

# **Minutes**

## **BOARD OF APPEALS**

**JULY 12<sup>TH</sup>, 2001**

The meeting was called to order at 7:00 PM.

On roll call, Chairman McGrath, Messrs. Gaulke, Goetter, Loohauis, Wallner, and Klappa. Also present was Chief Inspector Howard Gyax.

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. Chairman McGrath also noted that it takes four (4) affirmative votes to approve any variance request.

The first petition called was that of Gregory Kuzniewski, Case No. 2405. Chairman McGrath read the petition. It was noted that 23 people were notified by mail and that publication had been made on two occasions. Mr. Kuzniewski of 5490 S. Greentree Dr. came forward to speak in favor of the petition. He stated he is on a corner lot, and the above ground pool would be used for recreational activities for his daughter. He stated that to put a pool in the back yard would involve moving a basketball unit, mature trees, underground utilities, and would infringe on a swale/drainage area. Mr. Kuzniewski stated that according to Allied Pool the side yard off the patio would be a better choice. He stated he has gone through the Planning Commission and they okayed the project subject to adequate landscaping on Grange and subject to a variance by the Board of Appeals. Mr. Kuzniewski stated a pool in the recommended area would not encroach on the swale and that the area is rather level. He stated there is a patio behind the house, a steep swale in back, and the side yard has less of a slope. Mr. Kuzniewski said that if he didn't get the variance it would take four to six weeks to move the electrical, phone, cable and underground utilities. Mr. Kuzniewski stated he would install a berm around the pool, and this placement of the pool would be less intrusive. There was no one else to speak in favor of the petition, and there was no one to speak in opposition to the permit. Case No. 2405 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of James Peroutka, Case No. 2406. Chairman McGrath read the petition. It was noted that 15 people were notified by mail and that publication had been made on two occasions. Mr. James Peroutka of 1426 S. West Ln. came forward to speak in favor of the petition. Mr. Peroutka stated he is removing the existing building to build a larger, more modern and aesthetic building. The old building is to be demolished as it is dilapidated and part of the roof is missing. Mr. Peroutka stated the new building is to be a garage as the present garage will eventually be used to expand the

house. The house on this property is a 1200 square foot, single story, two bedroom and this square footage includes the garage area. Mr. Peroutka said this lot is very deep and a double wide 16' driveway exists. He stated if the building were placed in a different area, he would lose the recreational part of the yard and the garage would be closer to the street. Allison Thompson of 17525 W. Greenfield Ave., the property owner directly east, spoke in favor of the petition. She stated she would prefer the new building as close to the lot line as possible as she does not want stuff stored behind the garage. Ms. Thompson stated that only a large six or seven foot grapevine blocks her view of the garage. Mr. Peroutka stated he rents this property to his nephew, Ronald Olson. Mr. Olson stated he presently stores wood splitting equipment, a 14 foot canoe, and a ladder behind the shed. Linda Olson stated she had discussed the variance with all the neighbors. Mr. Peroutka stated signed letters in support of the petition from adjoining property owners were sent to the City, except for one, who is in a nursing home at the present time. Letters were received from Jeff Thompson, 17525 W. Greenfield Ave.; Lester Martin, 17455 W. Greenfield; Rhody Rutta, 17485 W. Greenfield Ave.; Kevin & John Reeme, 1419 S. West Ln.; Rich Daeda, 1425 S. West Ln.; and Erv and Connie Wenzlow, 17601 W. Greenfield. This property adjoins Calhoun School and there is no correspondence from the school which is immediately to the south. Mr. Peroutka stated that there are woods and a seven foot chain link fence between the school and this building. He stated the building would not be seen from the school. There was no one to speak in opposition of the petition. Case No. 2406 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Debra Rees, Case No. 2407. Chairman McGrath read the petition. It was noted that 17 people were notified by mail and that publication had been made on two occasions. Robert Rees of 1728 S. Craftsman Dr. came forward to speak in favor of the petition. Mr. Rees stated that because a fire destroyed his garage, he wanted to rebuild the garage in the same place it had previously been for the past 50 years. Mr. Rees stated the new garage would have a one foot overhang five feet from the house and twelve feet from the lot line. He stated the garage wall, which will be five feet from the house, is a firewall. Mr. Rees stated the garage destroyed in the fire did not have a firewall. He stated that to move the garage back and behind the house, landscaping and fill dirt would be needed. Mr. Rees also stated if the garage was not built in the area where the previous garage had been, then it would not match the alignment of his neighbors' garages. (Pictures of neighboring garages were presented.) He stated the slab will also be replaced as it was damaged in the fire. There was no one else to speak in favor of the petition, and there was no one to speak in opposition to the petition. Case No. 2407 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Stephen Davidsz, Case No. 2408. Chairman McGrath read the petition. It was noted that 13 people were notified by mail and that publication had been made on two occasions. Stephen and Judy Davidsz of 6105 S. Karrington Ln. came forward to speak in favor of the petition. Mr. Davidsz stated that since the proposed attached deck will be raised over five feet, it will

serve as the primary location for outdoor entertaining and was designed large enough to accommodate this. Mr. Davidsz stated that this house is 75 feet deep and that the back of the house is close to the rear lot line. Mr. Davidsz stated the rear of the home has two bays, one at the top dinette which sticks out ten feet, and one at the bedroom which sticks out five feet. Mr. Davidsz stated the deck juts out because of the bay and if the area did not jut out, then he wouldn't need a variance. He also stated that if the deck was less than 48 inches off the ground he could build it within five feet of the rear lot line, but because it was higher he needs a variance. The basement is partially exposed by five or five and one-half feet. Mr. Davidsz stated the house was previously granted a five foot side yard variance when it was built. He also stated the main area of the deck is to be 378 square feet to be proportional to the house. Mrs. Davidsz stated if the deck were rearranged, the planting beds would need to be redone which would mean they would have to go back to the landscape architect. Mr. Davidsz said the neighbors just south of them had the same situation and were granted a variance. A signed letter in approval of the petition was submitted from Chuck and Kathy Schroeder at 6140 Karrington Ln. who live across the street.

There was no one else to speak in favor of the petition, and no one to speak in opposition to the petition. Case No. 2408 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Dennis Babe, Case No. 2409. Chairman McGrath read the petition. It was noted that 16 people were notified by mail and that publication had been made on two occasions. Dennis and Laura Babe of 2720 S. 132<sup>nd</sup> St. came forward to speak in favor of the petition. Mr. Babe stated the reason for the appeal is to allow for the proposed 2 foot by 6 foot chimney chase to extend into the 25 foot rear offset. He stated the location of the fireplace, centered on the wall with a cathedral ceiling and gable roof design, allows for a balanced and aesthetic look. He noted layout for the addition provides for usable interior square footage, while maintaining an adequate and reasonable size to the back yard. He said the original plan was modified to give consideration to the 25 foot offset, in regards to the living area. He stated the location of the exterior door on the north wall provides the "run" length to accommodate the pitch of a wheelchair ramp that ends at the concrete behind the garage. Mr. Babe has designed the addition to accommodate wheelchair maneuverability between the cabinets and the furniture. He stated the addition without the fireplace would still need a 1 foot variance for the 1 foot overhang. Mr. Babe said that the masonry fireplace would be a great economic benefit and would cost very little since his father-in-law is a bricklayer. Signed letters in support of the petition had been received from four immediate neighbors: Gary Graves, 2740 S. 132<sup>nd</sup> St.; Greg Blomgren, 13125 W. Cleveland Ave.; Joseph Marsick, 13125 W. Cleveland Ave.; and Corry and Sandra Eifert, 2745 S. 132<sup>nd</sup> St. There was no one else to speak in favor of the petition, and no one to speak in opposition to the petition. Case No. 2409 was declared closed, and the Board proceeded to the next petition.

The next petition called was that of Todd Jacobson, Case No. 2410. Chairman McGrath read the petition. It was noted that 11 people were notified by mail and that publication had been made on two occasions.

Mr. Doug Degnan, owner of the property, and Todd Jacobson, contractor from B&C Cement and Masonry, P.O. Box 14022, West Allis, WI came forward to speak in favor of the petition. Mr. Degnan stated he is wants to reconstruct a garage and wants to use the existing frost depth foundation. A horse barn had previously been located on that foundation. Mr. Jacobson stated the existing foundation has been there for 30 or 40 years and is in very good condition. He stated that to have another foundation built would cost \$4,000 to \$5,000 and there is also an asphalt driveway already leading to the foundation. Mr. Degnan stated he already has a two car garage now, but that he has three vehicles and a snowmobile and trailer. Mr. Degnan stated that when he purchased the property in 1997, he divided and sold part of the land. There is now a new house on the neighboring property. Mr. Degnan's lot is 3 ½ acres. Mr. Jacobson stated that beyond the present driveway the rest of the yard drops 4 to 5 feet, and sometimes there is standing water back behind the driveway. Fill would need to be added to pour a 26 foot x 40 foot concrete foundation. There was much discussion. Mr. Degnan submitted three signed letters from neighbors in support of the petition from Robert A. Bergmann, 2670 S. Amor Dr.; Lillian & Lawrence Cooper, 2686 S. Amor Dr.; and Mark Fendrick, 2665 S. Amor Dr. There was no one else to speak in favor of the petition, and no one to speak in opposition to the petition. Case No. 2410 was declared closed.

Case No. 2411, TDI Associates, Inc., 13225 W Hawthorne Ln., has been postponed until the August Board of Appeals Meeting. Chairman McGrath then closed the evidentiary portion of the meeting.

The first petition considered by the Board was that of Gregory Kuzniewski, Case No. 2405. Mr. Goetter made a motion to deny the petition, and, Mr. McGrath seconded the motion. Mr. Goetter, Mr. McGrath, and Mr. Wallner voted in favor of denying the petition, and Mr. Loohauis and Mr. Galke voted in favor of granting the petition. The petition was denied by a three to two vote.

The next petition considered by the Board was that of James Peroutka, Case No. 2406. Mr. McGrath made a motion to grant the petition subject to two conditions: 1) the removal of the existing outbuilding, and 2) prohibition on outside storage behind the garage. Mr. Goetter seconded the motion. All members voted in favor of granting the petition subject to the two conditions.

The next petition considered by the Board was that of Debra Rees, Case No. 2407. Mr. Wallner made a motion to grant the petition, and, Mr. Loohauis seconded the motion. Mr. Wallner, Mr. Loohauis, Mr. Goetter, and Mr. Galke voted in favor of granting the petition, and, Mr. McGrath voted in favor of denying the petition. The petition was passed by a four to one vote.

The next petition considered by the Board was that of Stephen Davidsz, Case No. 2408. Mr. Goetter made a motion to grant the 4 ½ foot side yard variance, and Mr. Wallner seconded the motion. All members voted in favor of granting this portion of the petition. Mr. Goetter made a motion to deny the 11

foot rear yard variance, and Mr. McGrath seconded the motion. Mr. Wallner, Mr. McGrath, and Mr. Goetter voted in favor of denying this portion of the petition, and Mr. Galke, and Mr. Loohaus voted in favor of granting this portion of the petition. This portion of the petition was denied by a three to two vote.

The next petition considered by the Board was that of Dennis Babe, Case No. 2409. Mr. Loohaus made a motion to grant the petition, and Mr. Wallner seconded the motion. All members voted in favor of granting the petition.

The next petition considered by the Board was that of Todd Jacobson, Case No. 2410. Mr. Galke made a motion to grant the petition, and Mr. Wallner seconded the motion. Mr. Galke voted in favor of granting the petition, and Mr. Wallner, Mr. McGrath, Mr. Goetter, and Mr. Loohaus voted in favor of denying the petition. The petition was denied by a four to one vote.

There being no further matters to be discussed in front of the Board of Appeals, the said meeting was adjourned at 9:25 PM.

**BOARD OF APPEALS**

**CITY OF NEW BERLIN**

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**Brian McGrath, Chairman**