

Board of Appeals MEETING AGENDA



June 1, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. February 2, 2023 Meeting Minutes
4. **NEW BUSINESS**
 - A. Petitioner requests to construct an 845 square foot garage addition on a corner lot, 25 feet from the front yard property line and 35 from the rear yard property line. The property is Zoned R-1/R-2, Rural Conservation Single Family Residential District, which requires a front yard setback of 50 feet and a rear yard setback of 50 feet. A front yard variance of 25 feet and rear yard variance of 15 feet are required in order to obtain a building permit.
5. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.
- It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.



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*

STAFF REPORT SUMMARY

Board of Appeals

MEETING DATE: June 1, 2023

PETITIONER: John Nordstrom

CASE NUMBER: BA-23-2668

LOCATION: 5890 S St. Andrews Dr.

REQUEST: Petitioner requests to construct an 845 square foot garage addition on a corner lot, 25 feet from the front yard property line and 35 from the rear yard property line. The property is Zoned R-1/R-2, Rural Conservation Single Family Residential District, which requires a front yard setback of 50 feet and a rear yard setback of 50 feet. A front yard variance of 25 feet and rear yard variance of 15 feet are required in order to obtain a building permit.

DETAILS IN ATTACHED STAFF REPORT

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF ZONING APPEALS STAFF REPORT
Meeting of June 1st, 2023

John Nordstrom/ Variance Request
5890 S St. Andrews Dr.

DATE: May 1st, 2023

APPLICANT / OWNER(S): John Nordstrom

REQUEST/DESCRIPTION OF VARIANCE: Petitioner requests to construct an 845 square foot garage addition on a corner lot, 25 feet from the front yard property line and 35 from the rear yard property line. The property is Zoned R-1/R-2, Rural Conservation Single Family Residential District, which requires a front yard setback of 50 feet and a rear yard setback of 50 feet. A front yard variance of 25 feet and rear yard variance of 15 feet are required in order to obtain a building permit.

DATE OF APPLICATION: March 27th, 2023

SIZE OF PARCEL: .62 Acres

CURRENT ZONING: R-1/R-2 Rural Conservation Single Family Residential District

CURRENT LAND USE: Residential

PROPOSED LAND USE: No change

ADJACENT ZONING AND LAND USE:

North Zoning:	R-1/R-2	Land Use:	Rural Conservation Single Family Residential District
South Zoning:	R-1/R-2	Land Use:	Rural Conservation Single Family Residential District
East Zoning:	R-1/R-2	Land Use:	Rural Conservation Single Family Residential District
West Zoning:	R-1/R-2	Land Use:	Rural Conservation Single Family Residential District

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Current use of property conforms to the Comprehensive Plan and Municipal Code.

ZONING CODE (CHAPTER 275): N/A

PROPOSED ARCHITECTURE: 845 Square Foot Garage Addition

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland on Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: N/A

Floodplain: No

Topography / Geologic: flat

NATURAL RESOURCES PROTECTION:

- Limits of Disturbance (LOD): N/A
- Wildlife Habitat Protection: N/A
- Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: No impact to the local environment anticipated.

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

- Within Current Sewer Service Area: No
- Basin Capacity Available: N/A
- Basin Balance (If known): N/A
- Adequate Linkage: N/A

PREVIOUS BOARD OF APPEALS ACTION: N/A

CONSISTANCY WITH PREVIOUS ACTION: N/A

FINDINGS:

1. Table 275-33-2 of the Zoning Code requires a front and rear yard setback of 50 feet in the R-1/R-2 Zoning District.
2. Project requires a Building Permit.

Attachments:

- Applicant Letter
- Location Map
- Board of Appeals Application
- Mailing Labels Map
- Site Survey



Board of Appeals

Applicant / Contact	Agent
Name <u>John Nordstrom</u>	Name _____
Address <u>5890 S. Saint Andrews Dr.</u>	Address _____
City, State, Zip <u>New Berlin, WI 53146</u>	City, State, Zip _____
Phone <u>262-347-6517</u>	Phone _____
E-Mail <u>mjnordy@wi.rr.com</u>	Email _____
Current Zoning <u>R-2</u>	Property Owner's Address _____
	Property Owner _____

NOTE: Should the Board of Appeals approve your variance, you will also need to obtain the appropriate zoning and/or building permits. A Board of Appeals approval does not grant final approval for your respective use or construction project. It is the property owner's responsibility to ensure that the appropriate permits have been received prior to the commencement of any construction and/or occupancy.

INSTRUCTIONS
All petitions must be accompanied by a survey showing the existence of the present use and the change required. Scaled drawings may be substituted for surveys. However, the Board may request a certified survey at the time of the hearing. Photographs and blueprints of proposed construction are helpful. A \$50.00 filing fee plus a \$200.00 administrative fee must be paid at the time the petition is filed for setback, square footage, height and floodplain variance. A \$500.00 administrative fee plus a \$50.00 filing fee is required for Plan Commission appeal.

Petitions must be received on or before 4:30 pm of the required due date in order for the petition to be scheduled for review by the board on first Thursday of the following month. Meetings are normally held at 6pm

At the hearing, proper documentation will be reviewed. Petitioner, or agent, will speak first along with those who favor the petition. Those who oppose the petition will be given the opportunity to speak after the affirmative case has been argued. All argument should be relevant to the appeal presented. The Board may, at its discretion, limit debate and place witnesses under oath.

Application Type (Time frame)*	Fees	Required Plans/Information (Failure to submit all required plans will result in rejection of the application.)
☒ Setback/Size Variance	\$200+ \$50 Filing Fee	☐ Nature of Appeal – 8 copies ☒ Hardship Argument – 8 copies ☐ Scaled Drawing/ Survey – 8 copies ☐ Photos – 8 copies
☐ Flood Plain	\$200+ \$50 Filing Fee	☐ Nature of Appeal – 8 copies ☐ Hardship Argument – 8 copies ☐ Scaled Drawing/ Survey – 8 copies ☐ Photos – 8 copies
☐ Plan Commission	\$500+ \$50 Filing Fee	☐ Nature of Appeal – 8 copies ☐ Hardship Argument – 8 copies



- - CONTINUED ON PAGE 2 - -

Fees:

Base Fee From Above	\$ 200.00
Filing Fee	\$ 50.00
Total	\$ 250.00

* Only if all required materials are submitted and satisfactory.

¹ Other plans and information may be required by staff upon further review of the project.

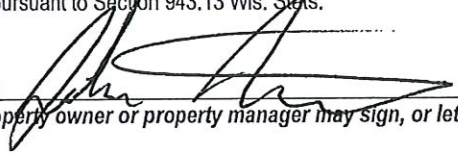
² Drawn to a scale no greater than 1"=100'.

³ All architectural plans at a scale no smaller than 1/8" = 1'

⁴ Colored building elevation, architectural rendering, or photos suitable for public presentation to fit on a single 8½" x 11" or 11" x 17" sheet.

No refunds for denied applications

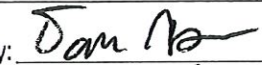
By the execution of this application, applicant hereby authorizes the City of New Berlin or its agents to enter upon the property during the hours of 7:00 A.M. to 7:00 P.M. daily for the purpose of inspection. Applicant grants this authorization to enter to the City of New Berlin or its agents even if applicant has posted this land against trespassing pursuant to Section 943.13 Wis. Stats.

Signature 

Date: 3-20-2023

Only the property owner or property manager may sign, or letter/email of authorization required. The final responsible party is the property owner.

Please do not write below this line

Accepted by: 

Date: 3/20/2023

Board of Appeals Date: May 4th, 2023

Total Fee: \$250

File Number: 2300511



Make Checks Payable To:
CITY OF NEW BERLIN

March 20, 2023

To the City of New Berlin Board of Appeals,

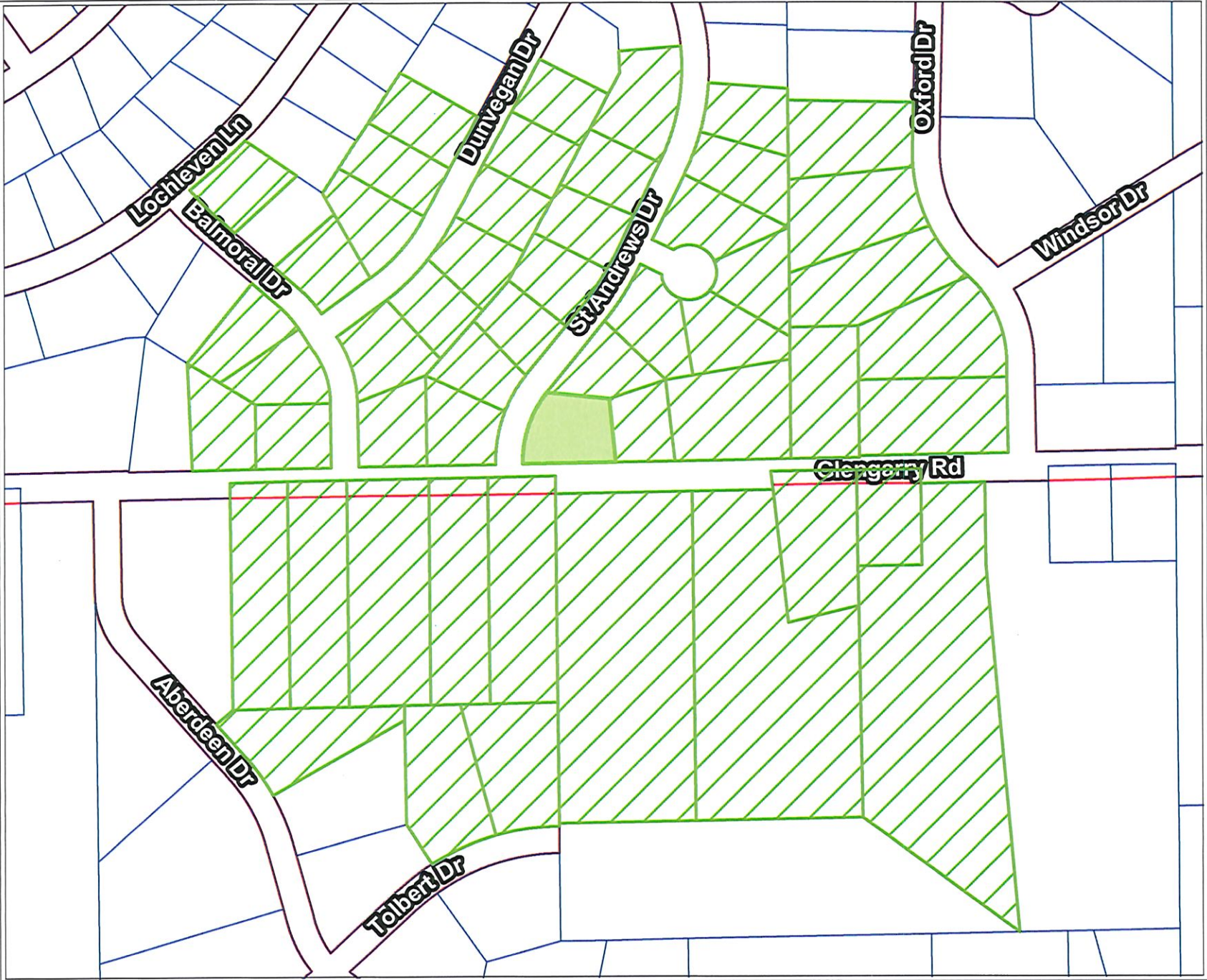
We are requesting a variance to build an additional attached garage on our property. The hardships listed below are the reasons a variance of 25 ft on Glengarry Road and 15 ft on the back of the house is needed...

1. On a corner
2. Position of home on the lot
3. Setbacks
4. Septic location

Appreciate your consideration and approval of these variances.

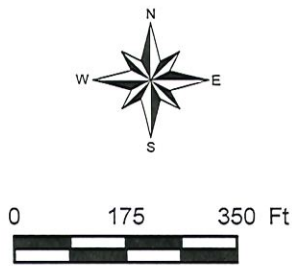
Thanks,
John and Mary Nordstrom
5890 S. Saint Andrews Dr.

Board of Appeals -- 5890 S. St. Andrews Dr



- Legend**
- Subject to Action
 - Notified Parcels
 - Other Parcels

Notified parcels (green hash lines) are those properties that fall within a certain distance of a property that is subject to City of New Berlin action.



1274124	ALAN J. SAUER 5885 S DUNVEGAN DR NEW BERLINWI 53146	1275987004	DAVID G. OTTO 21425 W GLENGARRY RD NEW BERLINWI 53146	1274147	FREDERICK J. HULTQUIST 5885 S BALMORAL DR NEW BERLINWI 53146
1274159	ALEJANDRO RODRIGUEZ-CHAVEZ 5850 S ST ANDREWS DR NEW BERLINWI 53146	1275987002	DAVID J. WANIE 21355 W GLENGARRY RD NEW BERLINWI 53146	1275997	GREGORY S. VOGEL 21565 W GLENGARRY RD NEW BERLINWI 53146
1274143	ANDREW A. KEAST 5865 S DUNVEGAN DR NEW BERLINWI 53146	1274160	DAVID OLLENBURG 5840 S CULLODEN CT NEW BERLINWI 53146	1274145	HOWARD W. NISSEN JR 21750 W GLENGARRY RD NEW BERLINWI 53151
1274102	ANDREW J. OETLINGER 5875 S ST ANDREWS DR NEW BERLINWI 53146	1274101	DENNA A. SCHWEIZER 5855 S ST ANDREWS DR NEW BERLINWI 53146	1274991	JEANNE B. SCHMIDT 21450 W GLENGARRY RD NEW BERLINWI 53146
1274091	BROOKE A. KRUEGER 5840 S DUNVEGAN DR NEW BERLINWI 53146	1274162	DREZDZON REVOC LIVING TRUST, DIANE 5820 S CULLODEN CT NEW BERLINWI 53146	1275995	JESSICA DONNA HRYNIEWICKI 21675 W GLENGARRY RD NEW BERLINWI 53151
1274103	CAROLINE M. RIVIERE 5885 S ST ANDREWS DR NEW BERLINWI 53146	1274090	EDMUNDSON, JOHN R & MARY E LIV TRL 5870 S DUNVEGAN DR NEW BERLINWI 53146	1274157	JOHN A. NORDSTROM 5890 S SAINT ANDREWS DR NEW BERLINWI 53146
1274141	CHRISTINE BIANCHI RABIL 5795 S DUNVEGAN DR NEW BERLINWI 53146	1274156	EDWARD J. KLINE 21500 W GLENGARRY RD NEW BERLINWI 53146	1274997001	JOSEPH R. SCHULTZ 21380 W GLENGARRY RD NEW BERLINWI 53146
1274161	DANIEL ALFRED PLANT 5830 S CULLODEN CT NEW BERLINWI 53146	1274997002	EDWARD OSEP 21370 W GLENGARRY RD NEW BERLINWI 53146	1274146	JOSHUA M. WAKEMAN 21720 W GLENGARRY RD NEW BERLINWI 53146
1274087	DANIEL J. EVRARD 5895 S SAINT ANDREWS DR NEW BERLINWI 53146	1274126	EDWIN J. ERICKSEN 5810 S BALMORAL DR NEW BERLINWI 53146	1274094	KENNETH H. VOEGELI 5780 S DUNVEGAN DR NEW BERLINWI 53146
1274148	DANIEL J. OHBERG 5855 S BALMORAL DR NEW BERLINWI 53146	1275987005	EDWIN J. HAHLEBECK 21555 W GLENGARRY RD NEW BERLINWI 53146	1274100	KRISTINE M. BROGE-REYNEN 5845 S ST ANDREWS DR NEW BERLINWI 53146

1274173	KYLE E. ROWNTREE 5805 S OXFORD DR NEW BERLINWI 53146	1274172	RICHARD P. CHESKA 5825 S OXFORD DR NEW BERLINWI 53146	1274092	TIMOTHY S. BOYEA 5800 S DUNVEGAN DR NEW BERLINWI 53146
1274098001	LEROY E. PFEIL 5795 S ST ANDREWS DR NEW BERLINWI 53146	1274163	ROLAND P. FREEMAN 5800 S ST ANDREWS DR NEW BERLINWI 53146	1274093	WILLIAM S. BINASH 5790 S DUNVEGAN DR NEW BERLINWI 53146
1274174	LITWICKI TRUST, DONALD D & MARILYN / 5785 S OXFORD DR NEW BERLINWI 53146	1274088	RONALD E. KONKOL 21670 W GLENGARRY RD NEW BERLINWI 53146		
1275996	MARK E. KENNEDY 21625 W GLENGARRY RD NEW BERLINWI 53146	1275987006	RONALD GUESS 21445 W GLENGARRY RD NEW BERLINWI 53146		
1274089	MARK J. SOWINSKI 5880 S DUNVEGAN DR NEW BERLINWI 53146	1274142	RONALD J. TRAWICKI 5801 S DUNVEGAN DR NEW BERLINWI 53146		
1275019	MAUREEN C. SMITH 5950 S ABERDEEN DR NEW BERLINWI 53146	1274164	SARAH PETERS 5790 S ST ANDREWS DR NEW BERLINWI 53146		
1275987001	MAUREEN P. RAMM 21421 W GLENGARRY RD NEW BERLINWI 53151	1275994	SCHULTZ TRUST, ERNEST J & ROSEMAR 21701 W GLENGARRY RD NEW BERLINWI 53146		
1274099	MICHAEL A. FAZIO 5801 S ST ANDREWS DR NEW BERLINWI 53146	1275993	SCOTT J. PAVELCHIK 21735 W GLENGARRY RD NEW BERLINWI 53146		
1274158	MICHAEL CYGANIAK 5870 S ST ANDREWS DR NEW BERLINWI 53146	1274997	SCOTT J. RUSCH 5845 S OXFORD DR NEW BERLINWI 53146		
1275015	MICHAEL J. ANGELI 21640 W TOLBERT DR NEW BERLINWI 53146	1275016	THOMAS G. REINOEHL 21680 W TOLBERT DR NEW BERLINWI 53146		

LOT EXHIBIT

May 28, 2008

LSE Job No. 080218
John A. & Mary L. Nordstrom

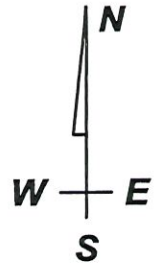
LOCATION: 5890 South St. Andrews Drive, New Berlin, Wisconsin

LEGAL DESCRIPTION:

Lot 4 in Block L in **FIRST ADDITION TO GLENGARRY HIGHLANDS**, a Subdivision in the Northwest 1/4 of Section 31, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

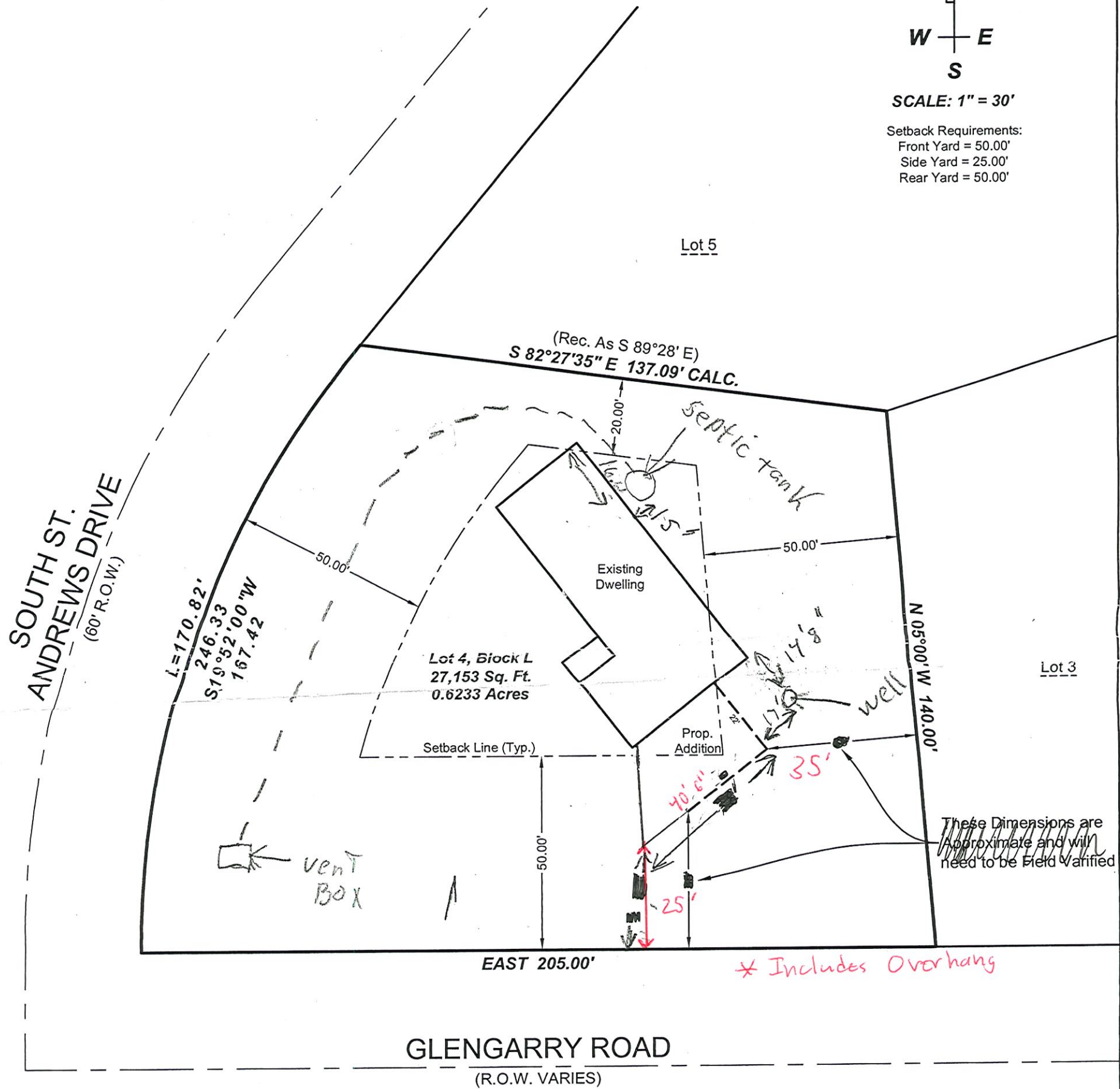
NOTE:

This exhibit is based on a suvey dated February 9, 1961
not prepared by Landcraft Survey and Engineering, Inc.
All dimensions are approximate and have not been field varified.



SCALE: 1" = 30'

Setback Requirements:
Front Yard = 50.00'
Side Yard = 25.00'
Rear Yard = 50.00'



DRAWING BY: BL
FIELD WORK BY:

LANDCRAFT SURVEY AND ENGINEERING, INC.

REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
2077 South 116th Street, West Allis, WI 53227
PH. (414) 604-0674 FAX (414) 604-0677
INFO@LANDCRAFTSE.COM