

Building Services

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

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Tuesday, March 7, 2023

6:00 PM

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

-
1. Call to Order and Pledge of Allegiance
 2. **PUBLIC HEARING**, Discussion and Possible Action Related to the Petition of Brandon and Amber Otto for the Property Located at W269 N2770 Lelah Avenue (PWC 0930-097). The Applicants request a Variance from the Front Yard Setback Requirement of Section 17.0411a to Allow for a Porch Addition with Front/Street Setback of Approximately 12-feet.
 3. Adjournment

Kelly Tarczewski
Clerk/Treasurer

[Insert Publishing Date - Text shows at bottom below name/title.]

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 Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days 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: March 7, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Related to the Petition of Brandon and Amber Otto for the Property Located at W269 N2770 Lelah Avenue (PWC 0930-097). The Applicants request a Variance from the Front Yard Setback Requirement of Section 17.0411a to Allow for a Porch Addition with Front/Street Setback of Approximately 12-feet.

BACKGROUND:

FINANCIAL IMPACT:

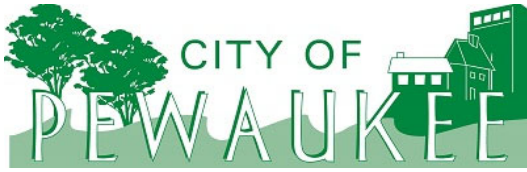
RECOMMENDED MOTION:

ATTACHMENTS:

Description

Staff Report Otto

Otto Application



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 BOARD OF ZONING APPEALS

Meeting of March 7, 2023

Date: February 21, 2023

Project Name: Otto Variance Request

Project Address/Tax Key No.: W269N2770 Lelah Avenue/PWC 0930097

Applicant: Amber and Brandon Otto

Property Owner: Amber and Brandon Otto

Zoning: Rs-7 Single-Family Residential District and SO Shoreland Overlay District

2050 Land Use Map Designation: Medium Density Residential (6,500 Sq. Ft. – 1/2 Ac. / D.U.)

Use of Surrounding Properties: Single-family residential to the north, south, east, and west

Project Description/Analysis:

The applicant filed a Variance Application requesting a variance from Section 17.0411a. to allow for a porch addition with a front/street setback of approximately 12-feet, opposed to the required minimum front yard setback of 20 feet.

The subject property is zoned Rs-7 Single-Family Residential District and SO Shoreland Overlay District. The applicant has been in the process of remodeling the subject home and has already completed the porch addition, which further encroaches into the front/street setback.

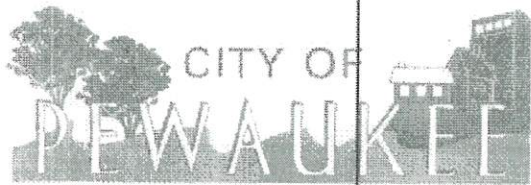
The exterior work completed and related to this variance includes the front entry door being shifted south, the stairs being replaced, and the addition of a front porch area.

The stairs appear to maintain the same setback as the previous set of stairs and do not get closer to the front/street property line; however, the front porch addition occupies more space within the setback, thus encroaching further into that 20-foot front yard setback and expanding upon the homes existing nonconforming setback.

In the attached project narrative, the applicant provides responses to the Findings outlined in Section 17.1007 of the City's Zoning Code. Section 17.1007 states that the Zoning Board of Appeals shall not grant a variance "unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings."

Recommendation:

Staff recommends approval of the variance in consideration of the applicant's responses to Section 17.1007 as well as considering that the porch addition is not closer to the front/street property line than the original stairs, the porch addition overall is minor and not substantial in area, and it does not adversely affect neighboring properties. Furthermore, it can be considered that the home to the north is setback about 11-feet and the home to the south is setback about 16 feet from the front/street property line.



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APPLICATION FOR VARIANCE REQUEST

TO THE HONORABLE MAYOR AND ZONING BOARD OF APPEALS OF THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN

The undersigned hereby petitions the Zoning Board of Appeals of the City of Pewaukee, Waukesha County, Wisconsin requesting a variance from: the front deck that was replaced at W269N2770 Lelah Ave.

Legal description of property to be rezoned - Please attach.

Common property description or name: _____

Property Address: W269N2770 Lelah Ave. Tax Key Number(s): 0930097

Property owner(s) (Full Legal Name): Amber Otto + Brandon Otto

Owner's Address: W269N2770 Lelah Ave City/State/Zip: Pewaukee WI 53072

Phone: 262.244.9455 Email: amber@a-otto.net

Applicant (Full Legal Name):

Name: Amber Otto

Company: _____

Address: W269N2770 Lelah Ave.

City/State/Zip: Pewaukee WI 53072

Phone: 262.244.9455

Email: amber@a-otto.net

Contact Person (Full Legal Name):

Name: Brandon Otto

Company: _____

Address: W269N2761 Water St

City/State/Zip: Pewaukee WI 53072

Phone: 414-852-5005

Email: _____

Variance submittals must include and be accompanied by the following:

- This Application form accurately completed with original signatures.
- Application Filing Fee, payable to the City of Pewaukee:
 - \$400.00
 - Note costs for publication, notice and all attorney fees related to the project shall be paid by the applicant and will be invoiced separately
- Five (5) complete collated sets of Application materials to include:
 - A written project narrative detailing the request and site & building improvements.
 - Scaled drawings, as may be applicable, including, but not limited to: a site plan, building elevations, colored renderings, and natural resource delineations.
- Variance Findings Form
- All application materials provided in a digital format (Adobe PDF). Materials may be submitted on a USB Flash Drive or emailed to tarczewski@pewaukee.wi.us.
- Note twelve (12) additional sets of plans will be required for the Zoning Board of Appeals following staff review of the initial submittal. These plans should be revised in response to staff comments as may be necessary.



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The applicant and property owner(s) hereby certify that:

- 1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge;
- 2) the applicant and property owner(s) has/have read and understand all information in this application; and
- 3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval.

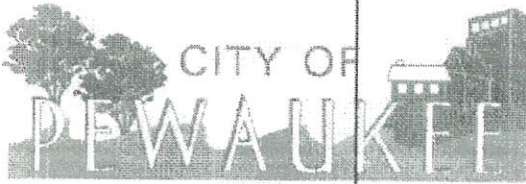
(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization 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).

PETITIONER'S/APPLICANT'S SIGNATURE: [Signature]
 NAME & TITLE (PRINT): Amber Otto
 SIGN AND DATED this 4th day of January, 2023.

PROPERTY OWNER'S SIGNATURE: [Signature]
 NAME & TITLE (PRINT): Brandon Otto
 SIGN AND DATED this 4th day of January, 2023.

PROPERTY OWNER'S SIGNATURE: _____
 NAME & TITLE (PRINT): _____
 SIGN AND DATED this _____ day of _____, _____.

City Staff-
 RECEIVED at City Hall by: _____ on _____
 Fee paid: \$ _____ Date: _____



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VARIANCE FINDINGS FORM

It is recommended that this form be completed and submitted as part of all variance requests.

Date: _____ Property Owner: Amber & Brandon Otto
 Property Address: W2269 N2770 Leelan Ave.

Section 17.1007 states, "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.

Entry Door was moved city didn't
 flag help an issue when permit
 was filed. Didn't know we were out
 of compliance.

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.

Access to Entry Door needed.



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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:

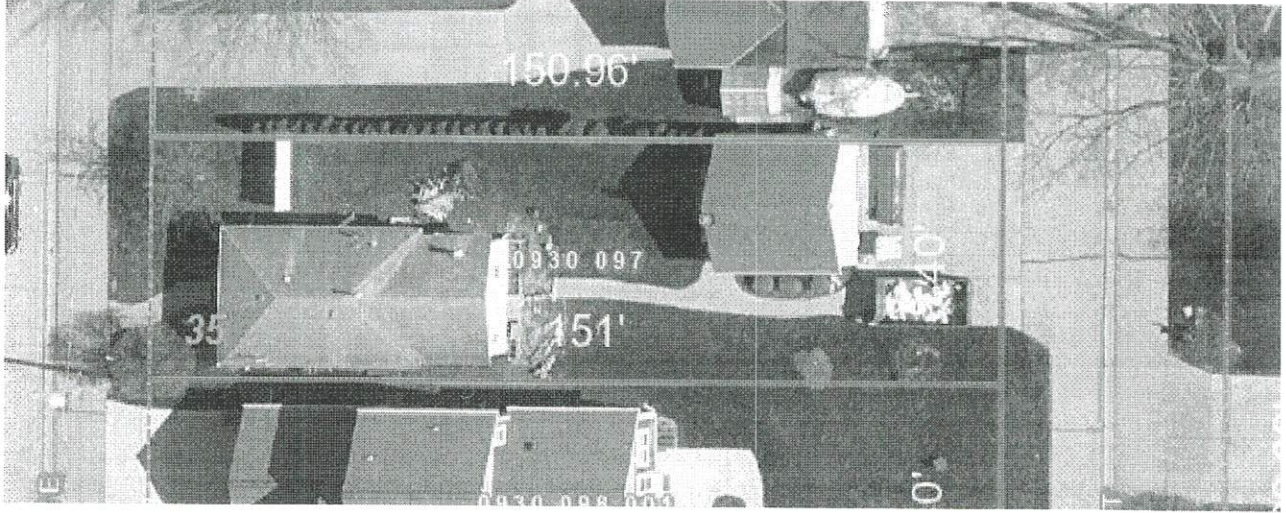
- (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
- (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
- (3) Any action contrary to the provisions 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.

W269N2770 Lelah Ave Pewaukee WI 53072

Deck variance request

The home was remodeled in early 2022 and the location of the front door was moved to where the right window is as seen in the photo. I was not flagged during inspection for the location of the door moving on either the plans submitted to the city or when first inspection occurred. When final inspection occurred, I was told the deck was not within the guidelines of the lot lines with the city. I am asking for a variance to allow the deck to stay as there would be no other option for where the door is currently located. Attached is the permit and building plans from March 2022.



Original



