

Board of Appeals MEETING MINUTES



March 6, 2025 - 6:00 PM
Council Chambers
3805 S. Casper Dr.

MINUTES

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Community Relations Specialist Joelle Erickson took the roll call as follows:

Present: Board Member Oldham, Board Member Klappa, Board Member Goetter, Alternate #2 Board Member Stair, Commissioner Schulpius, Board Member Langer, Alternate #1 Board Member Willoughby

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

It was confirmed that a quorum was present and that the meeting was properly posted in compliance with open meetings law.

3. APPROVAL OF MINUTES

A. October 3, 2024 Meeting Minutes

MOTION: Motion to Approve Minutes

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

4. NEW BUSINESS

- A.** Case No. 2679 - An appeal has been taken from a decision of the Building Inspector of the City of New Berlin, Waukesha County, Wisconsin, in denying the application of Christine and James Jasso to maintain a 288 square foot accessory structure 4 feet from the side property line and 14 feet from the rear property line. The property is zoned R-5 Medium-Density Single-Family Residential and requires a side setback of 10 feet and a rear setback of 35 feet where the lot fronts a street with curb and gutter. A variance of 6 feet from the side lot line and 21 feet from the rear lot line is required to obtain a building permit. This is an after-the-fact application stemming from a zoning violation.

Case #2679, the petitioners, Christine & James Jasso, requested to maintain a 288 square foot accessory structure 4 feet from the side property line and 14 feet from the rear property line. The property is zoned R-5 Medium-Density Single-Family Residential and requires a side setback of 10 feet and a rear setback of 35 feet where the lot fronts a street with curb

and gutter. A variance of 6 feet from the side lot line and 21 feet from the rear lot line is required to obtain a building permit. This is an after-the-fact application stemming from a zoning violation.

Board Member Goetter gave an overview of the appeals process. The staff report and variance request were read into the record. Board Member Goetter then swore in the petitioners, Christine & James Jasso.

Petitioner James Jasso: Stated that they are here because the building is already up and that they did not do their due diligence in checking on the variances and codes for the structure. They want to move forward and become compliant with the City.

Petitioner Christine Jasso: They wanted to highlight their need for storage. Their home is a tri-level so they have a partial basement.

Board Member Goetter: Please go into greater detail as to why you built this structure; other than you want to store things. Why did it have to be that large? Why did it have to be a shed? Please provide us with some more information.

Petitioner James Jasso: We purchased the home a year and a half ago. There was an approximate 12'x12' shed there but it was rotting and falling apart. The previous homeowner finished the side that faced the residence and the other 3 sides were unfinished. The shed was an eyesore and starting to fall apart. We decided to tear it down and put up a new one. We built one that was big enough to house all of their items.

Board Member Oldham: Did you build this yourself?

Petitioner James Jasso: I had a contractor pour the 6" reinforced concrete and the shed came in a pre-fab kit. The previous shed was built on plywood floor.

Board Member Oldham: Did you make any attempt to contact the City of New Berlin to find out what the code requirements are?

Petitioner James Jasso: No, I just built it.

Board Member Schulpus: Had you reached out to the City and told what the code requirements were - what would you have built?

Petitioner James Jasso: We would've asked for a variance just to see if we could have gotten something bigger. But ultimately we would've complied with whatever the city required.

Board Member Oldham: We received letters from residents stating they do not have a problem with you building this structure but what about the homeowner at 14855 W. Janice Court? Your property line abuts their residence. Did you talk to that neighbor?

Petitioner James Jasso: We did not.

Board Member Langer: Is there a fence around your property?

Petitioner James Jasso: There is a fence along our rear lot line but it belongs to the neighbor at 3368.

Board Member Langer: This indicates that a complaint was filed. Do we know who filed the complaint?

Code Compliance Specialist Dan Hogan: The complaint was filed from the alderman, Scott LaFever. When an alderman makes a complaint they do not need to disclose to staff who made the complaint. The complaint is technically under the alderman's name - anonymously.

No further questions for the applicants.

Board Member Goetter: Is anyone else here to speak in favor of the application?

No one was there to speak in favor of the application.

Board Member Goetter: Is anyone else here to speak in opposition of the application?

Mike McNichols: 3255 S. Regal Drive.

Board Member Goetter swore the resident in.

Mike McNichols: The outbuilding is enormous. When I drive down Janice, the outbuilding is so close to the property line it is readily visible from the street, it's larger than any other buildings in the neighborhood, and it's quite a bit taller than the other sheds as well. I think this shed devalues the other homes in the neighborhood.

Board Member Goetter: Is anyone else here to speak in opposition?

Wendy Bennewitz: 3240 S. Regal Drive.

Board Member Goetter swore the resident in.

Wendy Bennewitz: I agree with Mike McNichols - the height of the building is higher than other sheds. There is concern about this shed negatively impacting the property values. Also concerned about creating a precedent of asking for forgiveness instead of asking for permission.

Christine & James Jasso return for rebuttal.

Petitioner James Jasso: There is no intention of running a business out of my home. I have a shop and store my equipment there. Direct neighbors wrote letters in support of the building. Our plan is do some more landscaping so we are planning on making the shed less visible.

Board Member Langer: What was the reason that you decided to put it in the location where it is now? Is it where the previous building was?

Petitioner James Jasso: No, the previous building was closer to the back corner. We were trying to make it aesthetically flow.

Board Member Langer: If we deny the variance, what is your alternative?

Petitioner James Jasso: If it gets denied, the alternative plan would be to cut the building down by 6 feet and remove the overhang. It would be a lot of extra work and there would be an exposed slab of concrete. The other option is to have 2-12 foot sheds that would meet all the variances and setbacks. I don't think that would add any value to the neighborhood.

Wendy Bennewitz: She asked that Code Compliance Specialist Dan Hogan read the letters out loud for clarification purposes.

Code Compliance Specialist Dan Hogan read the 3 letters in support of the building. (Homeowners at 14905 W. Janice Place, 14865 W. Janice Place and 3368 S. Acredale Drive).

Board Member Goetter: We will go into closed session and I will entertain a motion. I hear no motion to approve. I will make a motion to deny. I think this is an egregious violation and would encourage people to build first and ask for forgiveness after. There are solutions where he can move this building to solve the problem.

Board Member Schulpius: This is self-imposed. Permission was asked after it was built.

MOTION: Motion to Deny the Item

VOTE: Motion by: Board Member Goetter
Second by: Board Member Schulpius
Motion Passes to Deny 4-1

5. ADJOURN

MOTION: Motion to Adjourn at 6:41 PM

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

Respectfully Submitted,
Joelle Erickson, Community Relations Specialist