby whether the other end of the expansion of the garage would require as much of a variance because of the angle of the backyard.

Board Member Oldham asked if he looked at any other location on the lot to build this for instance if it was placed where the slab is there would not be a setback required. Petitioner Zimmer said it won't work for the truck. Board Member Oldham then questioned if this was for a hobby or to run a business. Petitioner Zimmer said it is more for a hobby. Board Member Oldham said if you brought the front end of the garage even with the front end of the house you wouldn't need a variance. Petitioner Zimmer said that is only about 5 or 6 feet and we would lose a living room window. It is also quite a bit harder because the roofs are trusses and would require me to take the whole roof off the garage and move it to the front where if I did it in the back I can just add trusses on. Putting it off the back keeps the roof line looking the same and not like a shed. He said he wants it to look nice and as if it was always there. Board Member Oldham asked if any neighbors objected to or gave the petitioner any negative comments on the variance. Petitioner Zimmer No.

Board Member Willoughby asked if the 4 signatures that were provided were from neighbors that are next to his house. Petitioner Zimmer said yes.

Board Member Oldham questioned if there is a shed on the property in the back corner. Petitioner Zimmer said yes on the corner of the lot and it is just big enough for his garden tractor.

Board Member Langer questioned if the backdoor in the existing structure is usable. Petitioner Zimmer said there is a big step off when you open it. It is a door to nowhere. Board Member Langer asked if it would be closed off in the back if the addition was put on. Petitioner Zimmer said that opening would stay and he will use that to pull his bed slide out to unload and load his tools. It will go back into the addition so he can load and unload the truck nicely. He will use that hole to walk through to his shop. He said that is what makes this so easy to build is he just needs to put up two walls, some roof trusses and ceiling joists and he has a pretty nice addition.

Vice-Chairman Klappa then asked if there were any other questions or anyone in favor of or opposition of the variance. Seeing none the meeting went into closed session at 6:25PM.

Board Member Stair made a motion to approve the variance as submitted. Seconded by Board Member Langer

Board Member Stair said based on all the residents that received letters there were no negative objections at all. He can see what he is doing and why he is doing it is in favor of the variance.

Board Member Langer agreed that there were no objections from any neighbors. He doesn't see any alternatives in terms of where he wants to put this and it doesn't have a negative impact on the neighborhood. His immediate neighbors are

in support of it. It seems to be a minimal amount to request and under all circumstances to put this addition on probably will increase the value of his property and anethetically might improve the property values in the neighborhood.

MOTION: Motion to approve the Variance.

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

ADJOURN Motion to Adjourn at 6:38PM

VOTE: Motion by: Board Member Oldham
Second by: Board Member Stair
Motion passed 5-0.

Respectfully submitted,

Sherri L Hanson
Deputy City Clerk/Election Specialist