

BOARD OF APPEALS

June 4, 2009

**Please note: Minutes are unofficial until approved by the Board of Appeals at their next regular scheduled meeting.**

The meeting was called to order at New Berlin City Hall, at 7:00 PM.

On roll call, Chairman Brian McGrath, Dennis Bohlen, Brian Loohaus, James Klappa, Perry Grutza and John Goetter. Also present was associate Planner, Jessica Titel, Code Enforcement, Corliss Tischer, Stormwater Engineer, Nicole Hewitt, and Permit Service Inspector, Shari Wieckowski.

Excused: Milt Galke

Motion by Mr. Klappa to approve the minutes from the Board of Appeals meeting from October 28th, 2008, seconded by Mr. Goetter and carried unanimously.

Chairman McGrath reviewed the procedures for taking testimony for the pending petitions with the persons assembled for the meeting, noting that if your case was approved, a building permit is required and it can be picked up at the Building Inspection Department. Mr. McGrath also noted that it takes 4 affirmative votes to approve any variance request.

The first petition called was that of Robert Kannegiesser, of 1430 S River Rd, Case No.#2572. Mr. McGrath read the petition. It was noted that 17 addresses were notified by mail and that publication had been made on two occasions. Mr. Kannegiesser, owner, came forward to speak in favor of the petition. Mr. Kannegiesser explained that the home on River Rd has been in the Kannegiesser family for over four generations, since 1918. Mr. Kannegiesser asserted that the home was never in a floodplain until the Industrial Park was built and actual floodplain maps were made. Mr. Kannegiesser noted that his neighbor on the side of the property affected by the variance is his Great Uncle and not opposed to the requested variance, although there was nothing in writing. The current house is legal non-conforming and consists of only two bedrooms and no basement. Mr. Kannegiesser stated that the proposed 24' x 30' attached garage would include a heated storage area for such items that would normally be stored in ones basement.

The 2<sup>nd</sup> part of Mr. Kannegiesser variance consists of filling the property 15ft all around the current home to bring it out of the floodplain. The applicant is requesting a variance for one side of the house to only have 5 ft of fill. Mr. Kannegiesser explained that in order to remove the structure from the floodplain and comply with DNR and FEMA, this was required. Nicole Hewitt, Stormwater Engineer for the City of New Berlin explained to the Board the FEMA requirements and the City's requirements for fill. It was noted that the City's requirements now require more than FEMA does, and that the fill is an added level of protection. Nicole also stated that the property in questions is actually in the Flood Fringe area and not in the Flood Way. There was much discussion and many questions of the Board regarding the Floodplain. Nicole Hewitt stated that City Staff has no problems with the granting of the variance for placing only five feet of fill on one side of Mr. Kannegeisser's property.

Meghan Kannegiesser of 1430 S River Rd was present and is in favor of the petition for variance.

There was no one further to speak in favor of the petition, and there was no one to speak in opposition to the petition. The evidence in Case No.# 2572 was declared closed.

**The petition considered by the Board was that of Robert Kannegiesser, Case No.#2572. Mr. Loohaus made a motion to approve the request and Mr. Bohlen seconded the motion.**

**The motion to approve the variance passed 5 to 0.**

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:50pm.

Respectfully Submitted

Shari L Wieckowski  
Permit Service Inspector/Plan Reviewer