



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: **Board of Zoning Appeals**
Date and Time: May 13, 2021, at 7:00 PM
Location: City Hall, 2000 N. Calhoun Road, Brookfield, Wisconsin

Members Present: Rod Carter, Gordon Rozmus, Frank DeGuire, Dean Marquardt, Ald. Bill Carnell

Members Excused: Mark Krause, Ald. Jenna Meza

Others Present: Zoning & Building Administrator Larry Goudy

1. ROLL CALL

Gordon Rozmus called the Board of Appeals to order at 7:05 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 MARCH 11, 2021, BOARD OF APPEALS

Frank DeGuire moved approval of the March 11, 2021 Board of Appeals minutes. The motion was seconded by Dean Marquardt and carried unanimously.

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 May 11, 2021, 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.*

New Business

3A. MICHAEL GAAR, 2480 PILGRIM RD.: DETACHED GARAGE

The request of Michael Gaar, PT SW ¼ Sec 14 T7N R20E Comm 1164.82 FT N of SW Cor, TH E 313.08 FT TH N 139.14 FT, TH W 313.08 Ft, TH S 139.14 FT to BGN, to appeal Sections 17.28.010 F.5 and 17.136.050 D. to permit a detached garage at 2480 Pilgrim Road. The proposed garage is 1,296 square feet. Maximum size for a detached garage is 550 square feet.

Zoning and Building Administrator Larry Goudy stated in the City of Brookfield there are two types of garages – attached and detached. Regardless of what type, they have to be outside the setback and offset regulations. In this particular property, the front setback is 50' and the side and rear are 20'. That

is not the issue in this case. Detached garages are limited BY Code to no greater than 550 sq. ft. Attached garages can be no greater than 50% of the square footage of the principle dwelling up to a maximum of 1,400 sq. feet. The applicant is requested a 48'x27' detached garage in the rear of the property. This exceeds the 550 sq. ft. maximum allowable. That is why it is before the Board.

Mr. Michael Gaar appeared before the Board. He stated he would like to put up a garage in the backyard. He can't attach it by the house. The yard is plenty big. He has three boats, a motorcycle, two cars, tools, work benches, and lawn equipment. He needs the room. Mr. Rozmus asked him why he sees it being a problem to attach the garage. Mr. Gaar stated the house used to be a barn. In the front of the house, it enters thru the first floor. However, on the side of the house, it is steep grade and it enters thru the basement. There are three bedrooms on the side. He would have to go thru a bedroom to get into a garage. There is no access to the basement from inside the house. The bedrooms, kitchen and dining rooms are in the back. The lower level (basement) is a woodworking shop. There is a driveway that goes all the way around the house. Mr. Carter stated there are three doors on the lower level. There is no access to the main living level from the basement. Mr. Marquardt stated they wouldn't be able to access the home from a freestanding garage either. Ms. Jerri Kortsch stated to attach a garage, you're ruining the integrity of the house. David Pross, builder, stated attaching the garage at the bottom of the hill, he would be concerned about drift load coming off the house. Mr. Marquardt stated the State Building Code addresses that. Mr. Pross stated the cost goes up and there is no access. It makes more sense to put it where the applicant is asking.

Alderman Carnell stated he viewed the property last week, and he understands it being a fieldstone lower level. He wanted to make sure that there wasn't access to the lower level from the inside of the house. Mr. Gaar replied correct. The only way to get into the basement is to go outside and then down the porch. Alderman Carnell stated he doesn't believe the fieldstone is a problem by attaching the garage. It can be done. It would have helped this evening to have some drawings of what the garage would look like if it was attached to the house. He would like clarified how high the roof line would go up into the first floor. Mr. Pross stated he has some elevations of the detached garage, as proposed. He also has 3-D effects on his computer. An attached garage is not something the owners were proposing, thus he doesn't have that available. The peak of the building is 15'10". It is a 4:12 pitch.

Mr. Carter stated his concern is that there is a potential way to construct the garage and comply with the Code. There are a lot of things people would like to do with their property, but are not permitted under the Code. Alderman Carnell stated he needs a compelling reason. There needs to be a compelling reason on why the garage can't be attached. Either way, detached or attached, you can't enter the house directly from it. There would need to be an extensive driveway to access it. Mr. Rozmus stated the owner has concerns about the slope of the land, but he doesn't see anything. Mr. Marquardt stated there are many things that can be done with construction. Mr. Pross stated the driveway gets much greater with an attached garage.

Mr. Carter stated the legal standard for a variance does not include expenses whether it's attached or not attached. There may be additional costs to attach it, but then the Code is being complied with. This would set precedence if this is granted. Mr. Rozmus stated a free-standing driveway would require more driveway anyway. Mr. Pross replied it's going to be an extension of the current driveway. There would be one overhead door and one man-door.

Mr. Marquardt stated the choices are to build the detached garage and comply with the Code at 550 square feet or to gain the additional storage the owner needs by attaching it. Mr. Marquardt stated he is not prepared to approve the variance for a garage that size that is free-standing. Mr. Gaar stated by attaching the garage, it will ruin the look of the house. It will cover up the stone. Mr. Rozmus stated the

garage could have fieldstone facing on it if he was worried about the look of garage. Mr. Pross asked, so it's better to store in the backyard than give a nice garage? Mr. Marquardt stated that is not a relevant statement to this board. The applicant had nothing else to present.

Motion by Rod Carter, seconded by Dean Marquardt, to deny the variance on the basis that the applicant has not shown any undue hardship. In this instance, there are two ways the applicant can comply with Code by either constructing a freestanding garage at 550 sq. feet or get additional size, by constructing an attached garage. The motion carried unanimously.

4. ADJOURNMENT

***Motion by Frank DeGuire, seconded by Dean Marquardt, to adjourn the meeting at 7:22 pm.
Motion carried unanimously 5-0.***

RESPECTFULLY SUBMITTED:

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