

Building Services

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-9107 Fax (262) 691-6039

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA Wednesday, October 2, 2019 6:00 PM

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

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and Possible Action to Approve the Romeo Meeting Minutes Dated July 23, 2019
 3. **PUBLIC HEARING** and Possible Action Regarding the Petition of Jodi and Mark Olson / Pewaukee Realty, LLC for the Property Located at N27W27204 Woodland Drive (PWC 0933-136) for a Variance from Sections 17.0411a and 17.0410e(3) to allow Construction of a New Home with 724 Square Feet of First Floor Area, Opposed to the Minimum First Floor Area of 900 Square Feet
 4. Adjournment

Kelly Tarczewski
Clerk/Treasurer

September 26, 2019

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: October 2, 2019

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve the Romeo Meeting Minutes Dated July 23, 2019

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Romeo 7-23-2019

In attendance:

R. Welcenbach, T. Matt, J. Tredwell and K. Marlin.

Also Present:

Attorney Luke Martell, City Planner & Community Development Director N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Ms. Marlin called the meeting to order at 6:00 p.m.
2. Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated May 1, 2019

Ms. Marlin stated the meeting minutes were not available. No action was taken.

3. **PUBLIC HEARING** and Possible Action Regarding the Petition of Nicolas and Emily Romeo for the Property Located at W273 N2573 Prospect Avenue (PWC 0936-991-002) for the following:

- 3.1 **Section 17.0411a and Section 17.0432f** to allow for a rear yard setback of 14.64 feet from the west property line as opposed to the Rs-7 District minimum rear yard setback of 20-feet (with allowed setback averaging) and the P-1 Park District minimum setback of 40-feet

Nicolas & Emily Romeo were present for this item. Mr. Fuchs stated this was a request to encroach on the rear yard setback. The setback is proposed at 14.64 feet to allow for the construction of a new home approximately 2,079 square feet. He said the biggest part of this request is that a private road encroaches in the front yard, which in turn pushes the home further back. He said staff was recommending at least a 20-foot setback from the private road for safety as well as allow for parking in the front of the home. Mr. Fuchs stated staff is recommending approval in this case.

Mrs. Romeo stated they have signatures from the neighbors supporting their request, but realize now that should not be a determining factor of the Board.

Mr. Tredwell stated their submittal was well done. He said the biggest issue is the private drive taking over their property. He did not see any issues granting the request.

A motion was made and seconded, (J. Tredwell, R. Welcenbach) to approve the variance from Section 17.0411a and Section 17.0432f to allow for a rear yard setback of 14.64 feet from the west property line as opposed to the Rs-7 District minimum rear yard setback of 20-feet and the P-1 Park District minimum setback of 40-feet to allow for the construction of a 2,079 square foot home pursuant to the findings as presented by the applicant.

Motion Passed: 3-For, 1-Against (J. Matt) stating the structure is too large for the property.

4. **PUBLIC HEARING** and possible Action Regarding the Petition of RFR Milwaukee, LLC for the Property Located at N16 W23120 Stone Ridge Drive (PWC 0956-999-015) for the following:
 - 4.1 **Section 17.0426f** related to the current side yard setback of the existing building. The building located on the subject parcel is setback approximately 25-feet from the north property line, as opposed to the required 45-foot side yard setback of the M-4 District

Mr. Fuchs stated the petitioner withdrew their application this morning. No action was taken.

5. Adjournment

A motion was made and seconded, (K. Marlin, T. Matt) to adjourn the meeting at 6:07 p.m.

Motion Passed: 4-For, 0-Agaisnt.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

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

DATE: October 2, 2019

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING and Possible Action Regarding the Petition of Jodi and Mark Olson / Pewaukee Realty, LLC for the Property Located at N27W27204 Woodland Drive (PWC 0933-136) for a Variance from Sections 17.0411a and 17.0410e(3) to allow Construction of a New Home with 724 Square Feet of First Floor Area, Opposed to the Minimum First Floor Area of 900 Square Feet

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Olson Application

Olson Staff Report

Olson Plans

September 3, 2019

Dear City of Pewaukee & Mr. Nick Fuchs:

Mr. Nick Fuchs worked with our architect on our current plans.

The principal point of our appeal is our building plans are 724 sq feet on the main floor. City asks for 900 sq feet on main. We are asking for a variance for only 176 square feet difference on the main level.

Our building plans conform with the current zoning code setbacks: front, side and back. Our proposed building plans are extremely reasonable and much smaller than some recently built properties. Most surrounding properties have garages nearly abutting Woodland Drive when our plans would still have 20' distance to Woodland Drive.

Thank you all for your time and service in this matter.

Jodi & Mark Olson

Mark Olson 262-354-5223

Jodi Olson: 262-370-4764

Email: jodiolsonrealtor@gmail.com

Email: markolsonhomes@gmail.com

N27W27204 Woodland Drive, Pewaukee, WI 53072



Application Deadline: _____

Meeting Date: Oct 2, 2019

**Zoning Board of Appeals
Appeal and Application for Variance**

Pewaukee City Hall
W240N3065 Pewaukee Rd.
Pewaukee, WI 53072

NOTICE: The board meets on the first Wednesday of each month at 6:30pm in the City Hall Conference Room unless otherwise noted. **ATTENDANCE OF THE APPLICANT OR REPRESENTATIVE IS REQUIRED.** Failure to appear could result in the application being acted upon without the applicant's input, or it could result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Building Services Department **30 days prior to the next Zoning Board of Appeals meeting and within 20 days of the Building Inspector's denial of permit**, accompanied by the filing fee of \$400.00 and a list of names of all owners of property within 600 feet from the exterior boundaries of the properties requesting the variance. ** Note: Applicant/Owner is also responsible for reimbursing the City for cost of publishing legal notices and other fees, including, but not limited to, attorney fees for reviewing the petition.

ALL APPEALS FOR VARIANCES MUST INCLUDE PLANS SHOWING THE VARIANCES BEING REQUESTED.

Site Address N27W27204 Woodland Dr.

Parcel Tax Key No. PNC 0933136

Applicant

(person to receive notices)

Property Owner

Name

Jodi + Mark Olson

Jodi Olson-Pewaukee Realty, LLC

Address

N27W27204 Woodland Dr

City, Zip

Pewaukee WI 53072

Phone

262-354-5223

TO THE ZONING BOARD OF APPEALS:

I hereby make an application for a Variance of min. sq. footage on main floor
(appeal from the decision of the Zoning Inspector)

For the property located at the following address: N27W27204 Woodland Dr, Pewaukee WI

Present use of premises Primary residence for family of 5. and home office.

Briefly describe proposal Primary residence for family of 5 and home office. Building Plan has main level at 724sqft. min. sq footage is 900.

If this is an appeal, attach the following:

- (1) Statement of principal points on which appeal is based
- (2) Plans showing the variances requested.
- (3) Plat of Survey, which shows where the building for the variance request would be built.

I hereby depose that the above statements contained in the papers submitted herewith are true and correct.

Date: Sept 3, 2019

Applicant Signature: Jodi Olson

< By signing this document you are giving the Zoning Board of Appeals members permission to view your property.>



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE ZONING BOARD OF APPEALS

Meeting of October 2, 2019

Date: September 23, 2019

Project Name: Olson Variance Request

Project Address/Tax Key No.: W27N27204 Woodland Drive/PWC 0933136

Applicant: Jodi and Mark Olson

Property Owner: Pewaukee Realty LLC

Current Zoning: Rs-7 Single-Family Residential District, F-1 Floodplain District and SO Shoreland District

Proposed Zoning: Same

2050 Land Use Map Designation: Medium Density Residential (6,500 SQ. FT. – ½ AC. / D.U.) and Floodplains, Lowland & Upland Conservancy and Other Natural Areas

Use of Surrounding Properties: Pewaukee Lake to the north, Curly's Waterfront Sports Bar & Grill to the south, and single-family residential to the east and west

Project Description/Analysis:

The applicants filed a Variance Application requesting a variance from Sections 17.0411a. and 17.0410e.(3) to allow for construction of a new home with 724 square feet of first floor area, opposed to the required minimum first floor area of 900 square feet.

The subject property is zoned Rs-7 Single-Family Residential District, F-1 Floodplain District, and SO Shoreland Overlay District.

The applicant has indicated that the plans for the home conform to required setbacks and lot coverage standards; however, the home is not able to meet the minimum first floor living area requirement due to the limited buildable area allowed on the property.

The Board of Zoning Appeals must review the application materials provided as well as Section 17.1007 of the City's Zoning Code (below), which outlines the factors the Board must consider in determining whether to grant or deny a variance request.

17.1007 FINDINGS (Rep. & Rec. 14-14)

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

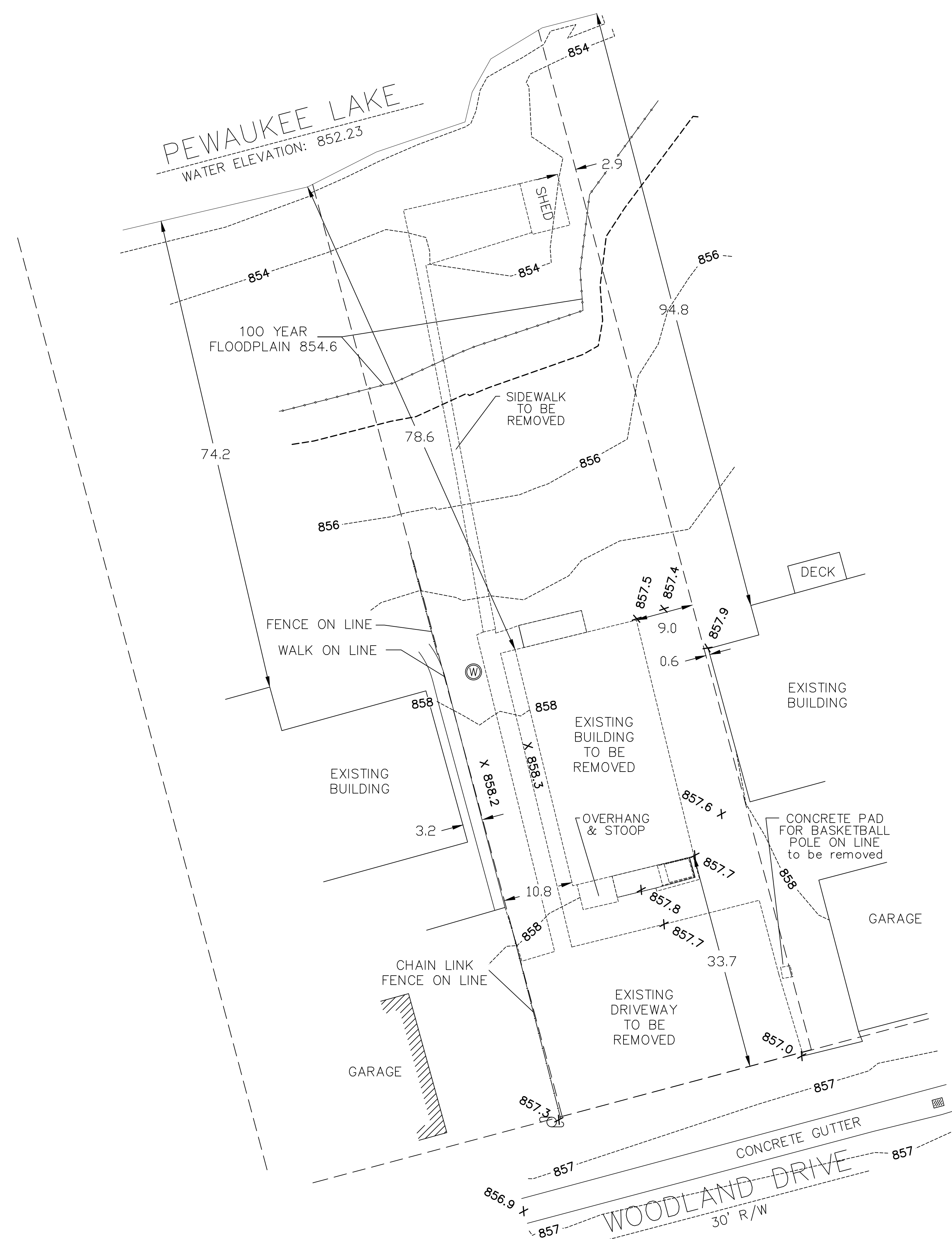
- a. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is

located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

- b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.
- c. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- f. Additional Requirements in Floodplain District: No variance in or related to a floodplain* shall be granted where:
 - (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
 - (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
 - (3) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result. (See sub-section 17.0435 and WisDNR requirements)
 - (4) The lot or parcel is larger than one-half acre and is not contiguous to existing structures constructed below the regional (base) flood elevation.
 - (5) No good or sufficient cause can be shown; greater than a minimum relief is necessary; there is increased risk to public safety or nuisances; rescue and relief costs would be increased; and, it is contrary to the purposes of this ordinance.
 - (6) Such variance would allow alteration of an historical structure and/or use.
- g. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 per coverage. A copy shall be maintained with the variance record.

Recommendation:

Staff recommends approval of a Variance from Sections 17.0411a. and 17.0410e.(3) to allow for construction of a new home with 724 square feet of first floor area, opposed to the required minimum first floor area of 900 square feet.



EXISTING SITE PLAN
1" = 10' - 0"

GENERAL NOTES

1. THE DESIGNER MAINTAINS NO RESPONSIBILITY FOR THE GENERAL CONTRACTOR, SUBCONTRACTORS, OR THOSE WORKING IN SUCH CAPACITIES, FOR THE METHODS USED, OR LACK THEREOF, IN THE EXECUTION OF THE WORK AND SAFETY PROCEDURES AND PRECAUTIONS TAKEN AT THE PROJECT SITE.
2. CONTRACTORS SHALL ASSUME FULL RESPONSIBILITY - UNRELIEVED BY REVIEW OF SHOP DRAWINGS NOR BY SUPERVISION OR PERIODIC OBSERVATION OF CONSTRUCTION FOR COMPLIANCE WITH THE CONTRACT DOCUMENTS - FOR DIMENSIONS TO BE CONFIRMED AND CORRELATED ON THE JOB SITE AND BETWEEN INDIVIDUAL DRAWINGS OR SETS OF DRAWINGS; FOR FABRICATION PROCESSES AND CONSTRUCTION TECHNIQUES (INCLUDING EXCAVATION, SHORING AND SCAFFOLDING, BRACING, ERECTION, FORM WORK, ETC.); FOR COORDINATION OF THE VARIOUS TRADES; FOR SAFE CONDITIONS ON THE JOB SITE; AND FOR THE PROTECTION OF THE PEOPLE AND PROPERTY AT THE JOB SITE.
3. THE INFORMATION CONTAINED ON THE DRAWINGS IS IN ITSELF INCOMPLETE, AND VOID UNLESS USED IN CONJUNCTION WITH ALL THE SPECIFICATIONS, TRADE PRACTICES, OR APPLICABLE STANDARDS, CODES, ETC., INCORPORATED THEREIN BY REFERENCE, OF WHICH THE CONTRACTOR CERTIFIES KNOWLEDGE BY SIGNING THE CONTRACT.
4. UNLESS NOTED OTHERWISE, ALL DETAILS, SECTIONS, AND NOTES ON THE DRAWINGS ARE INTENDED TO BE TYPICAL FOR SIMILAR SITUATIONS ELSEWHERE.
5. UNLESS OTHERWISE SHOWN OR NOTED, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE LOCATION AND THE PLACEMENT OF ANY INSERTS, HANGARS, PIPE SLEEVES, HOLES OR ANCHOR BOLTS THAT ARE REQUIRED BY THE MECHANICAL OR ELECTRICAL EQUIPMENT.
6. THE CONTRACTOR SHALL COMPLY WITH THE LATEST OCCUPATIONAL SAFETY HEALTH ACT REQUIREMENTS.
7. ALL STATE OF WISCONSIN, LOCAL AND O.S.H.A. SAFETY CODES SHALL BE A PART OF THESE PLANS, AND IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO SEE THAT ALL PARTIES THAT WORK AT OR VISIT THE JOB SITE COMPLY WITH SAME.
8. 1/2" OSB SHALL BE NAILED TO TRUSSES AT A MAXIMUM OF 8" O.C.. STEEL H-CLIPS SHALL BE USED BETWEEN TRUSSES
9. ALL WOOD FOR EXTERIOR WALLS, INTERIOR BEARING WALLS SHALL BE SPF-#2 GRADE OR BETTER UNLESS OTHER WISE NOTES. FLOOR JOIST SHALL BE ENGINEERED JOIST. ALL WOOD REQUIRED TO COMPLETE THE ROOF SHALL BE PER ROOF TRUSS MANUFACTURER SPECIFICATIONS.
10. DESIGN DATA:
LIVE LOAD ROOF 30#/SQ.FT. WIND LOAD 20#/SQ.FT.
LIVE LOAD FLOOR 40#/SQ.FT. LIVE LOAD STAIRS 80#/SQ.FT.
CONCRETE 3000 PSI
REINFORCED STEEL YIELD 60,000 PSI. CRSI SPECIFICATIONS.
ASSUMED SOIL PRESSURE 3000 PSF.
COMPACTION OF ANY FILL REQUIRED UNDER FLOOR SHALL BE TO 95% MAXIMUM DENSITY AS DETERMINED BY MODIFIED PROCTOR TEST (ASTM 1557). THIRD PARTY TESTS SHALL BE REQUIRED TO BE FURNISHED TO DESIGNER TO INSURE THAT THE COMPACTION IS PER ABOVE.
11. ALL CONCRETE BLOCK SHALL BE STATE OF WISCONSIN APPROVED. BRICK SHALL BE SECURELY ATTACHED TO WOOD FRAMING WITH 22 GAUGE CORRUGATED GALVANIZED SHEET METAL TIES - 1/8" WIDE WITH AT LEAST ONE ANCHOR IN EVERY 2 SQUARE FEET OF WALL. MORTAR SHALL BE TYPE 'M'.
12. THERMAL PERFORMANCE BY OTHERS
13. VENTILATE ATTIC PER CODE.
14. ALL FRAMED WALLS IN PERIMETER OF BASEMENT (BOTH STRUCTURAL & FURRED WALLS) MUST BE INSULATED PER PLAN OR MINIMUM R-II F.G. BATT.
15. TRUSS MANUFACTURER TO VERIFY FIREPLACE VENTING SPACE FOR ALL FIREPLACES.

PLAN NOTES:

1. ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTORS MUST REVIEW ALL DETAILS OF THEIR TRADES AND BE RESPONSIBLE FOR THE SAME.
2. DO NOT SCALE DIMENSIONS FROM DRAWINGS. CONSULT GENERAL CONTRACTOR OR THE ARCHITECT WITH ANY QUESTIONS.
4. FOR PLACEMENT OF HOUSE ON LOT REFER TO SURVEYORS DRAWINGS. GRADES SHOWN ON THESE PLANS ARE ASSUMED, CONFIRM ALL GRADES WITH SURVEY OR SITE VERIFY.
5. ALL INTERIOR WALLS ARE 4-1/2" UNLESS OTHERWISE NOTED
6. ALL EXTERIOR WALLS ARE 6-1/2" UNLESS OTHERWISE NOTED
7. PLACEMENT OF BUILDING COMPONENTS, MECHANICAL EQUIP., APPLIANCES AND ELECTRICAL COMPONENTS IS SUBJECT TO FIELD ADJUSTMENT. ACTUAL CONSTRUCTION MAY NOT CONFORM EXACTLY TO THE LOCATIONS INDICATED ON THESE DRAWINGS

CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND THE EXACT LOCATION OF EXISTING PLUMBING, MECHANICAL, AND STRUCTURAL COMPONENTS AND ADJUST THE PLANS AS NECESSARY TO ACCOMMODATE.

SCOPE OF DRAWING:

THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN INTENT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS. THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT. ON THE BASIS OF GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTORS SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK INTENDED.

SHEET INDEX:

SHEET C-1	EXISTING SITE DEVELOPMENT PLAN & GENERAL NOTES
SHEET C-2	PROPOSED FOUNDATION PLAN
SHEET A-1	PROPOSED FLOOR PLANS
SHEET A-2	PROPOSED EXTERIOR ELEVATIONS

WALL KEY:

	= EXIST. WALL TO REMAIN
	= EXIST. WALL TO BE REMOVED
	= NEW STUD WALL

NOT FOR CONSTRUCTION

OLSON RESIDENCE

N27 W2704 WOODLAND DR.
PEWAUKEE, WI 53072

SHEET TITLE:

FLOOR PLAN, SPECIFICATIONS & DETAILS

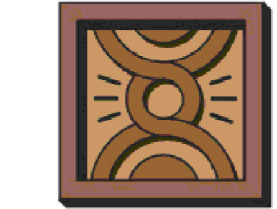
C-1

DATE: 05/10/19

PROJECT NUMBER: 19-150

REVISIONS:

- 5/13/19: PRELIM #1
- 6/10/19: PRELIM #2
- 7/12/19: PRELIM #3
- 7/16/19: REVISIONS
- 8/15/19 revisions
- 8/23/19 revisions
- 9/3/19 pewaukee-submittal



PATERA LLC

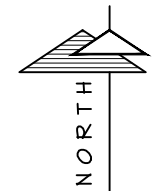
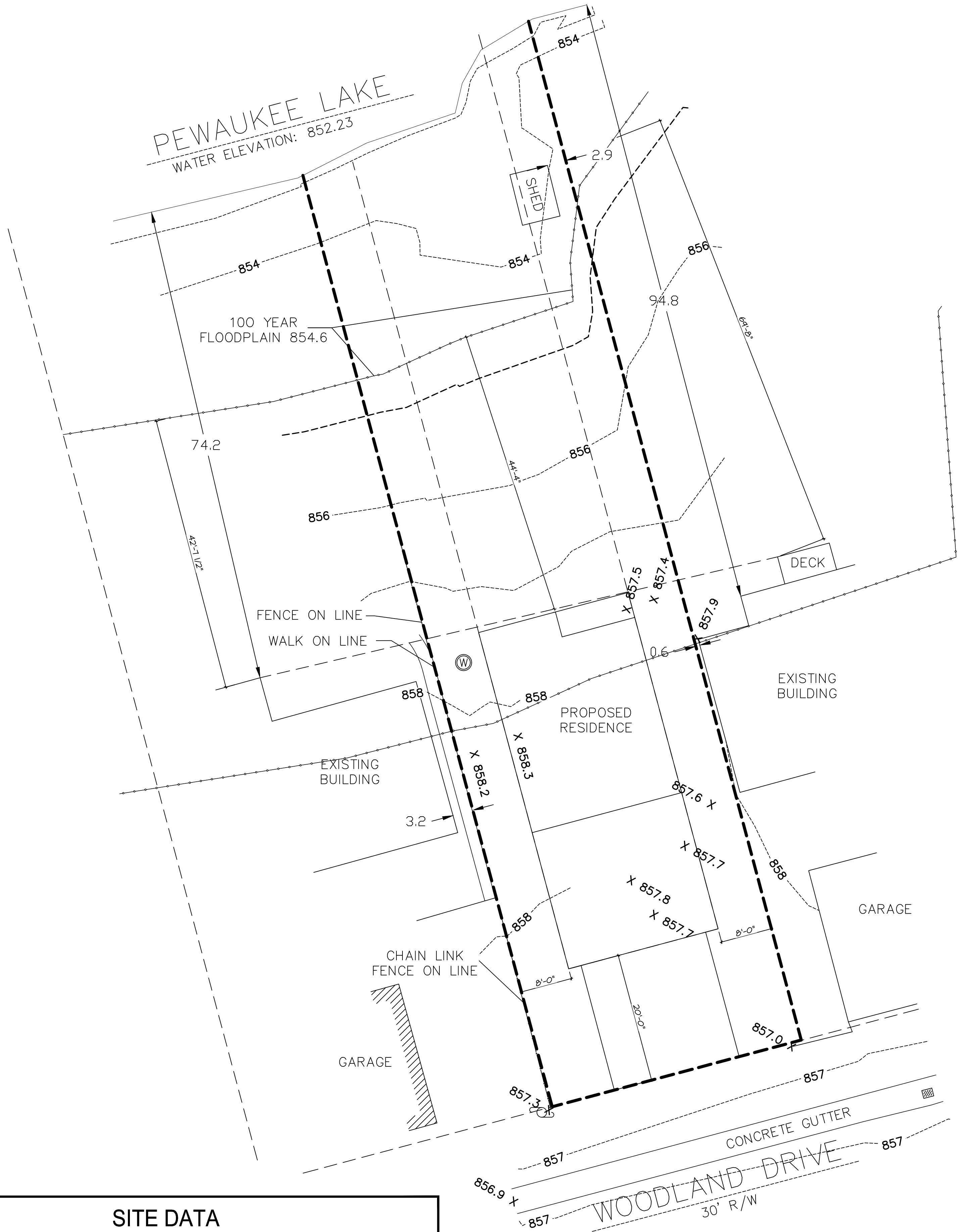
Excellence in Architecture

2601 S. Sunny Slope Rd. • New Berlin, WI 53151

262-786-6776 FAX 262-786-7036

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SITE DATA								
PROPERTY ADDRESS	LOT SIZE TOTAL	HOUSE SIZE TOTAL	STREET SETBACK	SIDE SETBACK	LAKE SETBACK AVERAGE	IMPERVIOUS SURFACE 10% MAX.	PERMANENT STRUCTURES 20% MAX.	COMBINED lot coverage 35% MAX.
N27 W27204 WOODLAND DR.	6,191 SQ. FT.	1,924 SQ. FT.	20'	8'	averaged	6 %	20%	26%



PROPOSED SITE PLAN

1" = 10' - 0"



PATERA LLC

Excellence in Architecture

2601 S. Sunny Slope Rd. • New Berlin, WI 53151

262-786-6776 FAX 262-786-7036

REVISIONS:

5/13/19: PRELIM #1

6/10/19: PRELIM #2

7/12/19: PRELIM #3

7/16/19: REVISIONS

8/15/19 revisions

8/23/19 revisions

9/3/19 pewaukee-submittal

OLSON RESIDENCE

N27 W27204 WOODLAND DR.
PEWAUKEE, WI 53072

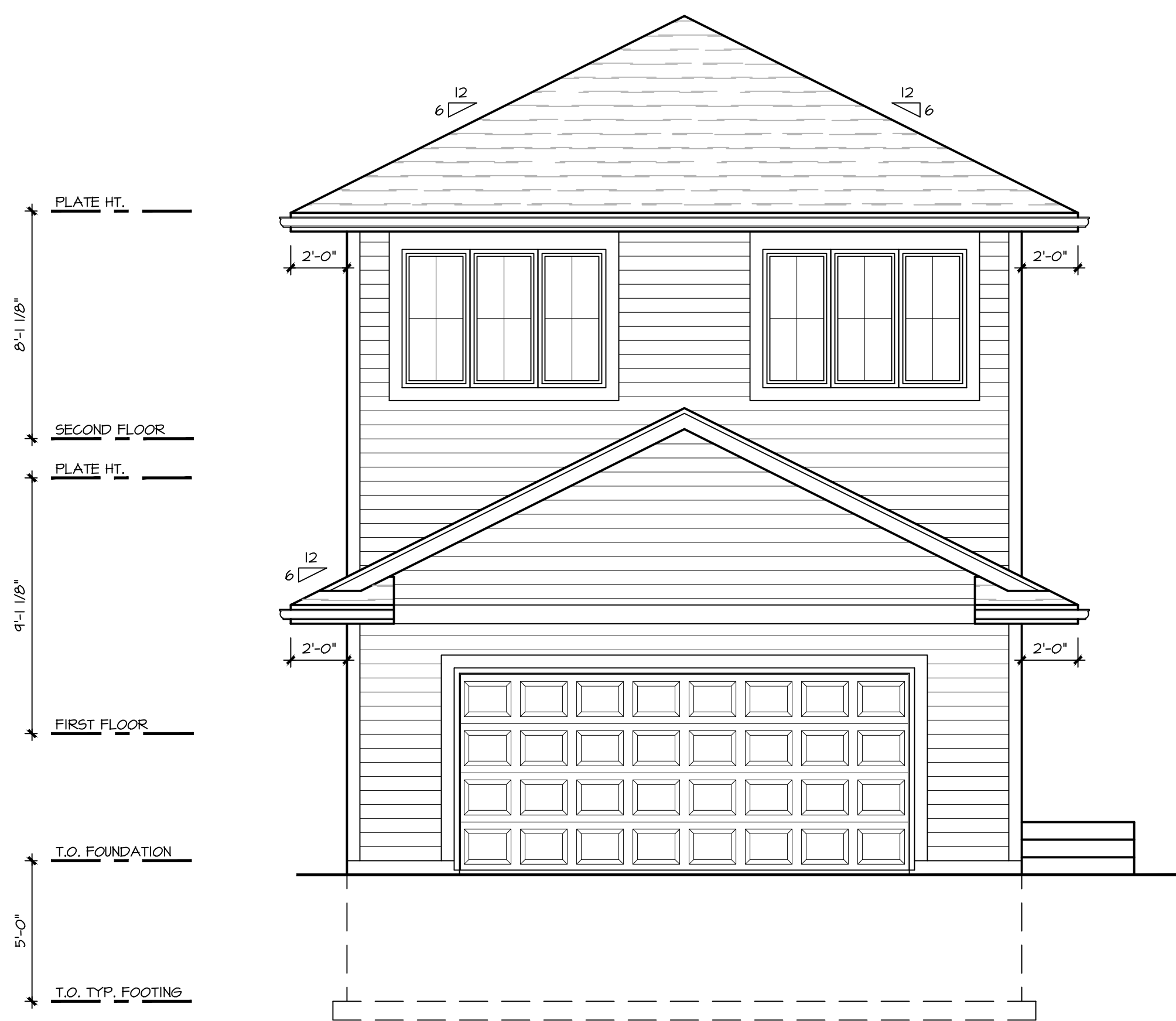
SHEET TITLE:

PROPOSED SITE PLAN

C-2

DATE: 05/10/19

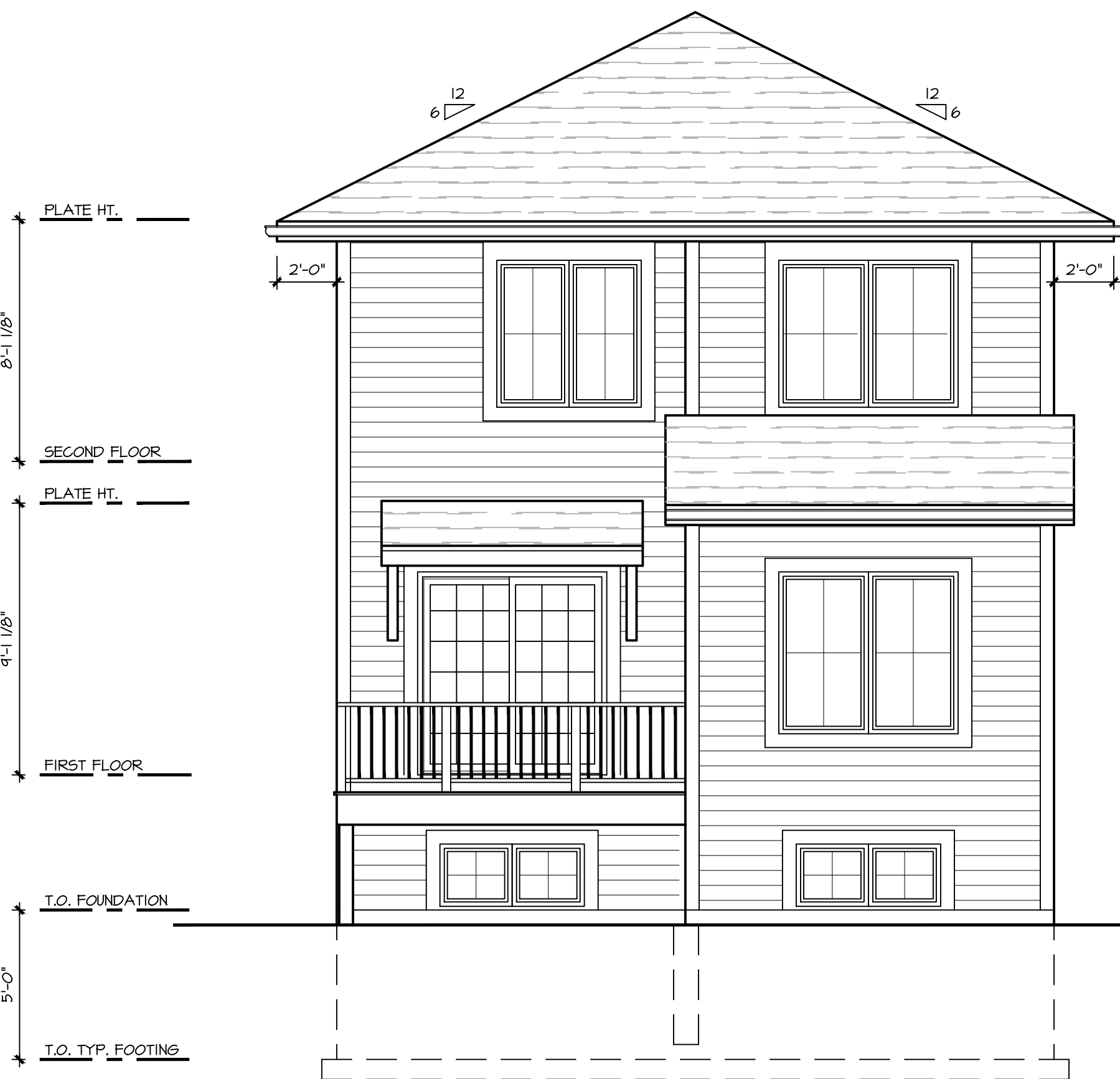
PROJECT NUMBER: 19-150



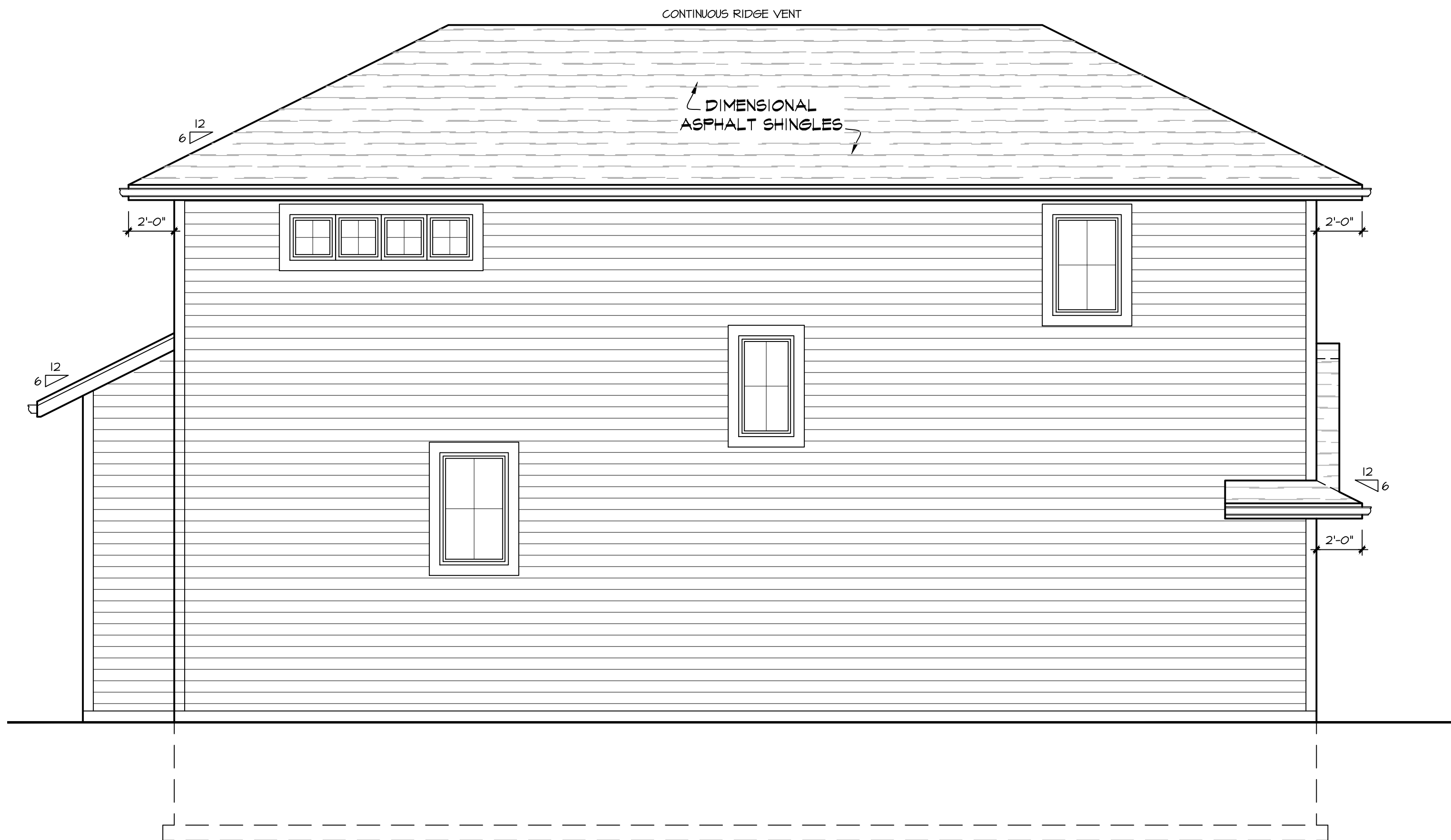
PROPOSED FRONT (SOUTH) ELEVATION
1/4" = 1'-0"



PROPOSED SIDE (EAST) ELEVATION
1/4" = 1'-0"



PROPOSED LAKE (NORTH) ELEVATION
1/4" = 1'-0"



PROPOSED SIDE (WEST) ELEVATION
1/4" = 1'-0"