

Building Services

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

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Wednesday, September 6, 2023

6:00 PM

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

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and Possible Action to Approve the Meeting Minutes Dated March 7, 2023
 3. PUBLIC HEARING, Discussion and Possible Action Regarding the Request of Rebecca Krueger for a Variance from Section 17.0436d to Allow for a Total Combined Lot Coverage of Approximately 30% and from Section 17.0435f and 17.0436c(5) to Allow a Building / Structure to be Located Within 75-feet of the Floodplain Boundary for the Property Located at N27 W27128 Woodland Drive (PWC 0933-126)
 4. Adjournment

Kelly Tarczewski
Clerk/Treasurer

July 28, 2023

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: September 6, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve the Meeting Minutes Dated March 7, 2023

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Otto Minutes 3.7.2023

In Attendance:

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

Also Present:

City Planner & Community Development Director N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

The petitioner was not present at 6:00 p.m. and was called to be reminded of the meeting. She arrived at 6:15 p.m. Chairperson K. Marlin called the meeting to order at that time and asked everyone to stand for the Pledge of Allegiance.

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

Ms. Tarczewski swore in Amber Otto (W269 N2770 Lelah Avenue).

Ms. Otto stated the house remodeling started last year. She said they submitted plans to rehab the entire home inside as well as out. She stated no one notified them that there was an issue with the deck. She stated the entry door was moved to the corner of the home due to how they were remodeling the inside. She said the deck was flagged during the final inspection. She said they were told it was too close to the property line. She then was instructed to ask for a variance. She said it was her opinion that the remodeling added to the value of her home and based on the fact no neighbors have shown up this evening, she said they supported the improvements made.

Ms. Marlin asked Ms. Otto if the new stairs extended further out than the original set. Ms. Otto stated the walkway remained the same, the porch was just extended to the new entrance.

Mr. Fuchs stated staff recommends approval. He said the expansion is minor and is not encroaching any further than the existing steps were. He said it is just covering a larger area. He said the setbacks are similar to other properties in the area.

Mr. Fuchs stated the plans submitted did show the door moving but no deck plans were submitted. He said the Building Inspection Department was not aware of the expansion of the exterior front porch.

Ms. Marlin stated the Board goes through a three-prong test to determine whether or not the variance should be granted. She said they consist of an unnecessary hardship, conditions of the property are unique, and whether or not the project is contrary to the public's interest.

Ms. Marlin stated it was her opinion that the petitioner was not intending to make a larger deck space, but instead to make a walkway to the door. She stated she believes if the City does not grant the variance it would create an unnecessary hardship because the property was just remodeled and they won't be able to get to the door. Although, it may have been self-created. She said she believes it is

unique to the property. She stated she does not feel she is encroaching on the setbacks in an unreasonable manner.

Mr. Tredwell stated the stairs were not encroaching any further than they originally were. He said he personally doesn't have any objections.

Mr. Welcenbach stated he didn't have anything else to add.

A motion was made and seconded (R. Welcenbach, J. Tredwell) to approve the variance as requested. Motion Passed: 3-For, 0-Against.

Mr. Fuchs told the petitioner there will be permitting fees and she should contact the Building Inspection Office.

3. Adjournment

A motion was made and seconded (J. Tredwell, R. Welcenbach) to adjourn the meeting at 6:25 p.m. Motion Passed: 3-For, 0-Against.

Kelly Tarczewski
Clerk/Treasurer

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

DATE: September 6, 2023

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, Discussion and Possible Action Regarding the Request of Rebecca Krueger for a Variance from Section 17.0436d to Allow for a Total Combined Lot Coverage of Approximately 30% and from Section 17.0435f and 17.0436c(5) to Allow a Building / Structure to be Located Within 75-feet of the Floodplain Boundary for the Property Located at N27 W27128 Woodland Drive (PWC 0933-126)

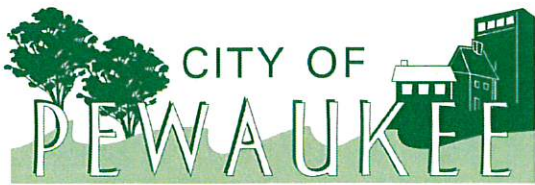
BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description
Krueger Application Request
Krueger Revised Plans
Krueger Site Plan
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: _____

The 75' setback from the 100 year flood

Legal description of property to be rezoned – Please attach.

Common property description or name: LOT 21 EDGEWOOD PLAT NO 2

Property Address: N27W27128 WOODLAND DR Tax Key Number(s): 0933126

Property owner(s) (Full Legal Name): REBECCA KRUEGER

Owner's Address: N27W27128 WOODLAND DR City/State/Zip: PEWAUKEE, WI 53072

Phone: 414-460-5067 Email: rebecca.ruth.krueger@gmail.com

Applicant (Full Legal Name):

Name: Jon Schoenheider

Company: Regency Builders Inc.

Address: 1133 Quail Ct

City/State/Zip: Pewaukee, Wi 53072

Phone: 1-262-894-4612

Email: jon@regencywi.com

Contact Person (Full Legal Name):

Name: Keith A Kindred

Company: SEH

Address: 501 Maple Ave

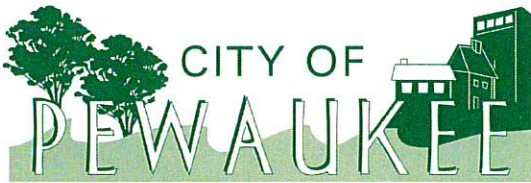
City/State/Zip: Delafield WI 53018

Phone: 262-370-0165

Email: kkindred@sehinc.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.



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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: Jon Schoenheider

NAME & TITLE (PRINT): Regency Builders Inc. attn: Jon Schoenheider

SIGN AND DATED this 6 day of June, 2023.

PROPERTY OWNER'S SIGNATURE: REBECCA KRUEGER

NAME & TITLE (PRINT): REBECCA KRUEGER

SIGN AND DATED this 6 day of June, 2023.

PROPERTY OWNER'S SIGNATURE: _____

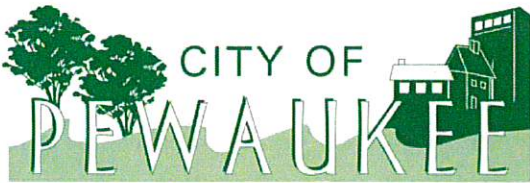
NAME & TITLE (PRINT): _____

SIGN AND DATED this _____ day of _____, _____.

City Staff-

RECEIVED at City Hall by: _____ on _____

Fee paid: \$ _____ Date: _____



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VARIANCE FINDINGS FORM

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

Date: June 22, 2023 Property Owner: REBECCA KRUEGER
 Property Address: N27W27128 WOODLAND DR 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.

The proposed home and garage are located within a residential district. the proposed re-constructior is consistent with the neighboring properties which have been reconstructed.

- 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 Zoning District require a 900 sq.ft. foot print and a 20' setback off the right of way. The existing garage does not conform tho the required setback.

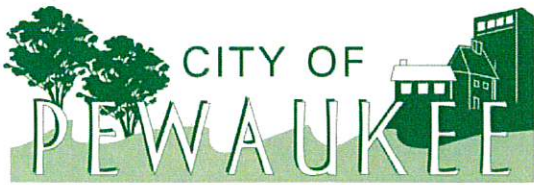
Therefore to reconstruct the existing garage in conformance and to conform to the homes min-square footage the house would need to be placed 6 feet into the 75 foot setback from the flood plane.

- 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.

The variance request is not due to an economic hardship or related to a self-imposed hardship.

- 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.

The existing structures on the lot do not conform to the setback, the home is too close to the side yard and the garage is too close to the road. This allows for reconstruction of the home and garage in like manner to the surrounding properties.



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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.

The reconstruction of this home will enhance the neighborhood and allow for greater side yard separation of home. The home is being place in line with the shore setbacks of their neighbors.

- 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.

The requested variance does not violate any of these conditions.

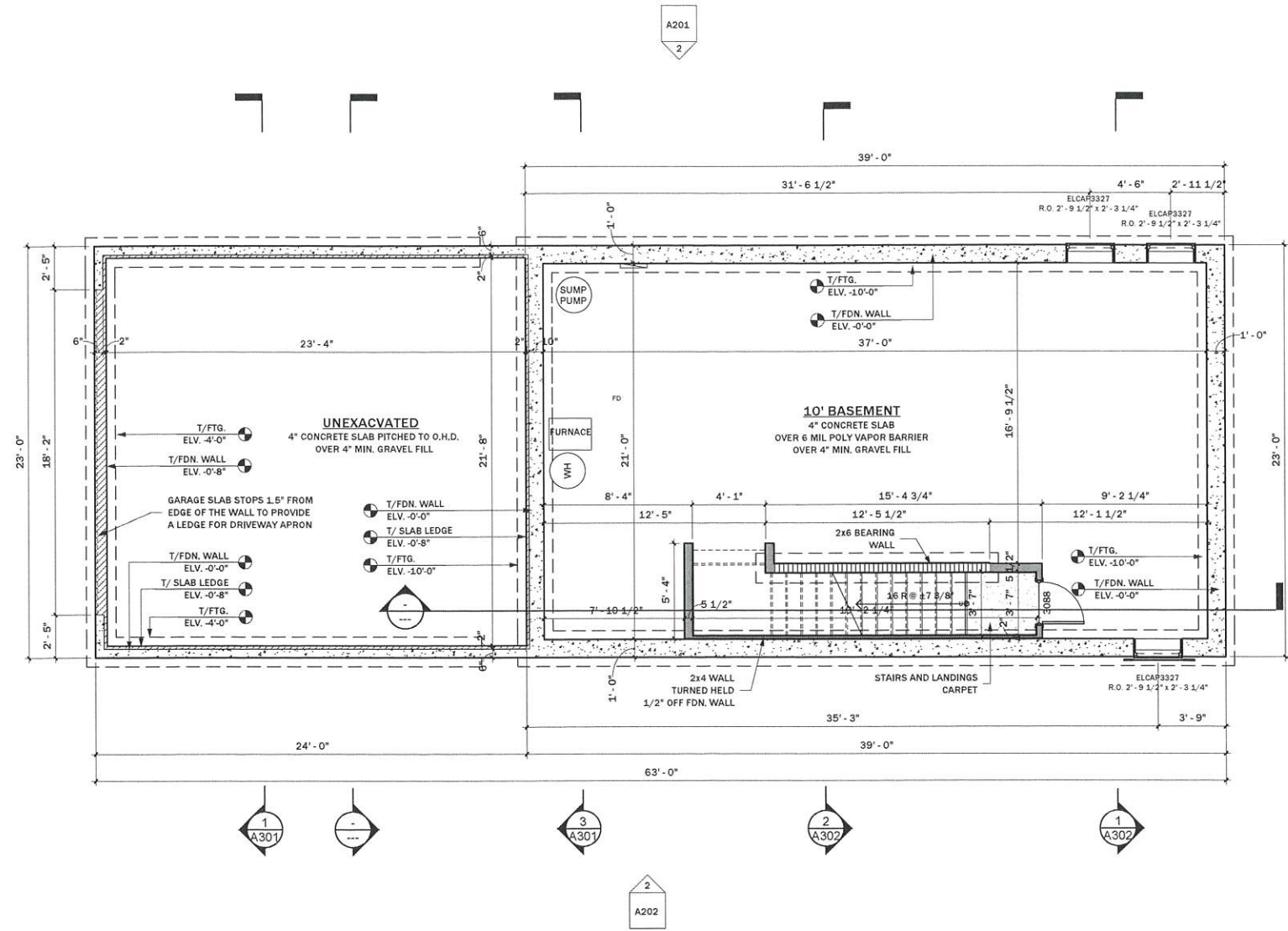
- g. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 per coverage. A copy shall be maintained with the variance record.

The proposed home will not be located within the regulatory Floodplain

1 FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"

- WALL INFORMATION**
- MAIN HOUSE CONCRETE WALLS: 12" 4000 PSI POURED CONCRETE WALL @ 10'-0" UNLESS NOTED W (4) #4 HORIZONTAL REBAR ON A 24" x 8" FOOTING UNLESS NOTED (FOUNDATION CONTRACTOR TO VERIFY ADDITIONAL REINFORCING NEEDED DUE TO SOIL)
 - GARAGE CONCRETE WALLS: 8" 4000 PSI POURED CONCRETE WALL @ 4'-0" UNLESS NOTED ON A 20" x 8" FOOTING UNLESS NOTED
 - FROST CONCRETE WALLS: 8" 4000 PSI POURED CONCRETE WALL @ 4'-0" UNLESS NOTED ON A 20" x 8" FOOTING UNLESS NOTED
- STAIR INFORMATION**
- REFER TO FIRST FLOOR PLAN FOR STAIR INFORMATION
- PLAN INFORMATION**
- REFER TO TYPICAL WALL SECTIONS FOR ADDITIONAL FOUNDATION INFORMATION
 - ALL DIMENSIONS ARE TO FACE OF STUD TO FACE OF STUD OR FACE TO FACE OF CONCRETE
 - THE CONDITIONS LISTED HERE ARE STANDARDS FOR THE PLAN. EXCEPTIONS ARE NOTED ON THE PLAN
 - ALL BASEMENT STUD WALL SILL PLATES TO BE P.T. & HAVE SILL SEALER UNDER THEM

- MUD SILL LOCATION OFFSETS**
- HOUSE STUD WALL OVERHANGS FOUNDATION BY 1.5" TO FLUSH OUT SHEATHING WITH 2" FOUNDATION INSULATION
 - HOUSE STUD WALL AT BRICK OR SLAB LEDGE IS HELD IN 1/2" TO FLUSH SHEATHING WITH FOUNDATION STEM WALL
 - GARAGE STUD WALL WHERE ALIGNS WITH HOUSE STUD WALL OVERHANGS FOUNDATION BY 1.5" TO FLUSH OUT SHEATHING WITH 2" FOUNDATION INSULATION (REQUIRES LONGER ANCHOR BOLTS SEE DETAIL)
 - GARAGE STUD WALL AT BRICK LEDGE IS HELD IN 1/2" TO FLUSH SHEATHING WITH FOUNDATION STEM WALL

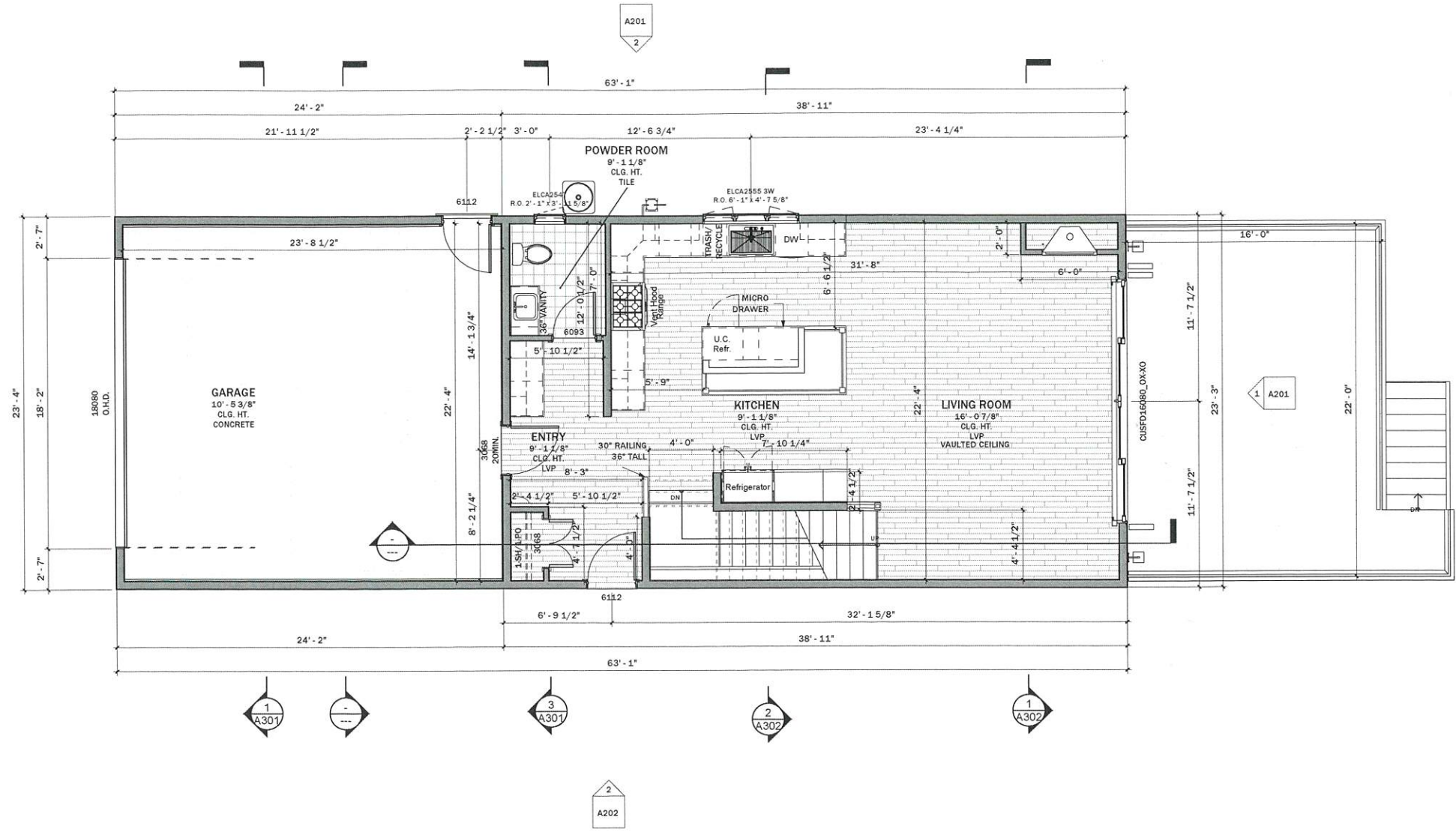


PRELIMINARY

FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

A100



FRAMING UNDER WINDOWS SHALL BE ADJUSTED SO THAT OUTLETS CAN CENTER UNDER THE WINDOW

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

- FLOOR SYSTEM INFORMATION**
- FIRST FLOOR: 14" ENGINEERED I-JOIST 16" O.C. (SUPPLIER TO VERIFY SERIES AND SPACING)
 - 0.33" MAX LIVE LOAD DEFLECTION
- ROOF INFORMATION**
- REFER TO ROOF PLAN FOR ROOF INFORMATION
- WALL INFORMATION**
- SECOND FLOOR EXTERIOR WALLS: 64 1/2" 2x6 PREMIUM GRADE OR BETTER @ 16" O.C. STANDARD 92 5/8" 2x6 PREMIUM GRADE OR BETTER @ 16" O.C. BELOW DORMERS
 - SECOND FLOOR INTERIOR BEARING WALLS: 92 5/8" 2x6 PREMIUM GRADE OR BETTER @ 16" O.C. (10'-1 1/8" FIRST FLOOR)
 - SECOND FLOOR INTERIOR NON-BEARING WALLS: 92 5/8" 2x4 PREMIUM GRADE OR BETTER @ 16" O.C. (10'-1 1/8" FIRST FLOOR)
- CHECK PLAN FOR DIFFERENT HEIGHTS NOTED

- WINDOW INFORMATION**
- ALL WINDOW TYPE AND SIZE SHOWN ARE MARVIN ELEVATE CASEMENTS EXCEPT AS NOTED OTHERWISE - REFER TO CATALOG FOR DETAILS
 - STANDARD TOP OF WINDOW IS 6" - 10" FROM FLOOR UNLESS NOTED (SEE ELEVATIONS)
- STAIR INFORMATION**
- FIRST FLOOR TO SECOND FLOOR: 16 RISERS @ 7 3/4" MAX 15 TREADS @ 10" WITH 1" NOSING
- PLAN INFORMATION**
- REFER TO TYPICAL WALL SECTIONS FOR ADDITIONAL FOUNDATION INFORMATION
 - ALL DIMENSIONS ARE TO FACE OF STUD TO FACE OF STUD OR FACE TO FACE OF CONCRETE
 - THE CONDITIONS LISTED HERE ARE STANDARDS FOR THE PLAN. EXCEPTIONS ARE NOTED ON THE PLAN

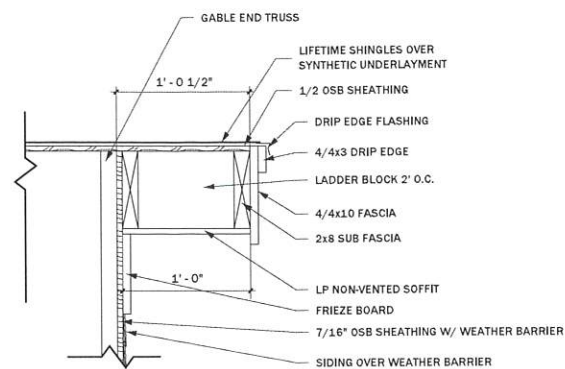
- MUD SILL LOCATION OFFSETS**
- HOUSE STUD WALL OVERHANGS FOUNDATION BY 1.5" TO FLUSH OUT SHEATHING WITH 2" FOUNDATION INSULATION
 - HOUSE STUD WALL AT BRICK OR SLAB LEDGE IS HELD IN 1/2" TO FLUSH SHEATHING WITH FOUNDATION STEM WALL
 - GARAGE STUD WALL WHERE ALIGNS WITH HOUSE WALL, WALL OVERHANGS FOUNDATION BY 1.5" TO FLUSH OUT SHEATHING WITH 2" FOUNDATION INSULATION (REQUIRS LONGER ANCHOR BOLTS SEE DETAIL)
 - GARAGE STUD WALL AT BRICK LEDGE IS HELD IN 1/2" TO FLUSH SHEATHING WITH FOUNDATION STEM WALL

PRELIMINARY

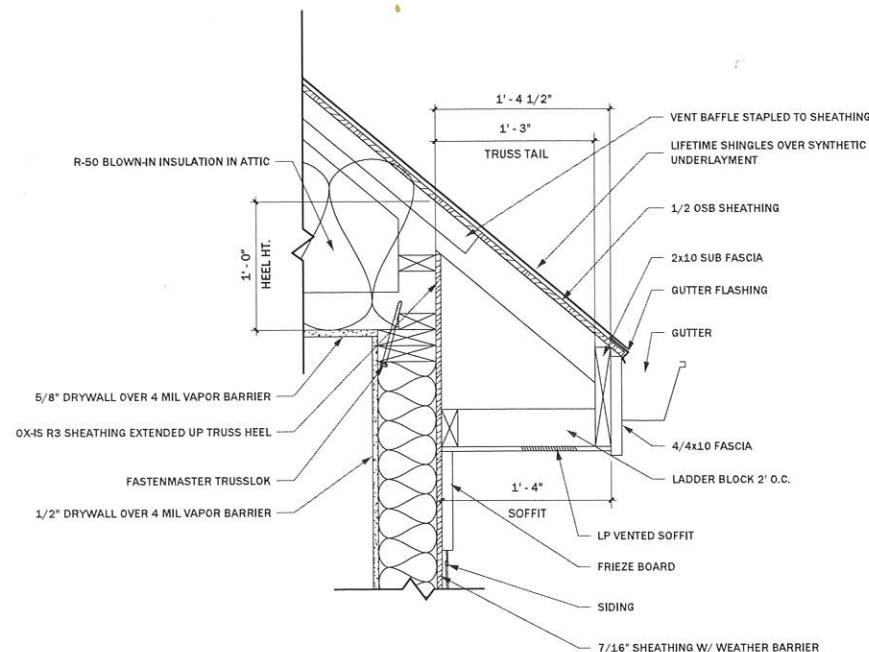
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

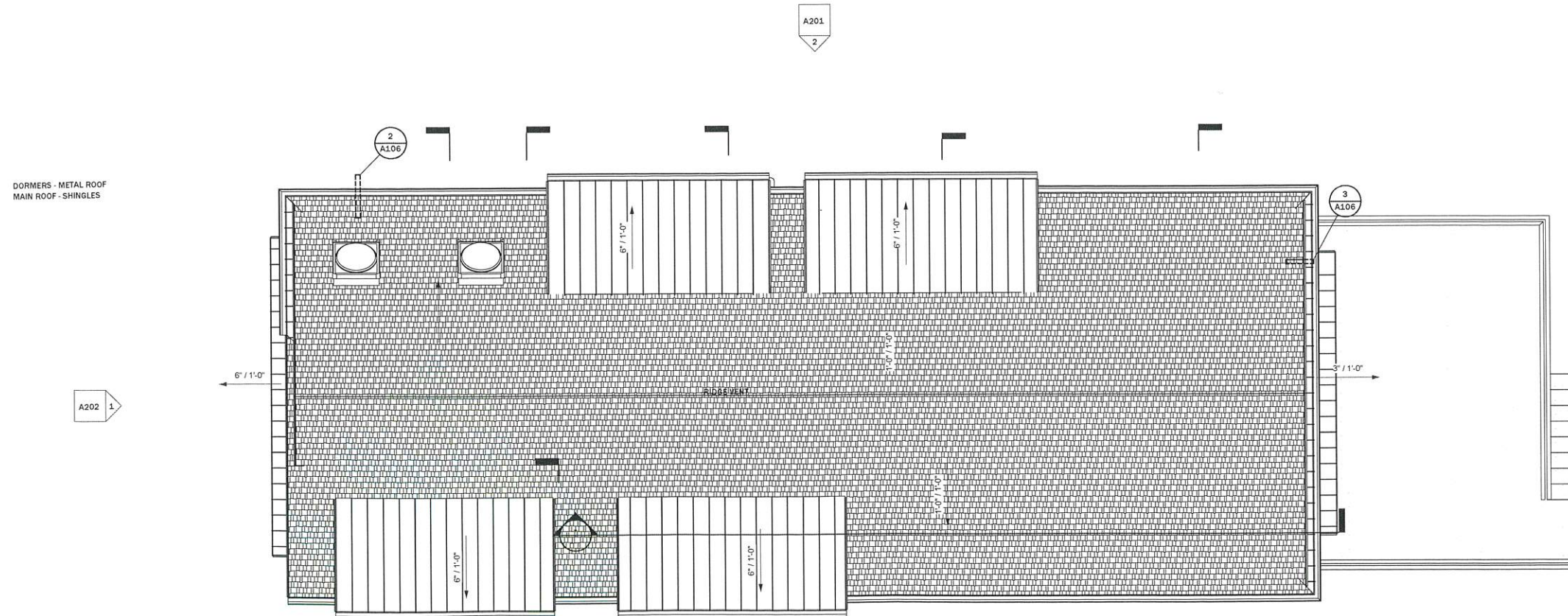
A102



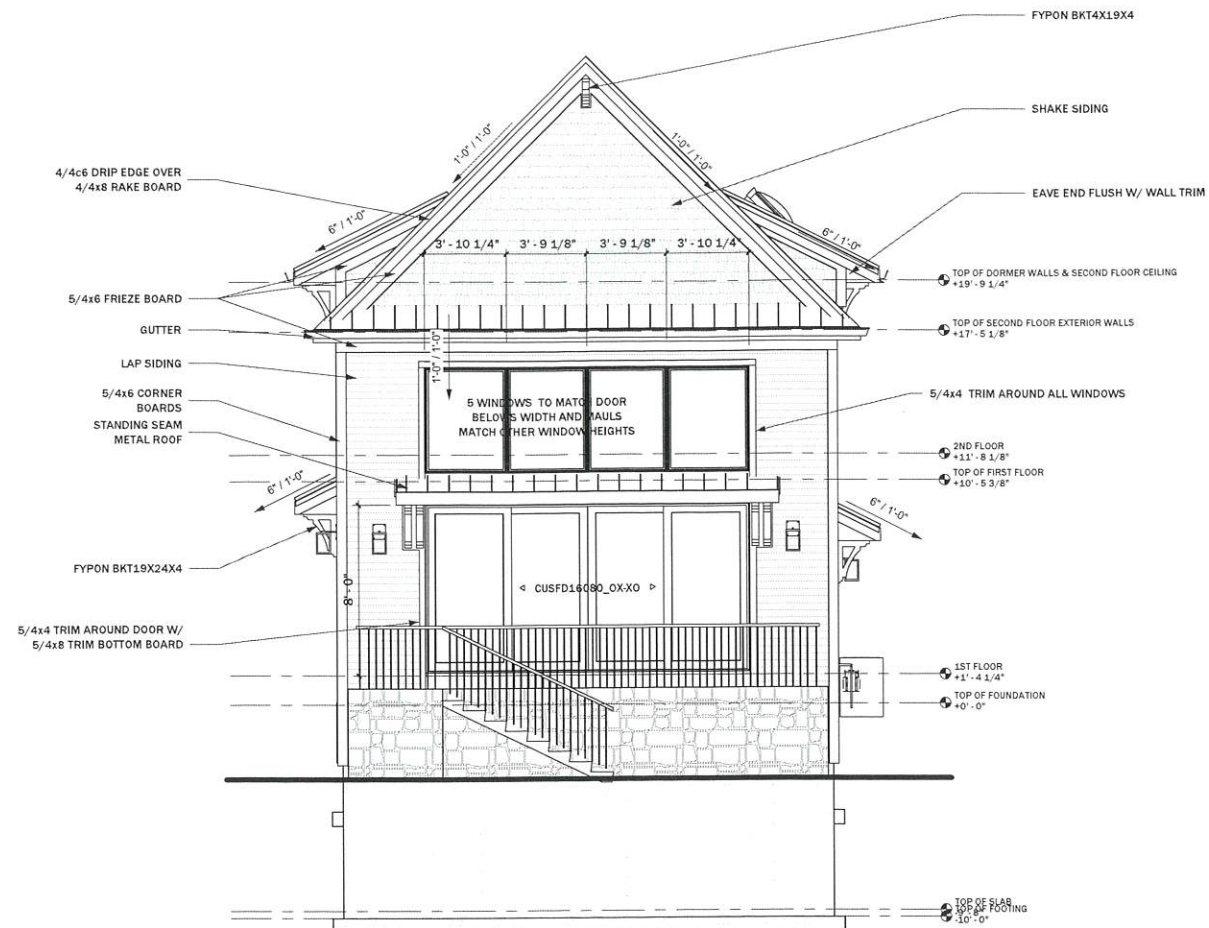
3 RAKE DETAIL
 SCALE: 1 1/2" = 1'-0"



2 EAVE DETAIL
 SCALE: 1 1/2" = 1'-0"

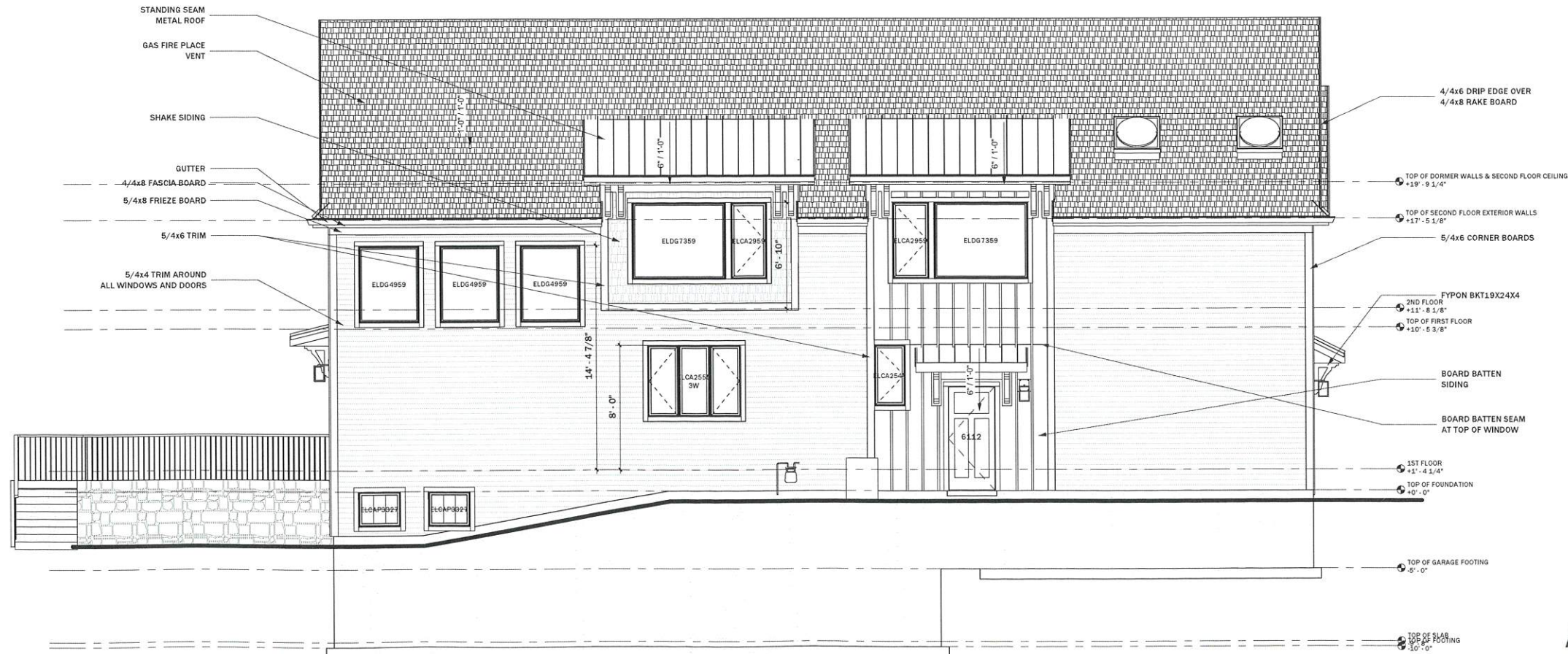


1 ROOF PLAN
 SCALE: 1/4" = 1'-0"



1 LAKE ELEVATION

SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION

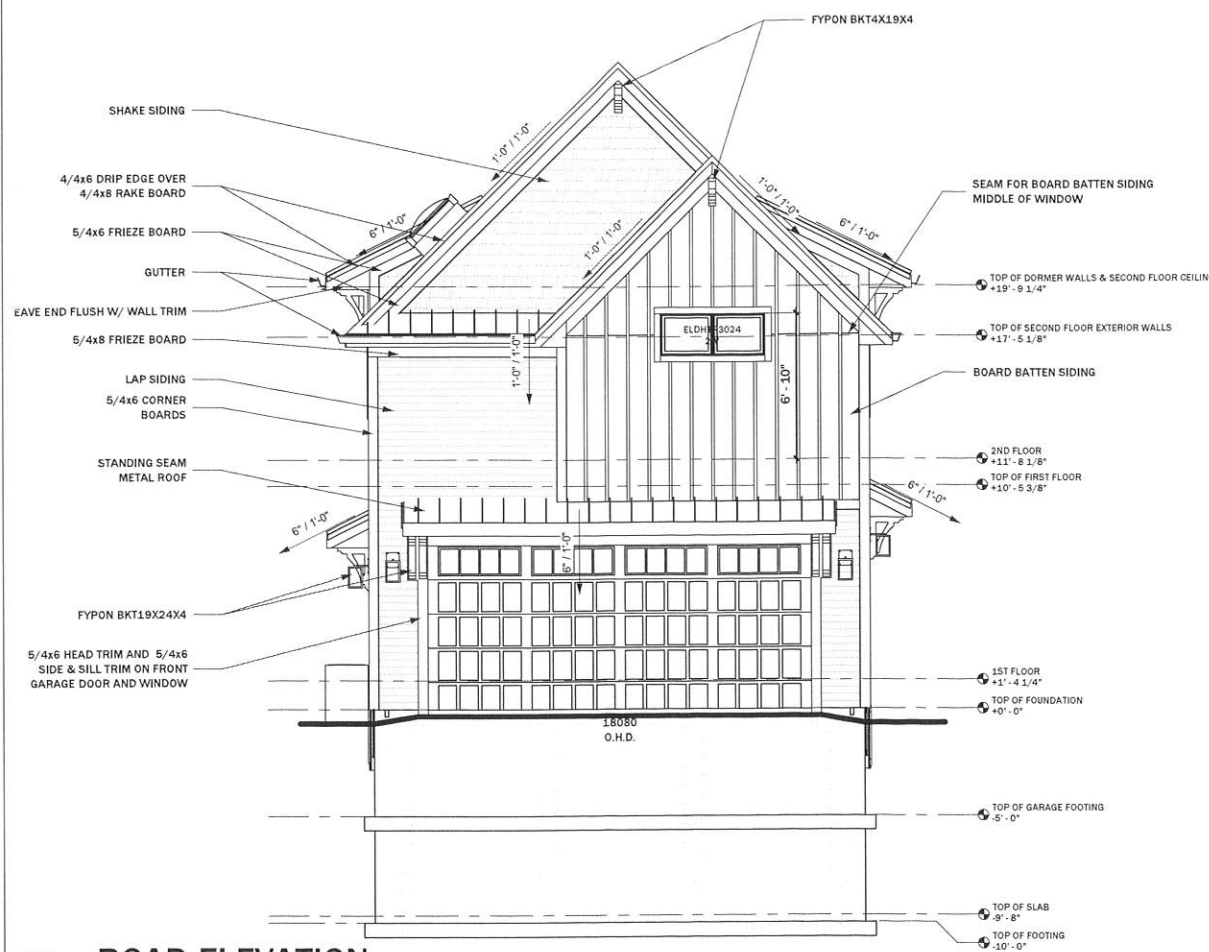
SCALE: 1/4" = 1'-0"

PRELIMINARY

EXTERIOR
ELEVATIONS

SCALE: 1/4" = 1'-0"

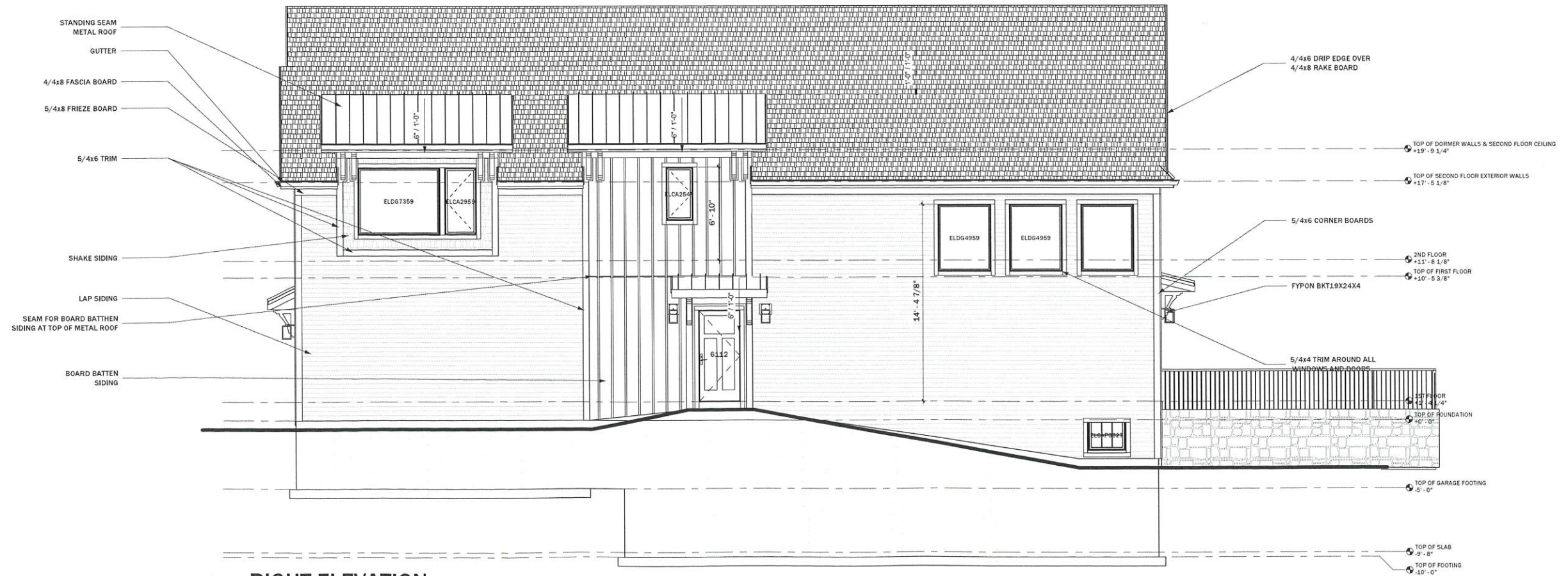
A202



ROAD ELEVATION

SCALE: 1/4" = 1'-0"

1



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

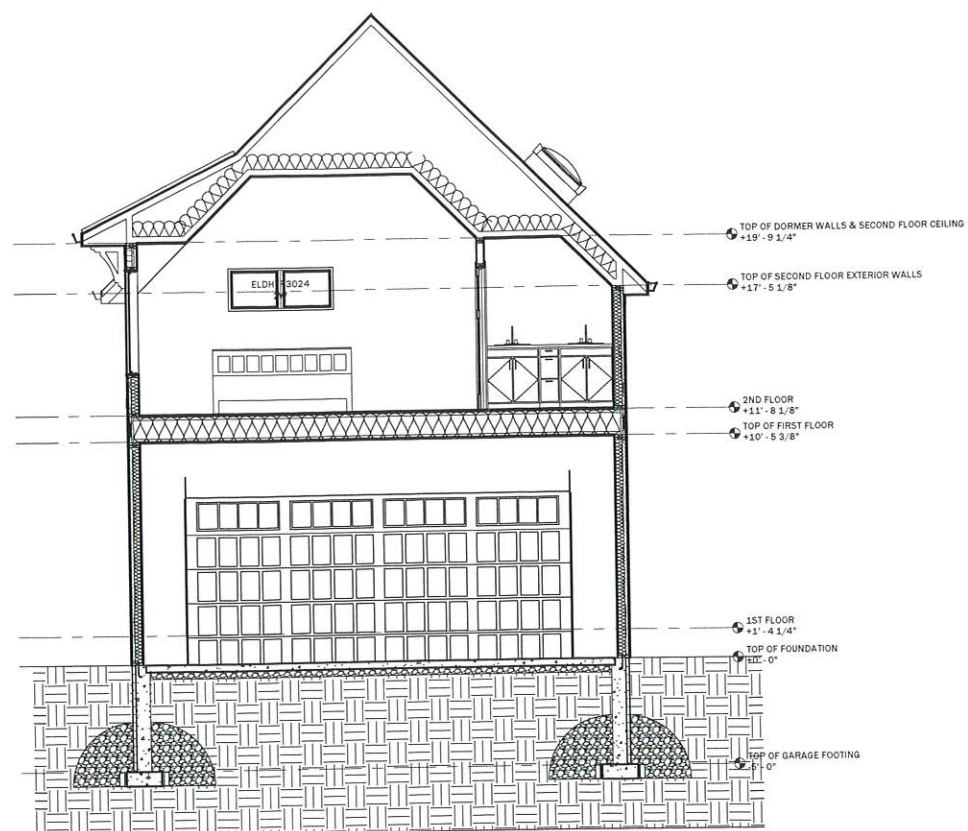
OWNERSHIP OF DOCUMENTS
 THIS DOCUMENT AND THE IDEAS
 AND DESIGN INCORPORATED
 HEREIN AS AN INSTRUMENT OF
 PROFESSIONAL SERVICE IS THE
 SOLE PROPERTY OF LEX DESIGN
 GROUP LLC AND IS NOT TO BE USED
 IN WHOLE OR IN PART FOR ANY
 OTHER PROJECT FOR PURPOSE
 WITHOUT THE EXPRESSED WRITTEN
 AUTHORIZATION OF LEX DESIGN
 GROUP LLC

PROJECT:
**KRUEGER
 RESIDENCE**
 N27W27128
 Woodland Dr.
 Pewaukee, WI 53072

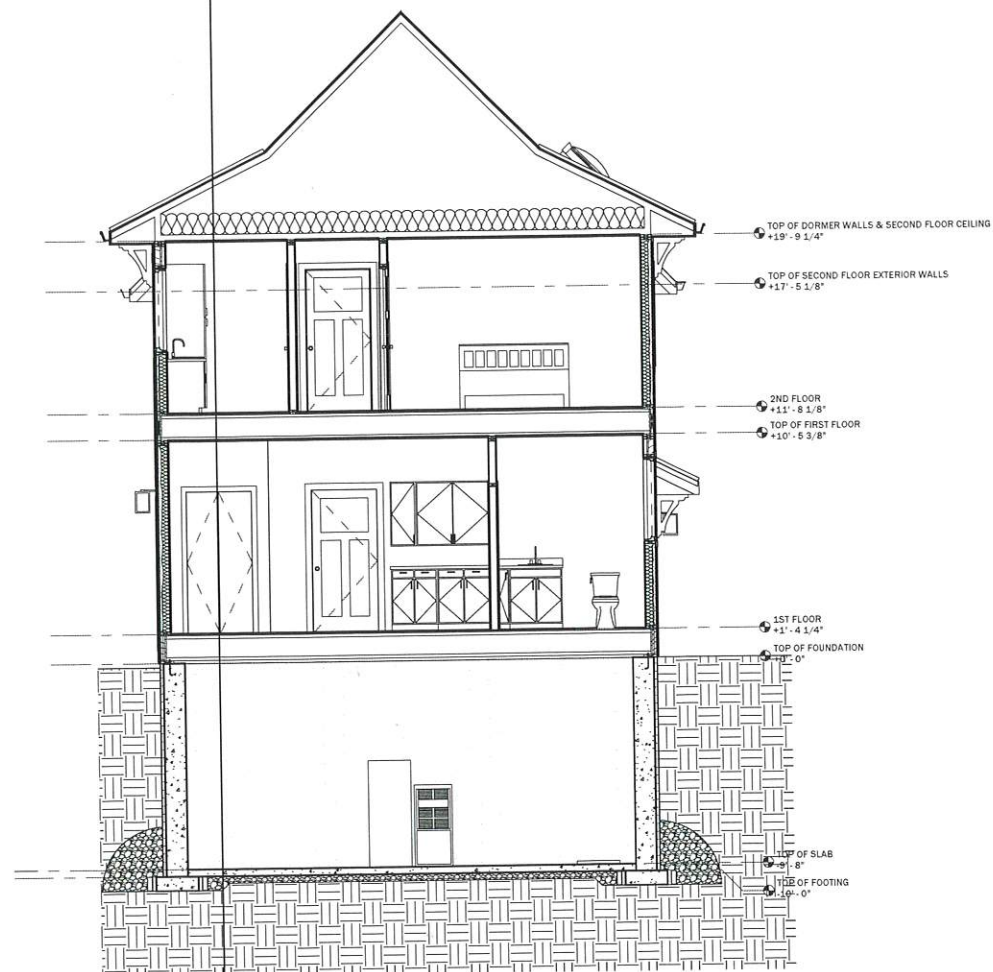
PROJECT NO

REVISION	DATE
PRELIM. 7.3	6.30.2023

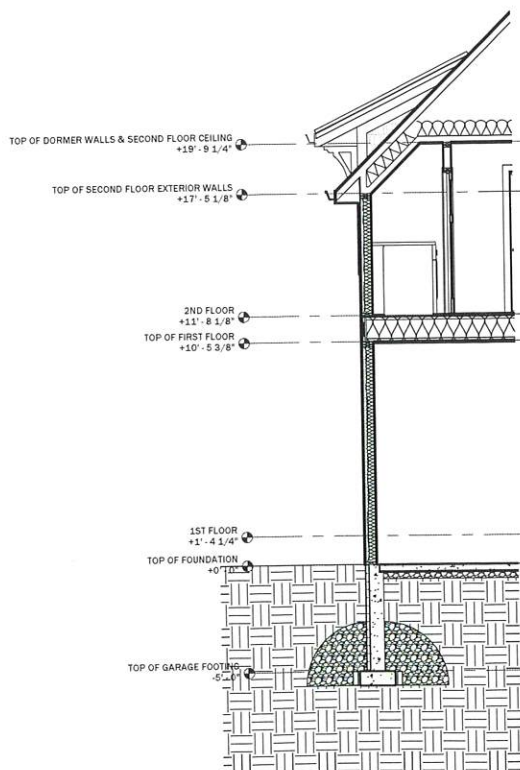
NOTES:
 ALTHOUGH EVERY EFFORT HAS
 BEEN MADE IN PREPARING THESE
 CONTRACT DOCUMENTS AND
 CHECKING THEM FOR ACCURACY,
 THE CONTRACTORS MUST CHECK
 ALL DETAILS AND DIMENSIONS AND
 BE RESPONSIBLE FOR MAKING SURE
 THAT ALL WORK IS DONE IN
 ACCORDANCE WITH ALL STATE AND
 LOCAL CODES. THE CONTRACT
 DOCUMENTS UTILIZE A PROCESS
 CALLED FREE DESIGN OR DESIGN
 BUILD FOR ROOF, WINDOW,
 FINISHING, ELECTRICAL, HVAC,
 DETAILS AND AS DESIGNATED IN
 THE SPECIFICATION AS TO BE
 COMPLETED ON A DESIGN/BUILD
 BASIS. THIS MEANS THAT THE
 CONTRACT DOCUMENTS DO NOT
 INCLUDE ALL REQUIRED DETAILS
 AND THAT THE CONTRACTORS
 SHALL USING THEIR OWN STAFF OR
 QUALIFIED SUBCONTRACTORS
 DESIGN AND BUILD THE FREE
 DESIGN AND DESIGN/BUILD
 PORTIONS OF THE WORK. THE
 CLIENT IS DIRECTLY CONTRACTING
 WITH THE CONTRACTORS AND
 THEREFORE THE CLIENT AND THE
 CONTRACTORS ARE ASSUMING THE
 DESIGN AND BUILD RESPONSIBILITY
 FOR THE FREE DESIGN AND
 DESIGN/BUILD PORTIONS OF THE
 PROJECT. LEX DESIGN GROUP LLC IS
 NOT RESPONSIBLE FOR INSPECTING
 ANY ASPECT OF THE CONTRACTORS
 WORK OR FOR OBSERVATION OF
 THE CONTRACTORS' WORK FOR
 COMPLIANCE WITH THE CONTRACT
 DOCUMENTS



1 Section 10
 SCALE: 1/4" = 1'-0"



3 Section 11
 SCALE: 1/4" = 1'-0"



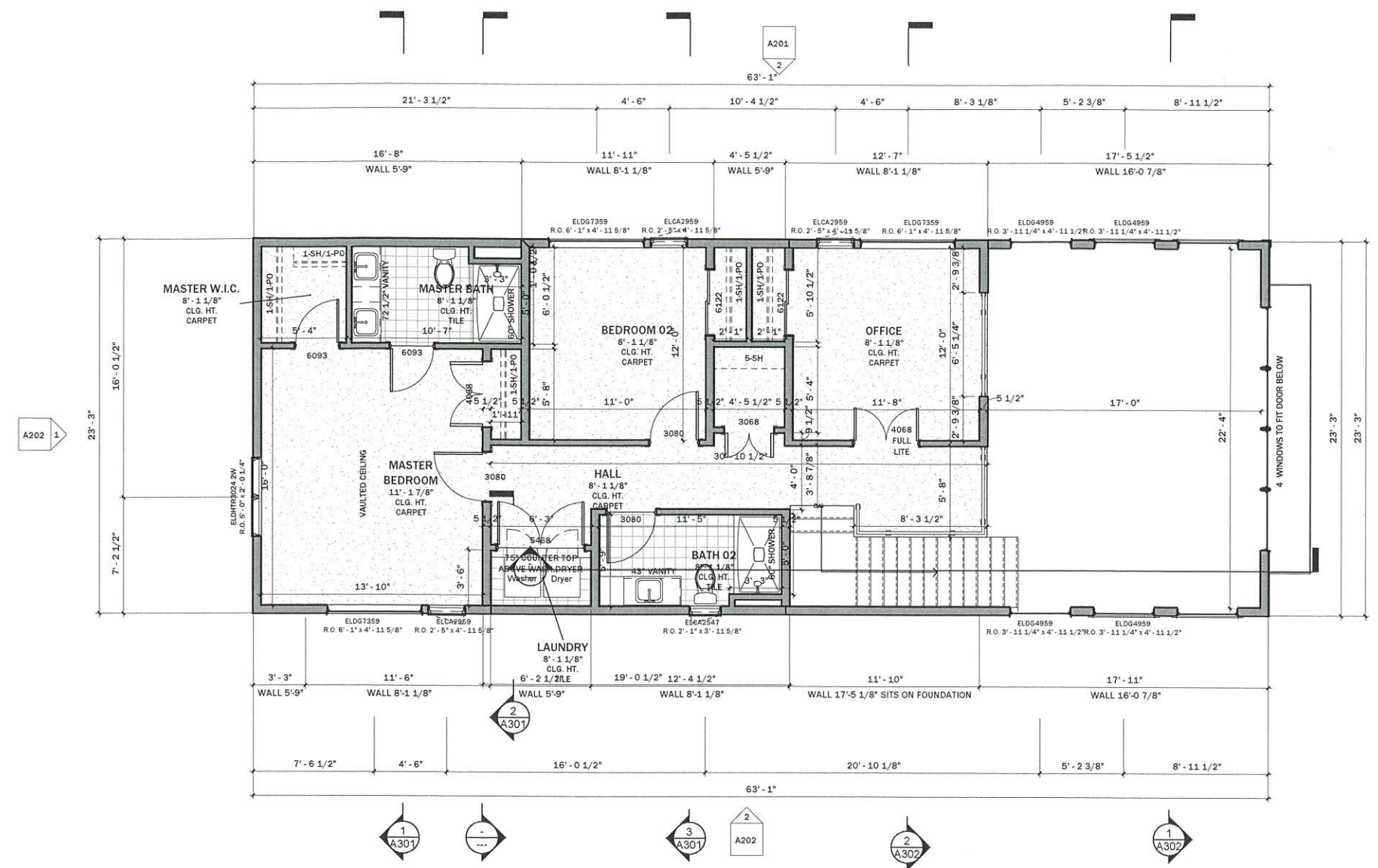
2 Section 15
 SCALE: 1/4" = 1'-0"

PRELIMINARY

SECTIONS

SCALE: 1/4" = 1'-0"

A301



1 SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

- FLOOR SYSTEM INFORMATION**
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 - 0.33" MAX LIVE LOAD DEFLECTION
- ROOF INFORMATION**
- REFER TO ROOF PLAN FOR ROOF INFORMATION
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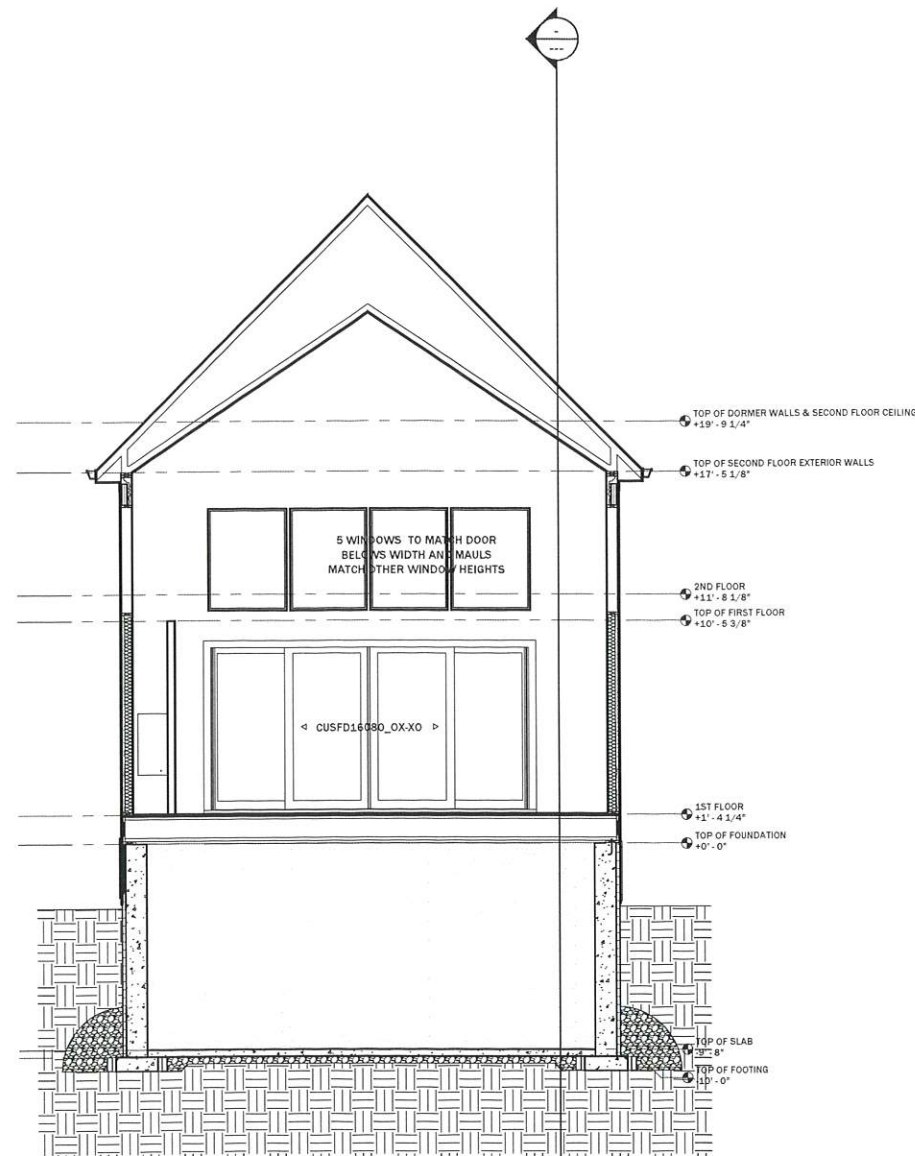
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- REFER TO TYPICAL WALL SECTIONS FOR ADDITIONAL FOUNDATION INFORMATION
 - ALL DIMENSIONS ARE TO FACE OF STUD OR FACE TO FACE OF CONCRETE
 - THE CONDITIONS LISTED HERE ARE STANDARDS FOR THE PLAN. EXCEPTIONS ARE NOTED ON THE PLAN

PRELIMINARY

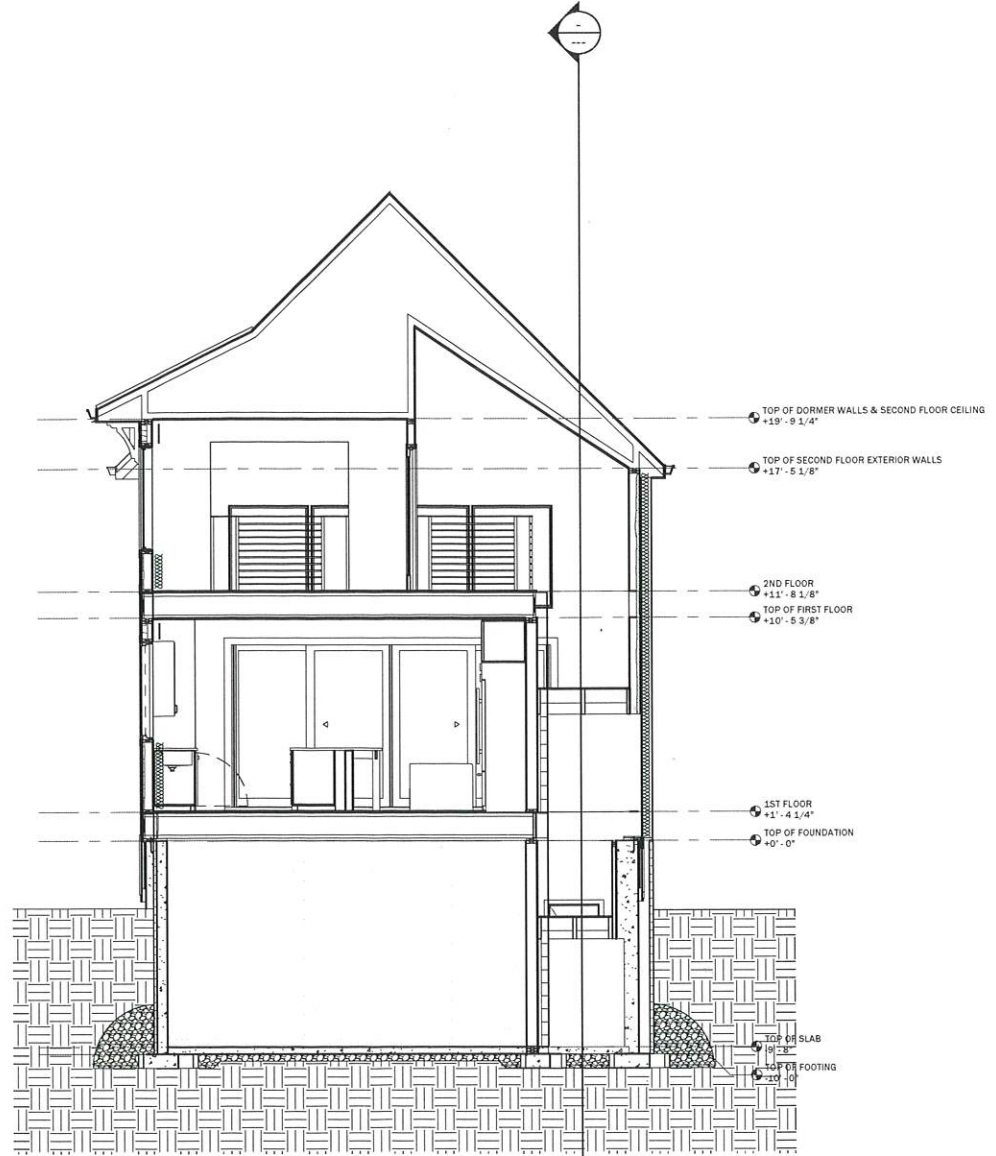
**SECOND
FLOOR
PLAN**

SCALE: 1/4" = 1'-0"

A103



1 Section 13
SCALE: 1/4" = 1'-0"



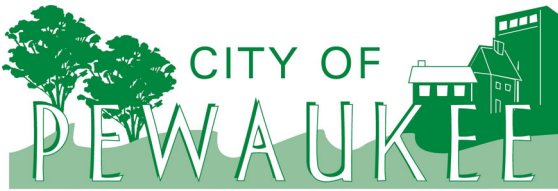
2 Section 12
SCALE: 1/4" = 1'-0"

PRELIMINARY

SECTIONS

SCALE: 1/4" = 1'-0"

A302



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REPORT TO THE ZONING BOARD OF APPEALS

Meeting of July 26, 2023

Date: July 10, 2023

Project Name: Kreuger Variance Request

Project Address/Tax Key No.: N27W27128 Woodland Drive/PWC 0933126

Applicant: Rebecca Krueger

Property Owner: Rebecca Krueger

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

Proposed Zoning: Same

2050 Land Use Map Designation: Medium Density Residential (6,500 SQ. FT. – ½ AC. / D.U.) and Floodplains, Lowland & Upland Conservancy and Other Natural Areas

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

Project Description/Analysis:

The applicants filed a Variance Application requesting a variance from 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 has indicated that the plans for the home conform to the required setbacks except for the floodplain setback and lot coverage standards; however, the applicant can mitigate to meet lot coverage.

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.

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 principle use, permitted accessory use, or permitted conditional use in that particular district.
- b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.
 - c. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 - d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
 - f. Additional Requirements in Floodplain District: No variance in or related to a floodplain* shall be granted where:
 - (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
 - (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
 - (3) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result. (See sub-section 17.0435 and WisDNR requirements)
 - (4) The lot or parcel is larger than one-half acre and is not contiguous to existing structures constructed below the regional (base) flood elevation.
 - (5) No good or sufficient cause can be shown; greater than a minimum relief is necessary; there is increased risk to public safety or nuisances; rescue and relief costs would be increased; and, it is contrary to the purposes of this ordinance.
 - (6) Such variance would allow alteration of an historical structure and/or use.
 - g. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 per coverage. A copy shall be maintained with the variance record.

Recommendation:

Staff recommends approval of a Variance from Section 17.0435f. and 17.0436c.(5) to allow for construction of a new home and its accessory structures to be located within 75-feet of the floodplain boundary, subject to Plan Commission and Engineering Department approval of a mitigation plan.