

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING Wednesday April 20, 2016

Call to Order

Chairperson Tarr called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Members Present: Sarah Szejn
Dave Mades
Jack Dexter
Chris Tarr
Don Fischer

Also Present: Bruce Kaniewski, Village Planner
Judith Taubert, Deputy Clerk/Treasurer

Minutes

Motion by Szejn/Mades to approve the June 25, 2015 regular meeting minutes as presented carried.

Public Hearing

A public hearing to consider a variance to Section 100-152 (d)(2)a. of the Village of Mukwonago Municipal Code requested by Karen Braun, Waukesha County Department of Public Works, for the property located at 1009 CTH NN E, known as MUKV1967998 pertaining to the parking lot setback from the north property line opened at 6:31 p.m.

The Village Planner explained the public notice published stated the parking lot setback on the west property line instead of the north property line but the agenda had the correct property line. The Board of Appeals agreed to go ahead with the public hearing.

Karen Braun, Waukesha County Department of Public Works, explained the County will be causing a hardship with the work that they will be doing.

Public hearing closed at 6.36 p.m.

Consideration

Motion made by Szejn/Mades to grant a 10 ft variance for a portion of the parking lot from the north property line having a setback of zero (0) feet, as opposed to the requirement of a front yard setback of 10 feet for greenspace, except for driveways to and from a public right-of-way; pursuant to Section 100-152 (d)(2)a. of the Village of Mukwonago Municipal Code (Zoning).

The reasons for granting the variance are:

1. Special circumstances apply, 15ft. to the west and 12ft. to east totaling 0.055 acres
2. This variance request does not include the construction or modification of any existing improvements.

3. The applicant did not create the hardship. The government action (eminent domain acquisition of his land) is causing the hardship.
4. This variance will not include any new or increased parking area and will not result in any change in the use of this property. The variance allows for the continued use of the site after the impact of a public right of way acquisition.
5. The variance will not alter the character of neighborhood.
6. It is the minimum that will afford relief.
7. This variance will not expand, move or change the existing parking lot.
8. No one appeared to speak against it.

There were no conditions. Motion carried unanimously upon roll call vote.

Public Hearing

A public hearing to consider variances requested by Matthew Mehring, Anderson Ashton, Inc., for a variance of 10 feet for a parking lot setback of zero (0) feet from the north property line, as opposed to the requirement of an interior yard setback of 10 feet for greenspace; pursuant to Section 100-152 (d)(2)b., a variance of two (2) feet for a portion of the parking lot from the west property line (Rochester Street) having a setback of eight (8) feet, as opposed to the requirement of a street yard setback of 10 feet for greenspace, except for driveways to and from a public right-of-way; pursuant to Section 100-152 (d)(2)a., and a variance of 10 feet for the dumpster enclosure setback of zero (0) feet from the east property line (Jefferson Street), as opposed to the requirement of a street yard setback of 10 feet for greenspace, except for driveways to and from a public right-of-way; pursuant to Section 100-152 (d)(2)a. of the Village of Mukwonago Municipal Code (Zoning), for the property located at 214 S. Rochester St., known as MUKV1976123 opened at 6:37 p.m.

Matthew Mehring, Anderson Ashton, Inc. explained that the maximum amount of parking is the main goal.

Kay Johnson, Kay's Academy of Dance, 204 S. Rochester St. sent an email with approval for no green space between properties.

Public hearing closed at 6.37 p.m.

Considerations

Motion by made Szejn/Dexter to grant a variance of 10 feet for a parking lot setback of zero (0) feet from the north property line, as opposed to the requirement of an interior yard setback of 10 feet for greenspace; pursuant to Section 100-152 (d)(2)b. for the property located at 214 S. Rochester St., known as MUKV1976123.

The reasons for granting the variance are:

1. Special circumstances apply to property. The property currently doesn't conform.
2. The Planning Commission supports all variances.
3. Neighbor at 204 S. Rochester St. sent an email in favor of the variance.
4. Minimum that will afford relief.
5. Won't alter the character of neighborhood.

The conditions of the variance are:

1. Prior to commencement of any site demolition, construction or the issuance of any building permit, final plans shall be reviewed and approved by the Supervisor of Inspections/Zoning Administrator, Fire Chief, Village Planner and the Village Engineer.
2. The final plans shall be modified to conform to all applicable Village codes.
3. The basic layout of the site as depicted in the Site Plan shall remain unchanged, except for potential modifications of the STH 83 driveway and interior sidewalks.

Motion carried unanimously upon a roll call vote.

Motion by made Szejn/Dexter to grant a variance of two (2) feet for a portion of the parking lot from the west property line (Rochester Street) having a setback of eight (8) feet, as opposed to the requirement of a street yard setback of 10 feet for greenspace, except for driveways to and from a public right-of-way; pursuant to Section 100-152 (d)(2)a. for the property located at 214 S. Rochester St., known as MUKV1976123.

The reasons for granting the variance are:

1. Reasons for granting the variance are:
2. Special circumstances apply to property. The property currently doesn't conform.
3. The Planning Commission supports all variances.
4. Minimum that will afford relief.
5. Won't alter the character of neighborhood.

The conditions of the variance are:

1. Prior to commencement of any site demolition, construction or the issuance of any building permit, final plans shall be reviewed and approved by the Supervisor of Inspections/Zoning Administrator, Fire Chief, Village Planner and the Village Engineer.
2. The final plans shall be modified to conform to all applicable Village codes.
3. The basic layout of the site as depicted in the Site Plan shall remain unchanged, except for potential modifications of the STH 83 driveway and interior sidewalks.

Motion carried unanimously upon a roll call vote.

Motion by Szejn/Dexter to grant a variance of 10 feet for the dumpster enclosure setback of zero (0) feet from the east property line (Jefferson Street), as opposed to the requirement of a street yard setback of 10 feet for greenspace, except for driveways to and from a public right-of-way; pursuant to Section 100-152 (d)(2)a. of the Village of Mukwonago Municipal Code (Zoning) for the property located at 214 S. Rochester St., known as MUKV1976123.

The reasons for granting the variance are:

1. Reasons for granting the variance are:
2. Special circumstances apply to property. The property currently doesn't conform.
3. The Planning Commission supports all variances.
4. Minimum that will afford relief.
5. Won't alter the character of neighborhood.

The conditions of the variance are:

1. Approval of building plans shall include appropriate locations of the external mechanical equipment to be placed hidden from view of neighboring properties.
2. Dumpster should follow the same materials.

Motion carried unanimously upon a roll call vote.

Adjournment

Meeting adjourned at 7:00 p.m.

Respectfully submitted,

Judith Taubert
Deputy Clerk-Treasurer