



## CITY OF WAUWATOSA

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### **BOARD OF PUBLIC WORKS**

Regular Meeting – Monday, June 18, 2007 – 8:30 a.m.

PRESENT: Mr. Braier, Finance Dir.; Mr. Kesner, City Atty.; Ms. Ledesma, City Clerk; Ms. Welch, Community Dev. Dir. -4

EXCUSED: D. Wheaton

ALSO W. Kappel, Dir. of Public Works; W. Wehrley, City Engineer;  
PRESENT: J. Wojcehowicz, Water Supt.

Mr. Kesner in the Chair.

The Chair requested any additions or corrections to the minutes of the previous meeting.

It was moved by Ms. Welch, seconded by Ms. Ledesma to accept the minutes as printed. Ayes: 4

**Encroachment – 7033 Wellauer Drive.** Held from the previous meeting was an application by Jeff Nicholson, 7033 Wellauer Drive, to encroach into a city sewer/water easement with a shed. Mr. Nicholson was present and explained that an existing shed was torn down before he moved in. He would like to place another shed on the existing 10 ft. by 10 ft. concrete slab, or perhaps enlarge the slab by two-to-four feet. Adding on at one side would still maintain the existing two-foot encroachment. He indicated that the shed could be left unattached to the slab so that it could be easily moved and also said that he did not plan to put full concrete under any enlarged portion. The Chair reported, however, that a full slab would be required and the shed would have to be anchored to the slab in some way,

Mr. Wojcehowicz, Water Superintendent, said that he would not support any encroachment into the easement area because of the potential for delay in an emergency situation, particularly in the middle of winter. He asked if there is anything on record approving the existing encroachment. Mr. Wehrley, City Engineer, said the sanitary sewer in this easement serves only a few homes and would not be considered critical. He would not object to the shed provided that it meets standards and could be moved if excavation is needed.

Mr. Wehrley pointed out the location of the sanitary sewer and water lateral on an aerial view. Mr. Wojcehowicz explained that it is not so much that the slab is directly on top of the water pipe, but there is a slope involved and the angle of repose needs to be considered. With water and sewer lines running parallel, it is also possible that the sewer ditch could cave in upon excavation.

Ms. Welch commented that both the slab and shed would have to be moved if there were an emergency. When water main breaks occur, crews need immediate access. In the future, new owners of this property would have no understanding of this variance, and taxpayers could end up picking up the tab for a new shed unless there is an ironclad way to absolve the city of liability. Ms. Welch said that the easement is there for a reason and, if approved, she was concerned that others in this situation would seek similar use of that enticing green space in their yards. Given that there is no record of a variance in place for the slab and former shed, she would not support now making legitimate something installed without the proper approvals.

There was further discussion among Board members with some support for allowing the existing encroachment.

It was moved by Mr. Braier, seconded by Ms. Ledesma to recommend approval of the requested encroachment with the understanding that the shed would be anchored and entirely on a concrete slab and that any expansion of the concrete slab would be to the side without enlarging the existing encroachment and further contingent upon execution of a hold harmless agreement. Ayes: 3; Noes: 1

**Air Conditioner Variance – 9556 Beverly Place.** The Board reviewed an application for a variance by Neil Dziadulewicz, 9556 Beverly Place, to place an air conditioning within the side yard setback.

Referring to photos he provided, Mr. Dziadulewicz reported on plans for a new brick patio at the rear where the air conditioning unit is now located and a new arbor at the side of the house to screen the windows of the adjacent screened porch. Due to space limitations on the patio and concerns about airflow and heat from the unit that is drawn into the porch, they would like to move the unit to the front of the arbor. Mr. Dziadulewicz indicated that the unit would be appropriately screened.

Ms. Welch noted that the new location is directly across from the neighboring home. Mr. Dziadulewicz indicated that it would be adjacent to the neighbor’s living room and an upstairs bedroom. He noted that all the homes in this neighborhood have side yard units. The new location would move it out of sight from the neighbor’s patio, which is parallel to theirs.

It was moved by Mr. Braier, seconded by Ms. Ledesma to approve the requested variance contingent upon appropriate screening of the unit from street view. Ayes: 4

**Air Conditioner Variance – 1924 Forest Street.** The Board reviewed an application for a variance by Christopher Newman, 1924 Forest Street, to place an air conditioning unit within the side yard setback. Mr. Newman reported that there is a new addition at the rear of the house and plans for a new patio. To gain a little more outdoor space, they would like to place the air conditioning unit in the side yard. Photos of the site were provided.

Carrie Sgarlata, 1924 Forest Street, said she and her husband don’t have an issue with the proposal but wanted to clarify their status in relation to the property line. They have had concerns with noise in the past but have been assured this will be a very quiet unit. It would be between some bushes and the house

and would be screened. Their own unit is in the front yard, which isn't an option in this case. It would be adjacent to their patio, sunroom, and upstairs master bedroom.

The Chair indicated that the unit would be about 1-1/2 feet from the property line and assured Ms. Sgarlata that she and her husband would not bear any responsibility.

It was moved by Mr. Braier, seconded by Ms. Welch to approve the requested variance contingent upon maintaining appropriate screening of the unit from street view. Ayes: 4

**Air Conditioner Variance – 2452 N. 93rd Street.** The Board reviewed an application for a variance by Nick Burris, 2452 N. 93rd Street, to place an air conditioning unit within the side yard setback. Amy Barris, 2452 N. 93rd Street, provided photos of the site. She explained that they just purchased the home a few months ago and are re-grading to alleviate water infiltration into the basement. The unit's foundation is causing water to pool and run toward the house. The relocated unit would be screened from neighbors and from the street by a fence being built at the corner of the house.

It was moved by Ms. Ledesma, seconded by Ms. Welch to approve the requested variance contingent upon maintaining appropriate screening. Ayes: 4

**Water Pumpage Report.** The water pumpage report and billing analysis for May 2007 indicated increased pumpage of 164,469,500 gallons compared with 153,333,200 gallons in May 2006. The Chair ordered the report placed on file.

**Removal from 2007 Paving Program of Streets and Alley Planned as Joint Project with Milwaukee.** Mr. Wehrley reported that, as a joint project with the City of Milwaukee and as the lead agency, the city had planned for 2007 paving of N. 97th Street from W. Sarasota Place to W. Fiebrantz Avenue; W. Sarasota Place from N. 95th to N. 100th Streets; and the alley between W. Marion Street, W. Grantosa Drive, N. 99th Street and N. 100th Street. The City of Milwaukee went through their public hearing process and has now declined to participate in these projects. Mr. Wehrley recommended removing them from the 2007 program and restoring them in the future when Milwaukee is willing to participate.

It was moved by Ms. Welch, seconded by Ms. Ledesma to recommend to Council removal of the above-described streets and alley from the 2007 paving program. Ayes: 4

**Contract Updates.** Mr. Wehrley reported that the sidewalk contract is about 60% complete, and bids on pavement marking will be sought this week. Blue Mound Road work is progressing with paving of outside lanes this week, and all four lanes on Swan Boulevard are open to traffic with some temporary daytime lane closures. Mr. Wehrley detailed follow-up efforts on a storm water outfall on Ridge Boulevard that tested positive for E coil. Although a significant amount of raccoon droppings was found, further testing is needed to track down a possible leak between the sanitary and storm sewers.

The meeting adjourned at 8:59 a.m.

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Secretary to the Board

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