

Building Services

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

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Tuesday, October 5, 2021

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240N3065 Pewaukee Road ~ Pewaukee, Wisconsin 53072

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and possible action to approve the Zoning Board of Appeals minutes dated May 25, 2021
 3. **PUBLIC HEARING**, discussion and possible action regarding the request of Cynthia Murphy and John Oswald of Warrior Homes, LLC for a variance related to the construction of a 576 square foot detached garage upon property located at N4W22625 Bluemound Road, Pewaukee, WI 53188, Tax Key No. 0963015001. The subject property is zoned Rs-4 Single-Family Residential District. The application requests a variance from Section 17.0408f.(2) to allow a side yard setback of 13'-8", opposed to the required minimum side yard setback of 20-feet and a variance from Section 17.0408f.(3) to allow a rear yard setback of 15'-5", opposed to the required minimum rear yard setback of 35-feet. This public hearing is being held pursuant to the requirements and standards of Section 17.1300 of the City of Pewaukee Zoning Ordinance.

4. Adjournment

Kelly Tarczewski
Clerk/Treasurer

September 28, 2021

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 2.**

DATE: October 5, 2021

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

Discussion and possible action to approve the Zoning Board of Appeals minutes dated May 25, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

ZBA Minutes 5/25/2021

In attendance:

R. Welcenbach, T. Matt, J. Tredwell and K. Marlin.

Also Present:

City Planner & Community Development Director N. Fuchs, Clerk/Treasurer K. Tarczewski and Accounting & Payroll Specialist N. McMillian.

1. Call to Order and Pledge of Allegiance

Ms. Marlin called the meeting to order at 6:00 p.m.

2. Discussion and Possible Action to Approve the Zoning Board of Appeals Minutes dated March 30, 2021

A motion was made and seconded (T. Matt, J. Tredwell) to approve the meeting minutes dated March 30, 2021. Motion Passed: 4-For, 0-Against.

3. **PUBLIC HEARING**, Discussion and Possible Action Regarding the request of Craig Caliendo, Kings Way Homes, for the property located at W249N2191 Fox Creek Court (PWC 0950033) for a variance from Section 17.0408f.(4) and 17.0436c.(5) to allow for a rear yard setback of 39.50-feet from the north property line, opposed to the required minimum 75-foot setback from a navigable stream.

Mr. Fuchs stated there are two plans, one that was originally submitted and a revised plan that was recently submitted by the applicant. The original request was a 39.50-foot setback, as opposed to the 75-foot setback. After hearing from staff and neighbors, the applicant did resubmit to propose a home that was mostly within the setback area. The encroachment was only a deck that would have a 72-foot setback, which encroaches 3-feet into the setback area. Mr. Fuchs stated staff does not have any opposition, as it was an improved request. Staff recommended approval of the revised plan.

Ms. Marlin opened the public hearing.

A neighbor stated he was not aware of the new plan and asked to view it.

Mr. Fuchs stated the plan is still to cantilever the deck, so the 75-foot is more of an environmental setback from a floodplain or navigable stream. The cantilevering will help to not impact the actual setback.

Ms. Marlin stated the footprint of the home has changed quite a bit from the original. Mr. Caliendo stated they originally wanted to take a stock plan from another subdivision and put it on that lot. He stated there was no way to fit a typical house in that footprint. He stated they have an in-house design team that designed it to fit within that. He stated they need to have a deck in there but could not figure out a way without putting the deck cantilevered into the setback.

Ms. Marlin closed the public hearing.

Mr. Tredwell stated it was an awesome effort to make the house fit on the lot. He stated taking the house from 2800 square feet to 2300 square feet was well done.

Mr. Matt stated he was not for the original plan. He thanked Mr. Caliendo for working with the City and the neighbors, and felt it fits pretty much within the footprint.

Ms. Marlin stated the shape of the property and the layout is unique. The reason the setback is there is because we do not want permanent structures in the footing near the waterway. She stated he somewhat relieved that.

A motion was made and seconded (R. Welcenbach, T. Matt) to approve a variance from Section 17.0408f.(4) and 17.0436c.(5) to allow for a principal building and deck to be located within 75-feet of the floodplain boundary as illustrated on the site plan exhibit for the proposed house.

Motion Passed: 4-For, 0-Against.

4. Adjournment

A motion was made and seconded (J. Tredwell, T. Matt) to adjourn the meeting at 6:08 p.m.

Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Nadine McMillian
Accounting & Payroll Specialist

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

DATE: October 5, 2021

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, discussion and possible action regarding the request of Cynthia Murphy and John Oswald of Warrior Homes, LLC for a variance related to the construction of a 576 square foot detached garage upon property located at N4W22625 Bluemound Road, Pewaukee, WI 53188, Tax Key No. 0963015001. The subject property is zoned Rs-4 Single-Family Residential District. The application requests a variance from Section 17.0408f.(2) to allow a side yard setback of 13'-8", opposed to the required minimum side yard setback of 20-feet and a variance from Section 17.0408f.(3) to allow a rear yard setback of 15'-5", opposed to the required minimum rear yard setback of 35-feet. This public hearing is being held pursuant to the requirements and standards of Section 17.1300 of the City of Pewaukee Zoning Ordinance.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Warrior Homes Application

Warrior Homes Preliminary Plan

Warrior Homes Additional Exhibit

Warrior Homes Additional Exhibit

Warrior Homes Staff Report



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: This variance requests the reduction of side yard setback from 20' to 13'8" and the rear yard setback from 35' to 15'4" for installation of a two vehicle garage on the property located at N4W22625 Bluemound Road, Pewaukee.

Legal description of property to be rezoned – Please attach.

Common property description or name: Lot 4, Block "C" of Tokoma Hills Subdivision

Property Address: N4W22625 Bluemound Road **Tax Key Number(s):** PWC 0963015001

Property owner(s) (Full Legal Name): Warrior Homes, LLC

Owner's Address: W151N10308 Windsong Circle West **City/State/Zip:** Germantown, WI 53022

Phone: 414-333-9873 **Email:** whllc2021@gmail.com

Applicant (Full Legal Name):

Name: Warrior Homes, LLC (Cynthia Murphy & John Oswald)

Company: Warrior Homes, LLC

Address: W151N10308 Windsong Circle West

City/State/Zip: Germantown, WI 53022

Phone: 262-388-0233 / 414-333-9873

Email: whllc2021@gmail.com

Contact Person (Full Legal Name):

Name: Cynthia Murphy / John Oswald

Company: Warrior Homes, LLC

Address: W151N10308 Windsong Circle West

City/State/Zip: Germantown, WI 53022

Phone: 262-388-0233 / 414-333-9873

Email: whllc2021@gmail.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 (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.




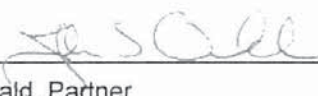
Office of the Planner & Community Development Director
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 Pewaukee, Wisconsin 53072
 Phone (262) 691-0770
 Fax (262) 691-1798
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The applicant and property owner(s) hereby certify that:

- 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): Cynthia Murphy, Partner Warrior Homes, LLC
SIGN AND DATED this 11th day of August, 2021.

PROPERTY OWNER'S SIGNATURE: 
NAME & TITLE (PRINT): John Oswald, Partner
SIGN AND DATED this 11th day of August, 2021.

PROPERTY OWNER'S SIGNATURE: 
NAME & TITLE (PRINT): Cynthia Murphy, Partner Warrior Homes, LLC
SIGN AND DATED this 11th day of August, 2021.

City Staff-

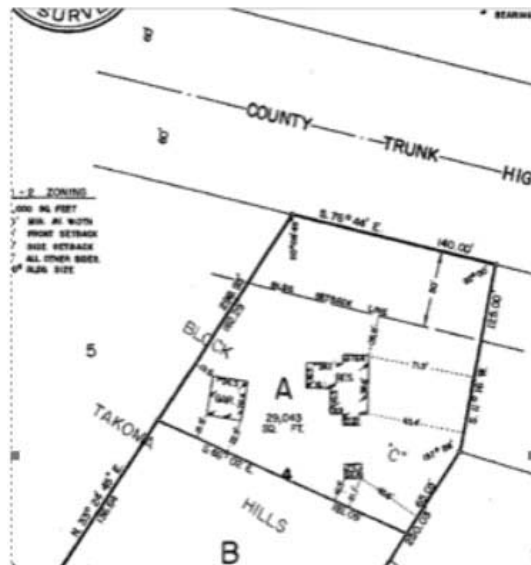
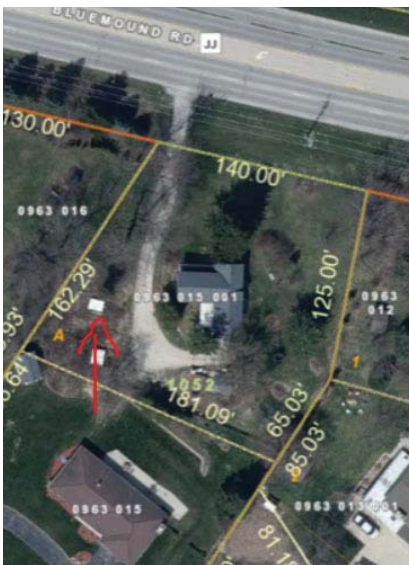
RECEIVED at City Hall by: _____ on _____
 Fee paid: \$ _____ Date: _____

N4W22625 Bluemound Road, Written Project Narrative
Garage Variance Request
August 12, 2021

We own the home at N4W22625 Bluemound Road in Pewaukee. Our goal is to bring this property back to Pewaukee community standards. This property does not currently have a garage built on it. The original garage foundation exists and we are seeking to build a new garage sized for two vehicles on this original foundation.

Adding a garage to this property will certainly make this property more appealing and increase the assessed value, both which are beneficial to the City of Pewaukee. Aesthetically, repairing the existing garage structure is what is best for the property. The proposed location of the garage is in the back southwest corner of the property and is screened from traffic on Bluemound Road, as well as neighbors to the south and to the west by heavy foliage, and other outbuildings on our neighbors' properties.

The preferred location for the new garage is on the exact location of the existing foundation and location of a garage that had previously existed on the property. This variance is requesting a small reduction in both side yard and rear yard setback requirements for the construction of a standard two vehicle garage. The current zoning for the property is RS-4 which requires a 20 foot side yard and 35 foot rear yard setback for construction of new structures. We are requesting a variance to reduce the side yard setback to 13'8" and the rear yard setback to 15'5". The placement of our garage will be in the exact location of a previous garage that was originally part of the site. The original above grade garage structure was removed for unknown reasons at some time in the past. The original garage foundation remains.



The requested location for this garage will allow for a side entrance to the garage which in turn allows for vehicles to exit the property in a vehicle forward direction onto Bluemound Road. Exiting vehicle forward onto Bluemound, instead of backing onto Bluemound is a significant safety improvement for the property.

The requested location is also screened from neighbors to the east and south via older growth trees with heavy foliage. In addition, the garage will be partially screened from the view of

Bluemound Road; this will allow the full beauty of the 100-plus year old farmhouse to be the main focal point of the property.



WEST SIDE OF LOT



BACK, SOUTH SIDE OF LOT

WC0003414

741500

01073



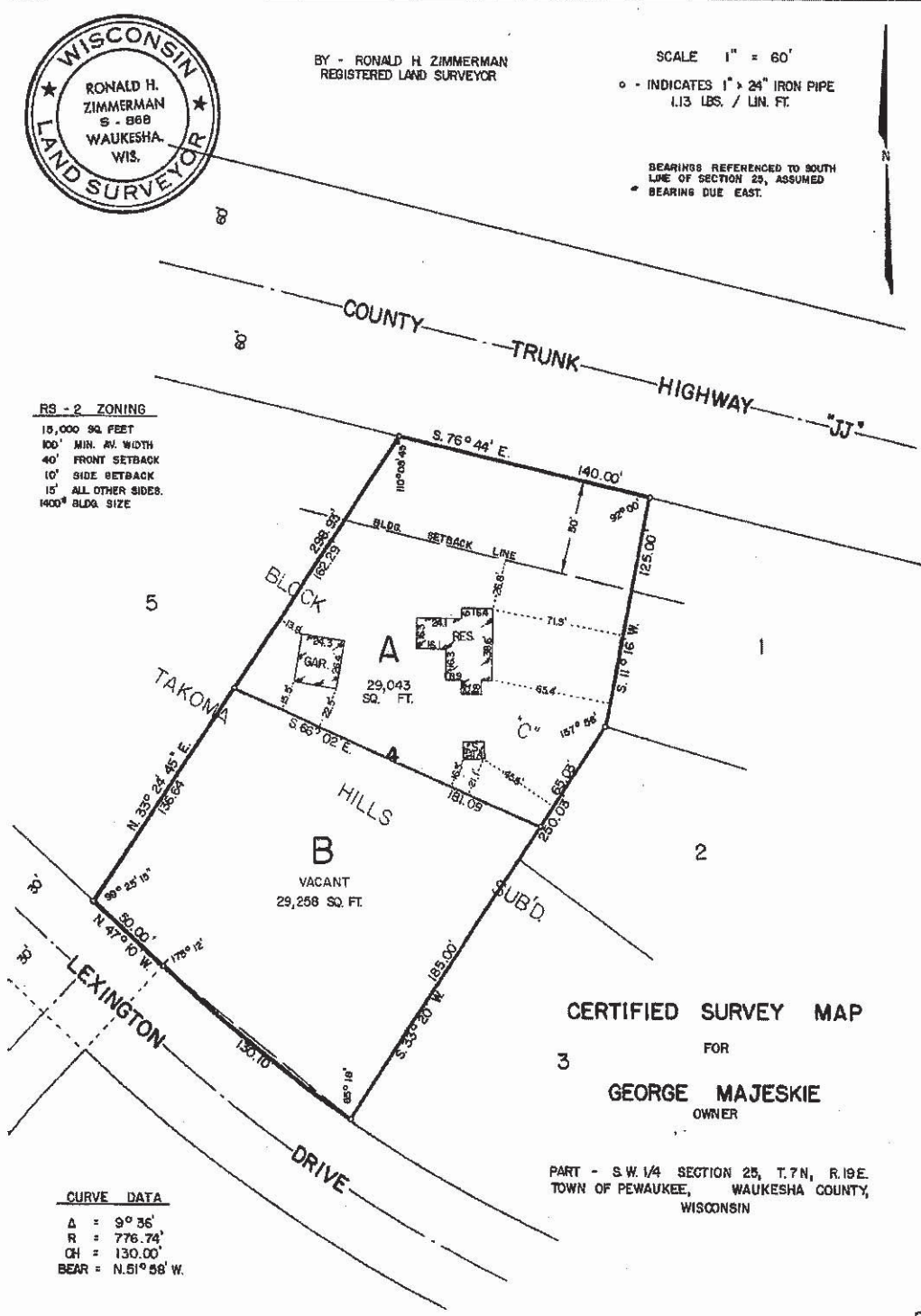
BY - RONALD H. ZIMMERMAN
REGISTERED LAND SURVEYOR

SCALE 1" = 60'

o - INDICATES 1" x 24" IRON PIPE
1.13 LBS. / LIN. FT.

BEARINGS REFERENCED TO SOUTH
LINE OF SECTION 25, ASSUMED
BEARING DUE EAST.

RS - 2 ZONING
15,000 SQ. FEET
100' MIN. AV. WIDTH
40' FRONT SETBACK
10' SIDE SETBACK
15' ALL OTHER SIDES
1400' BLDG. SIZE



CURVE DATA
Δ = 9° 36'
R = 776.74'
CH = 130.00'
BEAR = N.51° 58' W.

CERTIFIED SURVEY MAP

FOR

3
GEORGE MAJESKIE
OWNER

PART - S.W. 1/4 SECTION 25, T.7N, R.19E.
TOWN OF PEWAUKEE, WAUKESHA COUNTY,
WISCONSIN

Public Record

N4 W22625 Bluemound Road

Pewaukee, WI 53186





Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE BOARD OF ZONING APPEALS

Meeting of October 5, 2021

Date: 09/28/2021

Project Name: Warrior Homes, LLC Variance

Project Address/Tax Key No.: N4W22625 Bluemound Road/PWC 0963015001

Applicant: Cynthia Murphy and John Oswald, Warrior Homes, LLC

Property Owner: Same

Zoning: RS4-Single Family Residential

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

Use of Surrounding Properties: Bluemound Road and industrial to the north and single-family residential to the 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.(2) of the City's Zoning Code to allow for a side yard setback of 13'-8", opposed to the minimum required rear yard setback of 20-feet and
2. a variance from Section 17.0408f.(3) of the City's Zoning Code to allow for a rear yard setback of 15'-5", opposed to the minimum required rear yard setback of 35-feet.

The subject property is zoned Rs-4 Single-Family Residential District and has an area of about 29,043 square feet. There is currently no garage on the property. The applicant indicates that the placement of the proposed garage will be in the exact location of a previous detached garage on the property, which is shown on the attached certified survey map. The former garage appears to have been razed between 1980 and 1990 based upon review of aerial photographs.

The applicant has indicated several issues and reasons why a variance is needed within the attached project narrative and their responses to the Findings outlined in Section 17.1007 of the City's Zoning Code. Note that Section 17.1007 states that the Zoning Board of Appeals shall not grant a variance "unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings."

Recommendation:

Staff recommends approval of the variance request as the property currently doesn't contain a garage, which is required as part of the permitted single-family use; the proposed garage location is consistent with the garage that was previously located on the property; attaching a new garage to the existing

home is difficult due to the age and design of the home; the applicant is preserving mature trees on the property with the proposed location; and meeting setbacks requires more difficult maneuvering of vehicles in and out of the property.