

Village of Mukwonago
REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING
Notice of Meeting and Agenda
Thursday, April 27, 2017

Time: **6:30 p.m.**

Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court**

1. Call to Order
2. Roll Call
3. Approval of minutes for March 2, 2017 regular meeting

4. Public Hearing

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Board of Building and Zoning Appeals asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

A. Request by Dennis and Nancy Ward for a variance of 17 feet to allow a deck addition to a house to be located 3 feet from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283(f)(1)a. of the Village of Mukwonago Municipal Code for the property located at 209 Shore Drive, known as MUKV1976075

5. New Business

Discussion and Possible Action on the Following Item

A. Consideration of a request by Dennis and Nancy Ward for a variance of 17 feet to allow a deck addition to a house to be located 3 feet from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283(f)(1)a. of the Village of Mukwonago Municipal Code for the property located at 209 Shore Drive, known as MUKV1976075

6. Adjournment

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Clerk's Office, 440 River Crest Court, (262) 363-6420, Option 4.

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING Thursday March 2, 2017

Call to Order

Chairperson Chris 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
John Beauchamp, 1st Alternate Member
Members Excused: Robert Harley, Supervisor of Inspections

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

1st Alternate John Beauchamp filled the vacant seat on the Board due to the excused absence of Advisory Board member Harley.

Minutes

Motion by Fischer/Dexter to approve the minutes from the Regular Board of Building and Zoning Appeals Meeting on Thursday, January 26, 2017 carried.

Public Hearing

The public hearing for the request by Raymond and Sandra L. Schmidt for a variance of 180 square feet to allow construction of an accessory building (garage) of 900 square feet instead of the maximum of 720 square feet pursuant to Section 100-453 (5) of the Village of Mukwonago Municipal Code for the property located at 450 Eagle Lake Avenue, known as MUKV1974983 and the request by Raymond and Sandra L. Schmidt for a variance of three (3) feet to allow construction of an accessory building (garage) with a height of 18 feet instead of the maximum of 15 feet pursuant to Section 100-453 (5) of the Village of Mukwonago Municipal Code for the property located at 450 Eagle Lake Avenue, known as MUKV1974983 both opened at 6:32.

Dan Schmidt, 450 Eagle Lake Avenue, son of Raymond and Sandra Schmidt explained the project and why they are asking for a variance.

Terry Hass, 487 Eagle Lake Avenue, spoke against a larger building.

John Strizic, 460 Eagle Lake Avenue, spoke questioning the drainage on the property.

Debbie James, 430 Eagle Lake Avenue, spoke of drainage problems and the loss of the treeline.

Public hearing closed at 6.39 p.m.

New Business

450 Eagle Lake Avenue Variances

Motion made by Szejn/Dexter to approve a variance of 140 square feet requested by Raymond and Sandra L. Schmidt to allow construction of an accessory building (garage) of 860 square feet instead of the maximum of 720 square feet pursuant to Section 100-453 (5) of the Village of Mukwonago Municipal Code for the property located at 450 Eagle Lake Avenue, known as MUKV1974983.

Reasons for granting the variance are:

1. The percentage of the lot space covered is less than 10%.
2. The variance will not alter the character of the neighborhood.
3. A letter was submitted with more signatures from neighbors agreeing to the increased size of the out building than neighbors appearing against it.
4. The building meets the setback requirements.

Conditions for the variance are:

1. No further uses of lot for additional accessory structures such as garden or utility
2. Design needs to conform.

Motion carried upon a roll call vote. Mades voted no.

Motion by Szejn/Fischer to decline consideration of a variance of three (3) feet requested by Raymond and Sandra L. Schmidt to allow construction of an accessory building (garage) with a height of 18 feet instead of the maximum of 15 feet pursuant to Section 100-453 (5) of the Village of Mukwonago Municipal Code for the property located at 450 Eagle Lake Avenue, known as MUKV1974983 due to no hardship being shown. Motion carried upon a roll call vote.

Adjournment

Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Judith A. Taubert
Deputy Clerk/Treasurer

**NOTICE OF PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO
BOARD OF BUILDING AND ZONING APPEALS TO CONSIDER AN APPLICATION FOR
VARIANCE REQUESTED BY DENNIS & NANCY WARD FOR THE PROPERTY LOCATED
AT 209 SHORE DRIVE**

Please take notice that there will be a public hearing before the Board of Building and Zoning Appeals of the Village of Mukwonago in the Board Room of the Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on Thursday, April 27, 2017, commencing at 6:30 p.m., to consider the following matter(s):

<u>PUBLIC HEARING:</u>	<u>Variance to Section 100-283 (f)(1)a. of the Municipal Code of the Village of Mukwonago</u>
TAX KEY/ADDRESS:	MUKV1976075, 209 Shore Drive
LEGAL DESCRIPTION:	LOT 2 BLK 9 PLAT OF MUKWONAGO SHORES PT SW1/4 & SE1/4 SEC 26 T5N R18E DOC# 2582406
OWNER/APPLICANT:	Dennis & Nancy Ward
MATTER:	Applicant seeks a variance of 17 feet to allow a deck addition to a house to be located 3 feet from the mapped floodplain, instead of the required 20-foot setback from a mapped floodplain, pursuant to Section 100-283(f)(1)a. of the Village of Mukwonago Municipal Code.

At this time all interested persons will be afforded a hearing. Information regarding the above noticed hearing(s) may be obtained in the Clerk's Office.

Steven A. Braatz, Jr.
Village Clerk
Pub: 4/12, 4/19

Village of Mukwonago
440 River Crest Court, P.O. Box 206
Mukwonago, WI 53149
Phone: (262) 363-6420
Fax: (262) 363-6425
www.villageofmukwonago.com

VILLAGE OF MUKWONAGO REQUEST FOR VARIANCE APPLICATION

Application Fee: \$450

Date Submitted: 3/15/2017

CONTACTS

Zoning and Planning Department

Contact: Bruce Kaniewski
Phone: (414) 339-4105
Fax: (262) 363-6425
Email: planner@villageofmukwonago.com

GUIDELINES

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Board of Zoning and Building Appeals of the Village of Mukwonago.

Requests for a variance require a public hearing. To ensure the public hearing will be properly advertised, the application must be submitted **at least 30 days prior to the meeting** in which the Board of Zoning and Building Appeals will hold the public hearing. The Board of Zoning and Building Appeals meets on the Thursday after the fourth Tuesday of each month at 6:30 p.m.

Materials listed on page 4 must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 100, Article XII and other pertinent sections of Village ordinances, WI Stats. 62.23, and as necessary to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Board of Zoning and Building Appeals consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Mail completed applications to: Village Zoning Administrator
ATTN: Request for Variance
PO Box 206
Mukwonago, WI 53149

Deliver to: Village Clerk's Office
440 River Crest Court

Email to: jhankovich@villageofmukwonago.com

Complete, accurate and specific information must be entered. Please Print.

APPLICANT INFORMATION (Full Legal Name)

Name: DENNIS + Nancy Ward

Company: _____

Address: 209 Shore Dr. City: Mukwonago State: WI Zip: 53149

Daytime Phone: 262-363-2585 Fax: _____

E-Mail: _____

APPLICANT IS REPRESENTED BY (Full Legal Name)

Name: Joe Herriges
Company: Urban HERRIGES + SONS, INC.
Address: 121 WOLF RUN ST. 1 City: MUKWONAGO State: WI Zip: 53149
Daytime Phone: 262 363 4200 Fax: 262 363 4961
E-Mail: lisa@herriges.com

ARCHITECT

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

PROFESSIONAL ENGINEER

Name: _____
Company: _____
Address: _____ City: _____ State: _____ Zip: _____
Daytime Phone: _____ Fax: _____
E-Mail: _____

REGISTERED SURVEYOR

Name: _____
Company: Kettle Moraine Surveying INC.
Address: 575 W36245 WILTON RD City: Eagle State: WI Zip: 53119
Daytime Phone: (262) 594-3484 Fax: _____
E-Mail: _____

CONTRACTOR

Name: Joe HERRIGES
Company: URBAN O HERRIGES + SONS, INC.
Address: 121 WOLF RUN Suite 1 City: MUKWONAGO State: WI Zip: 53149
Daytime Phone: 262 363 4200 Fax: 262 363 4961
E-Mail: JOE@herriges.com

PROPERTY AND PROJECT INFORMATION

Present Zoning: _____ Tax Key No(s): MUKV1976 075

Address/Location: 209 Shore Dr.

A. I/We request a variance for:
APPROX. 5' x 15' deck off of new addition

B. The property is presently used as:
Residence

C. Name of Architect, Professional Engineer, or Contractor: URBAN HERRIGES + SONS, INC.

D. Project Timetable: Start Date: 5/1/17 Completion Date: 7/15/17

E. All of the Proposed Use(s) of the property will be:
Principal Use Residence

Secondary Use N/A

Accessory Use N/A

F. I/We represent that I/we have a vested interest in this property in the following manner:
 Owner
 Leasehold. Length of Lease: _____
 Contractual. Nature of contract: _____
 Other. Please explain _____

PROCEDURAL CHECKLIST FOR VARIANCE REVIEW

This form is designed to be a guide for submitting a complete application for a conditional use.

If your application for a building permit is denied by the Inspection Department, you have the option to apply for a variance. Requesting a variance requires appearing before the Board of Zoning and Building Appeals and explaining why you should not be expected to comply with Village zoning regulations. You will be required to prove practical difficulty or unnecessary hardship. The fee to appear before the board is nonrefundable.

The Board of Zoning and Building Appeals (Board) is a group of five citizens appointed to listen to members of the public who want to appeal the rules of the Municipal Zoning Code (Chapter 100). The Board will receive a packet of information about your appeal in addition to listening to you and your neighbors' comments at a public meeting. Also, the Board may request assistance from other Village officers, departments, commissions, and boards in making its decision.

Application Submittal Packet Requirements for Village and Applicant Use (Check off List)

- Completed application for building permit (separate application)
- Completed application form including the procedural checklist and justification of requested variance.
- Application fee: \$450
- Agreement for Reimbursable Services (separate application)

Required site drawings and other information:

- Survey of the property
- Map/picture of the property
- Plan of operation/proposal
- Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property)
- Drainage plan
- Floor plan (1/4" Scale)
- Elevations (front and sides)
- Electronic Submittals are required.** Email (or CD ROM) with all plans and submittal materials in Adobe PDF to planner@villageofmukwonago.com.
- Any additional information as determined by Village staff.

DO NOT MAIL ANY ADDITIONAL MATERIAL OR INFORMATION DIRECTLY TO OR CALL MEMBERS OF THE BOARD.

Save the additional material and information you have for the Board until the meeting, or you may mail it to staff prior to the meeting. Staff will enter your additional information and material into the public record and forward it to the Board.

After you apply for the variance and before the meeting occurs, notice of your request will be published in two editions of the Mukwonago Chief, and neighboring property owners within 300 feet of your property will receive notice of your appeal.

Also during this time, board members may choose to drive by or visit your property to gather information that may influence their decision regarding your requested variance.

VARIANCE STANDARDS

Variances are not granted routinely. The application for a variance must clearly show the Board of Building and Zoning Appeals that the three Wisconsin State Statutory Standards that govern granting a variance will be met.

Unnecessary Hardship: A situation where, in the absence of a variance, an owner can make no feasible use of the property. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not which affects all parcel similarly. Generally, hardships arise because of some unique property limitation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.

Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.

PETITION FOR VARIANCE

TO THE ZONING BOARD OF APPEALS

The petition of ZONING Variance respectfully shows:

1. This petition is made pursuant to the ordinance of the Village of Mukwonago and pertaining to the functions, duties, and powers of the Board of Building and Zoning Appeals.

2. The petitioner is appealing for:

A deck into 2 new additions

3. Petitioner requests a variation as follows:

to erect deck to close to flood line.

4. Petitioner has attached hereto a survey of the premises. Yes No

5. The present zoning classification of the described real estate is _____

6. The names of the owners of said property are as follows:

DENNIS + Nancy Ward

7. Petitioner further respectfully represents that to permit the variance aforesaid would not be contrary to the public interest, or in any way be detrimental to the neighborhood or the neighbors; that to refuse to permit such a variance would cause to the petitioner practical difficulty or unnecessary hardship; and that the use of the premises for the purposes herein prayed would do substantial justice, would be in keeping with the spirit of the Village of Mukwonago and the immediate neighborhood.

ITEMS REQUIRED TO BE SUBMITTED (If not applicable, mark N/A)

- Survey of the property
- Map/picture of the property
- Plan of operation/proposal
- Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property)
- Drainage plan
- Floor plan (1/4" Scale)
- Elevations (front and sides)

APPLICATION FOR VARIANCE (Please fill out ALL of the questions.)

- A. Describe what you are building, the proposed dimensions, and what are the proposed setbacks:

5' x 15' deck off new addition

- B. Describe the exceptional or extraordinary circumstances or conditions that apply to your property that do not apply to surrounding properties:

owner will eventually be confined to area of new addition and this deck will provide owner exterior access to home. owner has severe disabilities.

- C. Describe the hardship (s) that would result if the Variance is not granted:

Homeowner will be confined to interior of home; exterior of home will not be accessible to disabled homeowner.

- D. Describe how the variance would not have adverse affects on surrounding lands:

NO adverse affects will take place.

CERTIFICATION

Applicant hereby certifies that:

1. All of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.
2. Affirms that no Village of Mukwonago elected or appointed official or employee has a proprietary interest in the above referenced property for which this applications being filed (except as stated below under "Exceptions").
3. None of the above referenced individuals has been promised or given any contract for consultation, planning or construction in relation to this project (except as stated below under "Exceptions").
4. Applicant has read and understands all information in this packet.

Applicant further understands the policies of the Village regarding change of zonings and property development. Conditions of the resolution regarding all approvals are strictly followed. Certificates of Occupancy are not given until all conditions of approval have been met

By the execution of this application, applicant hereby authorizes the Village of Mukwonago or its agents to enter upon the property during the hours of 7:00 am to 7:00 pm daily for the purpose of inspection. Applicant grants this authorization to enter even if this land has been posted against trespassing pursuant to Section 943.13 WI Stats.

(The applicant's signature must be from a Managing Member if the business is on LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Nancy D Ward
 Signature - Property Owner
Nancy D Ward - home owner
 Name & Title (PRINT)
3/15/2017
 Date

N/A
 Signature - Applicant

 Name & Title (PRINT)

 Date

 Signature - Property Owner

 Name & Title (PRINT)

 Date

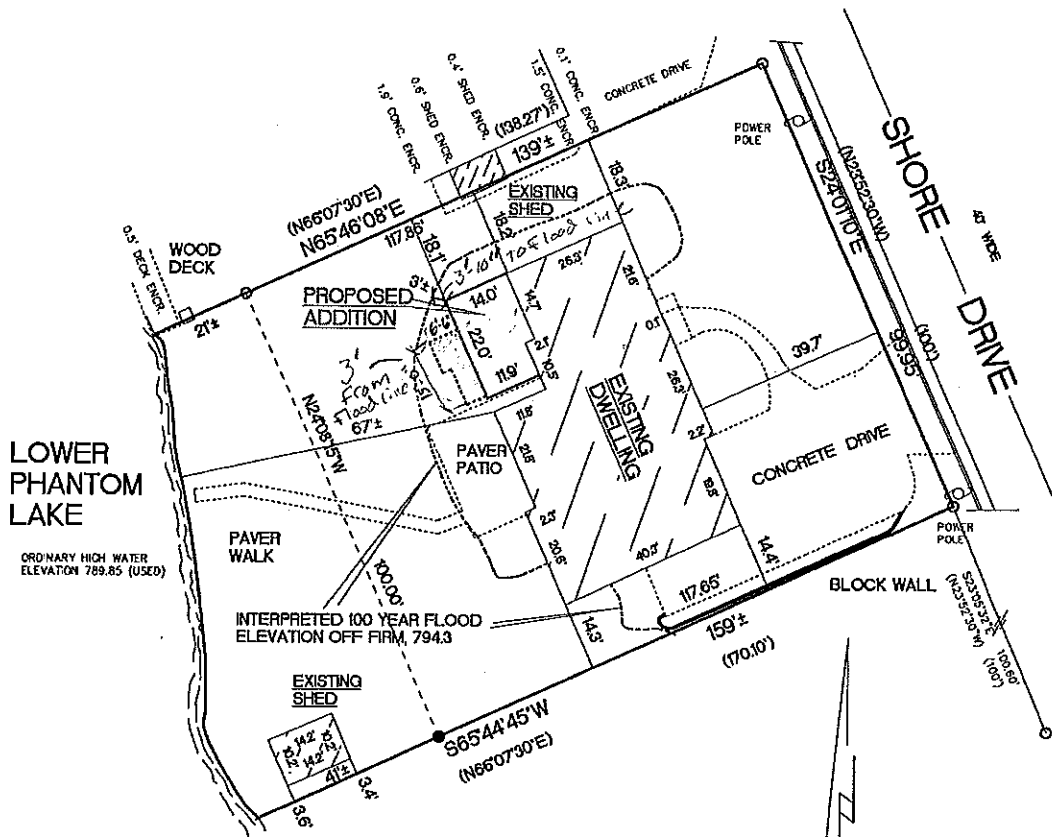
X [Signature]
 Signature - Applicant's Representative
contractor - Joe Herriges
 Name & Title (PRINT)
3/14/2017
 Date

FOR OFFICE USE ONLY	
Date Paid <u>4/19/17</u>	Receipt # <u>14580-1002</u>
Date(s) Notice Published	Date Notices Mailed
Public Hearing Date	Plan Commission Date(s)
Escrow Required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Escrow Amount
Board of Zoning and Building Appeals Disposition	

Plat of Survey
LOT 2 IN BLOCK 9, IN MUKWONAGO SHORES, a Subdivision of the Southeast and Southwest 1/4's of Section 26,
 in Township 5 North, Range 18 East, in the Village of Mukwonago, Waukesha County, Wisconsin.

Surveyed for: **Dennis & Nanc Ward/Urban Herriges & Sons Inc.**

Survey address: **209 Shore Drive**



LOWER PHANTOM LAKE
 ORDINARY HIGH WATER
 ELEVATION 789.85 (USED)

INTERPRETED 100 YEAR FLOOD
 ELEVATION OFF FIRM, 794.3

- STRAIGHTENED OUT 1 1/4" O.D. IRON PIPE
- () RECORDED AS DIMENSIONS
- FOUND 1 1/4" O.D. IRON PIPE

SCALE 1"=30'

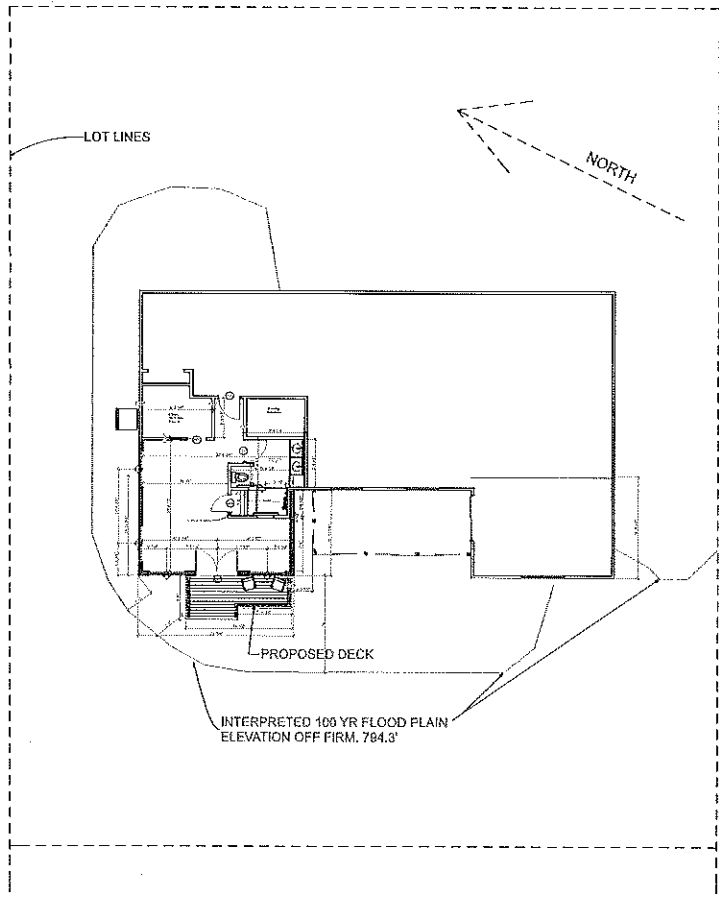
BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 26-5-17 AND IS ASSUMED TO BEAR N00°28'38"W, (NAD27).

15105± SQ. FT.

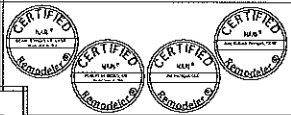
KETTLE MORaine SURVEYING INC.
 S75 W36245 Wilton Road
 Appleton, Wisconsin 54911

I hereby certify that I have surveyed the above described property and

3 Risers



1 SITE PLAN
SCALE: 1/8" = 1'-0"



**URBAN
HERRIGES
& SONS, INC.**

DRAWN FOR: Dennis & Nancy Ward
209 Shore Dr. Mukwonago, WI 53149
Home ##### Cell #####

#Pln

DATE: 2/24/2017

Drawn By
#Drawn By

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Urban HERRIGES & Sons Inc.
121 Wolf Run, Suite 1
Mukwonago, WI 53149
E-Mail: info@herriges.com
Web Site: www.herriges.com
262-363-4200
Fax 262-363-4961

A-8

DRAWING NAME: DECK SITE PLAN FOR VARIANCE