

## Building Services

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

### VIRTUAL MEETING ~ SEE NOTICE BELOW

#### ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

**Monday, December 14, 2020**

**6:00 PM**

VIRTUAL MEETING ONLY

City of Pewaukee W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

- 
1. Call to Order and Pledge of Allegiance
  2. Discussion and Possible Action to Approve Zoning Board of Appeals Meeting Minutes Dated December 1, 2020
  3. Continuation of **PUBLIC HEARING** Originally Held on December 1, 2020, Further Discussion and Possible Action Regarding the Petition of Jason and Michelle Sciborski for the Property Located at W272 N408 Hilltop Drive (PWC 0984-020) for a Variance from Section 17.0408f.(3) of the City's Zoning Code to allow for a rear yard setback of 20-feet, opposed to the minimum required rear yard setback of 35-feet and a variance from Section 17.1402g)113 Garage, Private, Detached Residential to allow for a 1,443 square foot detached garage, opposed to the maximum area allowed of 1,200 square feet.
  4. Adjournment

Kelly Tarczewski  
Clerk/Treasurer

December 10, 2020

#### NOTICE

Due to City Hall being closed to the public due to the COVID virus, this meeting will only be held virtually.

To attend this meeting virtually or by phone please contact Kelly Tarczewski, City Clerk, 262-691-0770, [tarczewski@pewaukee.wi.us](mailto:tarczewski@pewaukee.wi.us) **before 3 P.M. on the date of the meeting** for directions. Meeting materials are available at <https://pewaukee.novusagenda.com/AgendaPublic/>.

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:** December 14, 2020

**DEPARTMENT:** Clerk/Treasurer

**PROVIDED BY:**

***SUBJECT:***

Discussion and Possible Action to Approve Zoning Board of Appeals Meeting Minutes Dated December 1, 2020

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

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

**DATE:** December 14, 2020

**DEPARTMENT:** Planning

**PROVIDED BY:**

***SUBJECT:***

Continuation of **PUBLIC HEARING** Originally Held on December 1, 2020, Further Discussion and Possible Action Regarding the Petition of Jason and Michelle Sciborski for the Property Located at W272 N408 Hilltop Drive (PWC 0984-020) for a Variance from Section 17.0408f.(3) of the City's Zoning Code to allow for a rear yard setback of 20-feet, opposed to the minimum required rear yard setback of 35-feet and a variance from Section 17.1402g)113 Garage, Private, Detached Residential to allow for a 1,443 square foot detached garage, opposed to the maximum area allowed of 1,200 square feet.

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

**ATTACHMENTS:**

Description

Sciborski Application

Sciborski Staff Report

Office of the Planner & Community Development Director  
W240 N3065 Pewaukee Road  
Pewaukee, Wisconsin 53072  
fuchs@pewaukee.wi.us

RE: Project Narrative – Variance Request for Sciborski Residence

Dear Mr. Fuchs,

Thank you for the opportunity to submit this request. We would like to add a garage to our lot at W272N408 Hilltop Drive, Waukesha 53188 and a requesting a variance in relation to the following regulations.

- 17.0408 Rs-4 Single Family Residential District: Rear lot setback of 35 feet (requesting 20 feet)
- 17.1402 Section 113: Detached garage maximum of 1,200 square feet (requesting 1,443 square feet)

The northwest corner of our lot has an unusual 'wedge' shape which "pushes" any structure closer to our home than would occur if we had a 90-degree corner (a more typical rectangular shaped lot). At a 35-foot rear setback the structure would be 70 feet from the back corner of our lot. At our requested 20-foot setback the structure will still be 55 feet from the back corner. Please see our submitted site plan, *site plan 20 setback 102220.pdf*, for additional details.

The structure will tuck into the corner of our lot and still be a meaningful distance from adjacent property. There are a fair number of trees and other vegetation on the property lines of adjacent properties. We will also keep as many trees as possible and plant additional vegetation once the project is complete.

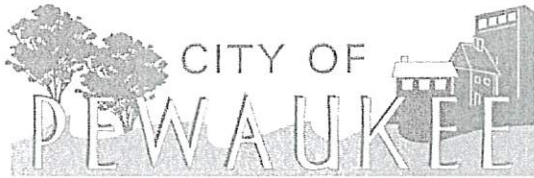
We do not believe this variance request will adversely impact other properties in our vicinity. We are not privy to the setbacks and square footage details of other outbuildings near our property. However, some appear to be larger than 1,200 square feet. Others could benefit from a larger structure instead of parking RVs, boats, etc. in the yard and/or driveway. This is the situation we are trying to avoid as we, and our neighbors, will benefit by having our vehicles/possessions stored inside rather than being stored outside. The additional square footage is necessary to fit a relatively large RV. We believe the additional square footage will not be noticeable to the adjacent property owners compared to a 1,200 square foot structure.

Pictures 1 through 4 submitted with this request provide examples from neighboring homes illustrating what we are trying to avoid. Picture 5 provides an example of what we would like to accomplish, a structure that matches the design of our home and is large enough such that we do not need to store anything out in the open on our property.

We believe our requests comply with the purpose and intent of the regulations. The structure will be built with the same materials and colors as our home. The intent is it will look as though it was built at the same time and is an exact 'match.' As noted above we do not believe any detriment will be caused to neighbors as a result of the overall building square footage, and relaxed setback, of the proposed structure.

Please let us know if you have any questions or need additional information.

Sincerely,  
Jason and Michelle Sciborski



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](mailto:fuchs@pewaukee.wi.us)

**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:

17.0408 Rs-4 Single Family Residential District: Rear lot setback of 35 feet (requesting 20 feet).

17.1402 Section 113: Detached garage maximum of 1,200 square feet (requesting 1,443 square feet).

Legal description of property to be rezoned – Please attach.

Common property description or name: \_\_\_\_\_

Property Address: W272N408 Hilltop Drive Tax Key Number(s): PWC 0984020

Property owner(s) (Full Legal Name): Jason and Michelle Sciborski

Owner's Address: W272N408 Hilltop Drive City/State/Zip: Waukesha/WI/53188

Phone: 414-828-5415 Email: jason.sciborski@milliman.com

Applicant (Full Legal Name):

Name: Jason Sciborski

Company: \_\_\_\_\_

Address: W272N408 Hilltop Drive

City/State/Zip: Waukesha/WI/53188

Phone: 414-828-5415

Email: jason.sciborski@milliman.com

Contact Person (Full Legal Name):

Name: Jason Sciborski

Company: \_\_\_\_\_

Address: W272N408 Hilltop Drive

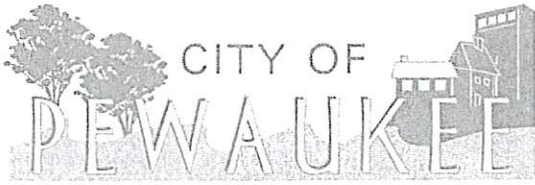
City/State/Zip: Waukesha/WI/53188

Phone: 414-828-5415

Email: jason.sciborski@milliman.com

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](mailto:tarczewski@pewaukee.wi.us).
- Note twelve (11) 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.

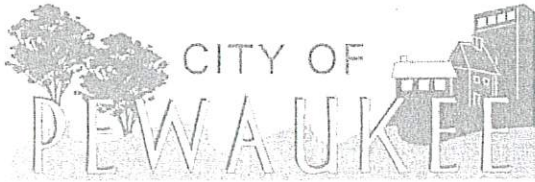
*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization 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:   
 NAME & TITLE (PRINT): Jason Sciborski  
 SIGN AND DATED this 2 day of November, 2020.

PROPERTY OWNER'S SIGNATURE:   
 NAME & TITLE (PRINT): Jason Sciborski  
 SIGN AND DATED this 2 day of November, 2020.

PROPERTY OWNER'S SIGNATURE:   
 NAME & TITLE (PRINT): Michelle Sciborski  
 SIGN AND DATED this 2 day of November, 2020.

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: Jason and Michelle Sciborski \_\_\_\_\_

Property Address: W272N408 Hilltop Drive, Waukesha WI 53188 \_\_\_\_\_

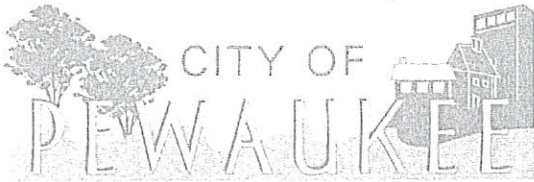
Section 17.1007 states, "No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

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. We believe our requests comply with the purpose and intent of the regulations. The structure will be built with the same materials and colors as our home. The intent is it will look as though it was built at the same time and is an exact 'match.' As noted below we do not believe any detriment will be caused to neighbors as a result of the overall building square footage, and relaxed setback, of the proposed structure.

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. The NW corner of our lot has an unusual 'wedge' shape which "pushes" any structure closer to our home than would occur if we had a 90 degree corner (a more typical rectangular shaped lot). At a 35 foot rear setback the structure would be 70 feet from the back corner of our lot. At our requested 20 foot setback the structure will still be 55 feet from the back corner. Please see our submitted site plan for additional details.

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. This structure will be used for personal purposes only. Economic / financial considerations are not a component of our variance request.

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. We do not believe this variance request will adversely impact other properties in our vicinity. We are not privy to the setbacks and square footage details of other outbuildings near our property. However, some appear to be larger than 1,200 square feet. Others could benefit from a larger structure instead of parking RVs, boats, etc. in the yard and/or driveway. This is the situation we are trying to avoid as we, and our neighbors, will benefit by having our vehicles/possessions stored inside rather than being stored outside. The additional square footage is necessary to fit a relatively large RV.



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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.

Due to the placement of the structure in the back corner of our lot and the additional square footage we are requesting, we do not believe any detriment will be caused to adjacent property. The structure will tuck into the corner of our lot and still be a meaningful distance from adjacent property. There are a fair amount of trees and other vegetation on the property lines of adjacent properties. We believe the additional square footage will not be noticeable to the adjacent property owners compared to a 1,200 square foot structure.

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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 purpose of this ordinance.
- (6) Such variance would alter the character of an historical structure and/or use.

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N/A

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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.

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N/A

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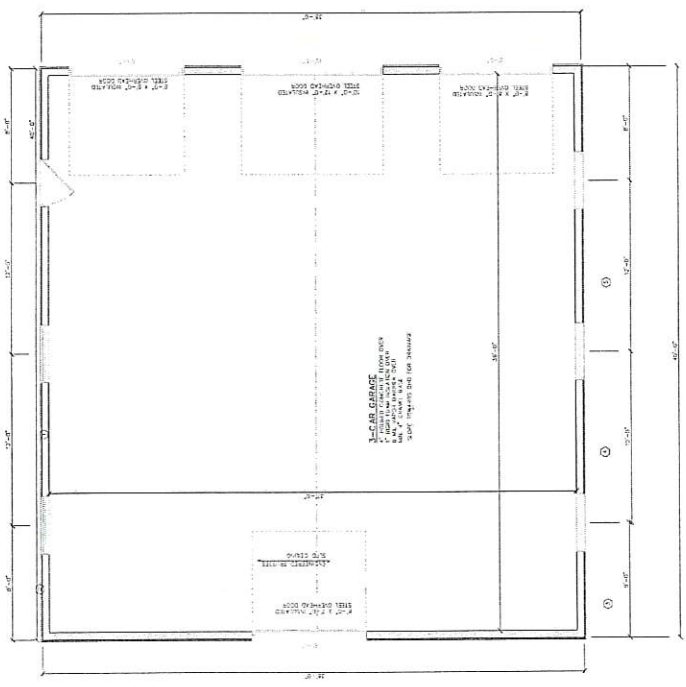
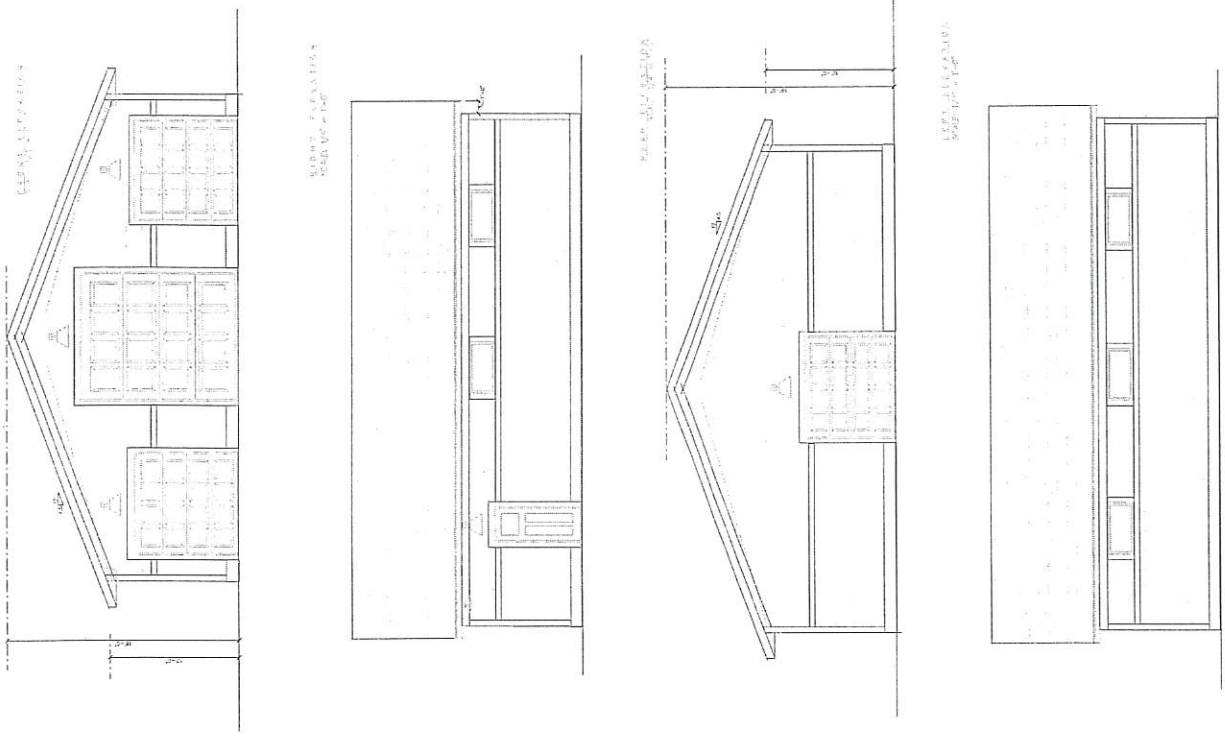
Job Address:  
 SCOBORN RESIDENCE  
 MEQUON, WI

Project For:  
 HOBBY GARAGE

Project Name:  
 HOBBY GARAGE

Bid Date:  
 Final Date:

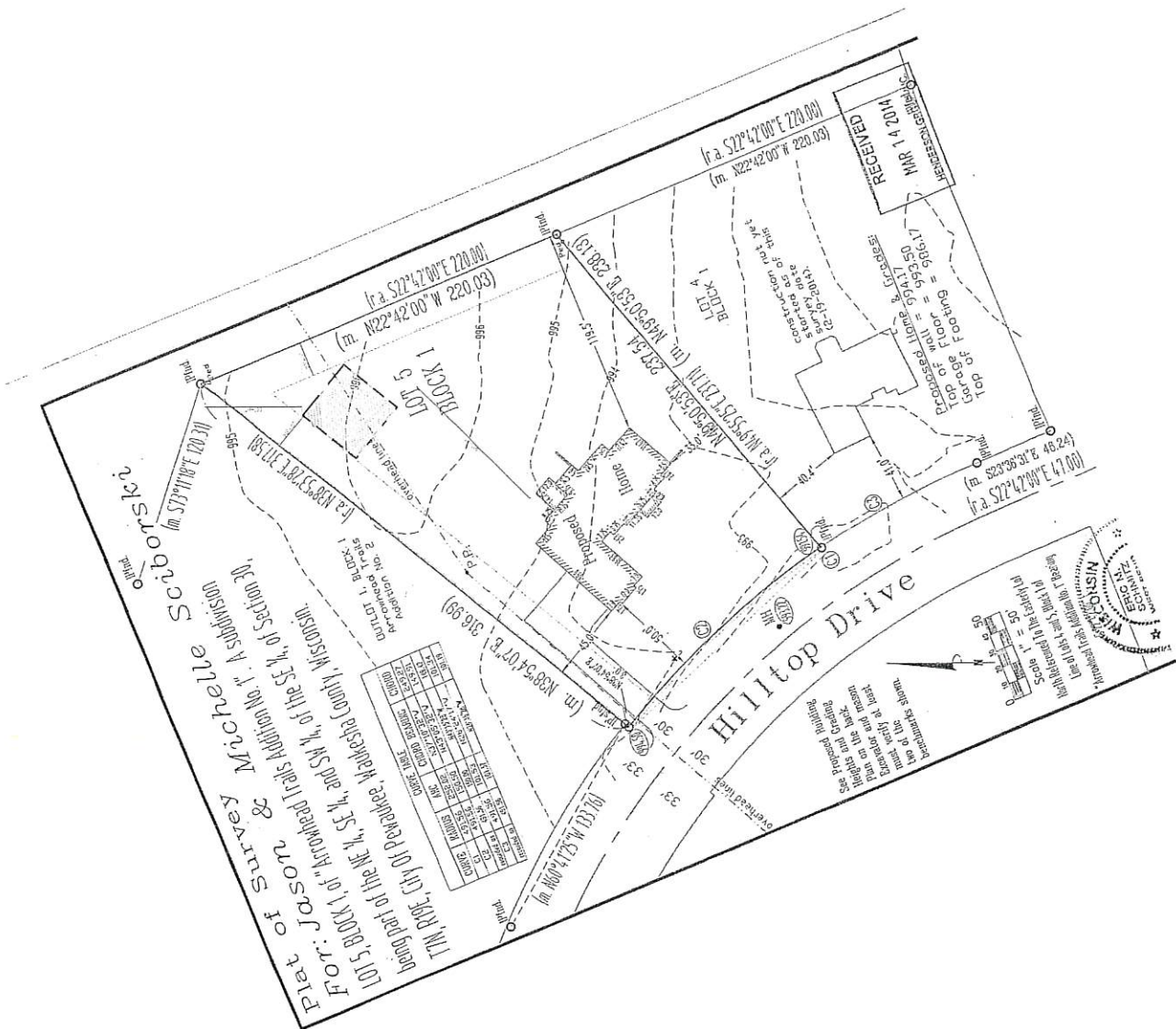
Revisions  
 1 OF X  
 Sheet #



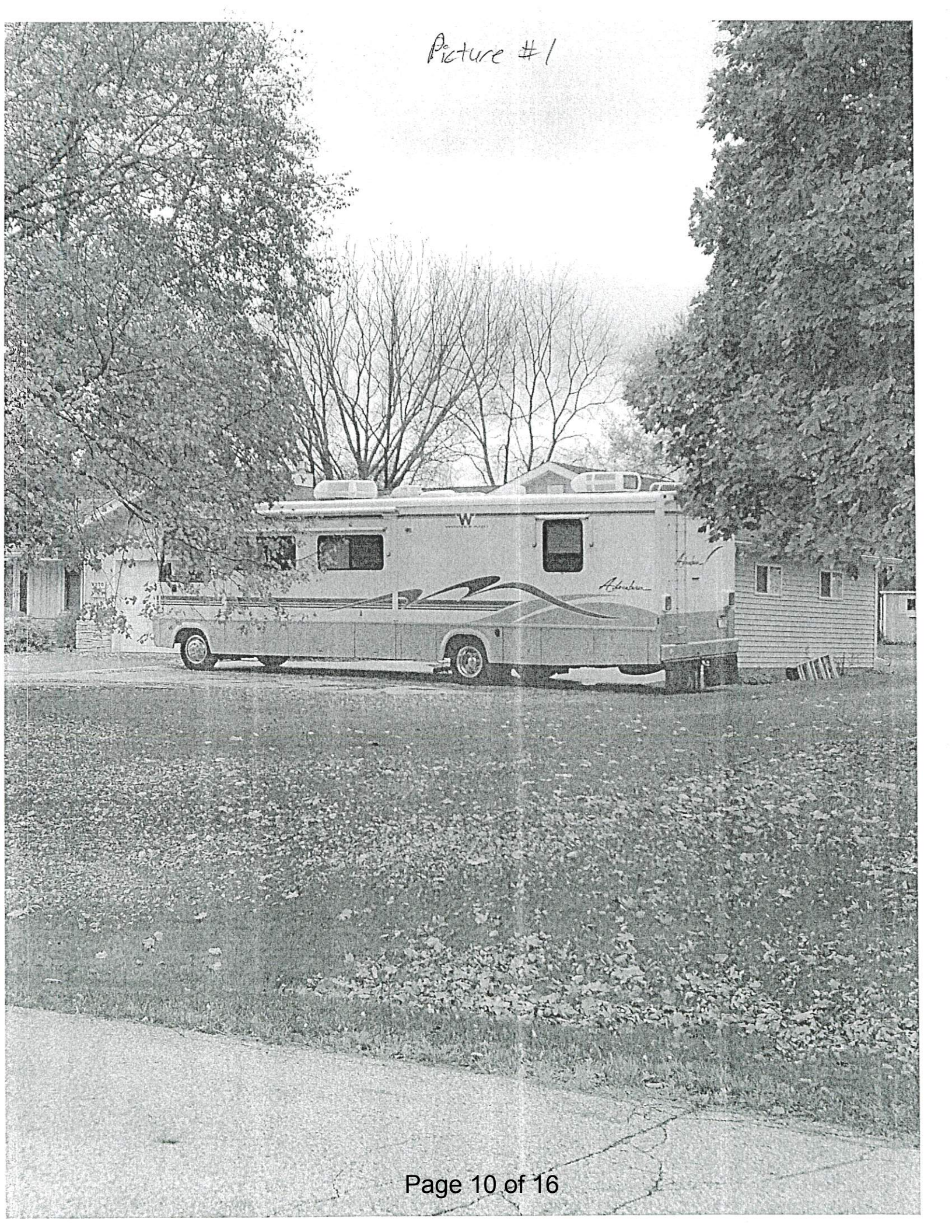
FIRST FLOOR PLAN  
 SCALE 1/4" = 1'-0"

C. HENDERSON GROUP, INC., 2009 - THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN IS THE EXCLUSIVE PROPERTY OF HENDERSON GROUP, INC. AND IS NOT TO BE USED, REPRODUCED OR OTHERWISE COPIED WITHOUT THE WRITTEN PERMISSION OF HENDERSON GROUP, INC.

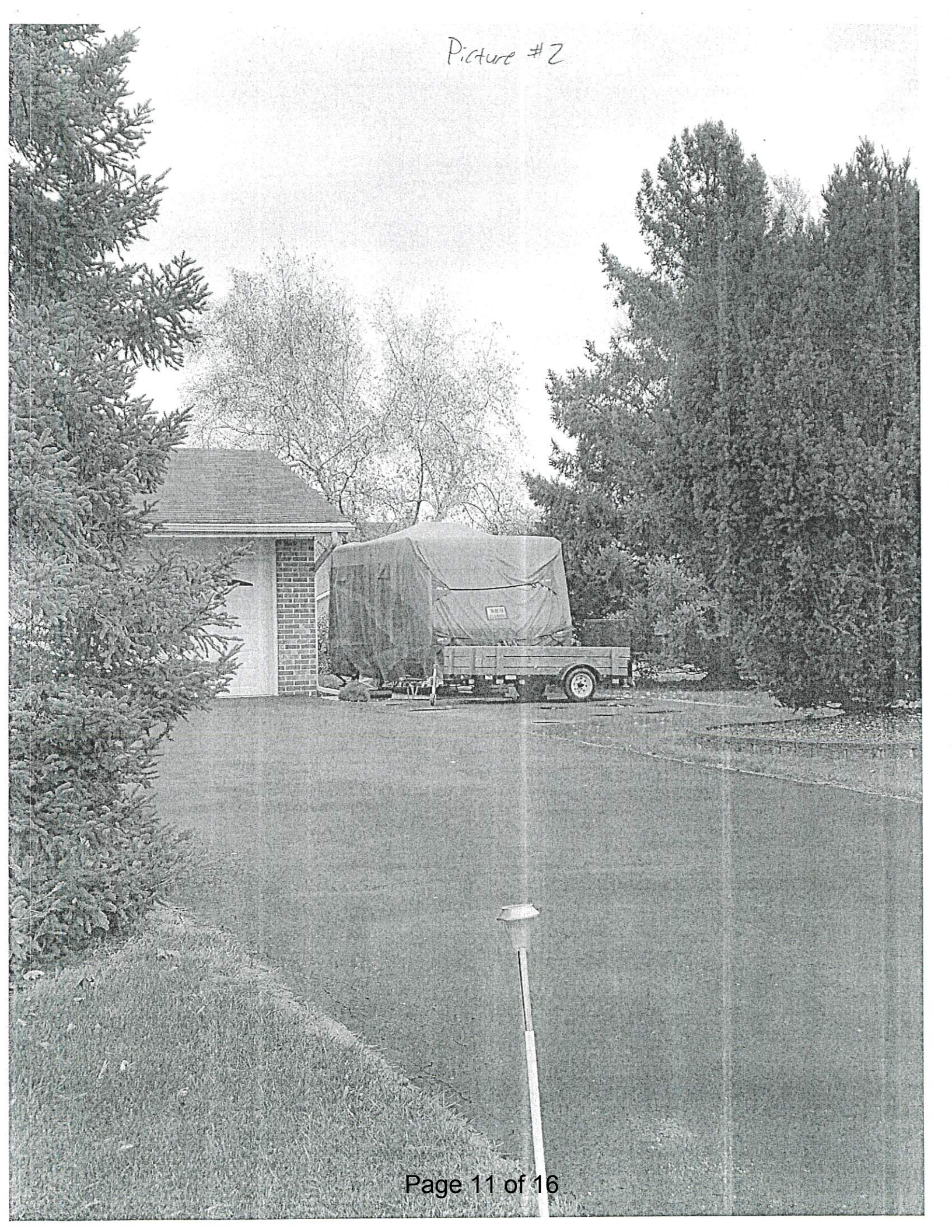




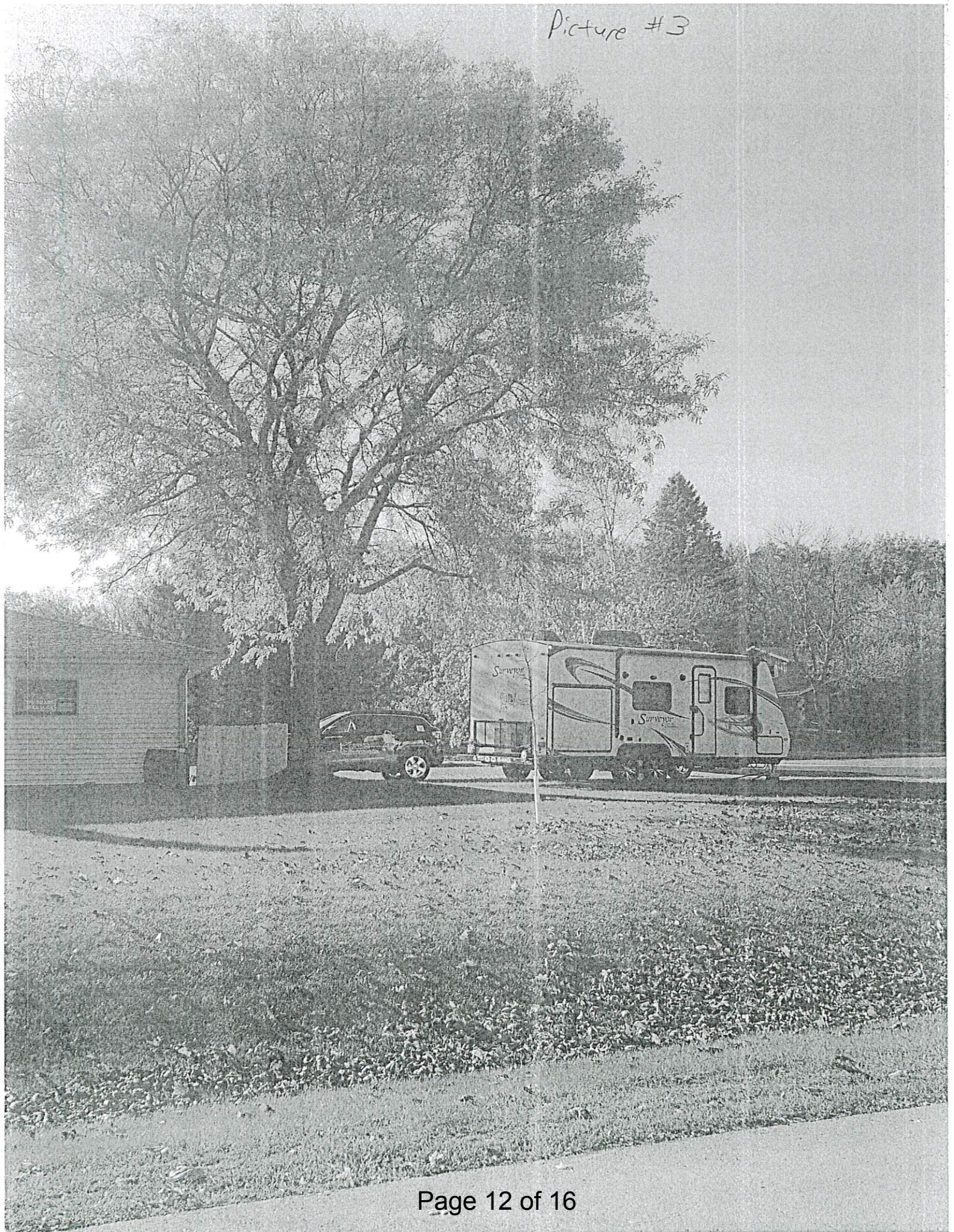
Picture #1



Picture #2



Picture #3



Picture #4



Picture #5





**Office of the Planner & Community Development Director**  
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## REPORT TO THE ZONING BOARD OF APPEALS

Meeting of December 1, 2020

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**Date:** November 5, 2020

**Project Name:** Sciborski Variance Request

**Project Address/Tax Key No.:** W272N408 Hilltop Drive/PWC0984020

**Applicant:** Jason Sciborski

**Property Owner:** Jason and Michelle Sciborski

**Current Zoning:** Rs-4 Single-Family Residential District

**Proposed Zoning:** Same

**2050 Land Use Map Designation:** Low-Medium Density Residential (1/2 AC. / D.U.)

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

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### **Project Description/Analysis:**

The applicant filed a Variance Application requesting two variances related to the construction of a residential detached garage. The applicant is requesting:

1. a variance from Section 17.0408f.(3) of the City's Zoning Code to allow for a rear yard setback of 20-feet, opposed to the minimum required rear yard setback of 35-feet and
2. a variance from Section 17.1402g)113-Garage, Private, Detached Residential to allow for a 1,443 square foot detached garage, opposed to the maximum area allowed of 1,200 square feet.

The subject property is zoned Rs-4 Single-Family Residential District and has an area of about 1.0997 acres.

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."

The applicant indicates that the northwest corner of the property is a "wedge shape," which makes it burdensome to meet the rear yard setback. Per the applicant, the proposed size of the structure is to accommodate a recreational vehicle.

As the applicant has discussed RV parking, below are the City's regulations related to parking and storing recreational vehicles.

- b. Accessory Uses and structures are permitted in any district but not until their principal use and/or structure is present or under construction and a building or zoning permit is obtained.

Residential accessory uses shall not involve the conduct of any business, trade, or industry except approved home occupations and home offices as defined in this ordinance, and accessory buildings shall not be used for residential purposes, except as noted below. Accessory uses also include incidental repairs to the principal structure; storage structures; parking structures and areas; home use gardening; private swimming pools; and private emergency shelters. **Mobile homes and recreation vehicles designed or configured to be driven or towed are not principal or accessory structures and may not be used for habitation or storage except in approved mobile home parks and RV campgrounds or in the case of officially recognized emergencies. One such vehicle owned by the owner of the premises and less than 30 feet in length, including draw bar or ‘tongue’, may be temporarily stored outside within the buildable area of a residential property for no more than 45 days in a calendar year if property deed restrictions/covenants allow, but may not be used as a living unit or extra bedroom.** Storage units such as dumpsters and portable-on-demand (pod) storage units are not accessory structures. Watchmen quarters in industrial or commercial districts and quarters of itinerant agricultural laborers in an agricultural district may be accessory structures upon granting of a conditional use permit for such specific use by the Plan Commission. Small accessory structures or ‘garden’ buildings intended for the storage of yard maintenance equipment having not more than 120 square feet in floor space may be located within rear or side yard areas but not closer than ten (10) feet to a property line or other building and not within designated easements. All accessory structures larger than 120 square feet shall be constructed using the same type and color of exterior materials, including roofing, as the principal structure on the property.

(51) Mobile Recreational Vehicle (RV) – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

**Recommendation:**

Staff recommends denial of the variance. Staff does not find that the Findings of Section 17.1007 have been met. Specifically, staff does not consider the shape of the lot to be unusual or unique and meeting the setback appears feasible and not unnecessarily burdensome as shown on the applicant’s site plan. Furthermore, the needed size of the garage is self-imposed.