



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: **Board of Zoning Appeals**
Date and Time: October 11, 2021, at 6:00 PM
Location: City Hall, 2000 N. Calhoun Road, Brookfield, Wisconsin

Members Present: Rod Carter, Gordon Rozmus, Ald. Bill Carnell, Mark Krause

Members Excused: Dean Marquardt, Ald. Jenna Meza, Frank DeGuire

Others Present: Zoning & Building Administrator Larry Goudy

1. ROLL CALL

Gordon Rozmus called the Board of Appeals to order at 6:20 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 SEPTEMBER 9, 2021, BOARD OF APPEALS

The minutes were postponed as they were not completed yet.

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 June 10, 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. CHRIST THE LORD, 1650 N. BROOKFIELD RD.: PARKING LOT ADDITION

The request of Christ the Lord , LOT 1, 4 & 5 BLK 1 ROLLING MEADOWS PT SW 1/4 SEC 21 T7N R20E, to appeal section 17.32.050 to permit a parking lot addition at 1650 N. Brookfield Rd. The proposed parking lot addition is 20' from the Gebhardt Drive property line. The minimum parking setback is 25'.

Larry Goudy introduced the item.

Brad Seibert from Harwood Engineering stated they wish to square off the parking lot in the Northwest corner as part of an addition that takes away some of the parking in other areas. There is not enough room to pull the parking to the south, as it would reduce the drive aisle area to below what is acceptable. They also wish to align the new parking stalls with the existing parking stalls to the East of

this area. This request is for 9 spaces, not 10, because they have added an landscape island to the proposal.

Gordon Rozmus asked if the lot would be restriped. Brad Seibert responded yes.

Brad Seibert indicated that they had looked at alternatives and this area was the best for minimizing impact to residential areas and preserving greenspace.

Rod Carter asked if you don't get these 9 spaces, how short will the parking supply be and what is the plan? Brad Seibert responded that they could petition the Plan Commission to reduce the required number of parking spaces. The goal is to keep parking off the residential streets.

Rod Carter asked again, how short would you be if this is denied? Brad Seibert responded, 9 short. The parking is proposed at the minimum required by code.

Gordon Rozmus asked if they had had conversations with the neighbors. Brad Seibert responded that there was a public information meeting on the overall project and the main concern of the neighbors was that there be no increase in activity on the backside of the church/school.

Mark Krause opined that they would prefer that the parking increase occur in the front of the church.

Gordon Rozmus asked where the snow was placed during winter. Brian Hudson, chair of building committee for Christ the Lord, indicated that the snow storages is by the islands at the Gebhardt entry and on the playground to the East.

Gordon Rozmus asked if there were any drainage problems because of that. Brian Hudson indicated that melting snow is not a problem at the perimeter of the site. The church would like as much parking as possible.

Bill Carnell asked what are the plans for the three homes on Benington that are not under church control. Mr. Hudson responded that the two middle ones are to be combined by CSM and razed. They will be converted to greenspace and the playground moves to that location. The property on the corner of Brookfield and Benington will be acquired in July of 2023. They will rent it out until there is a need to use it for another reason.

Gordon Rozmus inquired if there are other alternatives if it is not approved by the Plan Commission. Larry Goudy indicated that the Plan Commission is looking at the addition. They cannot approve this as proposed. Only the Board of Zoning Appeals can.

Rod Carter stated that there were four issues that troubled him. 1. He didn't believe that the standards required for granting a variance had been met. 2. Another body (plan commission) has the ability to remedy this. Therefore, it is more appropriate for them to address the issue. 3. The configuration of the lot has been this way for years and 4. There is a concern over setting precedent.

Brad Seibert stated that this is unique in that the existing parking was conforming when it went in. The code has changed since. That makes it impossible to continue that line of parking. Moving the entire lot to the south to comply with the setback would create bad space for flow and put vehicles right up against the building, which would be a safety issue. Rod Carter stated that St. John Vianney has vehicles parked right up against the building.

Brad Seibert stated that the Plan Commission could remedy the situation, but they might not. It is in the neighborhoods best interest to increase parking away from the residential area. It keeps cars off the residential streets

Mark Krause asked if it could be tabled while waiting for more information from the Plan Commission. Larry Goudy responded that the Plan Commission cannot approve the site plan without this Board's approval.

Bill Carnell stated that if this was a commercial property, he would not be in favor of it. This seems minimal in this case.

Dan Conzel, Growth Design, Architect stated that they need 152 parking stalls. That is the exact number shown on the proposed plan.

Rod Carter asked can they tweak the inside uses to come up with a smaller parking stall need? Dan Conzel said if they lose 9 spots, that would equate to 27 seats inside. That would be a significant change.

Brian Hudson stated that the whole project is to serve more people. Reducing the parking need is opposite of their goals.

Rod Carter stated that he has been involved in a similar situation, where they were able to make adjustments to reduce the parking requirement

Mark Krause asked about the frequency of use. How often is the parking lot full? Mr. Hudson indicated that it was full on the religious holidays and between the two church services when they have bible study.

Gordon Rozmus asked about parking in the rear of the building. Brad Seibert indicated there is a problem with access off of Benington. None of the neighbors want that. There is also a big slope and it is difficult to get drainage to the pond if parking is in that place.

Rod Carter asked about placing parking on the east side of the building.

Mr. Seibert indicated there was a playground there and it is the site of a future addition. There is significant grade and putting in a drive would lose parking spots, so it would require much more than 9 stalls. The proposed location is the best possible spot for parking on this site.

Mark Krause asked if landscaping is to be done to conceal the parking if approved. Mr. Seibert stated yes, more would be added. Mr. Krause indicated that he had a difficult time seeing the parking from the street because there is quality landscaping.

Brad Seibert said that the public hearing is scheduled for November.

Mr. Hudson said that the school is experiencing unprecedented growth. They run pre school 3 & 4 to grade 8. They have 120 students now.

Bill Carnell indicated that he had no objection to this. Mark Krause agreed.

Rod Carter still is stuck with the proposal not meeting the standards of a variance and that there is a possible remedy at the Plan Commission level.

Mr. Hudson said that they have looked at alternatives, including angled parking and that reduced the quantity.

Rod Carter added a concern that the church was planning on adding on again in the future. He is all for expansion and improving the property, but doesn't see it meeting the standards for granting a variance. He cannot support the request.

Brad Seibert stated that this could lead to less cars on the street. They could possibly add to the east, but that space is suitable for a building addition in the future. The setback change is the hardship.

Mark Krause stated that with another addition, they could be down another 12 or 14 spots.

Gordon Rozmus indicated that he would like to see final plans. The ones shown are not complete or accurate.

Mr. Hudson stated that the addition to the east would not change the number of students or staff. They currently have multiple grades in a classroom. This would separate them by grade. There is a master plan for future expansion but he would prefer not to discuss plans on properties that they do not own.

Brad Seibert said that the existing playground is to move to the south and a smaller one will be added on the east side of the building.

Alderman Bill Carnell moved to deny the request. Rod Carter seconded the motion, on the basis that the applicant hasn't met the standard to approve a variance.

Gordon Rozmus asked Mr. Carter to expand.

Rod Carter said that he doesn't see a real hardship. They have used the lot for 30-40 years as an institutional use. The Plan Commission can allow the proposed addition and modify the number of stalls required. The applicant hasn't demonstrated that they can't be relocated to the East. Also, the drawings are not accurate regarding the east side of the property.

Brad Seibert asked if that would allow them to come back with new drawings. Rod Carter stated no, that would be a new request.

Gordon Rozmus stated that they would need to be a new application. There is some merit to denying the request. They don't know about the expansion plans, so he would consider tabling the item.

Bill Carnell withdrew his motion.

Mark Krause moved to table the item. Gordon Rozmus seconded the motion.

Rod Carter suggested that they look at possible ways to be creative. He would like to see the plan commission comments prior to taking this up again.

Vote passed 4-0.

4. ADJOURNMENT

***Motion by Alderman Bill Carnell, seconded by Mark Krause, to adjourn the meeting at 7:40 pm.
Motion carried unanimously 4-0.***

RESPECTFULLY SUBMITTED:

RENEE J. TADYCH, DEPUTY CITY CLERK

CITY CLERK'S OFFICE