

The Board of Building and Zoning Appeals was called to order by Chairman Stemper at 7:30 p.m. on March 23, 1999 in the Village Hall. Members present: Adler, Kelly, Jones and Bauer. Also present: Hankovich.

Moved by Kelly, seconded by Jones to accept the minutes as circulated. Motion carried without a negative vote.

VARIANCE - JACK & PATRICIA FIENE - 500 BLOCK WAHL AVENUE

Motion: Moved by Jones, seconded by Adler, to allow Fienes to build on lot with a minimum street yard setback of 10 feet, a minimum of 20 feet on the west side yard, and minimum of 15 feet on the east side yard. Conditions attached to granting this variance are: 1) The four lots that Fienes own must be combined by CSM to form one lot. 2) Easement must be removed from the property. 3) Building must meet all other ordinances of the Village of Mukwonago Municipal Code. Reasons for granting this variance are: 1) Lot conforms with neighboring properties. 2) This variance was not necessary through a self imposed hardship. 3) No one appeared in opposition of the request and one adjoining property owner noted he was in favor of the variance. 4) Fienes agreed to alter their plan by removing 2 feet from the front of the garage, if necessary, to reduce to variance requested from 12 feet to 10. Motion carried without a negative vote.

Discussion: Hankovich explained that Fienes own 4 lots located between Wahl Avenue and Park Place Lane which total over an acre of land. Only a portion of one lot is not in the flood plain. They previously occupied a home located on one of these lots until it burnt. They can not rebuild on this location because not enough of this lot is above the flood plain. The lot that they would like to use for their new house abuts Wahl Avenue. The set back required in the rear yard, because it is in a flood plain places the house closer to the street than our ordinance allows. Fienes showed the Board that house plan that they have selected to build. Jones inquired as to whether two feet could be removed from the front of the garage which would reduce the variance to 10 feet.

Moved by Kelly, seconded by Bauer, to adjourn at 8:27 p.m. Motion carried without a negative vote.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Stemper at 7:30 p.m. on April 27, 1999 in the Village Hall. Members present: Adler, Kelly, Jones and Stemper. Also present: Hankovich and Bud Hendrickson. Absent Bauer and Koshick

Minutes from March 23 meeting are to be amended to read as follows; to grant the Fienes a 10 foot variance to the Village of Mukwonago code section 100-101 (6) which requires a minimum street yard set back of 35 feet. The house in the 500 block of Wahl Ave will have a minimum street yard setback of 25 feet. The minimum of 20 feet on the west side yard, and minimum setback of 15 feet on the east side yard and the conditions remained the same. Moved by Kelly, seconded by Jones to accept the corrections. Minutes are approved as amended. Moved by Kelly, seconded by Jones to accept the minutes as circulated. Motion carried without a negative vote.

CONDITIONAL USE PERMIT - CONSTRUCT WELL & WELL BUILDING IN P-1 ZONING

Motion: Moved by Kelly, seconded by Jones, to allow Mukwonago Water Utility to authorize a conditional use permit to construct a Well and Well Building in Kiwanis Park which is zoned P-1. The location of the Well & Well building will be as designated as the alternate well location which is approximately 65 feet from the west lot line and approximately 77 feet from the street Cty Trunk NN. Building will be 24.8 feet deep and 46 feet wide. Masonry construction. Hip roof and down lighting placed in soffits around the building. Well Pump will be approximately 80 feet from lot line on Hwy NN. Reasons for granting this conditional use are: 1) Need for additional water sources. 2) Well & Well Building is located in Kiwanis Park P-1 3) Adequately off the road not creating a nuisance to residential areas and business district 4) no one in the audience is opposing it. Motion carried without a negative vote.

FENCING - Motion

No action was taken on Security Fencing for the Well Pump and Station. If Fence is needed for Security reasons the Water Utility should submit a Landscaping and Fence plan to the Board of Zoning and Appeals.

The existing fence can remain or be reinstalled to match Kiwanis Park fence or if needed modified at the driveway opening.

Motion made by Kelly, seconded by Adler.. Motion carried without a negative vote.

PROCLAMATION

Proclamation was presented to Bud Hendrickson by Jeff Stemper for his years of service on the Board of Zoning and Appeals.

Moved by Kelly, seconded by Adler, to adjourn at 8:24p.m. Motion carried without a negative vote.

Respectfully submitted,

Patricia Boruch

The Board of Building and Zoning Appeals was called to order by Chairman Stemper at 7:30 p.m. on May 25, 1999 in the Village Hall. Members present: Adler, Jones, Stemper, Dunning and Bauer. Also present: Hankovich, Heinig and Attorney Reilly. Absent Kelly.

Moved by Jones, seconded by Adler to accept the minutes as presented. Motion carried 0 .without a negative vote.

CONDITIONAL USE AND VARIANCES - CLARENDON AVENUE SCHOOL

MOTION: Moved by Jones, seconded by Adler, to grant a conditional use required under Section 100-252(b)(1) to Mukwonago Area Schools for construction of three additions to Clarendon Avenue School, 915 Clarendon Avenue. Section 100-252(b)(1) states that all structures are a conditional use in P-1 zoning and (3) allows governmental and cultural uses in this district. Reasons for granting the conditional use are: 1) The additional space is much needed by the school. 2) The plan presented has the approval and backing of the Building Inspector and Fire Chief. 3) No one appeared in objection of the project. 4) Expansion of facility is the orderly development of the site. Motion carried without a negative vote.

MOTION: Moved by Jones, seconded by Bauer, to grant a variance to the set back requirements as set forth in Section 100-251(4) of 25 feet from the street yard. The set back would be the farthest projection of the front of building as shown to the Board. Reasons for granting this variance are: 1) Request has been reviewed and approved by Fire Chief and Building Inspector. 2) No one appeared in objection to the request. 3) Building proposal will enhance the appearance of the school. 4) Full size busses will be moved to northwest side of building for pickup and drop-off for safety. Motion carried without a negative vote.

MOTION: Moved by Jones, seconded by Adler, to leave the 10 foot buffer of the south parking lot will be left to the discretion of the Building Inspector and Fire Chief. Motion carried without a negative vote.

DISCUSSION: Bill Cantwell, Business Manager of Mukwonago Area Schools, John Shanahan, principal of Clarendon Avenue School, and Apraham Khatchadourian, Project Manager, appeared representing the building project. Mr. Khatchadourian explained to the Board the plan for the building. Jones questioned plans for security for the building. Khatchadourian explained that all parts of the building, that are not to be used after school hours, will be cordoned off from the general public. Jones asked if busses will stack drive on west side of building. Answer: No. Drive on west side of building will be for emergency vehicles. School is proposing drop off parking on Clarendon Avenue in south bound lane. Jones asked if a buffer could be considered on the south side of the south parking lot to keep debris and snow on school property. The plan for the Board consider was changed regarding addition on east side on building so the street yard setback has been reduced to 25 feet. The proposed building will be 77,000 square feet with a tentative start date of 1-1-2000.

VARIANCE FOR NEW VILLAGE HALL - 400 BLOCK OF RIVER CREST COURT
MOTION: Moved by Bauer, seconded by Adler, to table a decision until June or as soon as final plans are available for review. A special meeting could be called if information becomes available soon. After discussion, Adler withdrew his second to the motion and Bauer withdrew motion.

MOTION: Moved by Bauer, seconded by Adler, to grant a variance of 25 feet to the street yard set back and 12 feet to the flood plain set back of the Waukesha County Flood Plain ordinance to the Village of Mukwonago for construction of a new Village Hall in the 400 block of River Crest Court based upon the topography of the lot. Reasons for granting this variance are: 1) No one appeared with objections to granting this variance. 2) Granting this variance will expediate the start of this project. Motion carried without a negative vote.

DISCUSSION: Attorney Reilly explained what this Board needs to consider. He stated the building will be 8800 square feet and will be adjacent to other land (Indianhead Park) owned by the Village zoned P-1. Property in the Village zoned P-1 does not require a street yard set back. County ordinances however takes precedence over Village ordinance in this situation because of date of annexation. County ordinance requires a 50 foot street yard set back. County ordinance also requires a 75 foot set back from a floodplain area.

Jim Wagner, Village President, introduced Scott Heinig, the new Village Planner to the Board of Building and Zoning Appeals.

Moved by Bauer, seconded by Jones, to adjourn at 9:25 p.m.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

The Special Board of Building and Zoning Appeals meeting was called to order by Chairman Stemper at 7:32 p.m. on June 16, 1999 in the Mukwonago Village Hall. Members present: Adler, Jones, Stemper, Dunning and Kelly. Also present: Hankovich, Absent Bauer.

Moved by Jones, seconded by Adler to accept the minutes as presented. Motion carried with 4 ayes and Kelly abstaining because he was not in attendance of the last meeting.

MUKWONAGO FOOD PANTRY - EXTENDED HOURS

MOTION: Moved by Kelly, seconded by Jones, to grant an extension of hours of operation for the Mukwonago Food Pantry, 219 Grand, to included hours from 5 - 6:30 p.m. on the 1st and 3rd Tuesdays of the month. This will be a granted on a trial basis for 4 months which will then be reviewed by the Board of Building and Zoning Appeals. Reasons for granting the extension of hours are: 1) The review of extended hours will correspond with the review of extension of length of stay in their present location. 2) When 4 month review comes to this Board, an update of Food Pantry's new facilities will be reviewed.

DISCUSSION: Cindy Lartz, director of the Mukwonago Food Pantry, was present for the discussion of extended hours of operation. Ms. Lartz asked for permission to be open every Tuesday evening from 5-7 p.m. Reasons for her request are: 1) More women, working in minimum wage jobs, need the food pantries services but can not get there during the day because they are working. 2) Present volunteers are older and for health reasons are unable to staff the Pantry without additional help. Volunteers who can help work during the day but are available during the evening. 3) New Food Pantry, when built, will have evening hours. The Mukwonago Food Pantry is located next to the Mukwonago Fire Department on Grand Avenue. The Fire Department has Tuesday night fire meetings which begin at 7:00 p.m. Hankovich stated that extending Food Pantry's hours into the evening may cause a traffic hazard on Grand Avenue because of lack of parking available. Ms. Lartz stated that 5 p.m. to 6:30 p.m. would alleviate a conflict in parking. She also felt just being open on the 1st and 3rd Tuesdays would be helpful. Chief Rolfe did not voice any opposition to the compromise.

CONDITIONAL USE - NEW VILLAGE HALL ON RIVER CREST CENTER - CONSTRUCTION OF STRUCTURE IN P-1 ZONING

MOTION: Moved by Jones, seconded by Kelly, to grant a conditional use permit to the Village of Mukwonago for the construction of a new village hall on Lots 2,3,4,5 of River Crest Court zoned P-1 as presented on June 16, 1999. Reasons for granting this conditional use are: 1) New facilities are needed in the growing community of the Village of Mukwonago. 2) The parking lot of the new facility will have twice the amount of parking stalls that are at the present location which has 42 stalls. The new facility will have a minimum of 72 stalls with the possibility of expansion of 109 stalls to the west of the building which will be kept as green space until needed. 3) The lower level of the building will accommodate a maximum of 125 people with the upper level space for 127 including staff and board members. 4) Building will be sprinkled because lower as well as upper level may be occupied as required by Chapter 24 of the Fire

Department ordinance. 5) Building plan is comparable to the surrounding areas which are zoned B-2 and B-3. 6) No precedent would be set regarding 35 foot maximum height of the building as established in Section 100-452 (1)(6). The height of proposed building exceeds the maximum height by 1 foot in B-3 but no maximum height is established in P-1. The contour of the property and projectile on the roof necessitated the extra height. 7) Parking stalls previously in south parking lot which were opposed by Waukesha County have been eliminated and moved to the west parking lot to keep them out of flood plain.. 8) Exterior of building will be brick similar in color to the surrounding area as will the roof color. Condition attached to this conditional use is: 1) If parking expansion is needed, a walking path to parking lot at Indianhead beach would be installed before parking lot on west side of building would be expanded which would mean loss of 4 mature trees. Motion carried without a negative vote.

DISCUSSION: Gary Tree and Mark Krusar of Renschler, Bernie Kahl, James Wagner, Donna Rush and Arnie Fickau of Village of Mukwonago Adhoc Committee were present to discuss plan for the building. Building proposed will be 17,200 square foot one story with a ground level. Seventy two parking stalls are proposed with additional parking in green space to the west of the building. Building will be sprinkled. Walkway to Indianhead Park parking lot is proposed for overflow parking. Reason for allowing building to be one foot taller than maximum height established in B-3 zoning could be contour of the lot. Tom Berg appeared to state that Renschler has designed an impressive building for the amount spent and he felt the dormer, causing the excessive height, was attractive to the design.

Moved by Kelly, seconded by Jones, to adjourn at 8:35 p.m.

Respectfully submitted,

Marilyn A.Stack
Deputy Clerk

The Board of Building and Zoning Appeals meeting was called to order by Chairman Stemper at 7:30 p.m. on October 26, 1999 in the Mukwonago Village Hall. Members present: Adler, Jones, Stemper and Kelly. Also present: Hankovich. Absent: Bauer.

Moved by Kelly, seconded by Jones to accept the minutes as presented. Motion carried without a negative vote.

REVIEW OF CLARENDON AVENUE SCHOOL RENOVATION/ADDITION
Bill Cantwell, Business Manager, Mukwonago Area Schools and Araham A. Khatchadourian, project manager, Plunkett Raysich Architects were in attendance representing Clarendon Avenue School. Drawings were presented for the Board's review. This included the bus boarding which will be on site and off road. A slat fencing system is being proposed for fencing a perimeter of parking lot from Clarendon Avenue on south side of school towalking path from Lincoln Avenue. The purpose of this fencing is headlight screening between the school and adjacent properties. Khatchadourian stated that the building permit could be pulled this week if permit is ready. Children from Clarendon Avenue School will be bused to new elementary school when school reconvenes after Christmas break and Clarendon Avenue should be completed by mid August, 2000.

CONDITIONAL USE PERMIT AND VARIANCE FOR TIMOTHY AND DANA
O'NEILL – 300 GIBSON STREET

Mr. And Mrs. O'Neill appeared to request a conditional use permit and variance needed to convert the duplex they own at 300 Gibson Street into a triplex. Hankovich stated that R-3 zoning, which is the zoning at 300 Gibson Street, is in the process of being rewritten. When this is complete, variance needed for this project would not be so large. The third level being proposed at this address would be approximately 800 square feet. A letter in support of granting these requests was read into the record. This letter was from Joan Julien, owner of Lakeview Terrace Elderly Apartments. Mr. Avril Farris, 318 Gibson Street, appeared in support of granting the requests. Kelly stated that he could not support the request. Chairman Stemper suggested that a decision on this matter be tabled until November at which time five board members will be present.

Moved by Kelly, seconded by Jones to adjourn at 8:15 p.m. Motion carried without a negative vote.

Respectfully submitted,

Marilyn Stack
Deputy Clerk

The Board of Building and Zoning Appeals meeting was called to order by Chairman Stemper at 7:31 p.m. on November 23, 1999 in the Mukwonago Village Hall. Members present: Adler, Jones, Stemper, Dunning and Koshick. Also present: Hankovich, Member excused: Kelly.

Moved by Jones, seconded by Adler to accept the minutes as presented. Motion carried without a negative vote.

CONDITIONAL USE PERMIT AND VARIANCE FOR TIMOTHY AND DANA O'NEILL – 300 GIBSON STREET – RECONVENE

Hankovich stated that at the last Village of Mukwonago Board meeting, the new R-3 zoning was adopted. A triplex is now a conditional use of R-3 zoning and the variance request has been decreased. Moved by Jones to deny the request of Tim and Dana O'Neill for a variance and a conditional use permit for their duplex at 300 Gibson Street. This would allow them to convert the lower level into a third rental unit. Reasons for denying the request are: 1) Board would be setting a precedent for other duplex owners. 2) A hardship was not created. Motion failed for lack of a second. Moved by Adler, seconded by Koshick, to grant a conditional use permit to Tim and Dana O'Neill for 300 Gibson Street to allow them to convert the lower level of their duplex into a third apartment. Reasons for granting this request are: 1) A triplex is now a conditional use of R-3 zoning as of the Village Board meeting of November 16, 1999. 2) Multiple housing units are already in the area. 3) No one appeared in objection to the request. Several owners of property in area were in support. Conditions attached to granting this conditional use are: 1) The entire building will contain no more than five bedrooms. 2) Any other additions must be brought before the Board of Building and Zoning Appeals. Motion carried with a 4 aye and 1 nay vote. (Jones voting nay) Moved by Adler, seconded by Koshich, to grant the variance requested by Tim and Dana O'Neill for 300 Gibson Street. for a 4,305 sq. ft variance to the lot size requirement. Reason for granting this variance is the structure is a pre-existing 3 story structure. Condition attached to granting this variance is no other structure will be built on this lot. Motion carried by four ayes and 1 nay vote. (Jones voting nay)

KOEFFLER CHEVROLET – LANDSCAPE PLAN REVIEW

Tom Berg, Berg Construction, appeared representing Koeffler Chevrolet. This Board had granted a conditional use permit to Koeffler Chevrolet to develop a piece of their property for parking trucks for display. HWY ES reconstruction was delayed, which held up the development of this site, consequently their conditional use permit expired. They are requesting a renewal of their conditional use permit. Moved by Jones, seconded by Adler, to grant a renewal of the conditional use permit which was formerly granted by this Board. This conditional use will be for graveling the area only. Conditions attached to granting this conditional use permit are: 1) The graveled area must remain a minimum of 25 feet from the floodplain line. 2) The conditional use will run concurrent with the HWY ES renovation project. 3) Before doing anything but graveling, Koeffler must return to this Board with a landscape plan. Motion carried without a negative vote.

GOODWILL DONATION BUILDING – MICHAEL KING

Michael King, representative of Goodwill Industries, presented an overview of the

operation which they would like to construct on a piece of land adjacent to the north east side of Greenridge Center's parking lot. This building would be adjacent to Market Square Restaurant and Barsamian Chiropractic. The building would be a manned site with each transaction taking approximately 10 minutes. The building would have electric for heat, light, and cooling which would be either underground or overhead which ever is in area. Use of restrooms would be offsite. Lobdell, from Sentry Foods, will take responsibility for putting any items left, after hours, away. Goodwill's landscape plan was reviewed. Jones stated that he had received approximately 15 phone calls in opposition of this proposal. Attorney Amy Zott, representing Brian Mustafa, Market Square, appeared in opposition. She shared, with the Board, pictures of various sites she had visited in the area. The pictures demonstrated problems with debris left outside. Some sites were open but unmanned. These sites were not in close proximity of businesses. Market Square's dining room and Dr. Barsamian's office would be overlooking this drop off site. The landscape plan did not show plantings of any size large enough to screen building from their view. Zott also noted that site plan only shows two parking stalls designated for Goodwill site. Assuming one is for the attendant, one is left for customers. Where would overflow park? Dr. Barsamian spoke in opposition of the request as well as presenting a petition with approximately 75 signatures. Barsamian stated parking lot already had problems with cars racing between HWY ES and NN. Stemper stated that he felt location was poor for this use. Jones stated concern with litter being left around. Koshick stated that she too was concerned with pictures of unmanned sites and with traffic. Moved by Jones, seconded by Dunning, to deny an unspecified use permit for a modular building placed on the eastern portion of Greenridge Center's parking lot by Goodwill Industries. Reasons for denying this request are: 1) Adjoining property owners or representatives appeared in opposition. One with a petition containing about 75 signatures. 2) Jones received many phone calls in opposition. 3) Items dropped off after hours would create a mess. 4) This is not the location for this type of operation. 5) A variance to the signage requirement would be necessary. Motion carried without a negative vote.

VARIANCE – 1005 S. MAIN – SPRINKLING

Stemper read notice. Robert Neiderer, owner of building, appeared stating his building pre-existed the present zoning requirements. Presently, the B-2 zoning code requires any structure exceeding 10,000 square feet must be sprinkled. Even though this building was built before the recodification of the zoning codes, the building has remained vacant for more than 12 months. Consequently, grandfathering ceases after a 12-month vacancy. Neiderer's position is that his building is 10,800 square feet which does not exceed 10,000 square feet by that much and the State code allows 20,000 square feet before sprinkling. Neiderer argued that this building would be twice as expensive to retrofit as it would be to sprinkle a new one. Building is alarmed both for smoke and fire plus two fire hydrants one off HWY ES and one off Bay View Road, both within 150 feet of the building. Neiderer feels future use of building may not require sprinkling. Fire Chief Rolfe's position is, according to present code, any building over 10,000 square feet must be sprinkled. Structures, pre existing the new code, were not forced to comply unless they remained vacant more than 12 months. Neiderer's building has been vacant more than 12 months even though Mr. Neiderer stated that his building has been used for storage by RSV Engineering to store surveying stakes and some boat storage. Fire Chief

position is that if the building were sprinkled, it would be conducive to any use. Board felt that the issue contained many gray areas and they needed more time to consider decision. Decision was tabled until January meeting.

RECOGNITION PLAQUES

Deputy Clerk raised the question as to what is being done about plaque for Bud Hendrickson and other Board members. Board referred Deputy Clerk to Terry Kelly. Board also stated that they would like all plaques to remain in the Village Hall after presented.

Moved by Jones, seconded by Adler to adjourn at 10:35 p.m.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk