

BOARD OF APPEALS

December 4, 2003

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

On roll call, Chairman McGrath, Messrs. Galke, Loochauis, Rath, and Wallner. Also present was Inspection Services Manager Robert Sigrist.

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 Dennis Hatch, Case No. 2465. Mr. McGrath read the petition. It was noted that 22 people were notified by mail and that publication had been made on two occasions. Dennis Hatch of 2555 S Parkside Court came forward to speak in favor of the petition. Mr. Hatch stated that there are a couple of reasons why he wants to do the garage addition. One reason is that he is a collector of antique cars. He has two vehicles, one is a 1955 MG, which he purchased when he was in high school, and the other is a 1953 MG, a Saloon car that is very rare and the only one is Wisconsin. Because the cars are very rare he wants to take care of them by keeping them indoors. Currently their two other family vehicles are parked on the driveway. The second reason he wants the garage addition is because his wife broke her ankle in two places and dislocated it about a year ago. She has a permanent plate and screws in the ankle and he wants his wife to be able to park her vehicle in the garage. He stated that she is not currently disabled but that fact of the matter is that he doesn't want her to fall, because if she did it would be catastrophic.

At this point Mr. Hatch showed the Board members pictures of the vehicles and the garage. The pictures show the space of the property next to it and the pine tree in front of it. Mr. Hatch further explained that he is not building this as a garage, but as a service entrance door. The entrance will be the double-door garage and will open up. The antique cars he owns are small enough that they will be moved sideways, so he does not want another garage door entrance. This design allows him to maintain the pine tree in the front of the property and add windows, a skylight and a service entrance that can be used to enter the garage instead of the overhead garage door entrance.

Mr. Hatch stated that the house was built in 1973 and was one of the first properties in the neighborhood. At this point Mr. Hatch disclosed his reasons for the design of the garage addition with respect to the setbacks.

Mr. Hatch submitted a letter signed by five of his neighbors in support of the project addition and endorsing the granting of the variances requested.

The addition will be designed and constructed to accent the existing home. A service door facing the driveway would be in lieu of a full garage door. Because the properties on Parkside Court do not line up, in other words, they all face different directions, adding seven foot to the front of the house does not affect the view up or down the street. Mr. Hatch stated that he is also at a disadvantage being on a corner lot to meet the current setback requirements in the code.

Mr. McGrath asked the Petitioner why six feet in front of the house is needed? Mr. Hatch said the reason is because he is not putting in another garage door. At this point further discussion was held about the reason for this design as well as other potential options.

Mr. McGrath then asked the Petitioner if there was a reason that his antique cars could not be stored off the premises? Mr. Hatch responded saying he thought about that but prefers to have them at home because it is getting harder to find places to store cars. In addition, the cars are getting rare and valuable, and it is expensive to pay insurance on cars when you put them in storage.

At this point Mr. McGrath stated his concern is that the State Statutes and the Code dictate the standards that the board should apply for determining whether to grant a variance. One of those standards is there has to be

some unnecessary hardship cause to the Petitioner. The code says that economic and self-imposed hardships are not grounds for a variance. Mr. McGrath stated that he is having a hard time seeing any hardship caused to the Petitioner by the particular condition of his property and asked Mr. Hatch if there is anything he can suggest that can show some type of hardship?

Mr. Hatch stated there is a hardship because the property is such an unusual shape, he has no choice as he is locked in to a zoning requirement that doesn't allow him the addition; there are many three car garages in the neighborhood so he is not asking for something that is unusual; there is no neighbor opposition; and the fact is his wife is his hardship because physically she has a problem, and he doesn't want her parking her car on the driveway, falling down and breaking her leg any further causing a permanent disability. He wants to accommodate her to help her out.

There was no one further to speak in favor of the petition, and there was no one to speak in opposition to the petition. Case No. 2465 was declared closed.

At this point Mr. McGrath declared the evidentiary portion of the meeting completed, and the Board made the following decisions.

The first petition considered by the Board was that of Dennis Hatch, Case No. 2465. Mr. Rath made a motion to approve all three variances, and, Mr. Wallner seconded the motion. Motion passed with four members voting in favor of granting the petition, and Mr. McGrath voting no.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 7:45 PM.

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CITY OF NEW BERLIN

Brian McGrath, Chairman