



Board of Appeals MEETING MINUTES

February 2, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Chairman Goetter called the meeting to order at 6:07PM

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Chairman Goetter took the roll call as follows:

Present: Board Member Goetter, Alternate #1 Board Member Willoughby, Board Member Schulpus, Alternate #2 Board Member Stair, Board Member Klappa, Board Member Oldham

Excused: Board Member Langer and Board Member Gasper

Staff Present: Code Compliance Specialist - Dan Hogan, Lead Inspector - Steve Krentz, City Clerk - Rubina Medina, City Clerk Administrative Specialist - Joelle Erickson

3. APPROVAL OF MINUTES

A. September 1, 2022 Board of Appeals Meeting Minutes

MOTION: Motion to approve Minutes

VOTE: Motion by: Board Member Schulpus
Second by: Board Member Klappa
Motion Passed 6-0

4. NEW BUSINESS

- A. Petitioner requests to construct a 600 square foot accessory building 6 feet 8 inches from the side property line. The property is zoned R-5 Medium-Density Single Family and requires side yard setback of 10 feet. A side yard setback variance of 3 feet 4 inches 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 petitioners Joe and Victoria Bales.

Petitioner Bales is requesting a garage variance in order to put the garage back in the same space it was in. Garage built in 1950's and the garage's floor has

collapsed. The terrain in his yard has hills and different movement so building the garage in a different space is not really an option. He is looking to add electricity to the garage.

Chairman Goetter: So you are looking to remove the existing structure?

Petitioner Bales: Correct. It failed for a reason and something went wrong. I don't want to build something again and have it collapse again.

Chairman Goetter: The 4' feet you are adding is that toward the lot line?

Petitioner Bales: No, it's into my property. The existing wall will be in the same position as the old wall.

Chairman Goetter: The garage is essentially a two-story building?

Petitioner Bales: Correct.

Chairman Goetter: When you say you are going to rebuild the garage, are you going down the first floor?

Petitioner Bales: Yes

Chairman Goetter: The concrete wall nearest the lot line – you are replacing that concrete wall, correct?

Petitioner Bales: Correct.

Chairman Goetter: When you say it collapsed – I'm assuming you mean the second floor collapsed?

Petitioner Bales: The Spancrete in the garage failed after 70 years.

Chairman Goetter: Is there a reason why you couldn't move the garage farther away from the property line?

Petitioner Bales: With the way that the house is positioned, it is about 15' away from the lot line and the driveway runs alongside of it. The garage is tucked behind the house so if I had to move it further in, I'd have to move it further back.

Victoria Bales: the reason why we need to keep the garage where it is - is because of the accessibility down the driveway. If it gets moved over it will be harder to get into the garage. Where it is now it is straight-on to get into the garage. If it gets moved over any it will be a hard turn to get into the driveway. Also getting out the garage as well.

Chairman Goetter: This is a single car garage?

Petitioner Bales: Yes, but it would be a little wider.

Chairman Goetter: So would it be a one and a half car garage?

Petitioner Bales: Yes.

Opened up to questions for the witness?

Jim Klappa: is the property on City Sewer?

Petitioner Bales: We have City Sewer but private well water.

Jim Klappa: Is the well located in the back or the front of the house?

Petitioner Bales: In the front.

Chairman Goetter: No other questions?

Joe Klappa: Well, leaving it where it is would be more convenient. It's not even straight-on now. It's still a little bit to the left. But it would be more if you had to move it.

Petitioner Bales: Correct, if I had to move it 4' into there – I'd have to move it further back. It would turn into a mess. It would just be a 2' story thing in the backyard with a driveway that kind of runs up to it.

Scott: Is your whole backyard sloped?

Petitioner Bales: After the house, it pretty much flattens out. It is sloped to the

Southeast but not to a terrible grade. We had a hockey rink back there once.
Chairman Goetter: Is there anyone else here to speak in favor of the addition?
Julie Geboy: Live at 1944 S. Elm Grove Road.
Scott Geboy: Julie's husband, 1944 S. Elm Grove Road.
(sworn in)

Julie: We are here support of the variance. They have been neighbors of theirs for the last 20+ years. We have been in the neighborhood for 23 years. Every house is different. It is not a cookie-cutter neighborhood. The house across the street from them is a huge brand new house that was just built and it doesn't look like it belongs in the neighborhood. Which is fine – that is the way we like our neighborhood. I think it would be an asset to the neighborhood to have a nice garage. We have a detached garage; some people don't. Our next door neighbor has a chalet. The people across the street have a ranch. Just every house is different.

Chairman Goetter: Where are you located in relationship to the applicant?

Scott G: West, Northwest.

Chairman Goetter: So you are not the next door neighbor?

Julie G: We are not the next door neighbors. It's an older neighborhood in New Berlin. I think a new garage would benefit the look of the neighborhood. They do have a smaller house and the garage sits back. They are good tax-paying people.

Chairman Goetter: Do you have anything to add?

Scott G: They know their yard better than anyone else in this room. Let him build his garage.

Chairman Goetter: Is anyone else here to speak in favor of the applicant? No?

Chairman Goetter: Is anyone here to speak against the petition? I don't see anyone else here so we will then go into closed session and I will entertain a motion.

MOTION: Motion to approve the variance

VOTE: Motion by: Chairman Klappa
Second by: Chairman Schulpus
Motion Passed 6-0

5. ADJOURN

MOTION: Motion to Adjourn at 6:23PM

VOTE: Motion by: Chairman Schulpus
Second by: Chairman Klappa
Motion Passed 6-0

*Respectfully Submitted,
Joelle Erickson, City Clerk Administrative Specialist*