



Building Services

W240N3065 Pewaukee Road
Pewaukee, WI 53072
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ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Wednesday, June 20, 2018

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

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1. Call to Order and Pledge of Allegiance
 2. Discussion and Possible Action Regarding the Youngbauer Meeting Minutes Dated April 11, 2018
 3. Public Hearing - *Public comment will be invited during the hearing.*

- 3.1 Variance petition of **ADAM & AMANDA BARNHART** for the property located at W228 N3620 Sterling Court (*PWC 0910-082*) to build a new home specifically related to the following:

- **17.0409(e)(1) Building Height and Size**

- No principal building or parts of a principal building shall exceed 35 feet in height.

- **17.1402(g)(39) Specific Word & Phrases**

- The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof. Where a building is on a lot which slopes from rear to the street, or vise versa, the building height will be determined at a point on the side wall equidistant between the back and the front walls of the building .

The proposed new single family home will need a variance of seven (7) feet - three (3) inches.

4. Adjournment

John Gibbs
Zoning Administrator

June 8, 2018

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred

to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Building Services office, at (262) 691-9107 by 11:00 a.m. the Monday prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 2.**

DATE: June 20, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding the Youngbauer Meeting Minutes Dated April 11, 2018

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Youngbauer Minutes 4.11.2018

In attendance:

J. Fuchs, K. Marlin, R. Welcenbach, T. Matt and M. Heise. J. Treadwell was absent and excused.

Also Present:

Zoning Administrator J. Gibbs, Community Services Director K. Woldanski and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Chairman Fuchs called the meeting to order at approximately 6:17 p.m.
2. Public Comment – None.
3. Discussion and Possible Action Regarding the Zoning Board of Appeals Meeting Minutes Dated January 10, 2018 for Grasch

A motion was made and seconded, (T. Matt, K. Marlin) to approve the meeting minutes dated January 10, 2018. Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated July 12, 2017 for Seeboth

A motion was made and seconded, (T. Matt, K. Marlin) to approve the meeting minutes dated July 12, 2017. Motion Passed: 5-For, 0-Against.

5. **PUBLIC HEARING** Regarding the Petition of **TOM YOUNGBAUER** for the Property Located at **N28 W27580 Peninsula Drive (PWC 0933-064)** for an Extension of a Variance Previously Issued on March 1, 2017 to Build a New Single Family Home Specifically Related to the Following:

- 5.1 The new home as proposed will result in non-compliance with the City of Pewaukee zoning Code 17.0436(c)(5) of a setback of 75 feet to the 100 year base floodplain, but can average to the structures on EACH side of the parcel but no closer than 35 feet.

The petitioner is requesting a variance of 27.9 feet to the 100 year floodplain which is a setback of 7.1 feet.

- 5.2 The new home as proposed will result in non-compliance with the City of Pewaukee Zoning Code 17.0411(a) Side Yard Setback reductions on non-conforming lots. Structures on these lots over one story in height must have a side yard setback of at least 8 feet.

The proposed new home will have a side yard setback of 4.76 feet on the right side of the house and is requesting a variance of 3.5 feet.

The proposed new home will have a side yard setback of 4.76 feet on the left side of the house and is requesting a variance of 3.5 feet.

Mr. Fuchs swore in Mr. Youngbauer. Mr. Gibbs stated approximately a year and a half ago, Mr. Youngbauer requested a variance and it was granted. He said according to municipal

code 17.1009(b) it has to be acted upon within the first 6 months of being issued or else it is void. Mr. Youngbauer has not done anything to the property so the variance is now void and he is here to ask for an extension.

Mr. Youngbauer stated he would like to improve on the property and build something new. He said the current house is not worth fixing.

Mr. Fuchs stated the City was willing to give Mr. Youngbauer an extension with the following contingencies: 1) the current home must be razed within 30 days of the grant of the extension, 2) the construction of the new home must start within 90 days of the grant of extension and 3) the new home must be at least 50% complete prior to the expiration of the variance which would be six months. If these requirements are not met the variance will expire. Mr. Fuchs asked Mr. Youngbauer to comment on the conditions. Mr. Youngbauer stated he could live with those conditions.

Mr. Fuchs asked if anyone from the audience wished to speak on this matter. No one stepped forward.

Mr. Heise asked if Mr. Youngbauer's home was not razed in 30 days after granting this extension would this permit then becomes null and void. Mr. Fuchs stated this doesn't truly void until the six months are over. Mr. Fuchs tried to impress upon Mr. Youngbauer the importance of fulfilling these requirements in a timely manner because he could not be certain that the Board would be willing to give him another extension. Mr. Youngbauer stated he is ready to sign the contract with the contractor to start this project.

Mr. Heise asked why he wasn't able to start this project when he was first issued the variance. Mr. Youngbauer stated he was going to have a manufactured house and would be able to move in within two months, but the factories got backed up due to a building boom.

Mr. Welcenbach asked what would happen if construction starts but the structure is not completed by the indicated timeframe. Mr. Fuchs stated, in theory, if the variance was taken away, Mr. Youngbauer would have a foundation where he would have to build a smaller home. Mr. Youngbauer would have to come back to the Board and there is no guarantee that the Board would approve it.

Mr. Youngbauer asked if 50% is all roughed up. Mr. Fuchs stated it usually means what 50% of the evaluation of the structure would be. He said most likely roughing it in would be 50%.

A motion was made and seconded, (M. Heise, R. Welcenbach) to approve the extension as requested with aforementioned conditions requested by City staff. Motion Passed: 5-For, 0-Against.

Mr. Fuchs stated it would be in Mr. Youngbauer's best interest to record the Board's determination with the Waukesha County Register of Deeds.

4. Public Comment - None.

5. Adjournment

A motion was made and seconded, (T. Matt, M. Heise) to adjourn the meeting at 6:31 p.m.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 3.**

DATE: June 20, 2018

DEPARTMENT: PRCS - Zoning Appeal

PROVIDED BY:

SUBJECT:

Public Hearing - *Public comment will be invited during the hearing.*

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION: