



Board of Appeals MEETING MINUTES

June 1, 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

Present: Commissioner Goetter, Board Member Klappa, Board Member Langer, Board Member Schulpus, Board Member Stair and Board Member Willoughby

Also Present: Dan Hogan - Code Compliance Specialist, Rubina Medina - City Clerk, Joelle Erickson - City Clerk Administrative Specialist

Excused: Board Member Oldham

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Commissioner Goetter called the meeting to order at 6:00PM.

3. APPROVAL OF MINUTES

A. February 2, 2023 Meeting Minutes

MOTION: Motion to Approve Minutes

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

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 at 5890 S. St. Andrews Drive. 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.

Commissioner Goetter: Read the petitioner's request, and asked him to state his case.

Petitioner: Petitioner, 5890 S. St. Andrews Drive, New Berlin WI 53146.

Commissioner Goetter: Go ahead.

Petitioner: The hardship is that the house is on a 45 degree. The septic is going around the other way. And I was hoping that if this is approved it will be attached. It will look like part of the original house. Siding, rooflines, and footings, and everything. It will look right. I had all my close neighbors sign this. They are okay with this if it passes.

Commissioner Goetter: If you have something in writing, yes, you should hand that up to us.

Petitioner: The addresses and their names are on there. These are all my immediate and close neighbors.

Board Member Klappa: Are the people on either side of you on that list?

Petitioner: Yes. All around me and across the street. This variance is for the worst case scenario.

Board Member Klappa: How big is your existing garage?

Petitioner: The garage is a 2 car standard 22' feet wide. It's a tight 2 car garage.

Board Member Klappa reviewed the dimensions and preliminary layout with Mr. Nordstrom.

Board Member Schulpus: What is precluding you from pushing the garage back to the East, Northeast?

Petitioner: The well casing is just behind the door. The fireplace is also there. I don't want to block that backdoor either.

Board Member Schulpus: Is the proposed back of the garage in front of the fireplace bump out?

Petitioner: Yes, the back of the new garage would be even with the inside of the new garage. There is a window on the existing garage and I would just header out to have a pass through between each garage.

Board Member Schulpus: The well is 17' feet back from the current proposed location?

Petitioner: I don't want to block the backdoor or go further beyond the original garage.

Board Member Schulpus: Is your backdoor in the bump out behind where that is?

Petitioner: It's before the fireplace.

Board Member Schulpus and Mr. Nordstrom clarified various dimensions and impediments in locating the addition. An updated survey has not been completed yet.

Board Member Schulpus: The survey that we have doesn't have the addition on the back of the house that is bumped out. This survey doesn't match this. Where is your backdoor?

Petitioner: It's a side door on the garage.

Board Member Schulpus: Does it go into the garage?

Petitioner: It goes into the house and straight down the steps into the basement. The addition that was permitted that was a door that comes out onto a little patio, just around the corner from the side there.

Board Member Langer: You said you have approval on the signatures from your neighbors? Anyone that disapproved? Or was there anyone that didn't respond?

Petitioner: have no knowledge of anyone disapproving.

Commissioner Goetter: What I'm struggling with is the hardship. Why do you need this additional garage space?

Petitioner: Basically it will increase my home value, number one. I do have a boat, an ATV, and that isn't really a hardship but I cannot put this garage anywhere else.

Petitioner: Because I have a boat and an ATV and she doesn't want to see them laying outside and neither do the neighbors. To have it enclosed. Out of sight and out of mind. To look nice for the neighbors.

Commissioner Goetter: Ok. Alright. Does anyone else have any more questions? Ok, thank you. (To Mrs. Nordstrom) Now would you like to come up?

Mary Nordstrom: Mary Nordstrom. 5890 S. St. Andrews Drive, New Berlin.

Commissioner Goetter: Do you promise to tell the truth?

Mary Nordstrom: Yes. I think the addition is just going to really look a lot better than having an ATV, a boat and his truck near the garage. It will clean it up and make it look nicer. It's not like any of the neighbors have ever complained. But I just think it would look nicer. And in talking to every neighbor all around us, that is on the signature sheet and across the street, they all said it sounds great and they have no problems with it. That's all.

Commissioner Goetter: Does anyone else have any questions for Mary Nordstrom? Ok, thank you very much.

There was no one present to speak in opposition to the request.

Board Member Langer: For purposes of discussion, I move to approve the variance as submitted.

Commissioner Goetter: Is there a second?

Board Member Stair: I'll second it.

Board Member Langer: In my view there are no objections from any other neighboring property owners. The hardship, from a legal standpoint, I assume would be because the property owner is not able to put the garage anywhere else in this particular area. So, it is not a question whether he needs the additional garage space it's that he cannot put it on his property anywhere else. At least that is my understanding of a hardship. If there is no one that is objecting, that suggests to me that it probably adds value to the property. Which is the main concern of zoning, as I understand it. That is my view.

Board Member Stair: I like that they took the effort to go around to all the neighbors. Before the meeting, I circled all 4 houses around your property and if there was any heartburn it would've come up right away in terms of aesthetics and property value and things of that nature. The Glengarry Road right-of-way – that is not an issue. Is that correct?

Additional discussion on the motion ensued in closed session.

Commissioner Goetter: Correct. Can I just paraphrase you?

Board Member Schulpus: Yes, go ahead.

Commissioner Goetter: Ok, I'm going to give him just a little bit of leeway on the side yard and I would just say – you said we could make it work with 36' feet, right? The last sentence of the request would read a front yard variance of 15' and a rear yard variance of 15'. Ok?

Board Member Schulpus: Ok. I will make a second motion to approve with a 15' foot rear yard and a 15' foot front yard setback.

Commissioner Klappa: Seconds it.

Board Member Stair: I have a question. To his point, will they bring the 1961 lot lines up to today's date before they can reapply again?

Commissioner Goetter: He will have to do a survey that will show the actual lot lines. Then he will have to comply with this variance that we pass.

Dan Hogan: Basically this is setting the parameters but then he has to go through the whole building permit process; a survey, engineering, all that good stuff. We would require that as part of the building permit. So you are just setting the numbers, if you want, and then that just gives the City these are what we have to abide by – but everything else stays the same process-wise.

Commissioner Goetter: Ok. Thank you. Is there any further discussion or questions? The motion is a 15' foot variance on the front yard and a rear yard variance of 15' foot would be what we are voting on. Motion passes 5-0. You still have to go through this process as Dan suggested. All we are asking you to do is square off the building, in effect. It gives you a little bit of leeway from what we can roughly calculate here.

MOTION: Motion to Approve the variance as submitted

VOTE: Motion by: Board Member Langer
Second by: Board Member Stair
Motion Rejected: 4-2

MOTION: Motion to approve 15' foot variance on the front yard and 15' foot variance on the rear yard.

VOTE: Motion by Commissioner Schulpus
Second by: Commissioner Klappa
Motion Passes 6-0

5. ADJOURN

MOTION: Motion to Adjourn at 6:32PM

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

Respectfully Submitted,
Joelle Erickson, City Clerk Administrative Specialist