



Board of Appeals MEETING AGENDA

February 1, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

Published 1/22/2024

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. November 2, 2023 Meeting Minutes
4. **NEW BUSINESS**
 - A. Petitioner Dan Igielski, 18830 W. Cleveland Avenue, requests to construct a 1,280 square foot accessory building. The property is 1.7 acres which allows for a maximum accessory square foot allowance of 840 square feet. An accessory foot variance of 440 is 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

November 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 Common Council meeting to order at 6:02PM and led the Pledge of Allegiance.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Chairman Goetter took the roll call as follows:

Present: Board Member Oldham, Board Member Klappa, Board Member Goetter, Board Member Schulpius, Board Member Langer

Excused: Board Member Willoughby

Staff Present: Lead Inspector Steve Krentz, City Clerk Administrative Specialist Joelle Erickson

3. APPROVAL OF MINUTES

A. June 12, 2023 Meeting Minutes

MOTION: Motion to Approve June 12, 2023 Meeting Minutes

VOTE: Motion by: Board Member Schulpius
Second by: Board Member Oldham
Motion Passes 5-0

4. NEW BUSINESS

- A. Petitioner Kevin Trebe, 21400 W. Bagpipe Court, requests to construct a 480 square foot garage addition, 28 feet from the front property line. The property is Zoned R-1/R-2, Rural Conservation Single-Family Residential District, which requires a front setback of 50 feet. A front setback variance of 22 feet is required in order to obtain a building permit.

Petitioner #1 (Kevin Trebe) : States that he and his wife want the garage because they have 2 growing kids and only 1 full bathroom. They want to put an additional bathroom onto the master suite. They are turning their old garage into their new master suite. The hardship is that due to the setbacks of the cul-de-sac they do not meet the current requirements but if the street was straight – they would not need a variance. They have a septic system that they replaced in 2022 that wraps around the South side to the West side of the home. Petitioner's Mother-In-Law may move in with them so the additional space may be needed.

Petitioner #2 (Brooke Trebe): If this doesn't get approved they would have to consider moving. She feels that the cul-de-sac is the only thing preventing them from meeting the requirements of the 50 feet. They talked to all the neighbors and no one was in opposition with this variance. Just adding a little more space in front of their garage. There is no other place that they can put this. Will be building a 480 square foot garage (24' deep x 23' wide). Ranch style home with a long driveway. The additional space will be livable space. The home would then be a 3 bedroom, 2 full bath home.

Board Member Schulpius: Is that a retaining wall along the North lot line? How high is the retaining wall?
Petitioner #1: At max 3'. It slopes down as it gets closer to the road.

Board Member Langer: Looking for clarification on the variance needed.

Steve Krentz: For clarification, the variance is 22' – not 32' feet.

Board Member Langer: Due to the mound system, the garage cannot go on the south side of the home? Also, is your well abandoned?

Petitioner #1: Yes, it was the old septic system.

Board Member Langer: Were all your neighbors in support of this?

Petitioner #1: We went to all of our neighbors that can see our driveway, showed them our plans and no one objected.

Board Member Schulpus: Do you have a family room behind your existing garage?

Petitioner #1: Yes, with a fireplace.

Chairman Goetter: Was anyone else here to speak in favor? No. Was anyone else here to speak in opposition? No. We will move to closed session.

MOTION: Motion to Amend the Petition from 32' Feet Variance to 22' Feet Variance

VOTE: Motion by: Board Member Schulpus
Second by: Board Member Oldham
Motion Passes 5-0

MOTION: Motion to Approve the 22' Variance for 21400 W. Bagpipe Court

VOTE: Motion by: Board Member Schulpus
Second by: Board Member Langer
Motion Passes 5-0

5. ADJOURN

MOTION: Motion to Adjourn at 6:25PM

VOTE: Motion by: Board Member Langer
Second by: Board Member Schulpus
Motion Passes 5-0

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

STAFF REPORT SUMMARY

Board of Appeals

MEETING DATE: February 1, 2024

PETITIONER: Dan Igielski

CASE NUMBER: BA-24-2670

LOCATION: 18830 W Cleveland Ave

REQUEST: Petitioner requests to construct a 1,280 square foot accessory building. The property is 1.7 acres which allows for a maximum accessory square foot allowance of 840 square feet. An accessory square foot variance of 440 is 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 February 1, 2024

Dan Igielski/ Variance Request
18830 W Cleveland Ave

DATE: January 22, 2024

APPLICANT / OWNER(S): Dan Igielski

REQUEST/DESCRIPTION OF VARIANCE: Petitioner requests to construct a 1,280 square foot accessory building. The property is 1.7 acres which allows for a maximum accessory square foot allowance of 840 square feet. An accessory square foot variance of 440 is required in order to obtain a building permit.

DATE OF APPLICATION: January 2, 2024

SIZE OF PARCEL: 1.72 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:	I-1	Land Use:	Institutional 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: 1,280 Sq Ft detached garage

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:

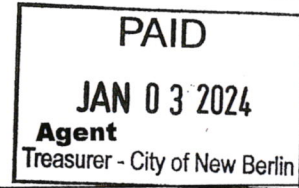
1. Table 275-42-1 of the Zoning Code requires a maximum of 840 square feet of accessory buildings on properties that are less than 2 acres.

Attachments:

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



Board of Appeals



Applicant / Contact

Name DAN IGIELSKI
Address 18830 W CLEVELAND AVE
City, State, Zip NEW BERLIN
Phone 262-409-8379
E-Mail digiel63@gmail.com
Current Zoning R1/R2

Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____
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	\$ <u>200.00</u>
Filling Fee	\$ <u>50.00</u>
Total	\$ <u>250.00</u>

* 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'.

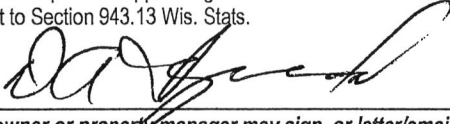
³ All architectural plans at a scale no smaller than 1/8" = 1'

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:

12/27/23

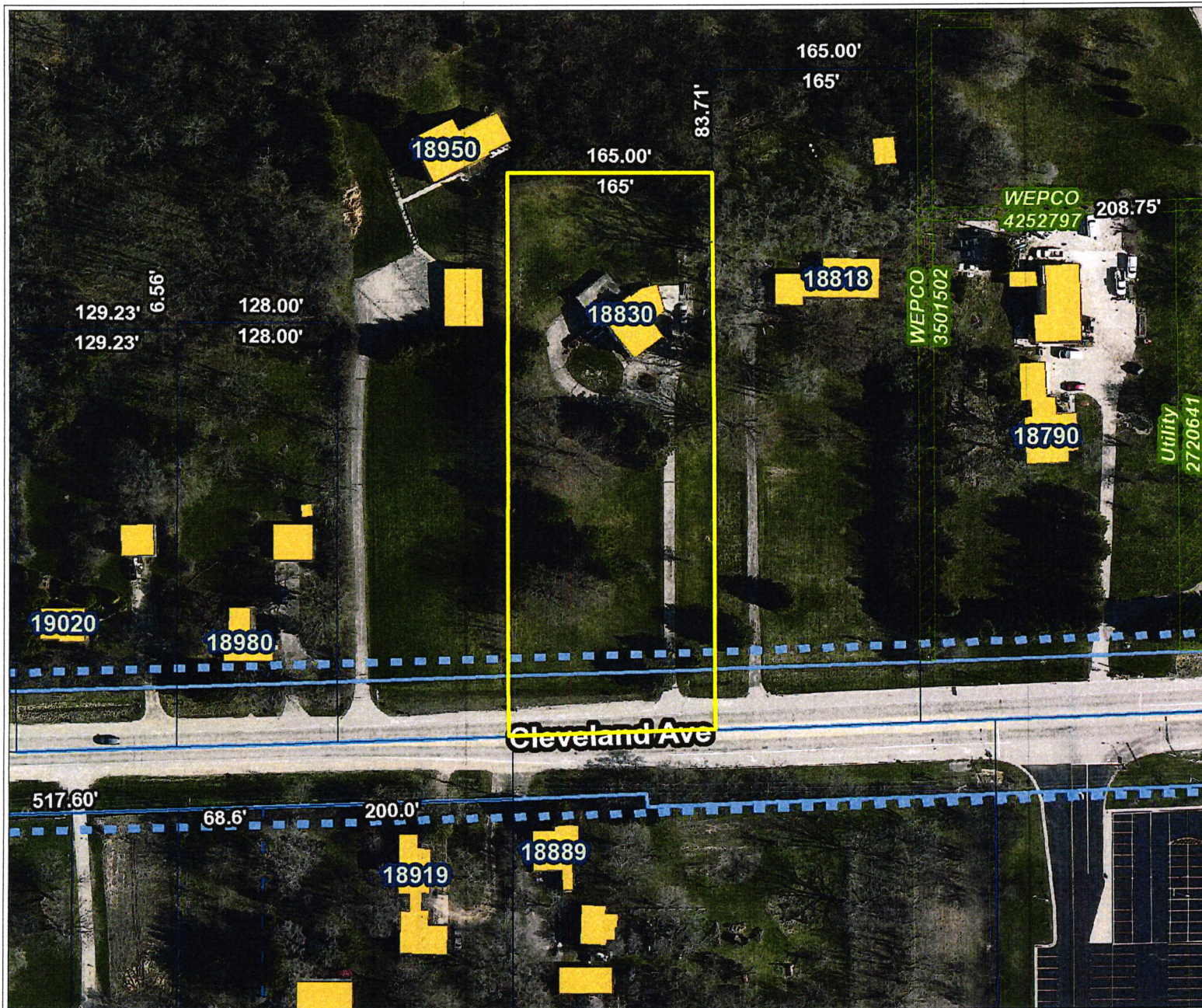
Only the property owner or property manager may sign, or letter/email of authorization required. The final responsible party is the property owner.

Please do not write below this line

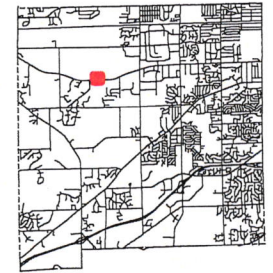
Accepted by: Dan Hogan Date: 1/2/24
Board of Appeals Date: 02/01/2024
Total Fee: \$250
File Number: 2400012



**Make Checks Payable To:
CITY OF NEW BERLIN**

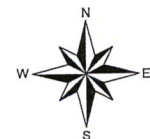


Overview Map



Legend

- Parcels
- Road Right-of-Way
- Road ROW Ultimate



0 60 120 Feet

1 in = 116 ft

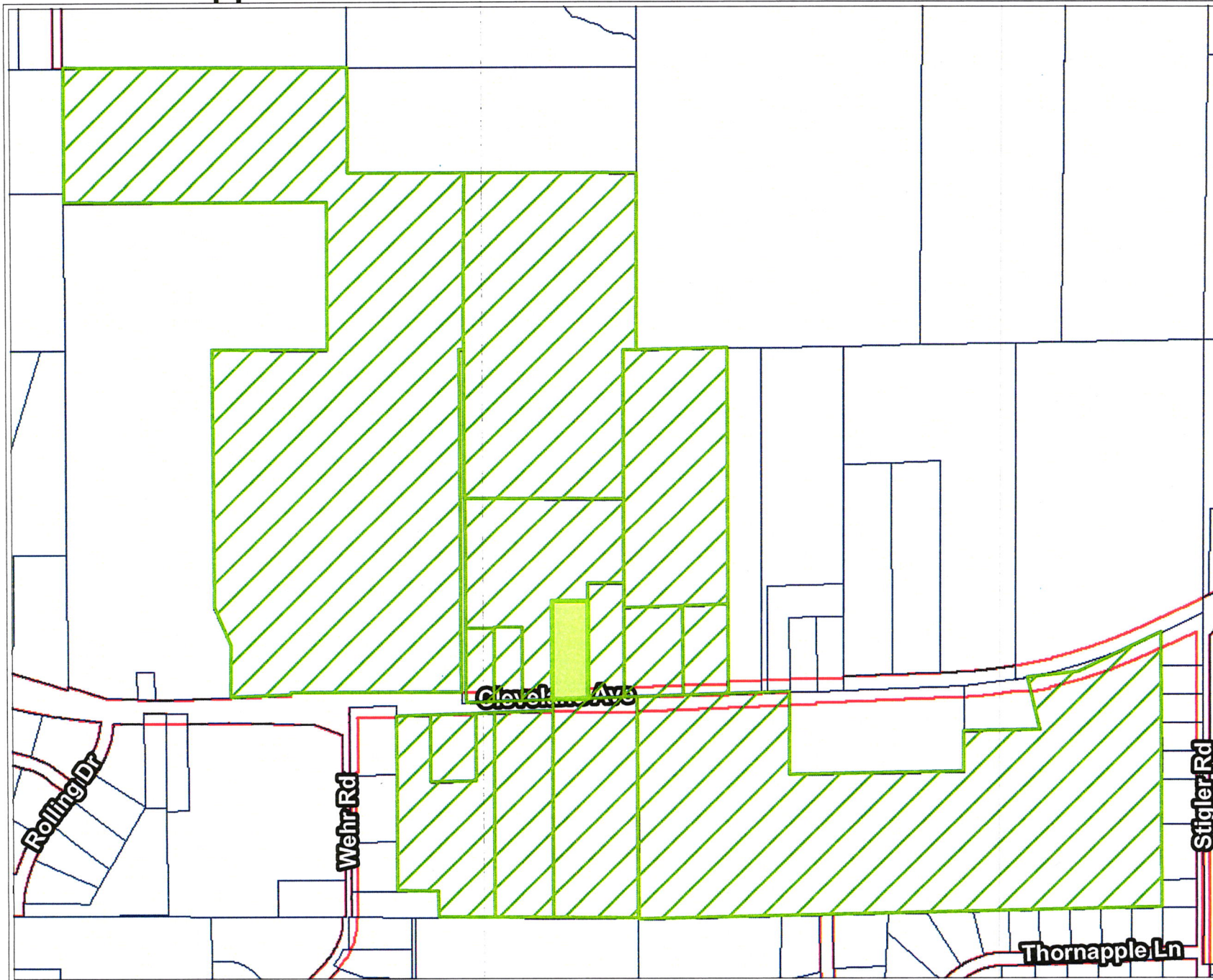


City of New Berlin
Department of Community Development
3805 S Casper Drive, New Berlin WI 53151
(262) 797-2445 www.newberlin.org

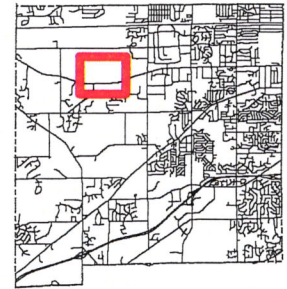
The information and depictions herein have been produced using data available through photogrammetric means by the City of New Berlin. The information and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.

Map Printed: 1/22/2024 11:12:19 AM

Board of Appeals -- 18830 W. Cleveland Avenue



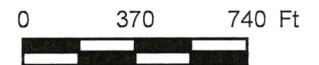
Overview Map



Legend

-  Subject to Action
-  Notified Parcels
-  Other Parcels

Notified parcels (green hash lines) are those properties that fall within 600 Feet of a property that is subject to City of New Berlin action.



1184982

BARBARA BRUNKER
2522 E MORGAN AVE
MILWAUKEE WI 53207

1181993

ROBERT BODUS
2408 SPRINGDALE APT 104
WAUKESHA WI 53186

1184985

DAVID CRAMMER
18818 W CLEVELAND AVE
NEW BERLIN WI 53146

1187988

SCHOOL DISTRICT OF NEW BERLIN
4333 S SUNNYSLOPE RD
NEW BERLIN WI 53151

1187995001

GLORIA SANDEL
18770 W CLEVELAND AVE
NEW BERLIN WI 53146

1184989

WAYNE M. LINDNER
19075 W CLEVELAND AVE
NEW BERLIN WI 53146

1184997004

JEFFREY KERNEN
15911 MUIRFIELD DR
ODESSA FL 33556

1184989002

WAYNE M. LINDNER
19075 W CLEVELAND AVE
NEW BERLIN WI 53146

1187993001

KELLY A BLODGETT REVOCABLE TRUST
18790 W CLEVELAND AVE
NEW BERLIN WI 53146

1184999

MATTHEW DEJANOVICH
18950 W CLEVELAND AVE
NEW BERLIN WI 53146

1184983

PAUL A. BLAVAT
18980 W CLEVELAND AVE
NEW BERLIN WI 53146

1184988

RAYMOND J. HORNAK
18919 W CLEVELAND AVE
NEW BERLIN WI 53151

1187994

RICHARD E. REINKE
18702 W CLEVELAND AVE
NEW BERLIN WI 53146

1184987

RICHARD S. HORNAK
W307 S10488 GREEN HILL CT N
MUKWONAGO WI 53149

Dan Igielski
18830 W. Cleveland Ave.
New Berlin, WI 53146

February 1, 2024

Board of Appeals
3805 S. Casper Drive
New Berlin, WI 53151

Dear Board Members,

I am requesting a variance for the allowable size of an accessory building. The present code limits the building size to 840 ft². A variance to increase this limit to 1280 ft² is being requested.

Justification:

1. My present attached garage is basement level, inadequate in size, and with low ceiling height (<6.5'), not allowing clearance to park my pickup truck, or the ability to have a lift to perform maintenance on it or my other vehicles.
2. Adding on to the existing garage or dwelling is not possible due to setback requirements (25' sides, 50' front and back) and the location of the septic field, as shown in the attached survey.
3. Locating the accessory building to any other location other than that being proposed will not meet setback requirements.
4. My present garage does not have adequate area for my cars, snowmobiles, motorcycle, and lawn equipment, requiring some items to be stored outside or elsewhere via paid storage.

In summary, the proposed accessory building (drawing attached) will meet all setback requirements, including a front setback of at least 150 feet, and will be shrouded on the front and sides by existing mature trees as shown in the attached photos.

Sincerely,



Dan Igielski

Plat of Survey

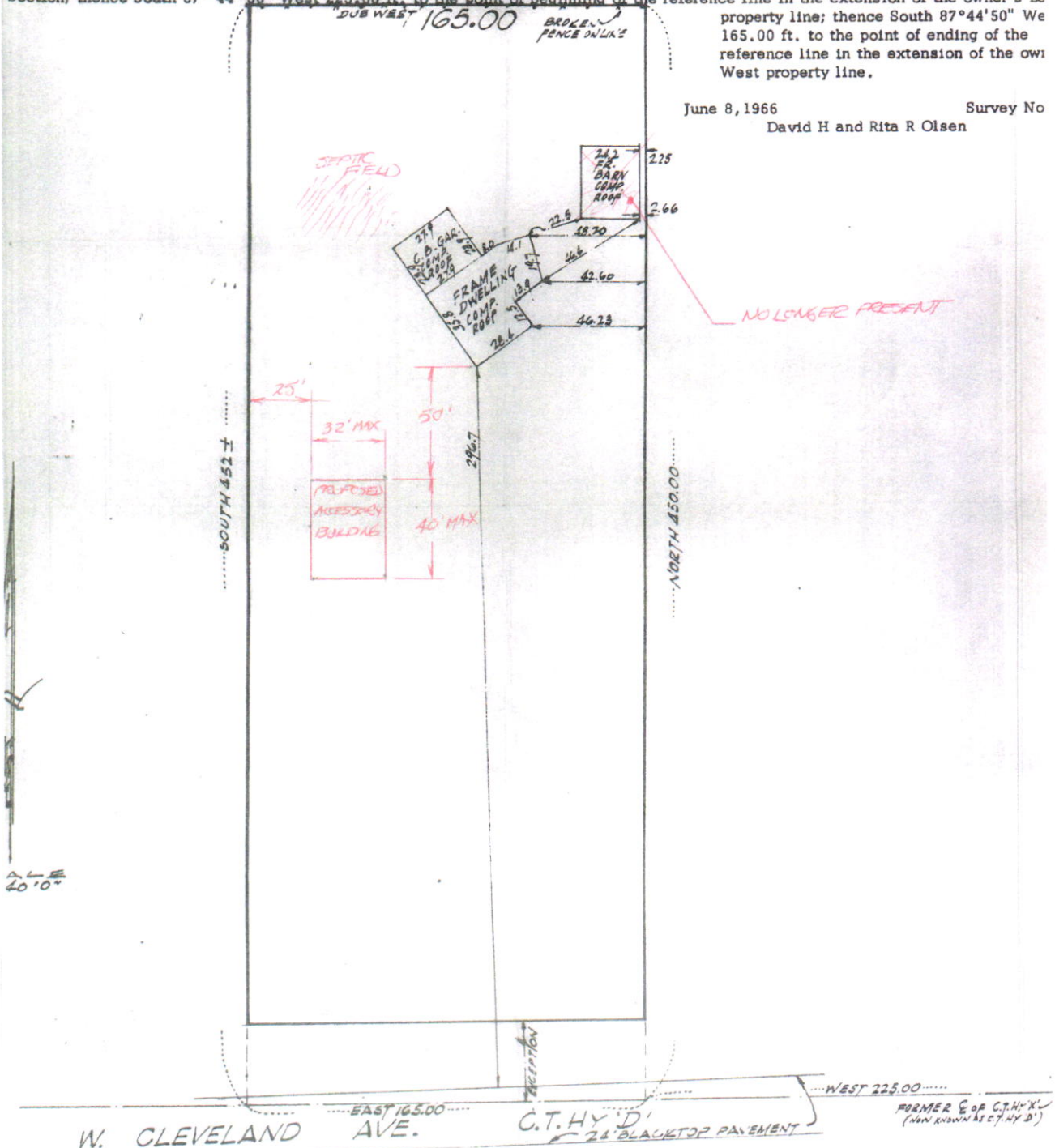
Known as West Cleveland Avenue, in the County of Waukesha, Wisconsin.
That part of the East 1/2 of the SE 1/4 of Section 8, T 6 N, R 20 E, in the County of Waukesha, Wisconsin, bounded and described as follows: Commencing at a point on the East Section line of said Section 8 and the center line of County Trunk "X"; thence West along the center line of said County Trunk "X" 225.00 ft. to the point of commencement;

thence running North parallel to the East Section line of Section 8 aforesaid 450.00 ft. to a point; thence due West 165.00 ft. to a point; thence South on a line parallel to the East Section line of said Section 8 aforesaid 452.00 ft., more or less, to the center line of said County Trunk "X"; thence East along the center line of said County Trunk "X" 165.00 ft., more or less, to the point of commencement.

NOTE: County Trunk "X" is now known as County Trunk "D"

Excepting therefrom that part of the SE 1/4 of Section 8, T 6 N, R 20 E, Waukesha County, Wisconsin, lying between the center line of County Trunk Highway "D" (as it existed prior to 1959) and a line which is 50.00 ft Northerly of (as measured normal to) the following described reference line: Commencing at a point in the East line of said Section which is 1025.81 ft. North 00° 26' 50" West of the Southeast corner of said Section and 1617.31 ft. South 00° 26' 50" East of the East 1/4 corner of said Section; thence South 87° 44' 50" West 225.00 ft. to the point of beginning of the reference line in the extension of the owner's East property line; thence South 87° 44' 50" West 165.00 ft. to the point of ending of the reference line in the extension of the owner's West property line.

June 8, 1966 Survey No
David H and Rita R Olsen



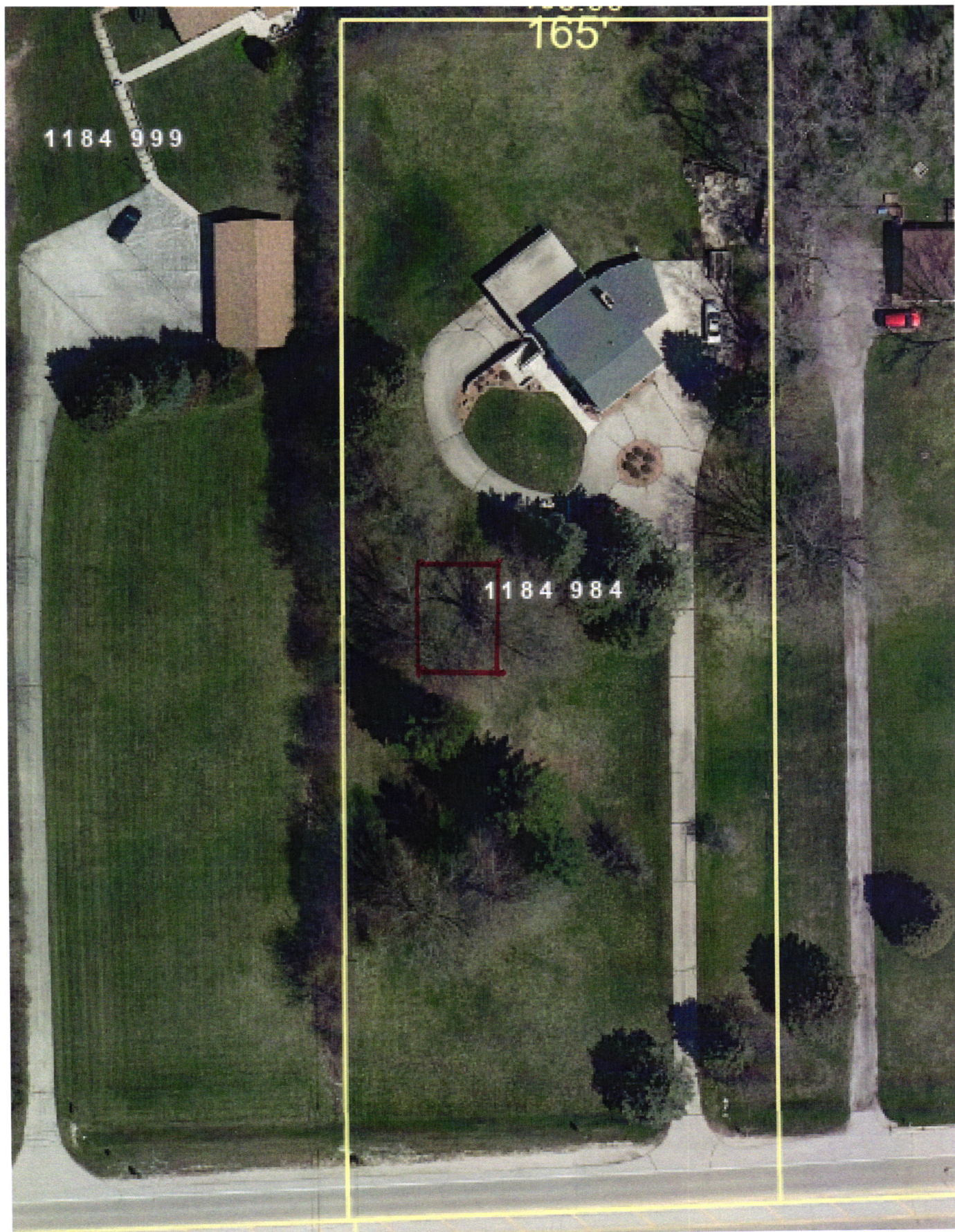
We Certify that we have surveyed the above described property and that the above plat is an accurate survey and a true representation thereof and correctly shows the exterior boundary lines and location of buildings and other improvements on said property and the correct measurements thereof.

NATIONAL SURVEY SERVICE
CIVIL ENGINEERS AND SURVEYORS
8729 W. VLIET ST. 258-9830
MILWAUKEE, WISCONSIN 53208



Kenneth E. Burke
SURVEYOR









QUOTE DRAWINGS

Material Package

Sales Consultant: Joe Reuter
 Phone: (608) 732-2481
 CELL:
 Pager:
 Fax:
 Email: reuterj@northlandbuildings.com

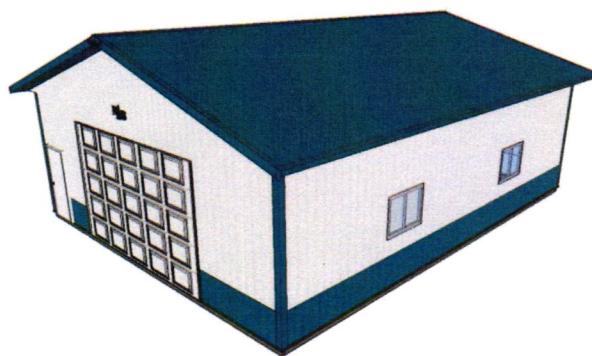
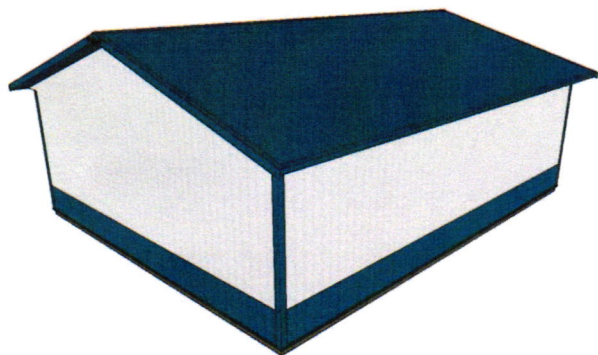
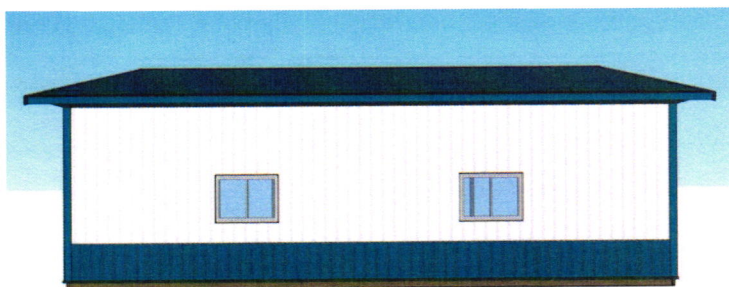
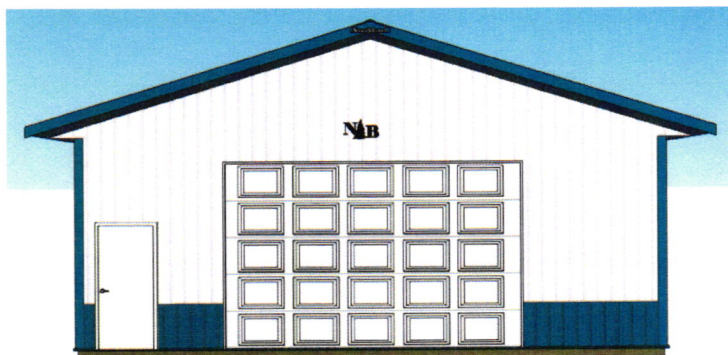
Date: 8/25/2023

QuoteID: lgielski32

Purchaser's Name: Dan Igielski

Advantage Series - 29ga Steel & 29ga Trim

Building Size:			Truss:	On Center: <u>8</u>	Load:	Pitch: <u>4/12</u>
Width <u>32</u>	Length <u>40</u>	Height <u>12'0"</u>	LiveLoad: <u>30</u>	DeadLoad: <u>4</u>	CeilingLoad: <u>5</u>	Total Load <u>39</u>
Building Type: <u>Shop</u>			Build Use: <u>Personal Non-Dwelling</u>		SQFT: <u>1280</u>	LF: <u>144</u>



SalesCenter: Brownsville

QuoteID: lgielski32

Waukesha County
*Department of Parks and
Land Use*



September 11, 2023

Dan Igielski
18830 W. Cleveland Ave.
New Berlin, WI 53146

Re: Preliminary Site Evaluation
Outbuilding
18830 W. Cleveland Ave.
City of New Berlin

Dear Dan Igielski:

On September 8, 2023, a preliminary site evaluation was conducted on the above referenced premise. The purpose for this evaluation was to determine the operating condition of your private sewage system, the approximate location of this system and whether the improvement to your property could have a detrimental effect on the continued operation of your existing system.

Based on the site evaluation, it is this Department's Position that the proposed improvement on your property would not have an adverse effect on the operation of your private sewage system, therefore, this Department would not object to the improvement as requested. A building permit from the local building inspector is required prior to construction of the above referenced improvement.

The following comments are being made to you regarding the evaluation of your private sewage system.

This premise is served by a conventional private sewage system. This Department has no information on file pertaining to any sanitary permits issued, construction plans or installation inspection reports regarding this private sewage system.

At the time of our visit there was no evidence of sewage accumulating on the surface of the ground. The private sewage system showed no visible evidence of failure or malfunction. At this time there is no known method to accurately predict how long a private sewage system will last.

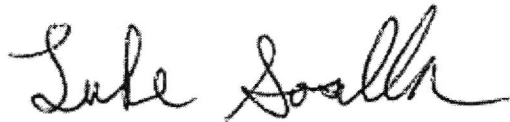
Pg. 2
Igielski
September 11, 2023

The tank manhole terminated above grade. It is our Department's recommendation that the cover be provided with an effective locking device for safety reasons. This is a requirement for all tanks installed as of June 21, 1980.

These observations are for information only and in no way guarantees the future operation of the private sewage system.

If you have any questions concerning this letter, please feel free to call our Department at (262)-896-8300.

Sincerely,

A handwritten signature in black ink, reading "Luke Sosalla". The signature is written in a cursive, flowing style.

Luke Sosalla
Environmental Health Sanitarian

cc: Building Inspector

RS