



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: **Board of Appeals**
Date and Time: March 12, 2020, at 7:00 PM
Location: City Hall, 2000 N. Calhoun Road, Brookfield, Wisconsin

Members Present: Frank DeGuire, Rod Carter, Gordon Rozmus, Dean Marquardt, Ald. Ron Balzer

Members Excused: Ald. Bill Carnell (alt.), one vacancy

Others Present: Zoning & Building Administrator Larry Goudy

1. ROLL CALL

Gordon Rozmus called the Board of Appeals to order at 7:00 pm. He stated that the notice of hearing has been duly published pursuant to the State open meetings law and explained the procedure to present the appeals to the Board this evening. Mr. Rozmus indicated that a quorum was present and that the request for variances must receive the affirmative vote of three members of the Board in order for a request to be granted.

2. MINUTES OF THE FEBRUARY 13, 2020, BOARD OF APPEALS

Motion by Frank DeGuire, seconded by Alderman Ron Balzer, to approve the minutes of the February 13, 2020, Board of Zoning Appeals. Motion carried unanimously 3-0 with Rod Carter and Dean Marquardt abstaining.

Public Hearing & Consideration of Appeal: *Certain requests for building and sign permits have been submitted to the City of Brookfield and have been denied by the Zoning & Building Administrator because they did not comply with the Zoning, Building or Sign Code of the City of Brookfield. There will be a Public Hearing held on March 12, 2020, at 7:00 pm at the Common Council Chambers for the express purpose of considering the following request(s) for variance. Please note that following the public hearing(s), the Board intends to take action by considering the request indicated.*

3. New Business

A. Christopher and Reggie Drewek, 1655 Revere Dr.: Garage Addition

The request of Christopher and Reggie Drewek, Lot 2 Blk 3 Mount Pleasant PT SE ¼ Sec 20 T7N R20E, to appeal Section 17.32.020 B., to permit an addition to the residence at 1655 Revere Drive. The proposed garage addition is 12.06' from the south property line. The code requires a minimum of 20' to the side property line.

Larry Goudy, Zoning and Building Administrator, stated this is located in the R-2 zoning district, which states that there is a minimum offset area of 20' from the property line (sides and rear). The proposed garage addition is 12.06 feet from the south property line. This is a 7.94' variance request. They currently have a 2 ½ car garage. They wish to tear down a portion of that garage and construct

a 1,096 sq. ft. attached garage. The Code regarding attached garages states that the garage may not exceed 50% of the square footage of the principle dwelling. In this case, the principle dwelling is over 2,700 sq. ft., so the requested garage falls within the guidelines of “no greater than 50%”. The only issue today is the request to violate the offset and request a 7.94’ variance for a portion of that garage. Staff sent out notice to the neighboring property owners. The applicant provided three letters from neighbors in support. Staff didn’t hear back from anyone else.

Christopher Drewek stated the problem is that his truck is too big for the garage. He has been living there for 14 years and has a construction business. As that construction business has grown, so have his needs. One garage he would use for his large truck, ladders, tables, and tools, and the other side would be used by his wife. He can’t operate with a 22’x22’ garage. He doesn’t want this to look like an addition. He feels the garage will help property values if it looks like it belongs to the house. His neighbor to the south is 24’ from the lot line. He would also like to buy a trailer for the truck, which the variance would allow him to do. Without the variance, he couldn’t park another car in the garage. He would like to stay at this residence for a long time. His truck has been broken into twice being parked on the driveway. Mr. Drewek stated he is asking for an 8’ variance but he could work with 5’. They could park their trailer outside and screen with shrubbery. He would love to get the 8’ variance, but the 5’ variance would cut the angle down. He is now at a 60’ setback. The house was squared off to make it look good.

Mr. Goudy asked if the existing garage will be retained. Mr. Drewek replied he didn’t think so because he is going to dig a basement below. He thought that was a typo. He wants things as natural as possible.

Mr. Marquardt stated he came to the conclusion that we are looking at two issues. One of them is a dimensional issue for the Board to review. The second is a use issue. It is very clear in the R-1 and R-2 zoning district in the garage code section, garages designed to increase or allow businesses to take place in residential zoning are permitted as a use. The biggest issue he is having is that he wants to increase the business in a residential subdivision. As the community has grown, this has always been an issue. We have a home business permit, but the clearer statements is that businesses cannot have an impact on the residential character of the neighborhood. Asking for a dimensional variance to increase or perpetuate a business is something he can’t support. Mr. Drewek stated nobody wants to see a pile of equipment. Mr. Marquardt stated that it’s still for his business. The remedy is to find a place to rent for his equipment. This isn’t a variance that should be granted. Mr. Drewek stated he can’t do that with a family.

Mr. Carter stated if the board considers this as an area variance, he doesn’t see any unnecessary hardship. The hardship is he needs a larger garage, but that falls short in demonstrating the unnecessary hardship.

Mr. Rozmus stated if it was only the truck in that garage and the dimensions would be limited for that trucks to some extent, the truck could be a multi-purpose vehicle and be more acceptable. Mr. Marquardt agreed but we would find a construction methodology that a truck would fit within the required zoning dimensions. Mr. Goudy added that it would not be okay to have a trailer in the driveway. The Building Code reads that it must be parked either on the side of the garage or in the rear yard, no closer than 5’ to the property line and screened with vegetation. Mr. Drewek stated he knew this would be a hard request to ask for. He has a lot of equipment and a need for more room, instead of the equipment sitting outside. Mr. Drewek stated it is not possible to rent a leasable area. He can’t leave the house at 5 am and get back at 6 pm. Kids are in sports and activities. He needs the room in the garage.

B. Christopher and Reggie Drewek, 1655 Revere Dr.: Garage Addition (cont.)

Mr. Carter stated he is continuing to struggle with unnecessary hardships and the economic and use arguments, but they aren't a reason to grant a variance.

Mr. Drewek asked if the board could support a 5' variance. Mr. Marquardt stated he believes that if he met with his architect with the footprint and the buildable area on that lot, he could achieve all the storage he needs. He can build forward and also back on the lot. He can't support a variance that supports an illegal use in the R-1 and R-2 zoning.

Ald. Balzer asked if he could bump it sideways to the 20' setback and then go deeper. Mr. Drewek stated he can build it with a goofy angle. Mr. Marquardt replied that is why architects are valuable. Mr. Rozmus suggested that he will need to utilize more of the rear yard space. Mr. Drewek stated he will go back to the drawing board.

Dean Marquardt moved to deny the variance request. The motion was seconded by Frank DeGuire and carried unanimously. 7:28 pm

ADJOURNMENT

***Motion by Frank DeGuire, second by Rod Carter to adjourn the meeting at 7:28 pm.
Motion carried unanimously 5-0.***

RESPECTFULLY SUBMITTED:

RENEE J. TADYCH, DEPUTY CITY CLERK
CITY CLERK'S OFFICE