

Building Services

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

~ VIRTUAL ONLY ~

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Tuesday, December 1, 2020

6:00 PM

Common Council Chambers
W240N3065 Pewaukee Road Pewaukee, WI 53072

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and possible action to approve the Zoning Board of Appeals meeting minutes dated August 18, 2020
 3. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Petition of Daryl Bullerjahn for the Property Located at N29 W27364 Peninsula Drive (PWC 0933-042) for a Variance from Section 17.0411a to allow a Front/Street Yard Setback Ranging from 21.6 Feet to 8.9 Feet, Opposed to the Required Minimum Average Front/Street Yard Setback of 20-Feet and From Section 17.0411b to allow an East Side Yard Setback of 3.8 Feet and a West Side Yard Setback of 5.0 Feet, Opposed to the Rs-7 District Minimum Side Yard Setback of 8-Feet for 2-Story Structures. Section 17.0436d to allow for a total combined lot coverage of approximately 31% and Section 17.0435f and 17.0436c. (5) to allow a building/structure to be located within 75-feet of the floodplain boundary.
 4. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Petition of Jason and Michelle Sciborski for the Property Located at W272N408 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.
 5. Adjournment

Kelly Tarczewski
Clerk/Treasurer

November 12, 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 **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 1, 2020

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

Discussion and possible action to approve the Zoning Board of Appeals meeting minutes dated August 18, 2020

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

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

DATE: December 1, 2020

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding the Petition of Daryl Bullerjahn for the Property Located at N29 W27364 Peninsula Drive (PWC 0933-042) for a Variance from Section 17.0411a to allow a Front/Street Yard Setback Ranging from 21.6 Feet to 8.9 Feet, Opposed to the Required Minimum Average Front/Street Yard Setback of 20-Feet and From Section 17.0411b to allow an East Side Yard Setback of 3.8 Feet and a West Side Yard Setback of 5.0 Feet, Opposed to the Rs-7 District Minimum Side Yard Setback of 8-Feet for 2-Story Structures. Section 17.0436d to allow for a total combined lot coverage of approximately 31% and Section 17.0435f and 17.0436c.(5) to allow a building/structure to be located within 75-feet of the floodplain boundary.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Krech Objection

Bullerjahn Application

Bullerjahn Preliminary Plan

Bullerjahn Additional Exhibits

Bullerjahn Staff Report

August 8, 2020

Mr. Fuchs,

I received a letter in the mail regarding the notice of public hearing for the Daryl Bullerjahn's property at N29W27364 Peninsula Dr. I am the owner of the property directly to the west and have some concerns regarding the variance request for 3.8 feet (in lieu of 8 feet).

I understand the Bullerjahn's have a pie shaped lot requiring a more creative home design. They are great neighbors and I would like to be able to see them build a new home on their property. However, this small lot line setback raises some concerns for me.

If granted, this variance has the potential to create water run off issues for my home resulting in water into my basement. In the last 1.5 years I have owned my home, my crawlspace (approximately 4 ft) has flooded with several inches of water after heavy rains on multiple occasions. Since there would only be several feet of green space between the homes there would be less allowance for water absorption between the homes, likely worsening flooding issues. Although the request is for 3.8 feet, there is also a 1-foot overhang that would then be 2.8 feet from the lot line. Even with gutters, water will run off from the roof directly between our homes and the downspouts will also have to be in close proximity to my lot line.

Based on the limited views I have seen of their current home plans, the house will be essentially 3 stories (although technically classified as a two-story home with above ground basement), and will extend beyond my home and deck. Such a close proximity to my home will result in a blackout of sunlight to entire east side of my home and deck. If the house was further from the lot line, there would be some allowance for natural light between the homes.

The homeowner on the west side of my home has a large home (also classified as a two-story home), which was considered a remodel, and is less than 3 feet off my west lot line already. If the proposed variance of 3.8 feet is approved on my east side, both homes will be on top of my lot lines. This could prevent future home improvements on my home, has the significant potential to diminish my property value and result in little to no privacy. I have included a photo of my home that might help visualize my concerns. The proposed set back would put the overhang at the bushes seen on the photo.

As stated above, I am in favor of the Bullerjahn's building a new home, but I am not in favor of the proposed variance in its current state.

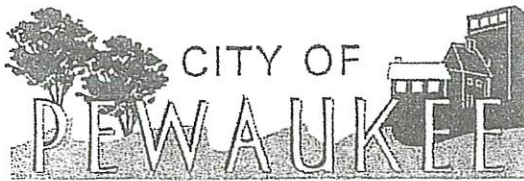
Thank you,

Carolyn Krech

Carolyn Krech
N29W27374 Peninsula Dr.
Pewaukee, WI 53072

Current View (I am the grey house in the middle)





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: SIDE YARD SETBACKS (EAST & WEST SIDES) STREET YARD SETBACK (EAST SIDE), COMBINED LOT COVERAGE, FLOODPLAIN SETBACK

Legal description of property to be rezoned – Please attach.

Common property description or name: LOT 23 OF STARKS PENINSULA SUBDIVISION
 Property Address: N29 W27364 PENINSULA DR Tax Key Number(s): 0933042
 Property owner(s) (Full Legal Name): DARYL & DEBRA BULLERTJAHN
 Owner's Address: W232 N9075 PRESERVE PL City/State/Zip: LISBON WI. 53089
 Phone: 414 - 397 - 1012 Email: BULLERTJAHN@MSN.COM

Applicant (Full Legal Name):

Name: DARYL & DEBRA BULLERTJAHN
 Company: -
 Address: W232 N9075 PRESERVE PL
 City/State/Zip: LISBON WI 53089
 Phone: 414 - 397 - 1012
 Email: BULLERTJAHN@MSN.COM

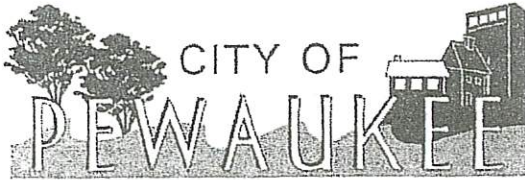
Contact Person (Full Legal Name):

Name: DARYL BULLERTJAHN
 Company: -
 Address: W232 N9075 PRESERVE PL
 City/State/Zip: LISBON WI 53089
 Phone: 414 - 397 - 1012
 Email: BULLERTJAHN@MSN.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.
- 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.

Daryl Bullertjahn
Debra L. Bullertjahn



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

VARIANCE FINDINGS FORM

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

Date: OCTOBER 20TH 2020 Property Owner: DARYL & DEBRA BULLERTAHN
 Property Address: N29 W27364 PENINSULA DR

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 FOLLOWING PAGES

- 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.

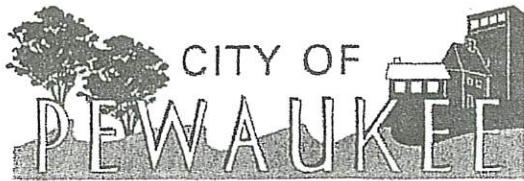
SEE FOLLOWING PAGES

- 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 FOLLOWING PAGES

- 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 FOLLOWING PAGES



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W240 N3065 Pewaukee Road
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fuchs@pewaukee.wi.us

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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 FOLLOWING PAGES

- 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 FOLLOWING PAGES

- 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 FOLLOWING PAGES

a. Preservation of Intent: The property located at N29 W27364 Peninsula Dr. Pewaukee, WI, (lot 23) is proposed as a two story, year-round - single family, multi- generation home. Occupants would be the owners/parents and their daughter/college student. The current structure is the family cottage, dating back over 3-generations and over 90 years within the same family. The proposed structure meets the *2050 South Lake Neighborhood Land Use Plan*, as a “low/medium density residential” property. Since the property is pie shaped, variances to the provisions are requested in order to provide for a two-story, year-round, multi-generational home.

b. Exceptional Circumstances: As stated in the VARIANCE FINDING FORM (a) *Preservation of Intent*, lot 23 is

(1) Pie shaped, preventing a traditional square or rectangle designed year-round home. Building the proposed structure at 63’ from the water’s edge (based upon averaging the setback distance of neighboring property), forces us into a unique building footprint, moved further South on the property where the lot narrows. The potential structure would be utilizing a portion of the original footprint where and East and West variance is requested.

(2.) The property is located toward the East end of Starke/Peninsula Drive, with existing limited space and a curvature at the end of the lot/property; due to the cul-du-sac. To accommodate for the pie shaped lot and the arc at the end of the driveway, the proposed design makes use of custom design features such as a staggered footprint at the North and East sides. Calculating all the setbacks as currently written, the buildable footprint would be 715.4 SF (and irregularly shaped). *In order to successfully accomplish the objective of designing a home on a pie shaped lot with a distinctive arc at the road, consideration has been paid to create a structure that follows the East side diagonal lot line. The pie shaped lot with a flood plain, an East side that is 35’ shorter than the West side, plus an arc on the south end, is an example of the “exceptional, extraordinary and unusual circumstances” ... “applying to the lot...” and existing hardships of building upon a peninsula. Since Starke/Peninsula Drive ends, in a Cul du Sac, the properties (and the driveways) at this end are curved due to the nature of a Cul du Sac and not squared off, a variance is requested at the East side of the driveway (South)*

(3.) A variance of 1% is requested for the Total Proposed Impervious area to be 31%

c. Economic or Financial Hardship are Not Grounds for Variance: N/A

d. Preservation of Property Rights:

(1.) The requested variances are made due to difficulties and restrictions of building upon an old and unique pie shaped property that is also located upon a peninsula and toward the end of a cul-du-sac. The proposed home/structure will be passed on to the subsequent (4th) generation (daughter), who will also reside in the home now and in the future.

(2.) Consideration is evident in the plan and to Non-pervious land areas

- No additional buildings will be built, no concrete sidewalks or any other Non-pervious walkways will be installed anywhere upon the property
- The proposed structure consists of standard rooms only, i.e. bedrooms, bathrooms, kitchen, living room and laundry room
- The proposed building does not include any extraneous features. Rooms and spaces have been eliminated from the plan due to spatial limitations of the pie shaped lot, i.e. No Mud Room, No Drop Zone, No Dining Room, No walk in Pantry, No main floor Home Office, No tub in the master bath, No additional laundry features on the second floor, No Whirlpool tub, etc.

(3.) The revised footprint of the proposed house now is a total proposed Impervious of 31%

e. Absence of Detriment: The proposed structure on the property takes into account the adjacent properties. The proposed structure/home should not impair, nor be contrary to, the purpose and spirit of this Ordinance or the public interest.

f. Additional Requirements in Floodplain District: The averaged variance setback of the home is 63' (not including the raised deck). The home has been designed with recesses on the property accordingly. No patio or deck shall be constructed upon the ground level of the property. The Garage, Living Room, Kitchen, Master Bedroom & WIC as well as the corresponding second floor, have all been reduced in size (Since the last review). The N/W corner of the deck has been cut off on a diagonal, so that the supporting post for the raised deck is not in any portion of the flood plain.

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 per \$100.00 per coverage: Information Has Been Noted

NARRIATIVE description for the proposed structure:

The existing structure located at N29W27364 Peninsula Drive (Starke Peninsula) is a cottage dating back to before the 1920's. The property has been in the Bullerjahn family for 3 generations, including the current owners, Daryl L. and Debra L. Bullerjahn. The intention is to raise the 90+-year-old cottage and build a new home, that will be passed on to the 4th generation of Bullerjahn's. The General Contractor is currently Allan/Victory Builders.

To build the proposed structure, Variances are requested on the East, West, North (Flood Plain & average of neighbor setbacks) and South (Road setback) sides of the proposed structure.

Property: Lot 23, located within Starke Peninsula subdivision, across from Wilson's Island.

- Topography: Mostly flat with a slight grade from the road (South) towards the lake (North), and grass covered.
- Footage: The Lot Area is 9,316 S.F.
 - Shore line is 100 feet
 - Front of the lot is arced, due to the curved cul-du-sac
 - The curve/arc is 49.01' (South Exposure)
 - The proposed two car garage, would be 21.6'' from the edge of paving on the West side, and 8.9' on the East side
- Neighborhood: Quiet, with minimal vehicle traffic (due to the dead end/cul-du-sac). Seasonal and residential homes. Structures of various ages from 90 + years ago, to 2020. The residential neighborhood consists of single-family homes with varying setbacks. The lots around the cul-du-sac are triangular.

Objective: To raise the existing 90+ -year-old summer cottage. Build a new two-story, year-round residence with a raised basement

- Current property is too old and too small for modifications to accommodate a multi-generational home in the 21st Century. If all setbacks within the code were followed, the buildable footprint would be 715.4 SF and a very irregular shape.
- Currently it is a seasonal property, without air conditioning
- Currently, there's no space for laundry facilities, a full bathroom, full kitchen, 3 accommodating bedrooms with closets, a home office, etc.
- In order to meet our objective of building a *Now & Later* home, we will require variances due to the pie shaped lot.

Proposed structure: With Variances

- Will use typical roof materials and the typical fascial/soffit.
- The two-story proposed structure, will not exceed the 35-foot height requirement of the City of Pewaukee Code
- The unusual pie shaped lot requires a unique shaped footprint for a residence. The foot print is distinctive, as the recommended structure has indented (staggered or stepped-in) rooms along the North and East sides to accommodate the pie shaped property line, where variances are requested. The East side of the lot is approximately 35 ft. shorter than the West side of the property.

The proposed structure would consist of:

- Wood frame construction.
- Concrete block foundation.
- Siding and composite shingles on the roof. (To Be Determined - Masonry elements on the exterior)
- Chimney – To Be Determined based on a decision to install a fireplace, on the West side of the proposed structure. Chimney pot - TBD
- A multi-gable and hipped roof-front on the South facing façade

Entrances/Exits:

- The proposed structures will have four (4) entrances/exits for the proposed home.

Access: Two entrances on the front (South) and two at the back (North).

- The primary entrance is off-center, with stairs and a railing for access into the proposed structure. The wooden stairs, railing and porch will be exposed
- Only a small horizontal portion above the door, will be under roof
- Second entrance via the garage. 2-car garage and overhead garage door
 - Stairs and a second door leading into the home, on the North-West interior side of the garage.
- The third and fourth entrances would be located at the back (North - lake side). Access will be via stairs leading to a raised deck which will have 2 entrances into the home.
 - One via a door to the kitchen and the other leading into the living room

Elevation 1: Excavated Basement.

- Excavated 3 to 4 feet, the rest being above ground
- Windows face the North (lake side)
- Not a walk out basement
- Space for Mechanicals and storage will be at the back of the basement (South)
- Potential for a partially finished basement area is being considered for a section of the basement

Elevation 2: Street Elevation Exterior

Façade: Faces South onto Peninsula Drive

- An unexcavated garage entrance with an overhead 2-car garage provides the family entrance
- The elevated primary entrance with stairs, will lead on to a small porch
 - The porch includes a support pillar and surround railings
 - Stairs might be a little wider, to allow for potential walker access to ascend and descend with assistance
 - Decking style stair treads to be utilized as opposed to solid treads and open risers (allowing for water to run off)

- The stairs would have a post, pickets and stair rail cap
- Only the entrance door would be under roof, the rest would be open/exposed
- No impervious path or walkway from the garage to the primary entrance/porch, only grass
- No impervious access from the primary entrance/porch to the road, only grass and gardens will be installed along the entire East side of the property
- The roof line facing the street (South) would be multiple gables
- Exterior siding is proposed (masonry use TBD)
- Gardens will be planted along each staggered section of the house and around the porch

Elevation 2: Interior

The proposed living quarters are basic and consist of (from West to East of the proposed house) the laundry room is directly behind the living room, a raised deck, kitchen, Now & Then-Master Bed Room and the Walk-In Closet (WIC). With spatial allowances for a walker.

- East Side Variances are requested due to the pie shaped lots diagonal lot line which is approximately 35 ft. shorter than the West Side
- The staggered portions of the house, from back to front, include a staggered portion of the Master bedroom, WIC, a stepped-in Master Bath, and stepped-in Powder Room, adjacent to the Foyer

Windows: Windows would be installed on all sides of the house. Standard Double hung windows will be installed when possible. Transoms and architecturally styled windows will also be utilized.

Elevation 2: East Elevation:

As stated above, the East side of the proposed home, is stepped-in along the diagonal lot line, where a variance is requested

- 5.7' off of the East property line
- The staggered alignment on the east side allows the home to maintain necessary rooms, while maintaining a consistent distance from the diagonal lot line

Elevation 2: Exterior Lake Elevation/North Elevation

The proposed structure will be at 63' from the Shore Line (North). This number was arrived at by taking an average of the neighboring properties.

Raised Deck:

- The raised composite deck will look out over the lawn, towards Wilson's Island
- Composite materials will be used to create a railing around the deck and down the stairs
- Nothing impervious will be built under the raised deck
- The N/W corner of the deck has been chopped off in this rendering; so that the corner pillar does not rest within the flood plain

Kitchen:

- A small overhang eave may be included, above the kitchen windows

Master Bedroom & Exposed Basement:

- Large windows will provide a partial lake view from the Master Bedroom and from the exposed basement below the Master Bedroom

Out-Buildings:

- Boathouse - There is a white aluminum sided single-story rectangular boathouse on the North/East side of the lot
 - The boathouse sits on a concrete slab on grade, with a flat roof
 - Gardens wrap around $\frac{3}{4}$ of the existing boat house which will continue in the future

Elevation 2: West Elevation

- 5' off of the West property line

Elevation 3: Second Story

The second story is set back on the South exposure. The second story is primarily limited to the area above the Living room, Kitchen, and Master Bedroom space, over the first floor. The second floor consists of the bedrooms, bathrooms, home office and study room for the college aged daughter

Windows:

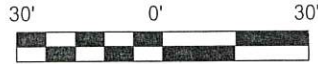
- Windows will face Peninsula Drive to the South, to the East, and on the West side of the proposed structure
- Facing the lake (North) larger windows are planned to take advantage of the view and to balance with basement and 2nd floor windows

Bedrooms & Bathrooms:

- The second story provides bedrooms and bathrooms for the daughter
- Bedroom #4 will be utilized as the daughter's study and family home office.
- The Bonus Space allows for storage

The proposed design of the second floor is two-fold. Providing space for the families immediate/current lifestyle with near future life-style changes (*Now & Then* accommodations by the owners). The proposed plan allows for the next generation of ownership as the daughter will reside here, with her family, in the future

Exhibit



PROPERTY DESCRIPTION:
LOT 23 OF STARKE PENINSULA SUBDIVISION LOCATED IN THE NE.
1/4 OF THE NE. 1/4 OF SECTION 18, T.7N., R.19E., CITY OF
PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

PREPARED FOR:
Victory Homes of Wisconsin, Inc.
N118W18531 Bunsen Dr
Germantown, WI 53022



BULLERJAHN RESIDENCE



C1 Curve Data

RAD. = 40.00'
ARC = 48.99'
CHD. = 45.99'
BRG. = S 62°23'46" W

PENINSULA DR.



18575 Brookfield Lake Drive • Unit 61
Brookfield, WI 53045 • (262) 312-1034
c3egeomatics.com

Exhibit

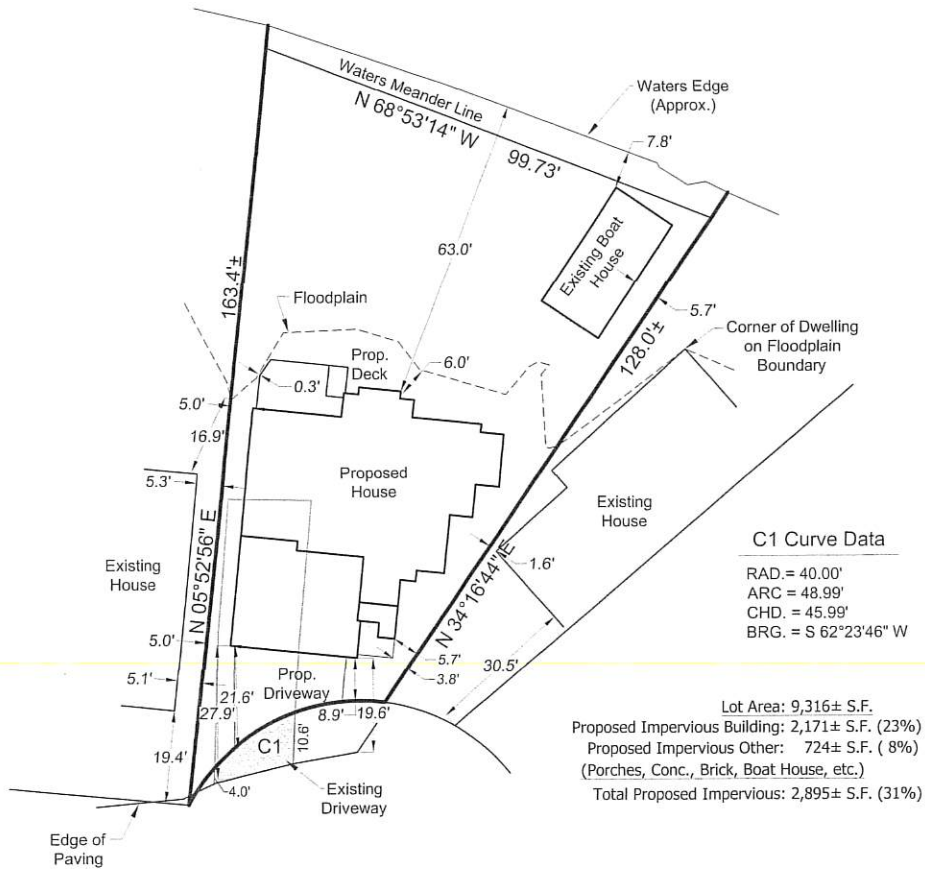
30' 0' 30'



PROPERT DESCRIPTION:
 LOT 23 OF STARKE PENINSULA SUBDIVISION LOCATED IN THE NE.
 1/4 OF THE NE. 1/4 OF SECTION 18, T.7N., R.19E., CITY OF
 PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

PREPARED FOR:
 Victory Homes of Wisconsin, Inc.
 N118W18531 Bunsen Dr
 Germantown, WI 53022

BULLERJAHN RESIDENCE



Notes:

1. Parcel, improvements, and floodplain drawn from survey by Landmark Engineering Sciences, Inc. supplied by the client and has not been field verified. All dimensional ties and areas are approximate.
2. Deck was not included as an impervious area due to height off natural grade per client request.



18575 Brookfield Lake Drive • Unit 61
 Brookfield, WI 53045 • (262) 312-1034
 c3egeomatics.com

Job# 20154

PLAT OF SURVEY

LEGAL DESCRIPTION:
 LOT 23 OF STARKE PENINSULA SUBDIVISION LOCATED IN THE NE. 1/4 OF THE NE. 1/4 OF SECTION 18, T.7N., R.19E., CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

LAND MARK

ENGINEERING SCIENCES, INC.
 119 COOLIDGE AVE., SUITE 100
 WAUKESHA, WI 53186
 (414) 719-2769

SURVEYOR:
 MARK AUGUSTINE, PLS

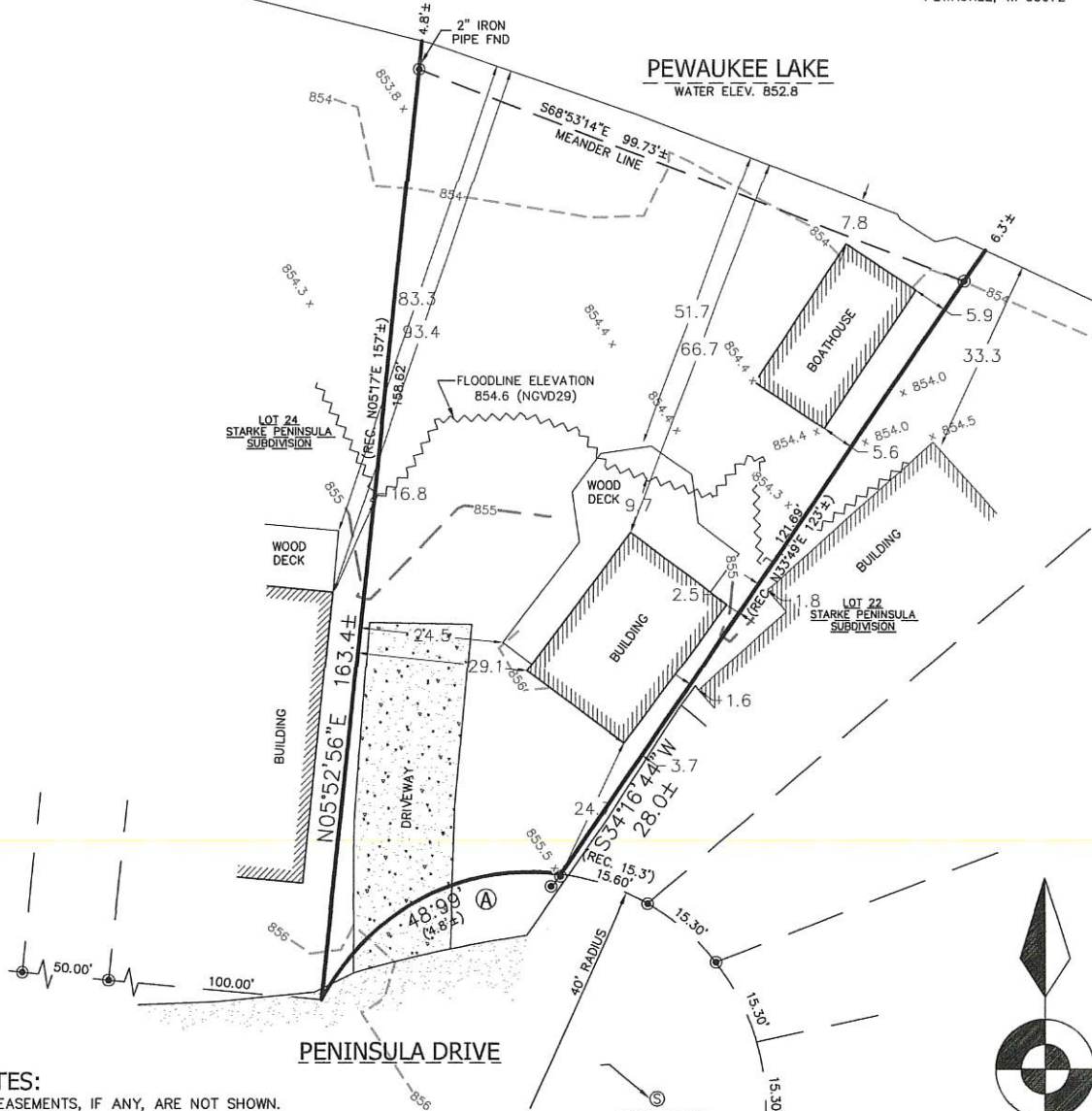
SURVEY FOR:
 BULLERJAHN

PROPERTY:
 N29W27364 PENINSULA DRIVE
 PEWAUKEE, WI 53072

LEGEND

- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- - 1" DIA. IRON PIPE SET, 18" LONG
- ⊙ - SANITARY MANHOLE
- ▨ - GRAVEL
- ▨ - ASPHALT

(A) LENGTH: 48.99'
 (REC. 49.01')
 "I" ANGLE: 70°10'36"
 (REC. 70°12')
 RADIUS: 40.00'
 CHORD: 45.99'
 BEARING: S62°23'46"W
 (REC. N62°25'E)



NOTES:

1. EASEMENTS, IF ANY, ARE NOT SHOWN.
2. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
3. THE PURPOSE OF THE SURVEY IS FOR CONSTRUCTING A REPLACEMENT HOUSE.
4. THE FIELD WORK WAS COMPLETED ON AUGUST 5TH, 2019.
5. THE 100 YEAR FLOODPLAIN ELEVATION IS 854.4 (NAVD88) PER FLOOD INSURANCE STUDY NUMBER 55133CV001C DATED NOVEMBER 5, 2014.
6. VERTICLE DATUM OF SURVEY IS NGVD29.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND, IN MY PROFESSIONAL OPINION, THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

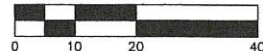
THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

PROJECT # 12036-2896



DATE 03 OCT 2019

SCALE: 1" = 20'



BEARINGS ARE REFERENCED TO NAD27, WISCONSIN STATE PLANE, SOUTH ZONE, GRID NORTH ON THE NORTHERLY R/W LINE OF PENINSULA DRIVE AS S84°43'00\"/>



October 10, 2020

Thomas Bartnicki
Bernadette Bartnicki
N29W27360 Peninsula Dr.
Pewaukee, WI 53072

Mr. Nick Fuchs
City of Pewaukee
Planner & Community Development Director

Mr. Fuchs,

My wife Bernadette Bartnicki and I own the property at N29W27360 Peninsula Dr. We are neighbors of Daryl Bullerjahn at N29W27364 Peninsula Dr.

We are in receipt of a copy of the attached survey drawing of how his proposed new construction would be placed on the lot.

We are writing to let you know that we support the construction as drawn in this survey. If there is anything additional, we can submit to express or support please let us know.

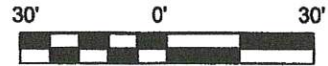


Tom Bartnicki.
414.255.4835



Berna Bartnicki
414.852.9686

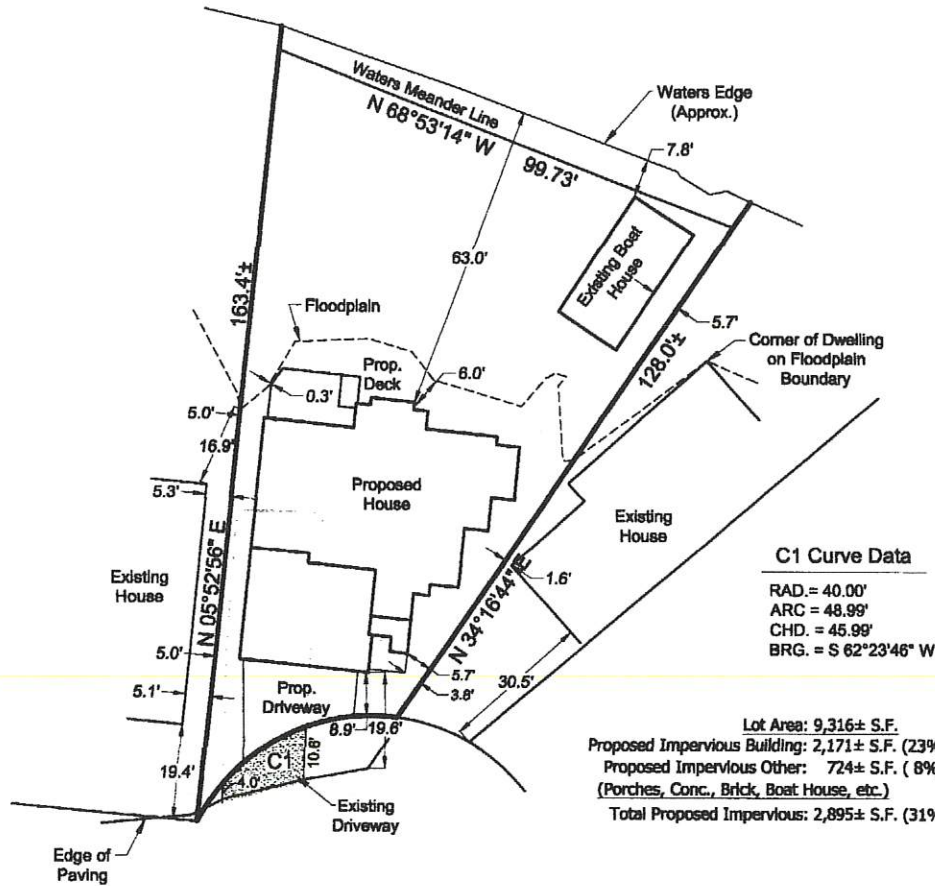
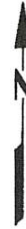
Exhibit



PROPERTY DESCRIPTION:
 LOT 23 OF STARKE PENINSULA SUBDIVISION LOCATED IN THE NE.
 1/4 OF THE NE. 1/4 OF SECTION 18, T.7N., R.19E., CITY OF
 PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

PREPARED FOR:
 Victory Homes of Wisconsin, Inc.
 N118W18531 Bunsen Dr
 Germantown, WI 53022

BULLERJAHN RESIDENCE



C1 Curve Data

RAD. = 40.00'
 ARC = 48.99'
 CHD. = 45.99'
 BRG. = S 62°23'46\" W

Lot Area: 9,316± S.F.
 Proposed Impervious Building: 2,171± S.F. (23%)
 Proposed Impervious Other: 724± S.F. (8%)
 (Porches, Conc., Brick, Boat House, etc.)
 Total Proposed Impervious: 2,895± S.F. (31%)

Notes:

1. Parcel, improvements, and floodplain drawn from survey by Landmark Engineering Sciences, Inc. supplied by the client and has not been field verified. All dimensional ties and areas are approximate.
2. Deck was not included as an impervious area due to height off natural grade per client request.

18575 Brookfield Lake Drive • Unit 61
 Brookfield, WI 53045 • (262) 312-1034
 c3geomatix.com

2062



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 ZONING BOARD OF APPEALS

Meeting of December 1, 2020

Date: November 6, 2020

Project Name: Bullerjahn Variance Requests

Project Address/Tax Key No.: N29W27364 Peninsula Drive/PWC 0933042

Applicant: Daryl and Debra Bullerjahn

Property Owner: Daryl Bullerjahn

Current Zoning: Rs-7 Single-Family Residential District, F-1 Floodplain District, and SO Shoreland Overlay District

Proposed Zoning: Same

2050 Land Use Map Designation: Medium Density Residential and Flood Plains, Lowland & Upland Conservancy, and Other Natural Areas

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

Project Description/Analysis:

The applicant filed a Variance Application requesting the following variances related to the construction of a new home.

1. A variance from Section 17.0411a. to allow a front/street yard setback ranging from 21.6 feet to 8.9 feet, opposed to the required minimum average front/street yard setback of 20-feet.
2. A variance from Section 17.0411b. to allow an east side yard setback of 3.8 feet and a west side yard setback of 5.0 feet, opposed to the Rs-7 District minimum side yard setback of 8-feet for 2-story structures.
3. A variance from Section 17.0436d. to allow for a total combined lot coverage of approximately 31%.
4. 4) Section 17.0435f. and 17.0436c.(5) to allow a building/structure to be located within 75-feet of the floodplain boundary.

The subject property is zoned Rs-7 Single-Family Residential District, F-1 Floodplain District and SO Shoreland Overlay District. The applicant is proposing a 2-story home with a first floor living area of 1,559 square feet and total living space of 2,883 square feet. The home also has a 2-car attached garage and deck. The lot has an area of about 9,316 square feet. Currently a smaller home/cottage exists onsite as well as a boathouse.

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 findings for review.

Recommendation:

Staff finds that the subject property has a small building footprint available when applying all required zoning setbacks. As shown on the applicant's site plan, a home would not be able to meet the first floor living area requirement of 900 square feet. As such, staff believes a variance is necessary to provide reasonable use of the property. Further, as the existing home/cottage is fairly small in size, it is also difficult to build a new home within the existing footprint.

It is recommended that the Board consider and discuss the proposed home, including the home size and proposed layout, to determine appropriate variance(s) to allow construction of a single-family home.

Staff further recommends that the lot coverage requirement be met, which would require that the structures not occupy more than 20% of the lot. The structures currently occupy 23% of the lot. The SO District allows 10% coverage of impervious surfaces. The current proposal consists of 8% lot coverage for impervious surfaces, which is in compliance with this standard.

Alternatively, staff would not object to a maximum lot coverage of up to 35% with mitigation provided per Section 17.0436d.(4) (below).

(4) The total combined coverage of permanent structures* and permanent impervious surfaces outside the structures may be increased up to a total of 35 percent when the parcel is located within 300 feet of the OHWM or base flood elevation of either a lake or navigable stream whichever is greater, and may be increased to a total of 40 percent when the parcel is located between 300 and 1,000 feet of the OHWM or base flood elevation of a lake, whichever is greater, if the parcel owner(s) reaches a written agreement with the City to mitigate such increased impervious coverage by putting in place measures such as the following:

(a) The planting of coniferous and deciduous trees and shrubs on the waterway side of buildings and structures; the construction of earthworks, rain gardens, terraces and detention/retention ponds to permanently retard water runoff, soil erosion and siltation from the property; the planting of ground cover and prairie like grasses on the down-slope side of buildings and structures that will retard water runoff, soil erosion and siltation; and, the establishment of natural growth wildlife habitat areas on the property.

(b) Any or all such mitigation measures shall be made for the purpose of limiting the effect the man-made disturbance of the property may have on the nearby waterway, adjoining properties and the environment and, as determined and directed by the City Plan Commission, shall be proportional to the amount of impervious surface added beyond the total area allowed under d(1), (2) or (3), above. Such mitigation measure requirements shall be recorded in the minutes of a City Plan Commission meeting and shall also be recorded by the County Register of Deeds as a property deed restriction for/on the property in question.

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 4.**

DATE: December 1, 2020

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding the Petition of Jason and Michelle Sciborski for the Property Located at W272N408 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.

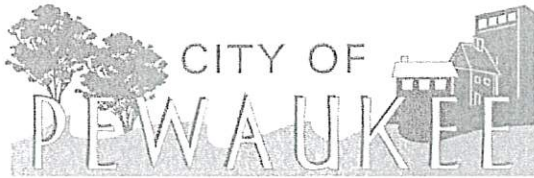
We do not believe this variance request will adversely impact other properties in our vicinity. We are not privy to the setbacks and square footage details of other outbuildings near our property. However, some appear to be larger than 1,200 square feet. Others could benefit from a larger structure instead 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

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.
- 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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 W240 N3065 Pewaukee Road
 Pewaukee, Wisconsin 53072
 Phone (262) 691-0770
 Fax (262) 691-1798
fuchs@pewaukee.wi.us


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).

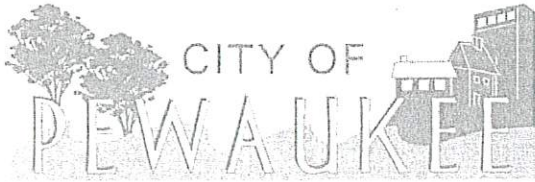
PETITIONER'S/APPLICANT'S SIGNATURE: 
 NAME & TITLE (PRINT): Jason Sciborski
 SIGN AND DATED this 2 day of November, 2020.

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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 W240 N3065 Pewaukee Road
 Pewaukee, Wisconsin 53072
 Phone (262) 691-0770
 Fax (262) 691-1798
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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 _____

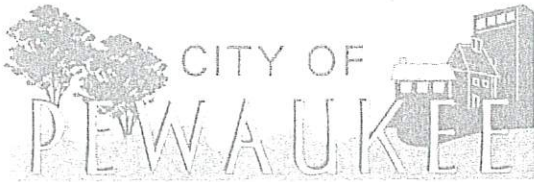
Section 17.1007 states, "No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

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.

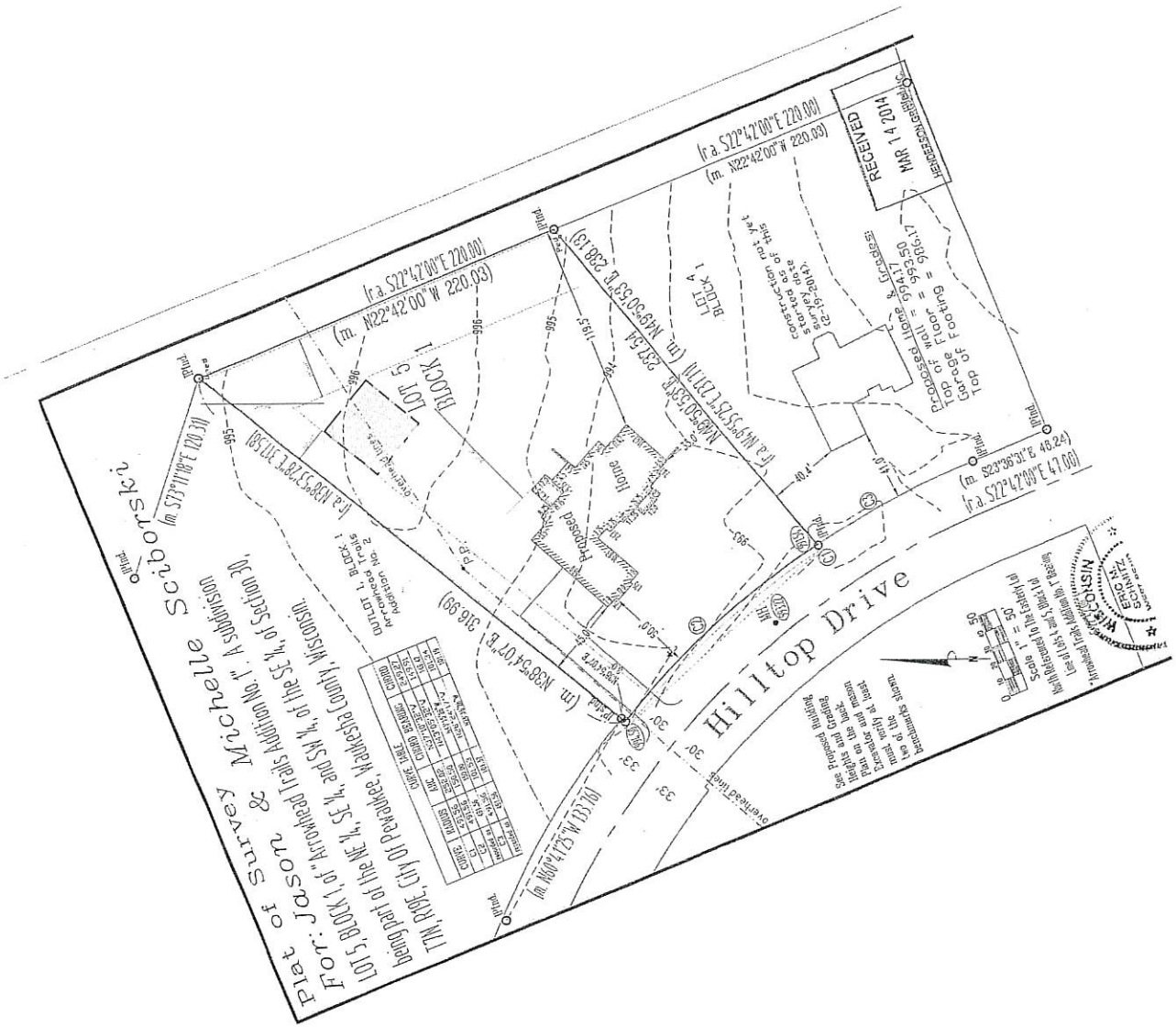
f. Additional Requirements in Floodplain District: No variance in or related to a floodplain* shall be granted where:

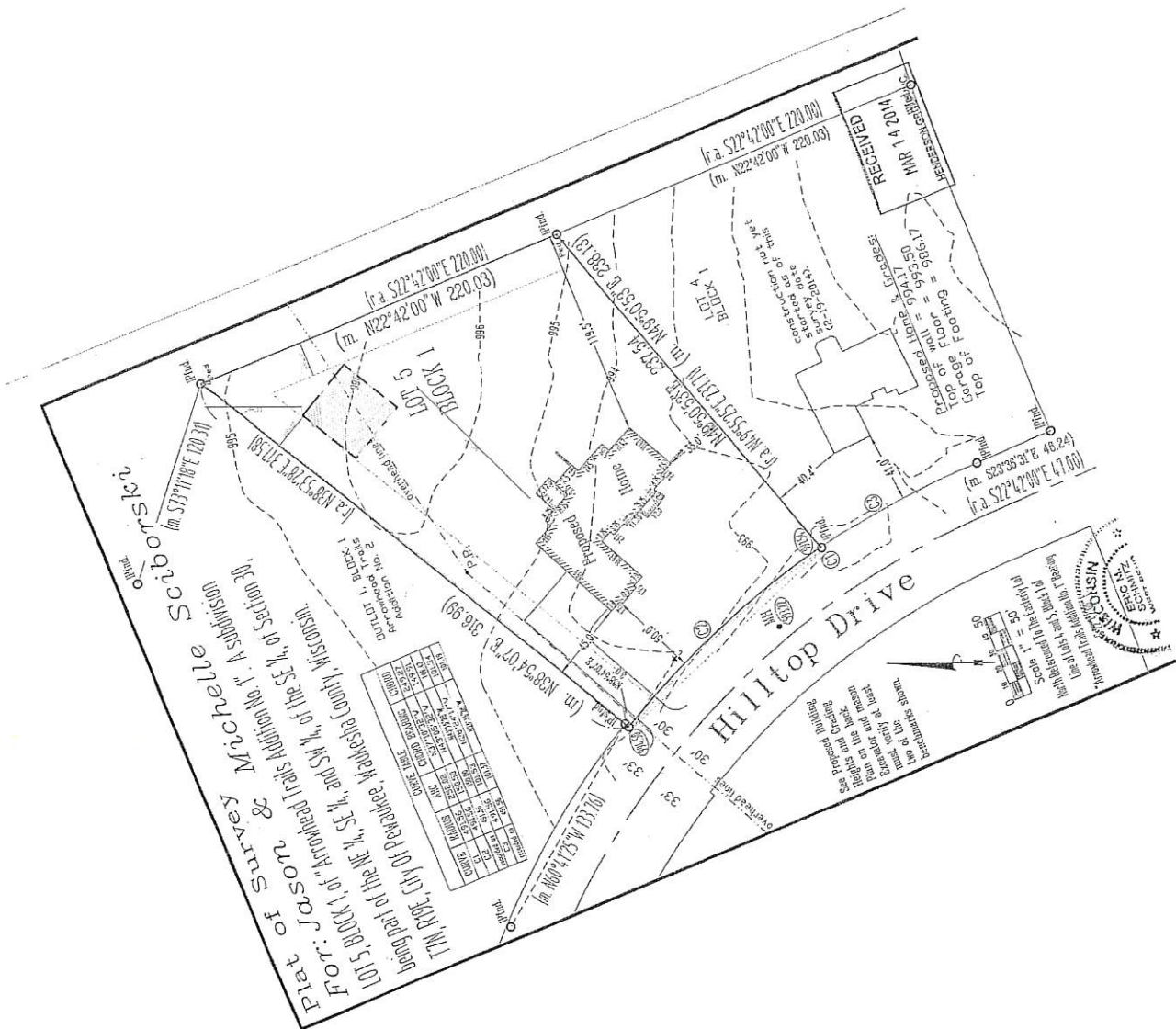
- (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
- (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
- (3) Any action contrary to the provisions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

N/A

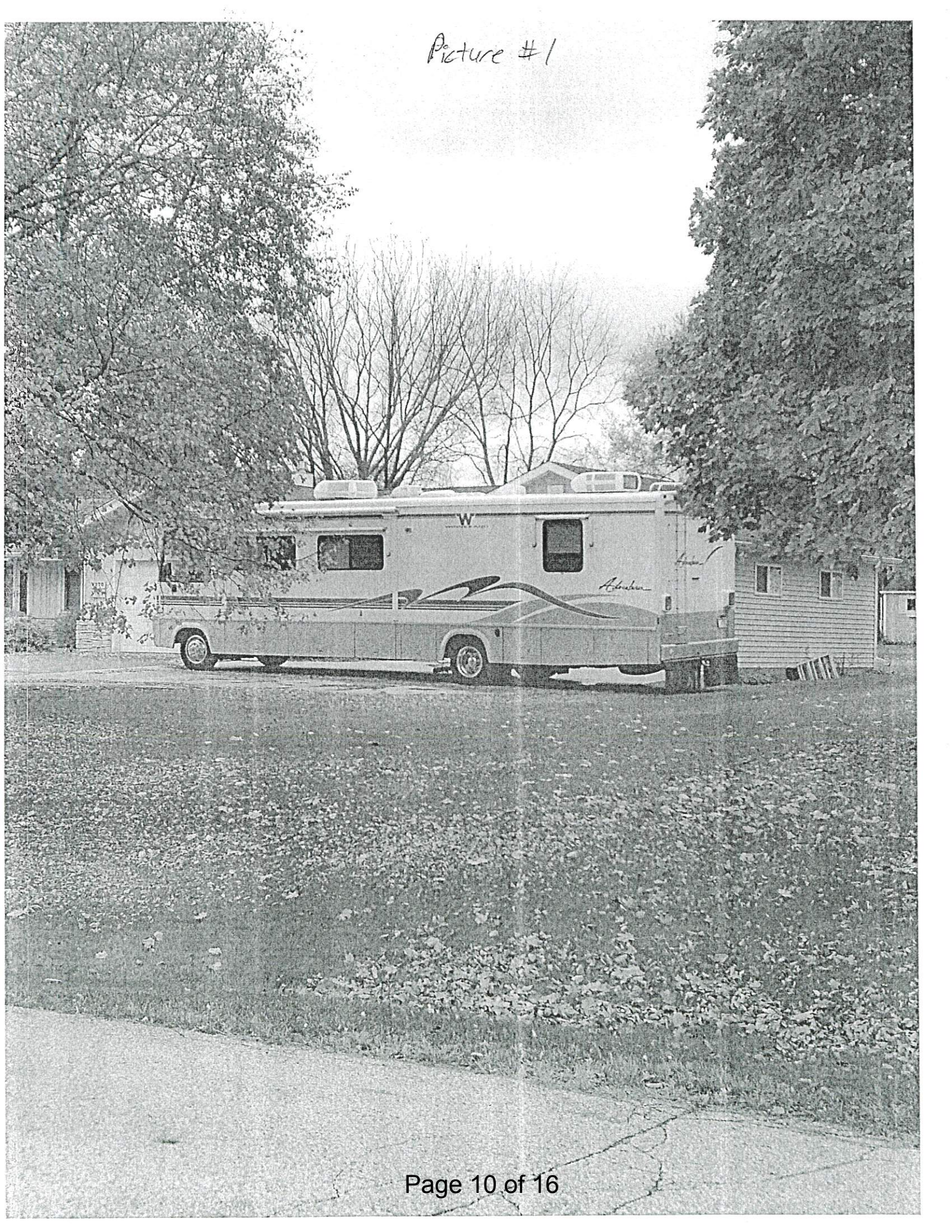
g. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 per coverage. A copy shall be maintained with the variance record.

N/A

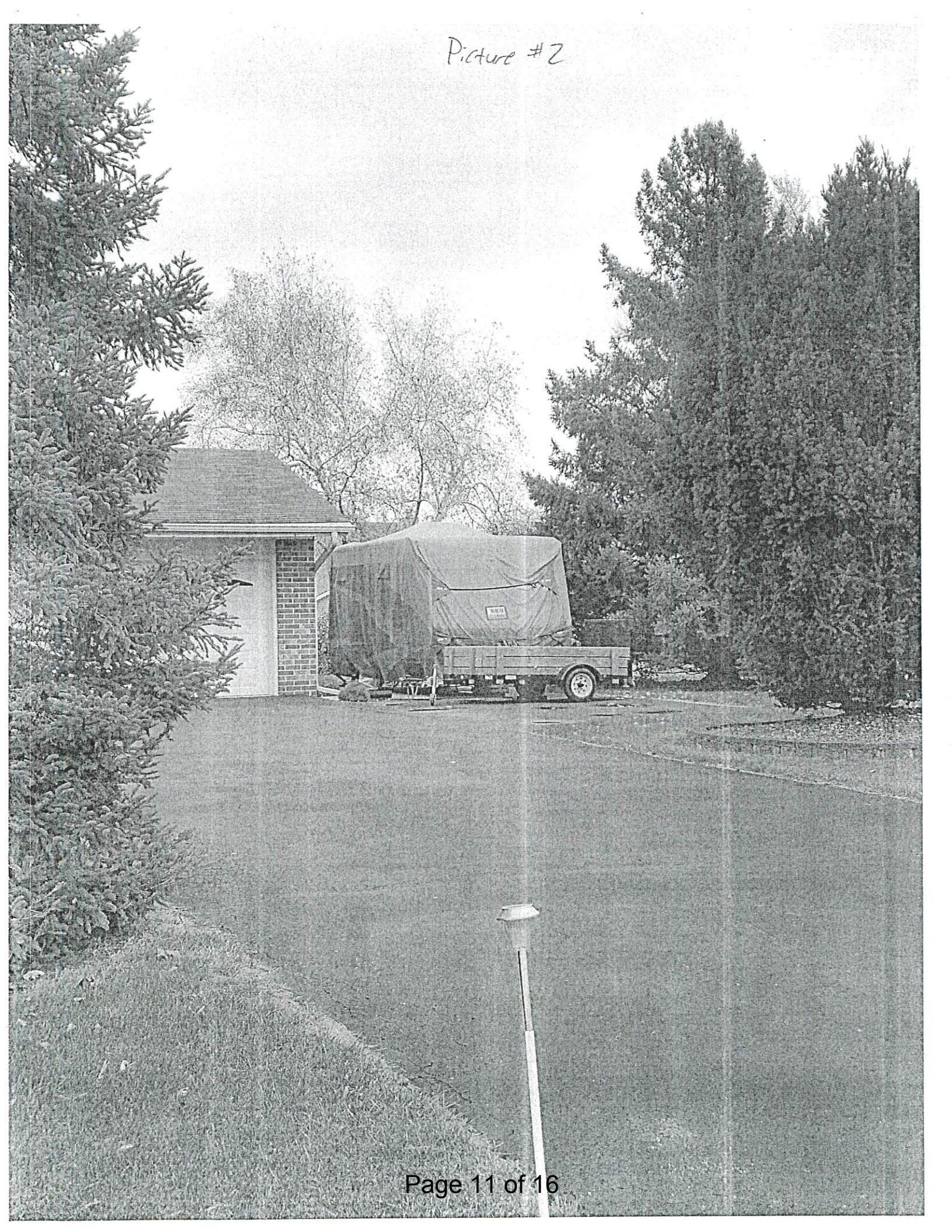




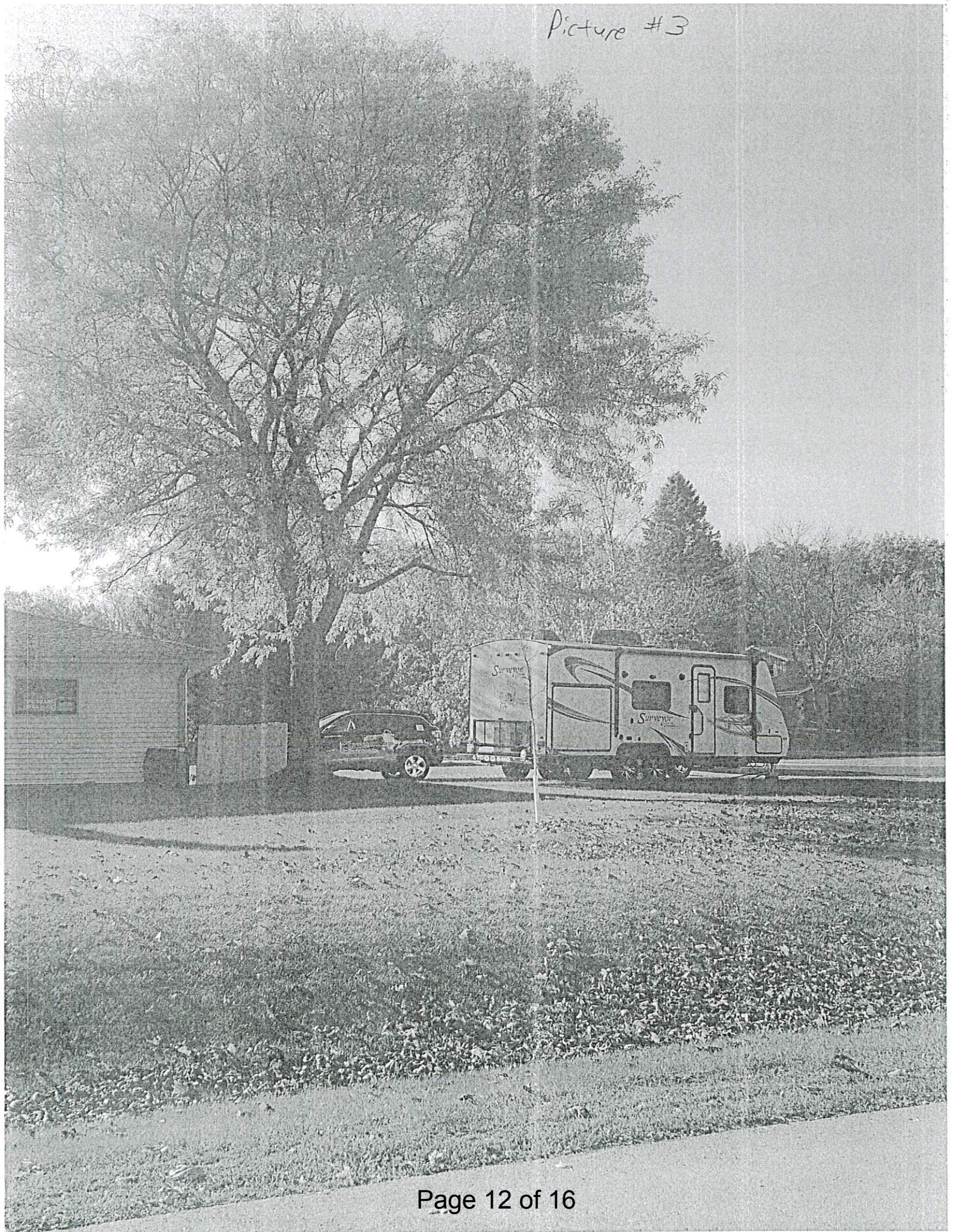
Picture #1



Picture #2



Picture #3



Picture #4



Picture #5





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 ZONING BOARD OF APPEALS

Meeting of December 1, 2020

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

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.