Office of Building Services
W240 N3065 Pewaukee Road
Pewaukee WI 53072
Phone: 262-691-0770

ZONING BOARD OF APPEALS
MEETING NOTICE AND AGENDA
Thursday, May 7, 2026
6:00 PM
Pewaukee City Hall Common Council Chambers
W240N3065 Pewaukee Road, Pewaukee, WI

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1. Call to Order and Pledge of Allegiance

2. PUBLIC HEARING

   2.1 **PUBLIC HEARING**, discussion and possible action regarding the request of Walter and Megan Powell for a variance from Section 340-2.9B(1)(e) to allow a detached accessory building with a height of 29'-10", opposed to the maximum allowed height of 18' upon the property located at N46 W23355 Lindsay Road (PWC 0869-997-001)

3. Adjournment

Kelly Tarczewski
Clerk/Treasurer
April 29, 2026

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.

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

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: Building height restriction of 18' for accesory structures for Rs-2.

Legal description of property to be rezoned – Please attach.

Common property description or name: Powell residential property

Property Address: N46W23355 Lindsay Rd, Pewaukee, WI 53072 **Tax Key Number(s):** PWC 0869997001

Property owner(s) (Full Legal Name): Walter and Megan Powell

Owner's Address: N46W23355 Lindsay Rd **City/State/Zip:** Pewaukee, WI 53072

Phone: 612-558-5080 **Email:** wally.powell@gmail.com

Applicant (Full Legal Name):

Name: Walter and Megan Powell

Company:

Address: N46W23355 Lindsay Rd

City/State/Zip: Pewaukee, WI 53072

Phone: 612-558-5080

Email: wally.powell@gmail.com

Contact Person (Full Legal Name):

Name:

Company:

Address:

City/State/Zip:

Phone:

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: _____

NAME & TITLE (PRINT): _____

SIGN AND DATED this _____ **day of** _____, _____.

PROPERTY OWNER'S SIGNATURE: W Powell

NAME & TITLE (PRINT): WALTER POWELL

SIGN AND DATED this 20 **day of** MARCH, 2026.

PROPERTY OWNER'S SIGNATURE: Megan Powell

NAME & TITLE (PRINT): MEGAN POWELL

SIGN AND DATED this 20 **day of** MARCH, 2026.

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: March 15, 2026 Property Owner: Walter and Megan Powell

Property Address: N46W23355 Lindsay Rd, Pewaukee, WI 53072

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.

SEE SUPPLEMENTARY MATERIAL

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.

SEE SUPPLEMENTARY MATERIAL

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.

SEE SUPPLEMENTARY MATERIAL

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.

SEE SUPPLEMENTARY MATERIAL

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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.

SEE SUPPLEMENTARY MATERIAL

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.

SEE SUPPLEMENTARY MATERIAL

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.

SEE SUPPLEMENTARY MATERIAL

APPLICATION FOR VARIANCE REQUEST

WALTER AND MEGAN POWELL

N46W23355 LINDSAY RD, PEWAUKEE, WI 53072

TAX PARCEL ID PWC 0869997001

RESPONSES

A. The requested height variance is consistent with the purpose and intent of the zoning ordinance and the district in which the property is located. The proposed structure is a detached shed/storage barn, which is a permitted accessory use. The increased height is requested solely to allow the structure to function as intended for storage and to reflect a traditional barn-style appearance that is consistent with the historic agricultural character of the property and surrounding area. The increased height is also consistent with other Barns in near proximity, including on Rs-2 properties. The variance does not introduce a new or non-permitted use and remains in harmony with the intent of the district regulations.
B. The property is a former farmstead consisting of approximately three (3) acres and is characterized by surrounding historic barns and agricultural structures. This context is unique when compared to smaller, more typical residential parcels. The size of the property, its historic agricultural use, and the existing character of nearby structures create exceptional circumstances that support a taller barn-style accessory structure. These conditions do not generally apply to other properties in the district, and granting the variance would not suggest that the ordinance should be changed.
C. Not applicable.
   The variance is not requested for economic or financial gain, nor is it the result of a self-imposed hardship.
D. Granting the requested height variance is necessary to allow the reasonable use and enjoyment of the property in a manner consistent with similarly situated properties in the vicinity. Other nearby properties contain barn-style structures reflective of the area's agricultural history. The variance will not impair the property rights of neighboring owners and will allow the property to be used in a manner consistent with its size, character, and surroundings.
E. The proposed structure will not create a substantial detriment to adjacent properties or the public interest. Due to the size of the parcel, the structure will be adequately set back and will not obstruct views, impact privacy, or create adverse visual, noise, or drainage effects. The height increase represents the minimum relief

necessary to achieve the intended use and appearance, and the structure will remain compatible with neighboring properties and the surrounding area.

F. Not applicable.

The proposed structure and requested variance are not located within a designated

G. Not applicable, as the requested variance is not related to floodplain regulations.

Barns exceeding 18’ Height in near proximity

Structures shown range from approximately 25’-40’ in height.

Rs-2 Properties.

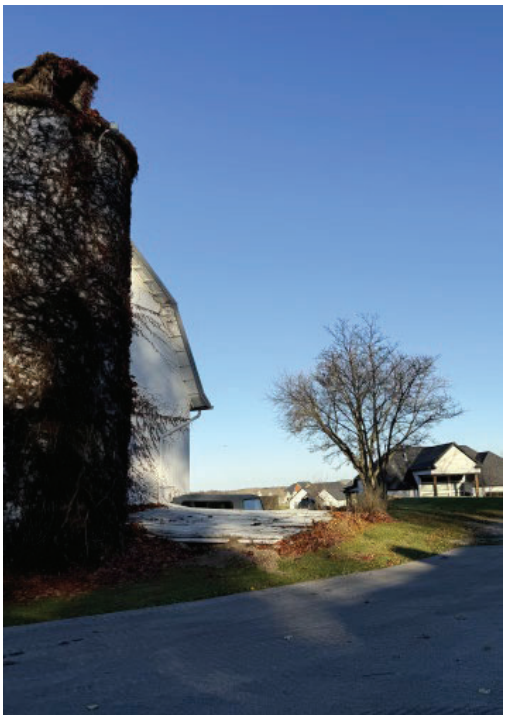
N45W23714 LINDSAY RD

W239N3990 SWAN RD

N45W24434 LINDSAY RD

Rs-4 Properties

W239N4024 SWAN RD



Rs-1

W244N4412 SWAN RD

N45W25171 LINDSAY RD

W244N4401 SWAN RD

PROPOSED LOCATION – Not to Scale

ORIGINAL BARN LOCATION

Project Narrative – Powell Residential Barn N46W23355 Lindsay Rd, Pewaukee, WI

The proposed project consists of the construction of a new detached residential barn on the Powell Residence property. The barn will serve as a mixed-use accessory structure supporting the residential use of the property. Intended functions include general storage, workshop space, and recreational use for the homeowners and their family.

The Powell farm property was originally established around 1900, and the design of the proposed barn has been carefully considered to reflect the historic agricultural character of the property and the original farmhouse. Architectural elements, building proportions, exterior materials, and finishes will be selected to complement the age and style of the farmhouse so that the new structure appears consistent with the historic farmstead setting.

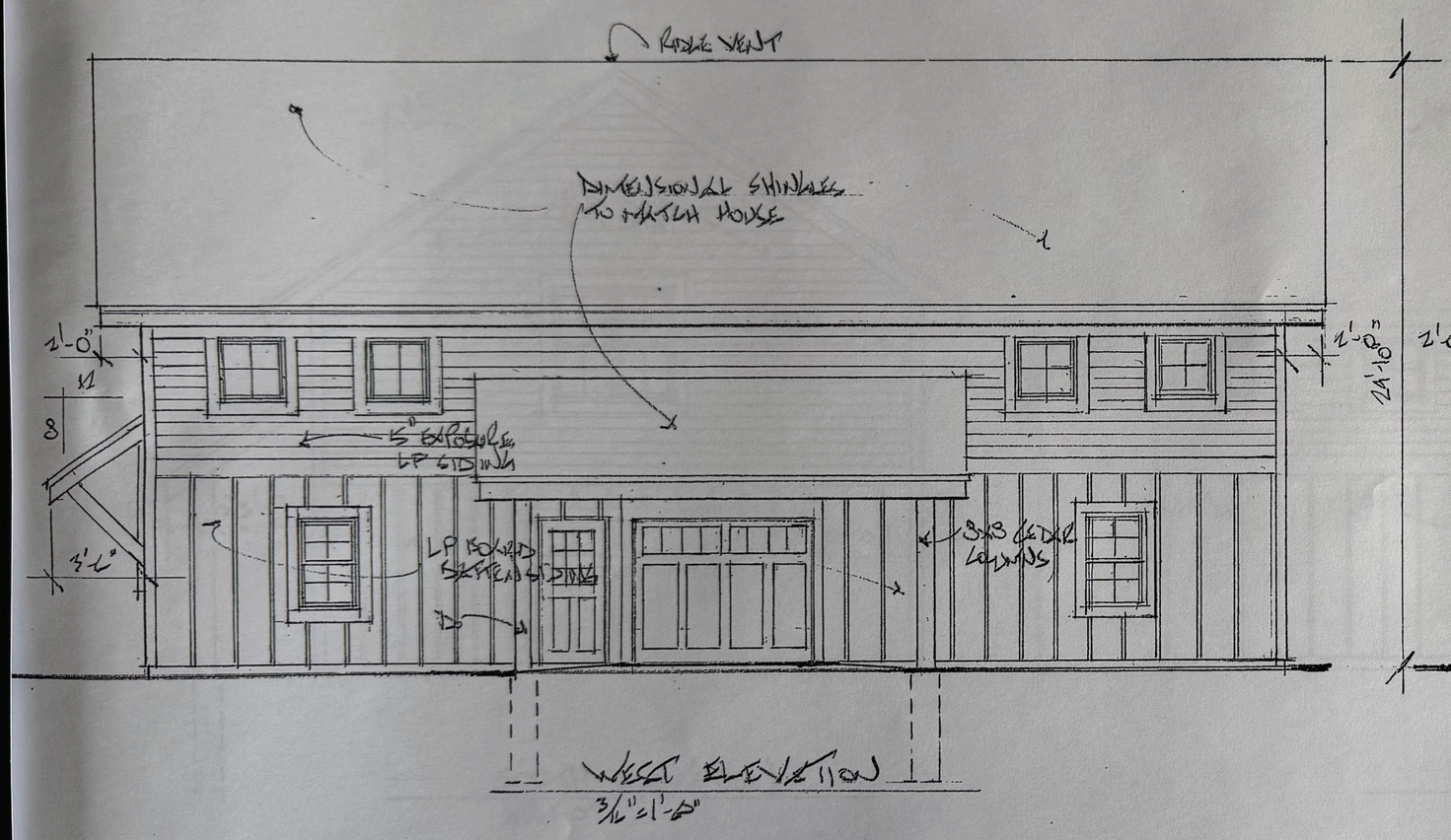
The proposed barn will be similar in size, scale, and overall characteristics to other barns commonly found in the surrounding Pewaukee area, maintaining compatibility with the local rural and residential landscape. This approach ensures the building will blend naturally with both the existing structures on the property and the broader neighborhood context.

The proposed height of the barn will exceed the current zoning restrictions for accessory buildings. However, the height is consistent with traditional barn proportions and is similar to the height and form of existing barns found throughout the Pewaukee area. The increased height is necessary to maintain appropriate architectural proportions typical of historic barns and to allow functional interior space for storage and workshop activities.

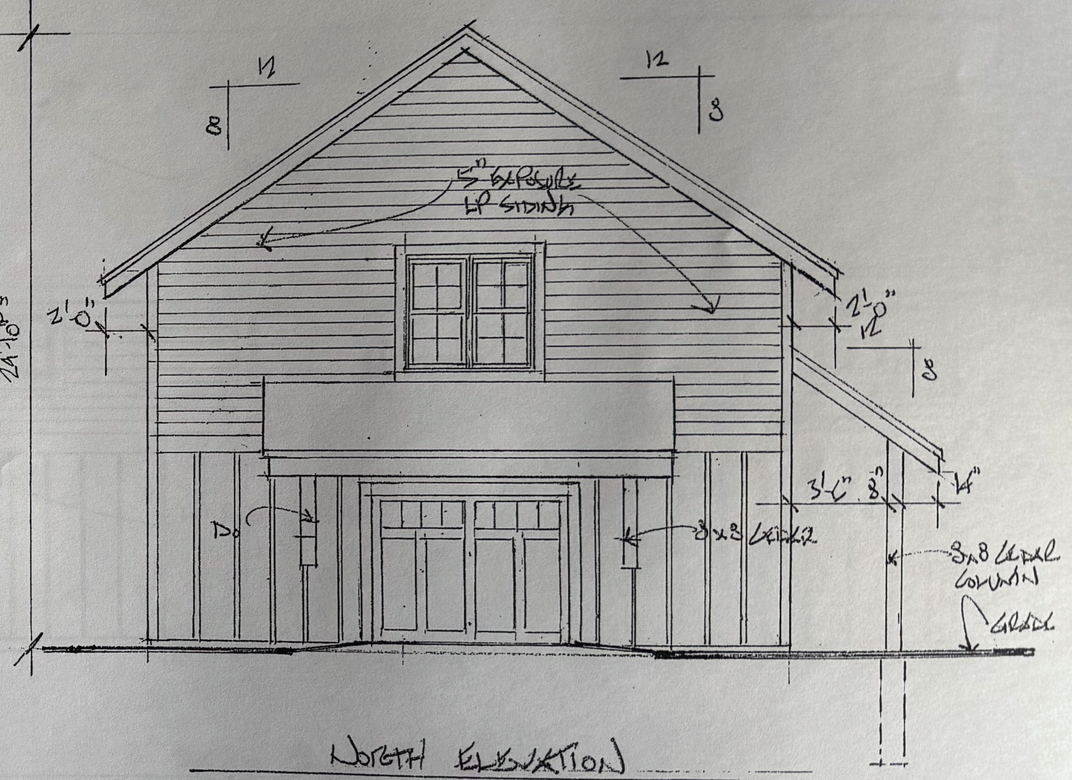
The building will function primarily as a private accessory structure and will not be used for commercial purposes or agricultural operations involving livestock. Storage areas will accommodate typical residential equipment, tools, and seasonal items, while the workshop space will support small-scale household projects and maintenance activities. Recreational space within the barn will provide an area for family activities and gatherings consistent with normal residential use.

The project has been planned to respect the scale and character of the property and surrounding setting. The barn will be located and designed to complement the existing site layout while maintaining appropriate separation from the primary residence and neighboring properties.

Overall, the intent of this project is to enhance the functionality of the property while preserving and reinforcing the historic farmstead character of the Powell Residence and the surrounding Pewaukee area.

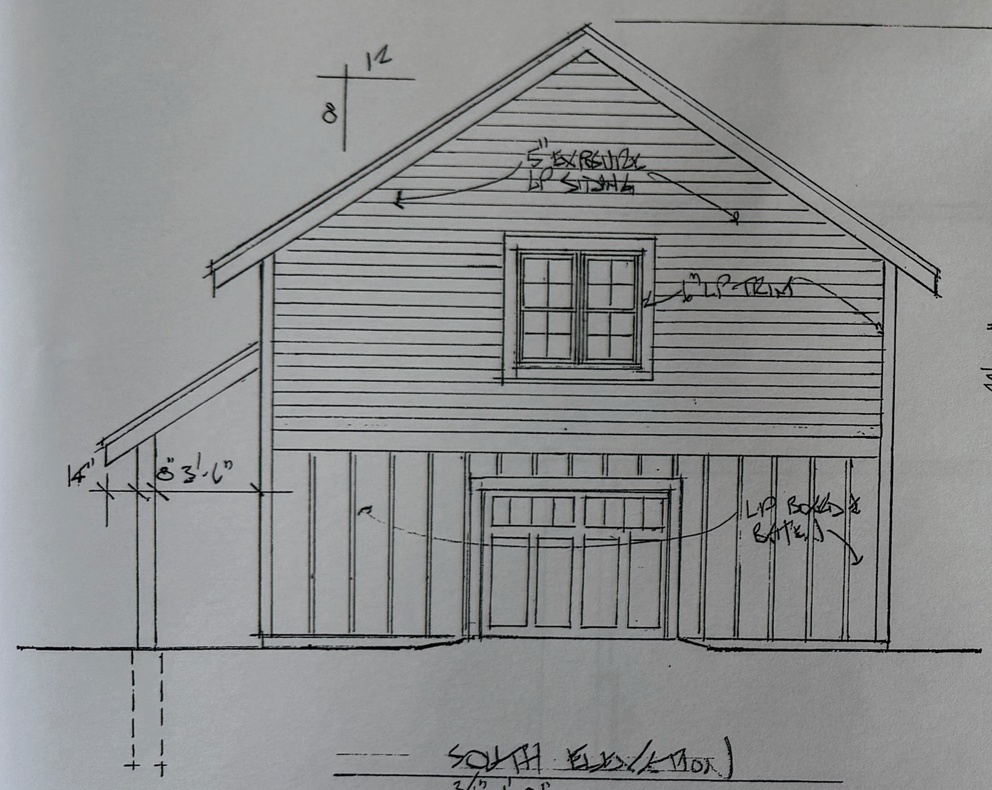


WEST ELEVATION
3/16" = 1'-0"

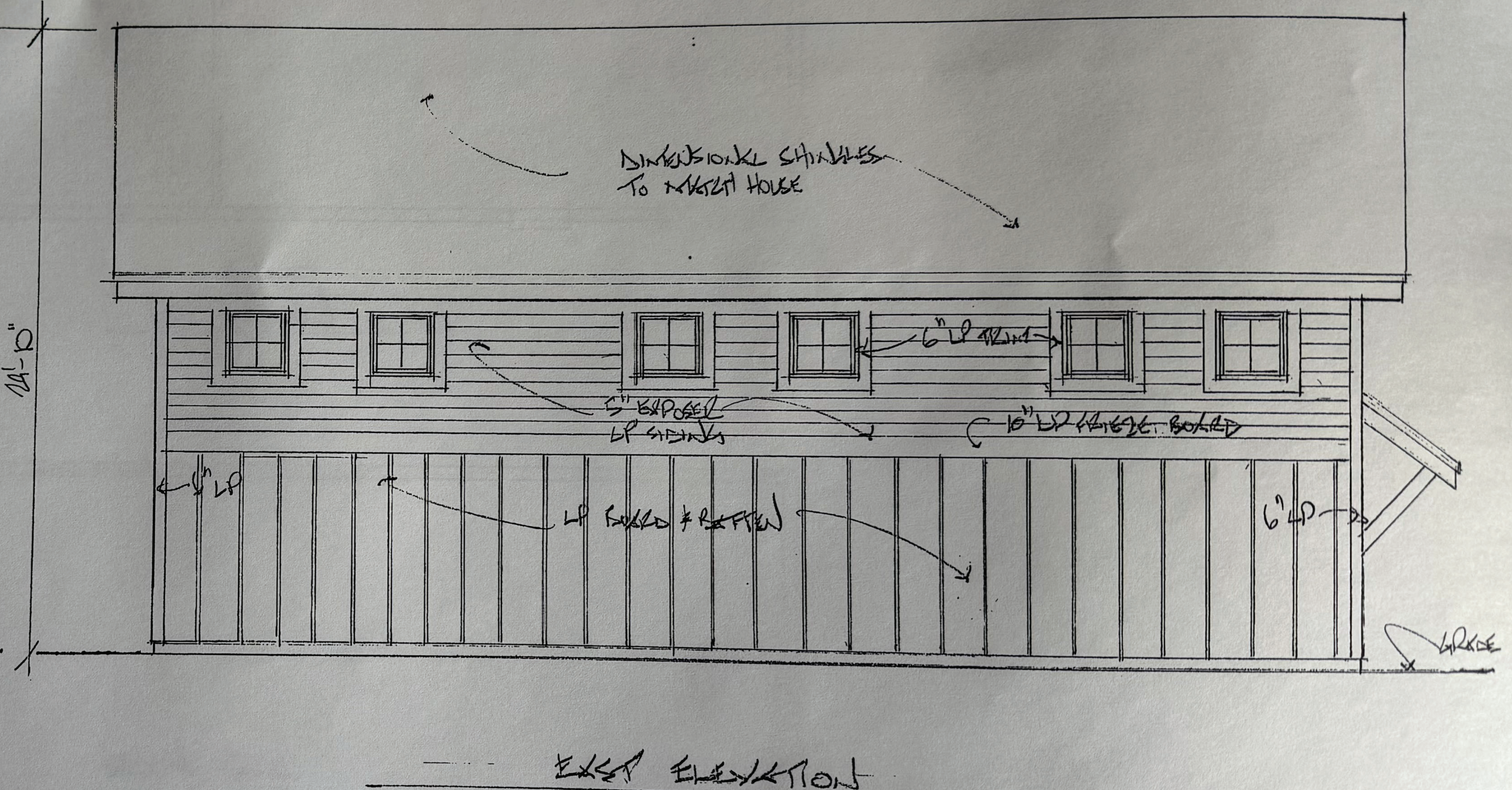


NORTH ELEVATION
3/16" = 1'-0"

POWELL RESIDENCE PROPOSED ACCESSORY STRUCTURE
N46 W23355 Lindsay Road Pewaukee, WI 53072
10/14/2025

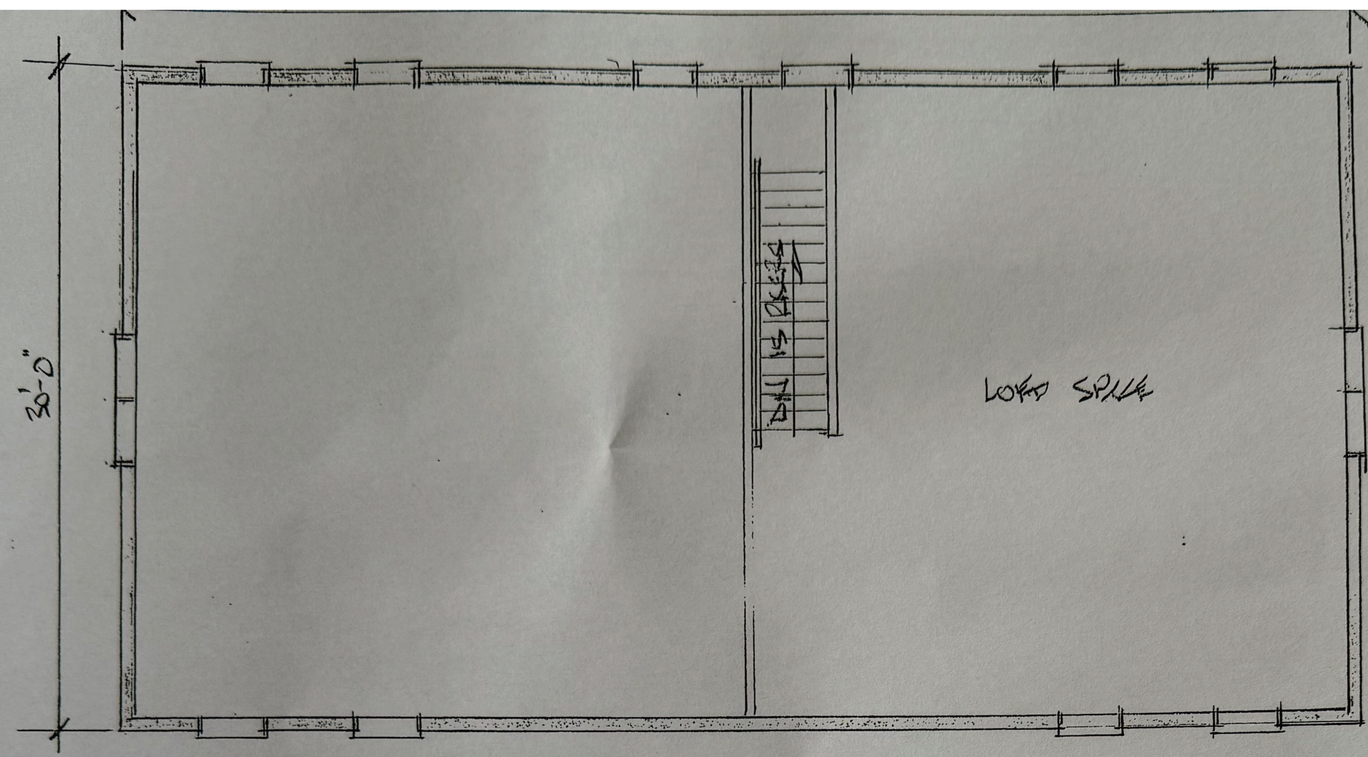


SOUTH ELEVATION
3/16" = 1'-0"

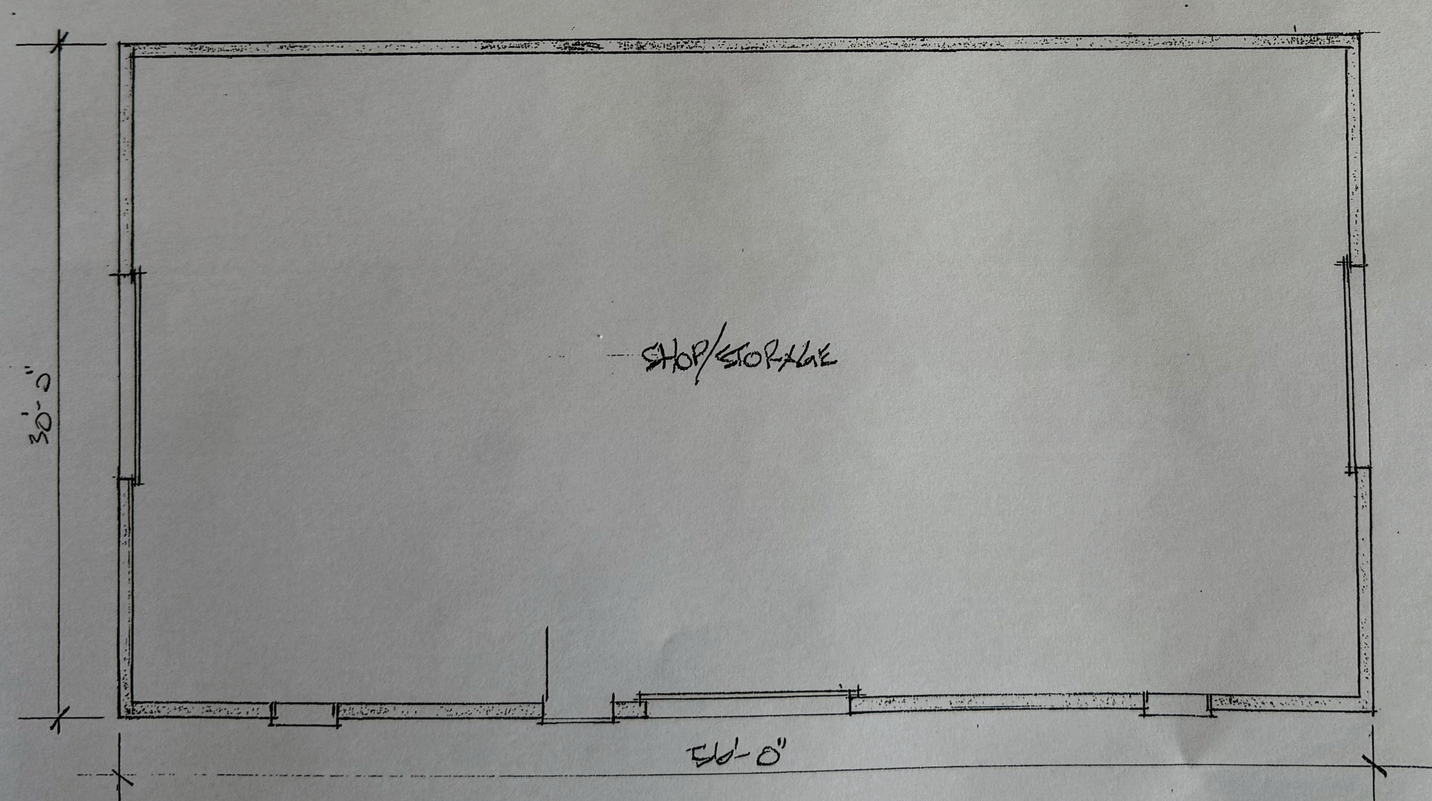


EAST ELEVATION
3/16" = 1'-0"

POWELL RESIDENCE PROPOSED ACCESSORY STRUCTURE
N46 W23355 Lindsay Road Pewaukee, WI 53072
10/14/2025



LOFT PLAN
3/16" = 1'-0"



NORTH

FIRST FLOOR PLAN
3/16" = 1'-0"

POWELL RESIDENCE PROPOSED ACCESSORY STRUCTURE
N46 W23355 Lindsay Road, Pewaukee, WI 53072
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REPORT TO THE BOARD OF ZONING APPEALS

Meeting of May 7, 2026

Date: April 23, 2026

Project Name: Powell Variance Request

Project Address/Tax Key No.: N46W23355 / PWC 0869997001

Applicant: Walter and Megan Catherine Powell

Property Owner: WALTER POWELL AND MEGAN CATHERINE POWELL

Zoning: Rs-2 Single Family Residential and F-1 Floodplain District

2050 Land Use Map Designation: Low Density Residential (> 2 Ac. / D.U.)

Use of Surrounding Properties: Lindsay Road and Pewaukee Sports Complex to the north and single-family residential to the south, east, and west.

Project Description/Analysis

The property owners filed a Variance Application requesting approval of a variance from Section 340-2.9B(1)(e) to allow a detached accessory building with a height of 29'-10", opposed to the maximum allowed height of 18-feet.

The proposed detached accessory building is 30' x 56' (1,680 square feet). The property is 2.99 acres and an accessory structure up to 2,400 square feet is permitted. The structure conforms to all other required setbacks and lot coverage standards.

According to the applicant, the barn will be used for general storage purposes and workshop space. The applicant has indicated that the height is to allow for such uses and is consistent with the historical use of the properties and other existing agricultural buildings within the surrounding area.

The Board of Zoning Appeals must review the application materials provided as well as Section 17.1007 of the City's Zoning Code (below), which outlines the factors the Board must consider in determining whether to grant or deny a variance request. The applicant has provided responses to these criteria for consideration by the Board.

> 17.1007 FINDINGS (Rep. & Rec. 14-14)
> 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 principal use, permitted accessory use, or permitted conditional use in that particular district.

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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.
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    (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.

Recommendation

Staff find that the fact that there are existing nonconforming buildings related to height is not sufficient reasoning to allow for a variance. Moreover, the city's accessory structure standards do take lot size into consideration related to the size of the building allowed; however, the ordinance does not allow for an increase in height as well.

As such, staff recommends denial of the proposed variance request.

Consideration should also be given to public comments heard at the public hearing.