



Board of Appeals MEETING MINUTES

March 7, 2024 - 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

Board Member Klappa called the meeting to order at 6:01PM and led the Pledge of Allegiance.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Joelle Erickson took the roll call as follows:

Present: Board Member Oldham, Board Member Klappa, Board Member Goetter, Board Member Langer, Alternate #1 Board Member Willoughby

Excused: Commissioner Scott Schulpus

Staff Present: Code Compliance Specialist Dan Hogan, Community Relations Specialist Joelle Erickson

3. APPROVAL OF MINUTES

A. February 1, 2024 Meeting Minutes

MOTION: Motion to Approve February 1, 2024 Minutes

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

4. NEW BUSINESS

A. Petitioner requests to construct a 384 square foot accessory building 5 feet from the side yard property line. The property is located at 17905 W. Roosevelt Avenue and is Zoned R-5, Medium Density Single Family Residential District, which requires a yard setback of 10 feet. A side yard variance of 5 feet is required in order to obtain a building permit.

Petitioner #1 (Vernard Oleinik, 17905 W. Roosevelt Avenue): Jason Oleinik N81 W15085 Appleton Avenue, Menomonee Falls, WI 53051) is the son of Petitioner #1 and is speaking on behalf of his father. Board Member Klappa: Why should we give you a variance?

Petitioner #1: I would like to construct a decent sized shed to house all the garden and materials that I have. We are currently paying a storage facility to store these items. In error, we thought that the 5' setback was all that we needed. All the surrounding neighbors had no objections to the shed. For the past 50 years, we ran under the assumption of the property line until a survey was completed and realized that it was incorrect. We had already purchased the concrete slab so it would be very expensive (and possibly impossible) to move the slab after it's been poured. We've already spent \$6,000 for the concrete to be poured.

Board Member Klappa: When did you put the slab in? Last year?

Petitioner #1: I believe it was September of last year.

Board Member Klappa: Has the shed been built yet?

Petitioner #1: No sir. We put a stop to it – the shed is from Home Depot and it's a pre-fabricated shed. Home Depot obtained the building permit on behalf of them and it got denied.

Board Member Klappa: These are the signatures of the neighbors that support your request?

Petitioner #1: Yes, from all the surrounding neighbors.

Board Member Klappa: Anything else you want to add?

Petitioner #1: It would just be a great relief and would be helpful if the city did this for us besides the trash and garbage pick-up.

Board Member Langer: Was the cement slab poured not knowing where the property line was?

Petitioner #1: No, we had a survey done prior to that and then the slab was poured. We were under the understanding that 5' was all we needed from the property line.

Board Member Langer: Where did that understanding come from?

Petitioner #1: I went on the City's website, and I was reading through the different statutes and I saw that it said it had to be 5' from the property line. So when the permit got denied I went in and read deeper and further and saw that it said 10' instead.

Board Member Langer: Did you say there is a tree line on the property line? On the East side?

Petitioner #1: Yeah, there is a line of trees but it's not a full barrier of trees.

Board Member Langer: The neighbors to the East and the West have no objections?

Petitioner #1: None. They are perfectly fine with it. Every house I went to – they were happy to sign it. One neighbor is in Florida for the Winter so I have no way to contact them.

Board Member Klappa: Did you have a permit prior to pouring it to build the structure?

Petitioner #1: Tough Sheds will not even apply for the permit until the base is completely done.

Board Member Oldham: Was there a structure there beforehand?

Petitioner #1: No.

Board Member Oldham: It was just a plastic shed that sat on the ground without a slab?

Petitioner #1: Yes.

Board Member Goetter: What is the dimension of the building?

Petitioner #1: 16' x 24' feet. The length (24') runs along the property line.

Board Member Klappa: Anyone else here to speak in favor? Anyone else here to speak in opposition? No, then we will go to closed session.

Board Member Goetter: I make a motion to approve the request.

Board Member Langer: I seconded the motion.

Board Member Goetter: I don't see a hardship and I don't see why it couldn't be in the correct place except that they went ahead with an assumption that was incorrect. I think by not approving this we would make a very difficult thing for the petitioner to correct. And the next-door neighbor seems to be okay with this request. We are not going to accomplish much by making them move this slab.

Board Member Langer: I agree with that. They are only asking for a 5' variance. If it was a 25' variance I might think differently. It would be a financial hardship. It's next to a tree line that blocks the area. I believe this qualifies for a hardship.

MOTION: Motion to Approve 5' Variance for 17905 W. Roosevelt Avenue

VOTE: Motion by: Board Member Goetter

Second by: Board Member Langer

Motion Passes 5-0

- B.** Petitioner requests to construct a 432 square foot accessory building 25 feet from the rear yard property line. The property is located at 5015 S. Rolling Meadow Drive and is Zoned R-1, R-2, Rural Conservation Single Family Residential District, which requires a rear yard setback of 50 feet. A rear yard variance of 25 feet is required in order to obtain a building permit.

Petitioner #1 (Kirt & Jodi Stephens, 5015 S. Rolling Meadow Drive): Chad, is our neighbor, and I have spoken to him several times about this and he would be the neighbor to the South that would be most affected by this setback; he has signed the request.

Board Member Goetter: Is the shed built already?

Petitioner #1: No, nothing has been done.

Board Member Langer: I'm looking at a google map, your set back is 50' but your neighbor's setback is 25'.

Petitioner #1: Yes, that is correct because of the corner lot.

Board Member Klappa: Being that your address is where it is – it should be a side setback. Because your address is on Rolling Meadow.

Code Compliance Specialist Dan Hogan: They use architectural front. So their front door faces Hillcrest Drive. But you are correct that it is unique because it is a corner lot.

Board Member Willoughby: You have provided a map with what looks to be markings of a mound set back in blue?

Petitioner #1: Yes, that is correct. It's a satellite view in Google Maps.

Board Member Langer: Are you saying you couldn't put it 50' back?

Petitioner #1: Correct. If we did, it would be on the mound.

Board Member Goetter: Can you tell us what the shed is being used for?

Petitioner #1: We have a shed – an 8'x10'. It mostly houses our lawnmowers and snowblowers. It's getting to the point that it is starting to rot out and need to take it down and we have to put something else in there. We would like to have more space for storage. I have a couple of motorcycles as well.

Board Member Klappa: So obviously that shed would come down?

Petitioner #1: Yes, the builder would demo the shed.

Board Member Klappa: Is anyone else here to speak in favor? Is anyone here to speak in opposition? No. Then we will move to closed session and will entertain a motion.

Board Member Oldham: I will make a motion to approve.

Board Member Langer: I second the motion to approve.

Board Member Oldham: It's the proverbial corner lot jinx that we have seen before. And he has a mound system and it doesn't look like there is any other place he could move that thing because of the mound system. And there is 2-50' foot setbacks because it is a corner lot. We have looked at these corner lot cases in the past and considered that to be a hardship case.

Board Member Goetter: It is unreasonable to say that we have to stick to that 50' setback. The guy has 3-50' foot setbacks.

MOTION: Motion to Approve 25' foot variance for 5015 S. Rolling Meadow Drive

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

- C. Petitioner requests to construct and elevated attached deck 33 feet from the rear yard property line. The property located at 19155 W. Hillcrest Drive is Zoned R-1/R-2, Rural Conservation Single Family Residential District, which requires a rear yard setback of 50 feet. A rear yard variance of 17 feet is required in order to obtain a building permit.

The petitioner and their contractor weren't able to attend the meeting. The board voted on tabling the Motion.

MOTION: Motion to Table, 17' variance for 19155 W. Hillcrest Drive

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

5. ADJOURN

MOTION: Motion to Adjourn at 6:55PM

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

***Respectfully Submitted,
Joelle Erickson, Community Relations Specialist***