

Board of Appeals MEETING AGENDA



April 4, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

Published 3/26/2024

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. March 7, 2024 Meeting Minutes
4. **NEW BUSINESS**
 - A. Petitioner requests to construct an elected attached deck 33 feet from the rear yard property line. The property 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. This item was tabled at the March 7, 2024 meeting.
 - B. Petitioner is requesting to construct a 768 square foot accessory building 15 feet from the rear yard lot line. The property is zoned R-5, Medium Density Single Family which requires a rear yard setback of 25 feet. A rear yard variance of 10 feet 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

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***

STAFF REPORT SUMMARY

Board of Appeals

MEETING DATE: April 4, 2024

PETITIONER: John Devlin on behalf of Matt Dlugi

CASE NUMBER: BA-24-2673

LOCATION: 19155 W Hillcrest Dr

REQUEST: Petitioner requests to construct an elevated attached deck 33 feet from the rear yard property line. The property 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.

DETAILS IN ATTACHED STAFF REPORT

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF ZONING APPEALS STAFF REPORT
Meeting of April 4, 2024

John Devlin on behalf of Matt Dlugi/ Variance Request
19155 W Hillcrest Dr

DATE: February 27, 2024

APPLICANT / OWNER(S): John Devlin on behalf of Matt Dlugi

REQUEST/DESCRIPTION OF VARIANCE: Petitioner requests to construct an elevated attached deck 33 feet from the rear yard property line. The property 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.

DATE OF APPLICATION: January 24, 2024

SIZE OF PARCEL: 0.79Acres

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: 432 Square Foot Accessory Building

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 rear yard setback of 50 feet in the R-1/R-2 Zoning District.
2. Project requires a Building Permit and must meet setbacks due to height of deck.
3. Petition was tabled at the March 7, 2024 Board of Appeals meeting.

Attachments:

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



Board of Appeals

Applicant / Contact

Name Matt Diugi
Address 19155 W. Hillcrest
City, State, Zip New Berlin, WI 53146
Phone 414-975-5319
E-Mail fence deck pros@gmail.com
Current Zoning R3

Agent

Name John Devlin (Fence & Deck Pros)
Address 2960 N 75 st
City, State, Zip Milwaukee, WI
Phone 414-333-6633
Email fence deck pros@gmail.com
Property Owner's Address 19155 W Hillcrest
Property Owner Matt Diugi

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	\$ _____
Filing Fee	\$ <u>50.00</u>
Total	\$ _____

* 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: Jan 25, 2024

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

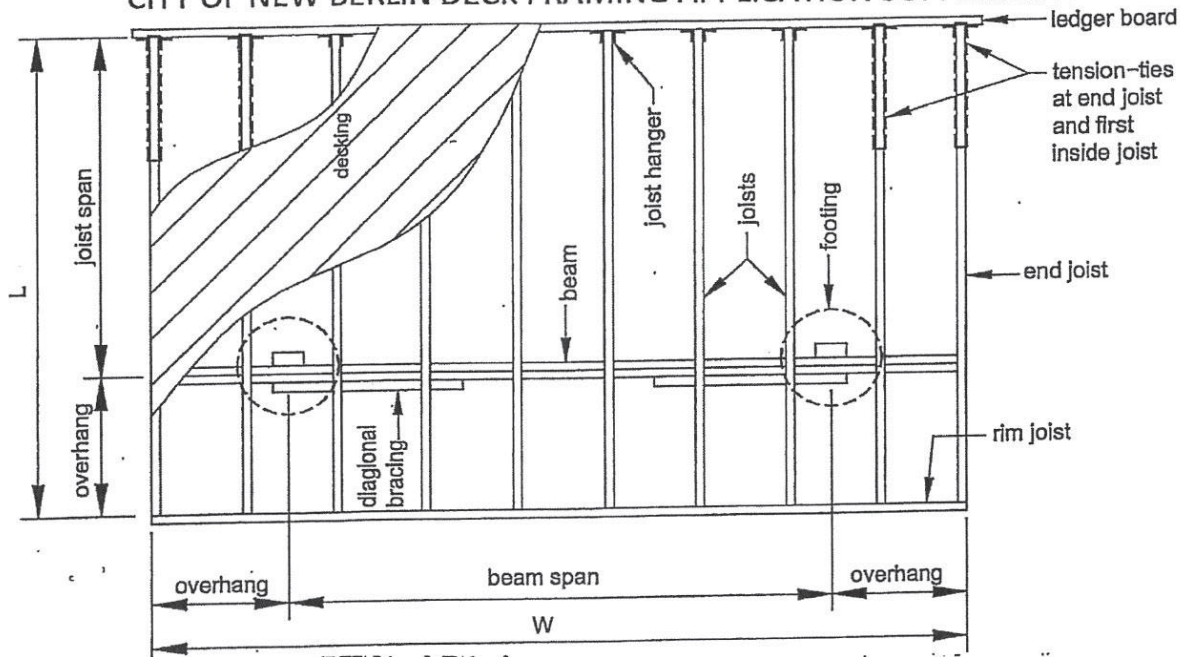
Please do not write below this line

Accepted by: 1/27/2024 Date: Don
 Board of Appeals Date: March 7
 Total Fee: \$1260
 File Number: 2301510



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

CITY OF NEW BERLIN DECK FRAMING APPLICATION SUPPLEMENT



Decking: ☐ 2x4 ☐ 2x6 ☐ Five-quarter board ☒ Wood Plastic composite

☐ Other decking, evaluation report number: _____

Joists: Size: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12 Spacing: ☐ 12 in. ☐ 16 in. ☐ 24 in.

Joist span dimension: 9 ft. - 8 in.

Overhang: ☒ Yes ☐ No overhang dimension: 1 ft. - 4 in.

Rim joist: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12

Beam(s): number of plies: ☐ 2 ☒ 3 size: ☐ 2x6 ☐ 2x8 ☒ 2x10 ☐ 2x12

Overhang: ☒ Yes ☐ No overhang dimension: 1 ft. - 4 in.

Posts: size: ☐ 4x4 ☐ 4x6 ☒ 6x6 height: 5 ft. - 8 in.

Footings: size: N/A in. ☐ square ☐ round thickness: _____ in. *Diamond piers*

Ledger: ledger board size: ☐ 2x8 ☒ 2x10 ☐ 2x12 ☐ Not applicable (free standing deck)

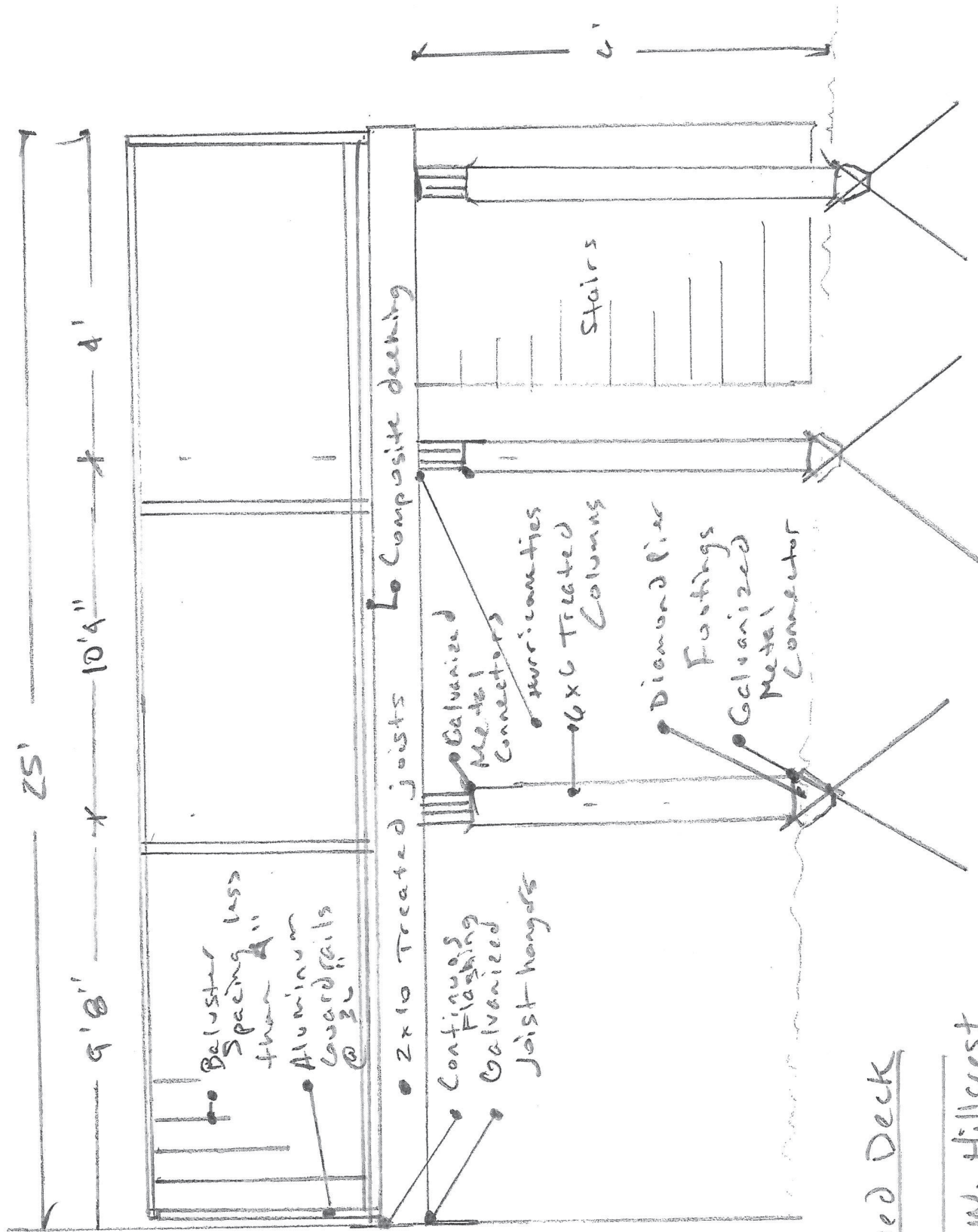
Fastener: ☐ Through bolt ☒ Lag screw ☐ Wood screw

☐ Expansion anchor ☐ Adhesive anchor

Lateral Support: ☐ Tension-tie ☒ Diagonal bracing, size: ☒ 2x 8
(not permitted for free standing deck)

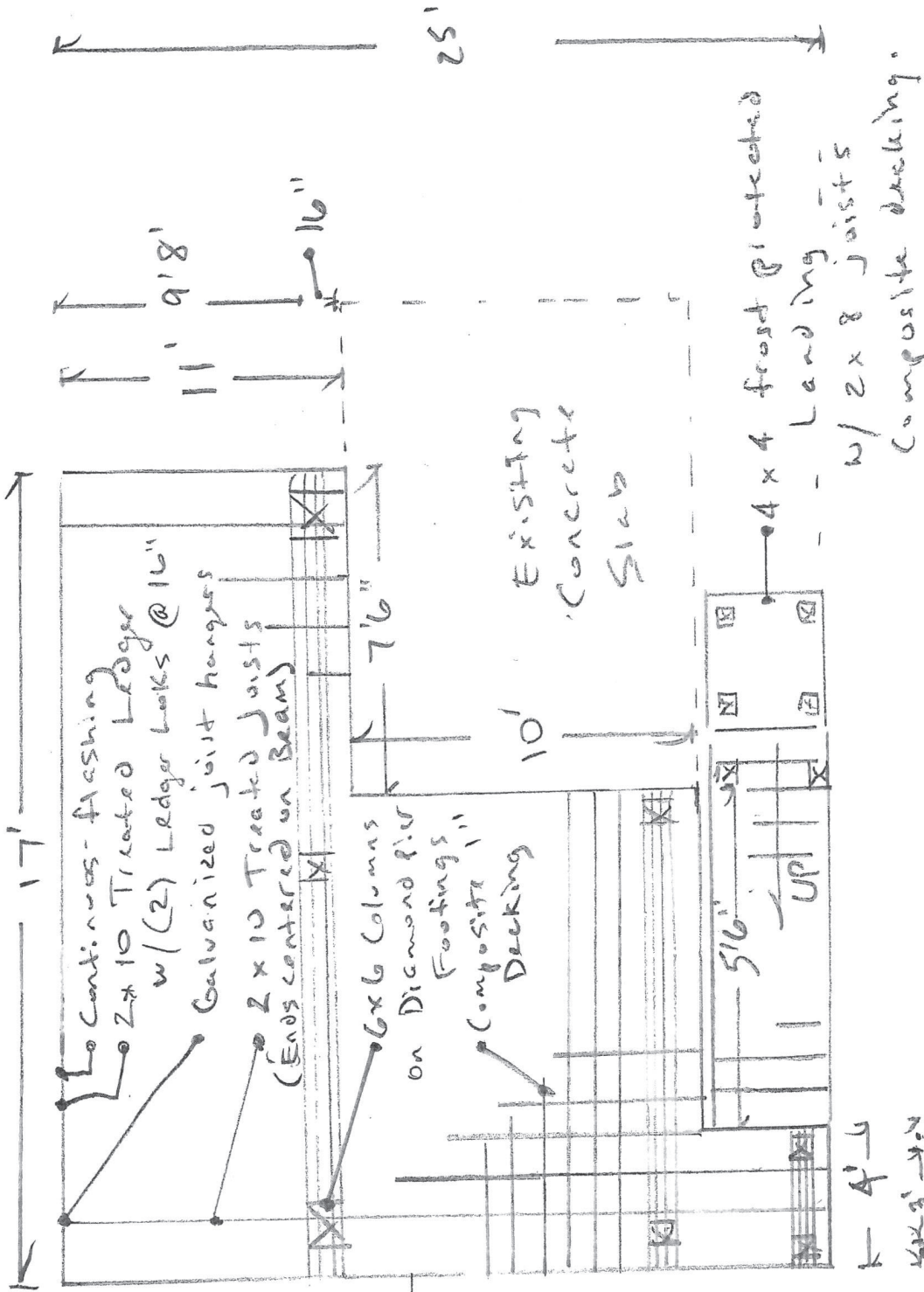
Deck Size: L = 17 ft. - _____ in. W = 11 ft. - _____ in. *10' x 10'*

Lumber Type/Grade: ☐ Doug Fir/Larch ☐ Hem/Fir ☐ SPF² ☒ Southern Pine *4' x 4" Loring*



Proposed Deck
Drawn by
19155 W. Hillcrest
Side View
Fence & Deck Pros
414-333-6633

House



House

☒ = Frost Protected Footing

Proposed Deck
 Dwg:
 19.55 W. Hillcrest
 Overhead View
 Fence & Deck Pros
 414-333-6633

Waukesha County
*Department of Parks and
Land Use*



August 21, 2023

Matt Dlugi
2960 N. 75th St.
Milwaukee, WI 53210

RE: Office Review - Preliminary Site Evaluation
Wood Deck
19155 W. Hillcrest Ct.
City of New Berlin

Dear Matt Dlugi:

A plan review of your proposed improvement was conducted on the above referenced premise. The purpose for this review is to determine the approximate location of your private sewage system and whether this 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. This Department would not object to the improvement as requested provided the following is met:

Deck posts must be a minimum of 5 ft. to the septic tank and 10 ft. from the absorption field.

A building permit from the local building inspector must be obtained prior to construction of the above referenced improvement. Please consult local officials for regulations and permits covering this work.

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

This premise is served by a mound private sewage system. Our records indicate the mound system was installed on October 6, 2021, by Robert Lietzau, plumber number 232132, and consists of a 1,200 gallon two compartment septic tank, a 1,000 gallon lift pump tank and two 8 ft. by 37.5 ft. mound areas.

Environmental Health Division
515 W. Moreland Blvd., AC 260
Waukesha, Wisconsin 53188
Phone: (262) 896-8300 Non-Metro: 1-800-567-2366 • Fax: (262) 896-8298
www.waukeshacounty.gov/eh

In addition a sewage filter is located inside your septic tank. Filters are designed to remove suspended matter which would otherwise exit the septic tank and enter the soil absorption system causing clogging to occur. Compared to routine tank pumping, filter maintenance may be necessary at more frequent intervals to prevent clogging. Filter maintenance is usually done by a sewage hauler or homeowner.

This private sewage system was for a residence having no more than 4 bedrooms.

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

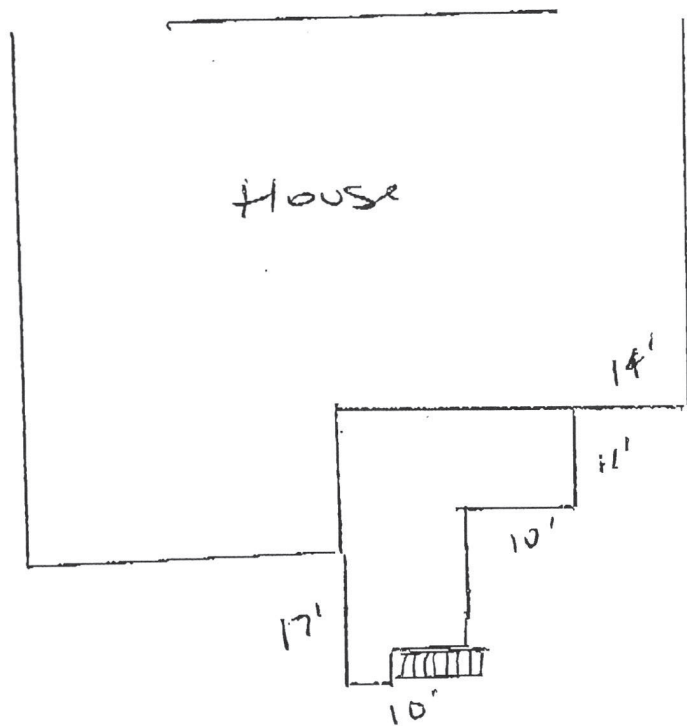
Sincerely,

A handwritten signature in black ink, appearing to be 'LB' with a horizontal line extending to the right.

Lance Brow
Environmental Health Sanitarian

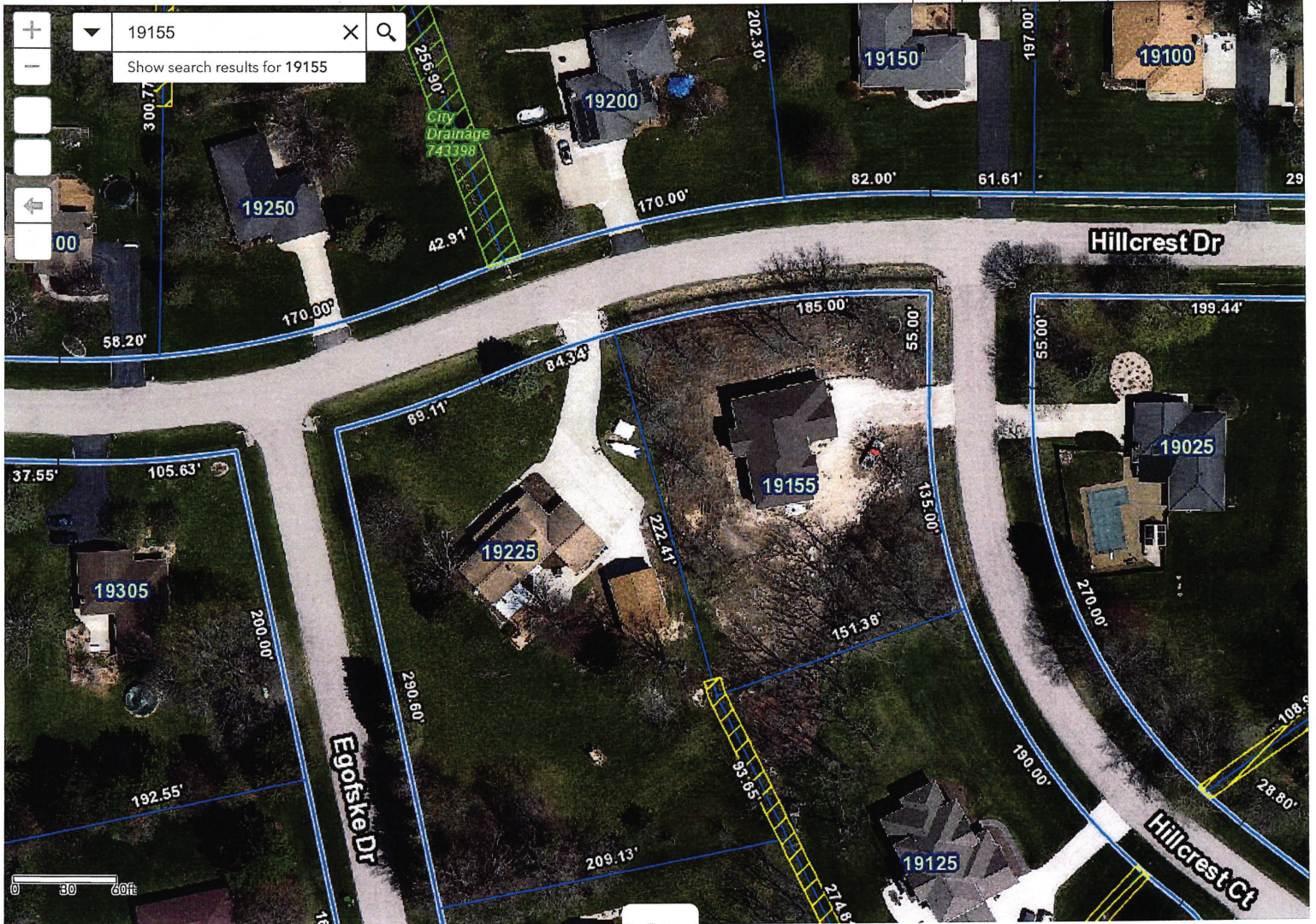
cc: Building Inspector

RS



Diugi, Matt
414-333-6633
Fence and Deck Pros
Deck Plan Location





<https://newberlin.maps.arcgis.com/apps/webappviewer/index.html?id=8376f4d1c40d48ee940129c35233ed6a>

1265042 BRIAN HINTZE 5065 ROLLING MEADOW DR NEW BERLIN WI 53146	1268999 KARTH, TIMOTHY G & JOAN J FAMILY TR 15748 W RIDGE RD NEW BERLIN WI 53151	1265031 RAYMOND GREENE 19150 W HILLCREST DR NEW BERLIN WI 53146
1265043 CHAD W. KUCHLER 5035 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265044 KIRT N. STEPHENS 5015 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265033 ROBERT C. BLESSINGTON 19000 W HILLCREST DR NEW BERLIN WI 53146
1268997 DALE E. PETERSON 18970 W NATIONAL AVE NEW BERLIN WI 53146	1265045 LON A. WERGIN 4965 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265058 ROBERT E. WILLIAMS 4830 S PROVIDENCE CT NEW BERLIN WI 53146
1265017 DANIEL K. PRATT 19075 W HILLCREST CT NEW BERLIN WI 53146	1265016 MARK KUETHER 19055 W HILLCREST CT NEW BERLIN WI 53146	1265019 ROBERT F. MENTZEL 19125 W HILLCREST CT NEW BERLIN WI 53146
1265015 DAVID OLDENBURG 19035 W HILLCREST CT NEW BERLIN WI 53146	1268998 MATHIAS G. WACHAL 18950 W NATIONAL AVE NEW BERLIN WI 53146	1265012 ROBERT LAYMAN 19025 W HILLCREST DR NEW BERLIN WI 53146
1262995006 DOUGLAS A. ANDERSON 18675 W HILLCREST DR NEW BERLIN WI 53146	1268998001 MATHIAS G. WACHAL 18950 W NATIONAL AVE NEW BERLIN WI 53146	1265014 STEVEN J KRANTZ AND CYNTHIA O KRAI 19005 W HILLCREST DR NEW BERLIN WI 53146
1262994005 ELISSA J. MCRAE 5068 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265020 MATTHEW DLUGI 19155 W HILLCREST CT NEW BERLIN WI 53151	1265022 STEVEN R. SAARI 5020 S EGOFSKE RD NEW BERLIN WI 53146
1262994005 EMILY R. SCHOBBER 18777 W HILLCREST DR NEW BERLIN WI 53146	1265039 NATHAN T. KOEPKE 4940 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265059 SUSAN BRAUN 4840 S PROVIDENCE CT NEW BERLIN WI 53146
1265023 HENRY J. REED 5050 S EGOFSKE RD NEW BERLIN WI 53146	1263982 PAUL SAN FELIPE 18700 W NATIONAL AVE NEW BERLIN WI 53146	1265013 THOMAS E. OSTEEN 19015 W HILLCREST DR NEW BERLIN WI 53146
1265041 HEWITT TRUST 5040 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265040 RANDY B. MAAS 4980 S ROLLING MEADOW DR NEW BERLIN WI 53146	1265018 THOMAS R. SINDORF 19105 HILLCREST CT NEW BERLIN WI 53151

1262995007

THOMAS S. SAVIGNAC
5085 S ROLLING MEADOW DR
NEW BERLIN WI 53146

1265046

TROY D. BURKE
4925 S ROLLING MEADOW DR
NEW BERLIN WI 53146

1268997001

TYLER T. SAVIGNAC
18920 W NATIONAL AVE
NEW BERLIN WI 53146

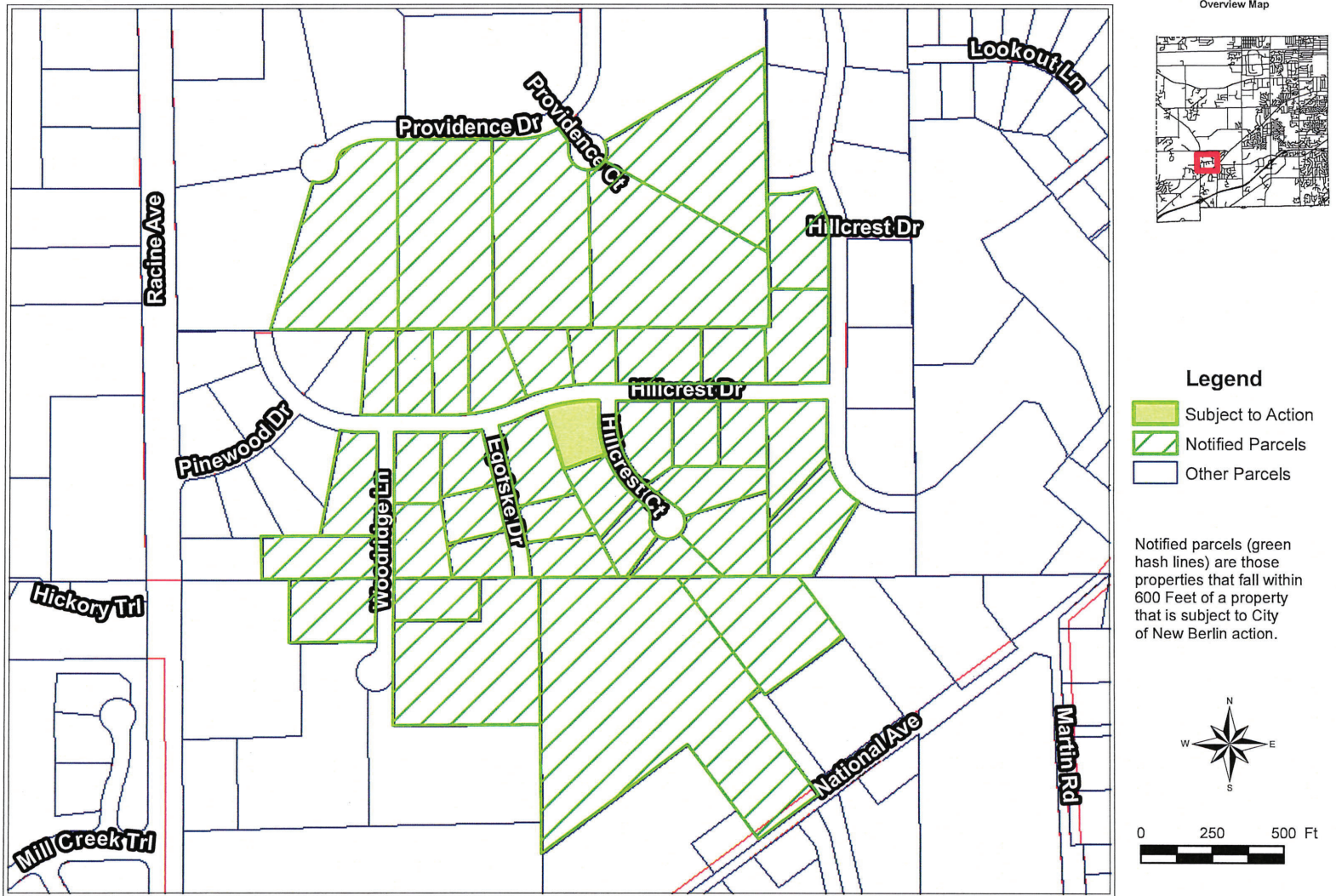
1265032

WILLIAM F BAYLISS AND MAUREEN M BA
19100 W HILLCREST DR
NEW BERLIN WI 53146

1263981

WISCONSIN ELECTRIC POWER COMPAN
PO BOX 2179
MILWAUKEE WI 53201

19155 W Hillcrest Ct -- BOA



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.

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.

G:\Projects\Requests\BOA\19155 Hillcrest Ct\19155 Hillcrest.mxd

To who it may concern.

I am the home owner at 19155 W Hillcrest Ct. My wife and I built this house with a partial exposed basement. It's at least a six foot drop from the patio door to the ground so we need an elevated deck with stairs. Also the width of the patio door is six foot and it faces the south, so we would need to expand the deck west to make it functioning. Currently the deck would only be 8 feet from the house.

Thanks

Matt Dlugi

Matt Dlugi

19155 W Hillcrest Dr

To Whom it may concern/ City of new Berlin Board:

The current setback from the west lot line to the house at 19155 W. Hillcrest Dr is 50 feet. (This Would only allow a 7 to 8 foot deep deck)

We are requesting a 17 foot variance to the lot line for a (larger) deck.

Set back would be 33 feet from the lot line.

Thank you for the consideration,

Matt Dlugi (homeowner) 414-975-5319

John Devlin (Contractor) 414-333-6633

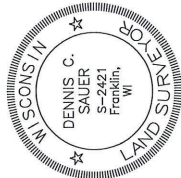
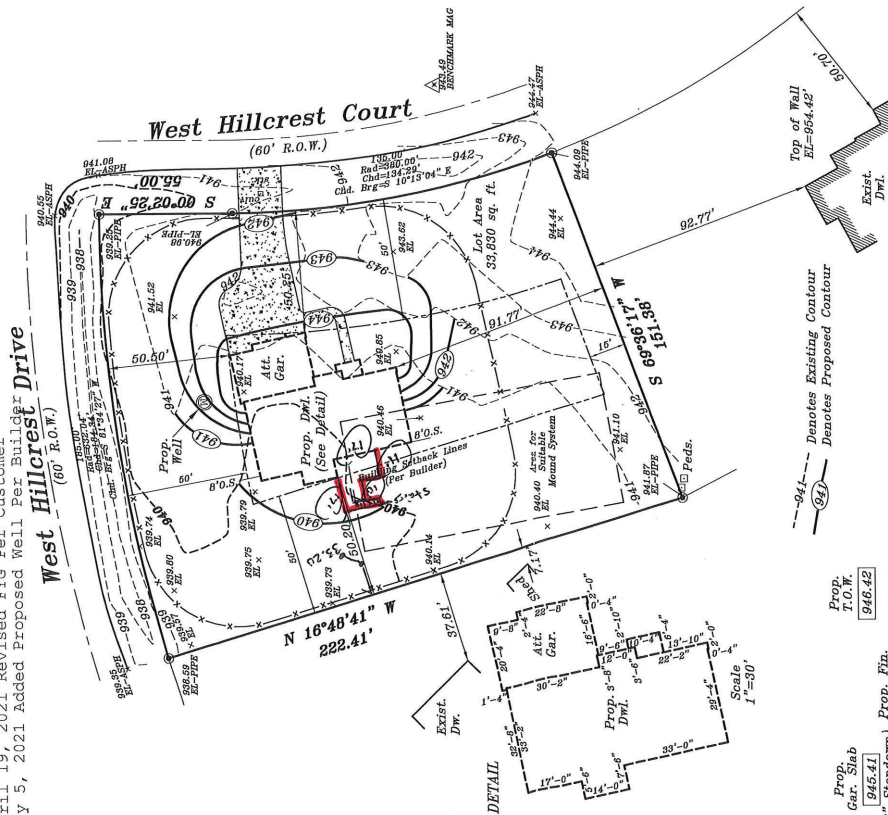
PLAT OF SURVEY

LOCATION: West Hillcrest Court, New Berlin, Wisconsin

LEGAL DESCRIPTION: Lot 9 Block 3 in HILLSIDE TERRACE, being a Subdivision of a part of the Northeast 1/4 of Section 29, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Survey No. 112153-S

December 15, 2020 (Drawing Only)
January 26, 2021 Revised Foundation Plan (Not Staked)
February 1, 2021 Moved Foundation Plan (Not Staked)
February 8, 2021 Revised Foundation Plan (Not Staked)
February 11, 2021 Rough Staked Dwelling and Prepared Grading Plan
April 5, 2021 Staked Dwelling
April 19, 2021 Revised FVG Per Customer
May 5, 2021 Added Proposed Well Per Builder



Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is a suggested grade and should be verified by the owner, builder or municipality

METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380
survey@metropolitansurvey.com
www.metropolitansurvey.com

1" = 30'
Scale
Prop. Dwl.
Attl. Gar.
Prop. Foundation
Prop. Yard
Prop. Gr.
Prop. Pin
Prop. Yd. Gr.
Prop. T.O.W.
Prop. Slab
Prop. Gar. Slab
Prop. (8" Stepdown)
Prop. Iron Pipe Found
Prop. Iron Pipe Set
Prop. Proposed Grade
Prop. Proposed Silt Screen

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND EASEMENTS, AND THE LOCATION OF ALL EASEMENTS, FENCES, ADJACENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO FOR THE PURPOSES OF THE RECORD, AND I GUARANTEE THE TITLE THEREIN WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED
Dennis C. Sauer
Dennis C. Sauer
Professional Land Surveyor S-2421

STAFF REPORT SUMMARY

Board of Appeals

MEETING DATE: April 4, 2024

PETITIONER: Ryan Heeti

CASE NUMBER: BA-24-2674

LOCATION: 13626 W Montana Ave

REQUEST: Petitioner requests to construct a 768 square foot accessory building 15 feet from the rear yard lot line. The property is zoned R-5, Medium Density Single Family which requires a rear yard setback of 25 feet. A rear yard variance of 10 feet 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 April 4, 2024**

**Ryan Heeti/ Variance Request
13626 W Montana Ave**

DATE: March 22, 2024

APPLICANT / OWNER(S): Ryan Heeti

REQUEST/DESCRIPTION OF VARIANCE: Petitioner requests to construct a 768 square foot accessory building 15 feet from the rear yard lot line. The property is zoned R-5, Medium Density Single Family which requires a rear yard setback of 25 feet. A rear yard variance of 10 feet is required in order to obtain a building permit.

DATE OF APPLICATION: February 27, 2024

SIZE OF PARCEL: 0.55 Acres

CURRENT ZONING: R-5 Medium Density Single Family Residential District

CURRENT LAND USE: Residential

PROPOSED LAND USE: No change

ADJACENT ZONING AND LAND USE:

North Zoning:	Rd-1	Land Use:	Two Family Residential District
South Zoning:	R-5	Land Use:	Medium Density Single Family Residential District
East Zoning:	R-5	Land Use:	Medium Density Single Family Residential District
West Zoning:	R-5	Land Use:	Medium Density 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: 768 Square Foot Accessory Building

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: Yes
- 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 rear yard setback of 25 feet in the R-5 Zoning District for a lot with an open drainage ditch.
2. Project requires a Building Permit.

Attachments:

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



Board of Appeals

Applicant / Contact

Name Ryan Heeti
 Address 13626 W. Montana Ave.
 City, State, Zip New Berlin, WI, 53151
 Phone 4143785144
 E-Mail RyanHeeti@gmail.com
 Current Zoning R5

Agent

Name Ryan Heeti
 Address 13626 W. Montana Ave.
 City, State, Zip New Berlin, WI, 53151
 Phone 4143785144
 Email RyanHeeti@gmail.com
 Property Owner's Address 13626 W. Montana Ave.
 Property Owner Ryan Heeti

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'.

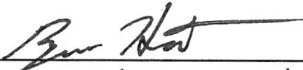
³ All architectural plans at a scale no smaller than 1/8" = 1'

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

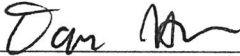


Date: 02-19-2024

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:

2/27/2024

Board of Appeals Date:

April 4, 2024

Total Fee:

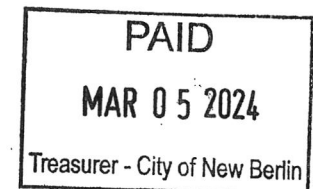
\$ 250

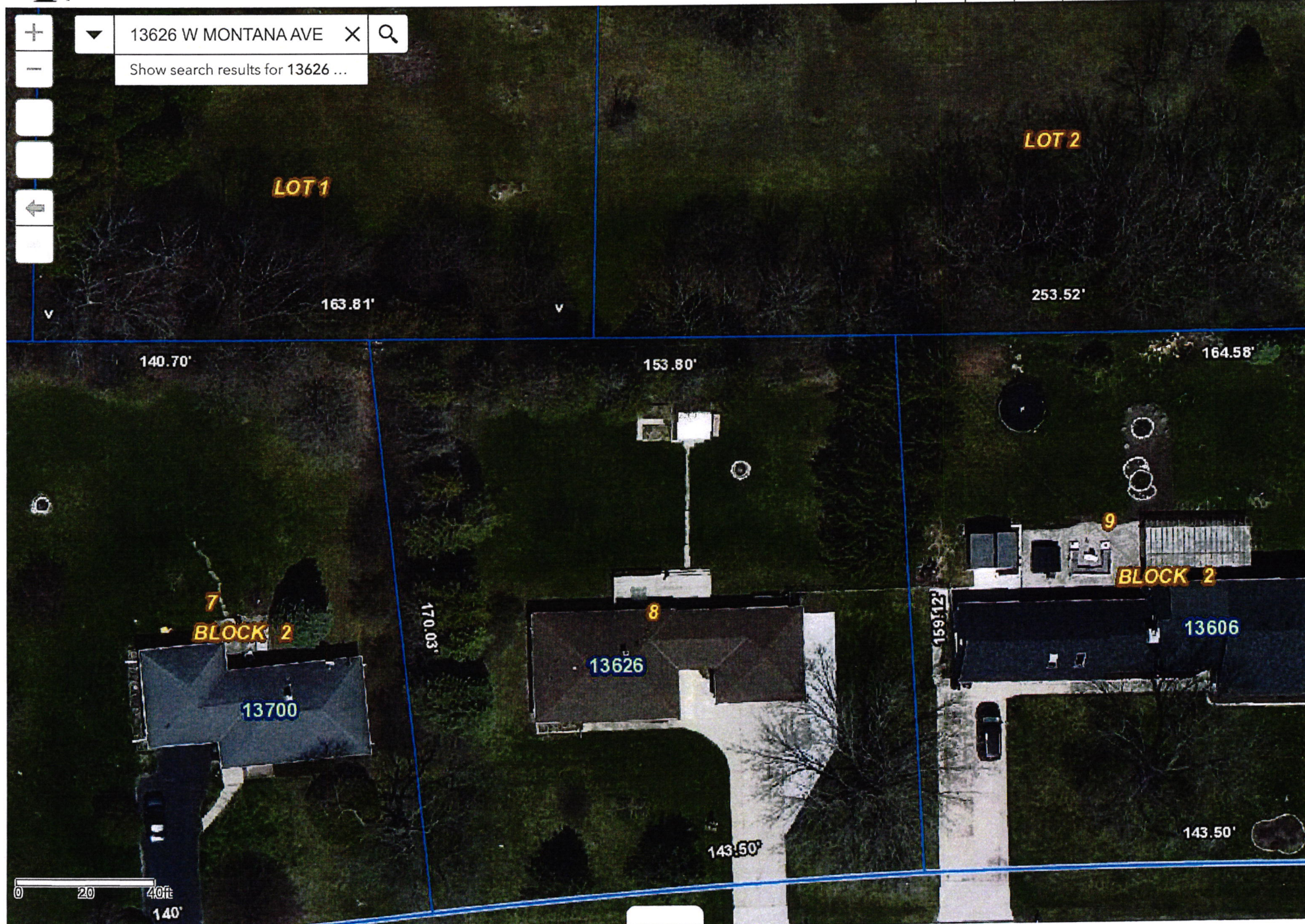
File Number:

2400327



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





1199020 ADAM SZWED 13541 W DAKOTA CT NEW BERLIN WI 53151	1199053 DAVID J. KRUEGER 13800 W MONTANA AVE NEW BERLIN WI 53151	1198966003 JKS INVESTMENTS, LLC 1185 BRANDYWINE LN BROOKFIELD WI 53045
1199987 ALBERT A. JONES JR 13509 W CLEVELAND AVE NEW BERLIN WI 53151	1199023 ELIZABETH A SPRIDCO SURVIVORS TRU 13501 W DAKOTA ST NEW BERLIN WI 53151	1199024 JOHN M. MILLER 13425 W DAKOTA ST NEW BERLIN WI 53151
1199989 ANNA T KOZLOWSKI REVOCABLE TRUST 13429 W CLEVELAND AVE NEW BERLIN WI 53151	1199985 FELIX SANTIAGO JR 13715 W CLEVELAND AVE NEW BERLIN WI 53151	1199047 JUSTIN R D. KRALL 13627 W MONTANA AVE NEW BERLIN WI 53151
1199013 ARLENE F. ADAM 13501 W MONTANA AVE NEW BERLIN WI 53151	1199007 GARY H. ANDERSON 13500 W MONTANA AVE NEW BERLIN WI 53151	1199010 KATHLEEN M. LAMPONE 13541 W CLEVELAND AVE NEW BERLIN WI 53151
1198963 BRIAN J. COTTER 13709 W CLEVELAND AVE NEW BERLIN WI 53151	1199051 GARY L. ROBINSON 13836 W MONTANA AVE NEW BERLIN WI 53151	1198964 KELLY J. KRANCKI 13700 W CLEVELAND AVE NEW BERLIN WI 53151
1199011 BRIAN W. HACKBARTH 13541 W MONTANA AVE NEW BERLIN WI 53151	1199983002 GERALD R. REBATZKI 13805 W CLEVELAND AVE NEW BERLIN WI 53151	1199008 KEVIN J. FRITZ 13510 W MONTANA AVE NEW BERLIN WI 53151
1199048 BRUCE W. MACDONALD 13605 W MONTANA AVE NEW BERLIN WI 53151	1198963001 GH 4-FAMILY, LLC 13720 W CLEVELAND AVE APT 3 NEW BERLIN WI 53151	1199986 KURT J. DENISSEN 13601 W CLEVELAND AVE NEW BERLIN WI 53151
1199019 CARLOS MARQUEZ 13540 W DAKOTA ST NEW BERLIN WI 53151	1198965 GLENN E. DERBY 13680 W CLEVELAND AVE NEW BERLIN WI 53151	1199983 LAWRENCE REBATZKE 1915 S 97 ST WEST ALLIS WI 53227
1199016 CRAIG P. WIENDL 13420 W DAKOTA ST NEW BERLIN WI 53151	1199025 JACOB J. LEVENHAGEN 2855 S 134TH ST NEW BERLIN WI 53151	1199983001 MARC J. YOUNG 13855 W CLEVELAND AVE NEW BERLIN WI 53151
1199045 DANIEL A. BURGETT 13725 W MONTANA AVE NEW BERLIN WI 53151	1199042 JAMES A. LUND 13835 W MONTANA AVE NEW BERLIN WI 53151	1199055 MATTHEW J. ANDERSON 13700 W MONTANA AVE NEW BERLIN WI 53151

1199979001

MEHRDAD K. KAZEMI
PO BOX 510603
NEW BERLIN WI 53151

1199967

ROBERT S. JOHNSON
13655 W CLEVELAND AVE
NEW BERLIN WI 53151

1199978

MICHAEL E. ELLIOTT
2852 S SUNNY SLOPE RD
NEW BERLIN WI 53151

1199006

RONALD M. PIPKIN
13440 W MONTANA AVE
NEW BERLIN WI 53151

1199054

MICHAEL STREGE
13726 W MONTANA AVE
NEW BERLIN WI 53151

1199056

RYAN HEETI
13626 W MONTANA AVE
NEW BERLIN WI 53151

1199984

NICOLE M. WALBRANT
13765 W CLEVELAND AVE
NEW BERLIN WI 53151

1199057

STEVEN BLACKBURN
13606 W MONTANA AVE
NEW BERLIN WI 53151

1199009

NICOLE REISE
13540 W MONTANA AVE
NEW BERLIN WI 53151

1199014

STEVEN C. BAIN
13431 W MONTANA AVE
NEW BERLIN WI 53151

1199044

PHIL A BAGGULEY AND DIANE M BAGGUI
13801 W MONTANA AVE
NEW BERLIN WI 53151

1199017

STEVEN R. PRUSINSKI
13500 W DAKOTA ST
NEW BERLIN WI 53151

1199012

REX A. HOLTZ JR
13521 W MONTANA AVE
NEW BERLIN WI 53151

1199043

TODD J. ALLEN
13825 W MONTANA AVE
NEW BERLIN WI 53151

1199052

RICHARD J. SUBOTNIK
13828 W MONTANA AVE
NEW BERLIN WI 53151

1198966004

WIS ELECTRIC POWER CO
231 W MICHIGAN ST
MILWAUKEE WI 53203

1199046

ROBBIE D. FRIEDENFELS
13701 W MONTANA AVE
NEW BERLIN WI 53151

1199977

XINGYE PROPERTY, LLC
5394 S 108TH ST
HALES CORNERS WI 53130

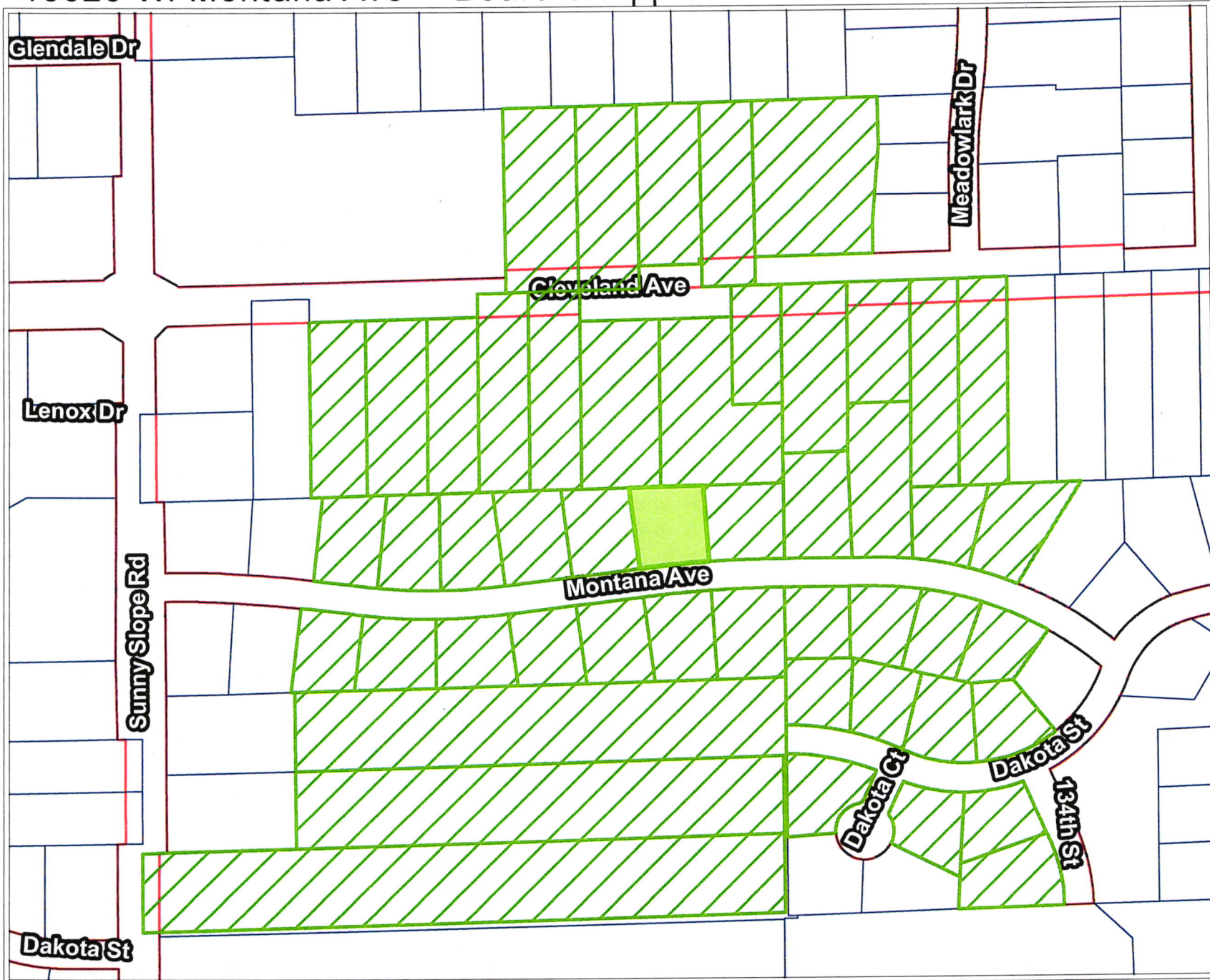
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ROBERT D. MARTIN JR
13520 W DAKOTA ST
NEW BERLIN WI 53151

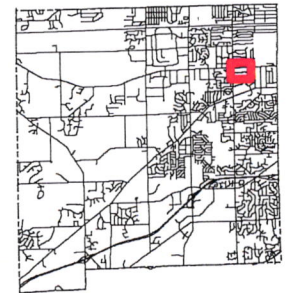
1199988

ZIMMERMAN TRUST
13433 W CLEVELAND AVE
NEW BERLIN WI 53151

13626 W. Montana Ave -- Board of Appeals



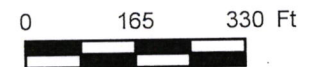
Overview Map



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.



Ryan Heeti
13626 W. Montana Ave
New Berlin, WI 53151

Nature of Appeal

To whom it may concern,

I am starting an accessory building project on my lot. The nature of my appeal is in relation to the rear setback that is required. The present code for R5 zone requires 25 feet of rear setback. I am requesting 15 feet of rear setback. A variance of 10 feet of rear setback is requested.

Thank you for your consideration,

Ryan Heeti

A handwritten signature in black ink, appearing to read "Ryan Heeti", with a long horizontal flourish extending to the right.

Ryan Heeti
13626 W. Montana Ave
New Berlin, WI 53151

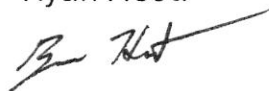
Hardship Argument

To whom it may concern,

The reason for this request stems from being limited in storage/useful space with our current garage size on our property. I would like to add an additional accessory building (2nd garage). We originally bought this property in New Berlin because we fell in love with the space the lot provided for us, yet still had the neighborhood feeling along with it. Our family has grown in the last couple years as well as our hobbies. So, with the space our current garage provides we are out of room. We have a fenced in back yard for the dog and kids to run around and play in. The hardship comes into play when we are required to follow the 25 foot rear setback code for our zone. This pushes the garage further up into our backyard towards our home and takes away from the beautiful large backyard we love. It then also shrinks the space to be able to maneuver around in front of the 2nd garage to be able to get cars/equipment in and out of. The property to the rear of our lot is zoned Rd-1 and there is no real usable land between our 2 properties. There is a wooded barrier between our 2 lots that runs about 20-30 feet in depth. Their structures are also pushed up close to Cleveland Ave and are not near the rear of their lots. The rear and sides of our property are lined with 50-foot-tall pines which provide good cover to where the 2nd structure wont be very visible from behind or the sides of our property either. In short, we would like to preserve as much as the beautiful backyard we currently have while still adding a usable structure to help with our growing family. Moving the 2nd garage back 10 feet will go a long way in helping us achieve this goal.

Thank you for your consideration,

Ryan Heeti



PLAT OF SURVEY

Survey No. 24.5016

LOCATION: 13626 W Montana Ave, New Berlin, WI 53151

PREPARED FOR: Ryan Heeti

PROPERTY DESCRIPTION: Per Document No. 4409912

Lot 8, Block 2, Sunset Trails Subdivision, being a Subdivision of part of the Southwest $\frac{1}{4}$ of Section 12, Township 6 North, Range 20 East, City of New Berlin, County of Waukesha, State of Wisconsin.

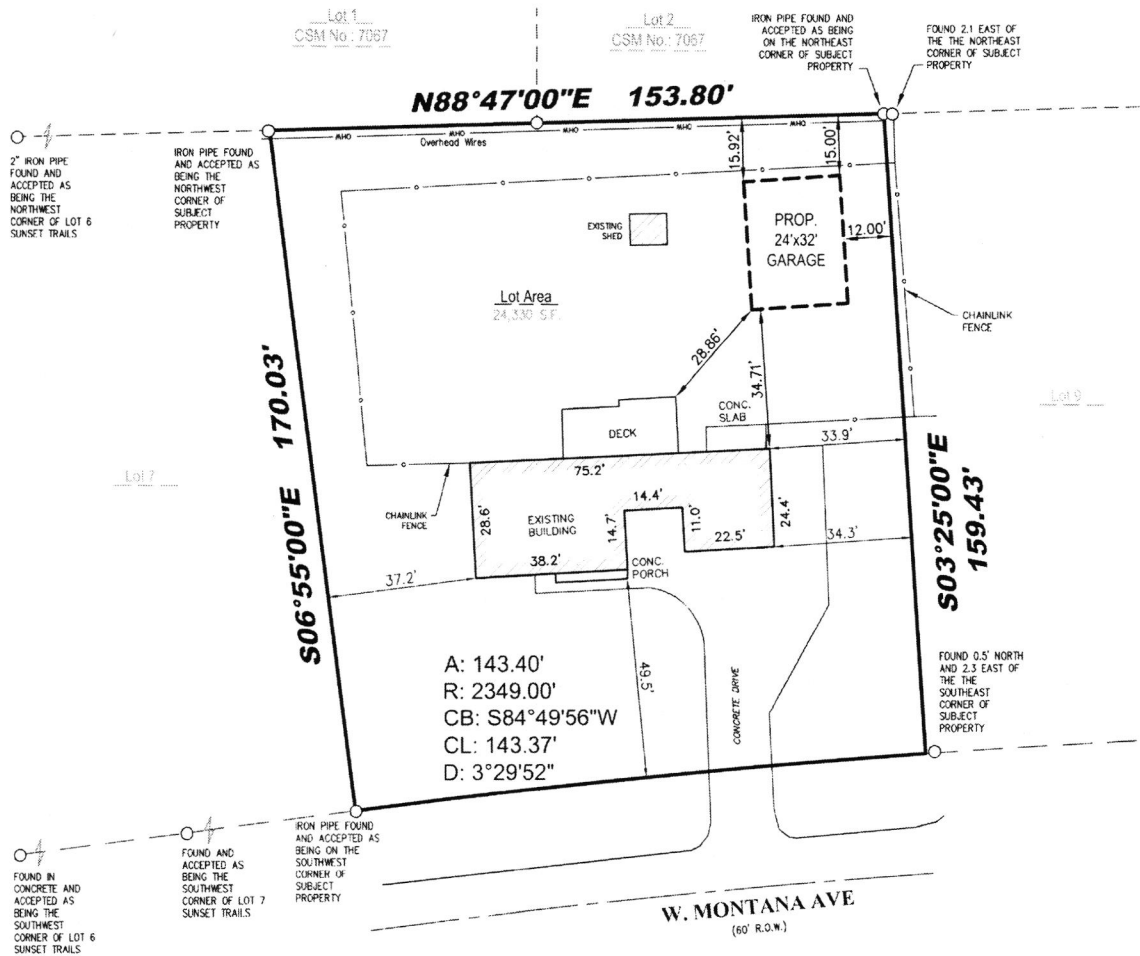
CURRENT OWNER: Ryan Heeti

TAX ID: NBC 1199.056

February 20, 2024

Revised: February, 21, 2024

(Per Client)



Legend:

- Found Monument
- Found 1" Iron Pipe



LYNCH & ASSOCIATES
SURVEYORS

5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
440 MILWAUKEE AVENUE
BURLINGTON, WI 53105
(262) 402-5040



I certify that I have surveyed the above-described property and in my professional opinion this map is a true representation thereof and is made in accordance with the records of the register of deeds as nearly as practical and that this survey complies with Wisconsin Administrative code AE-7 except for those items waived, if any, and is bound by Wisconsin State Statute 893.37 that defines statute of limitations in regard to surveys. This survey was prepared for the exclusive use of the client and present owners of the property.

No title policy has been provided to the surveyor regarding the property identified on this map. Therefore this plat of survey does not guarantee the existence, size and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in an ALTA/NSPS survey.

Rick R. Hillmann, Professional Land Surveyor, S-3005

DRAWING BY:
FIELD WORK BY:

ROOF VIEW LOOKING TOWARDS REAR LOT LINE



GROUND VIEW LOOKING TOWARDS REAR LOT LINE



WOODED LOT BARRIER BETWEEN REAR LOTS



ESTIMATED LOCATION FROM TOP VIEW OF 2ND GARAGE

