

In attendance: Chairman J. Fuchs, T. Matt, K. Marlin, R. Welcenbach and J. Tredwell. G. Staven and M. Heise were absent and excused. Also present was Clerk/Treasurer K. Tarczewski.

- 1.0 Call to Order and Pledge of Allegiance - Chairman Fuchs called the meeting to order at 6:01 p.m. The Pledge of Allegiance was not recited.
- 2.0 Discussion and Possible Approval of Meeting Minutes dated March 1, 2017

A motion was made and seconded, (K. Marlin, R. Welcenbach) to approve the meeting minutes dated March 1, 2017 noting a small typo correction that needed to be made.

Motion Passed: 5-For: 0-Against.

- 3.0 **PUBLIC HEARING** to discuss and possibly take action regarding the petition of **MATT ROTH** for the property located at N43 W23207 Beaver Court (PWC 0872-001) for variances to build a new detached accessory garage. The proposed detached accessory garage will result in non-compliance with City of Pewaukee Zoning Codes.

- 3.1. 17.0406e (2) An accessory structure shall be no more than 18 feet in height
Mr. Roth is proposing a 22 foot high detached accessory garage and will need a variance of 4 feet to the accessory structure height.
- 3.2. 17.0406f (2) Side yard setback – 25 feet
Mr. Roth is requesting a side yard setback of 17.93 feet at the north end of the proposed detached accessory garage which will require a variance of 7.07 feet. He is also requesting a side yard setback of 15.44 feet at the south end of the proposed detached accessory garage which will require a variance of 9.59 feet.
- 3.3. 17.0902b All detached accessory structures or uses shall not be closer than 10 feet from any other structure on the property and shall not exceed 18 feet in height.
Mr. Roth is proposing the detached accessory garage to be 6 feet from the primary structure and will need a variance of 4 feet.

It was noted that Zoning Administrator J. Gibbs was not present, but was available by phone if needed. The Board decided to move forward with the hearing, noting they had a staff report dated March 9th, 2017 to work off of. It recommended following the letter of the code. Mr. Fuchs swore in Mr. Matt Roth.

Mr. Fuchs reminded Mr. Roth that he needed to prove to the Board that there is a hardship which would unreasonably interfere with the use of his property as intended. Mr. Roth stated his original survey showed more side setback on the north and south than what is truly there. He said he learned while the house was being built it had to be moved to the east due to poor soil conditions and the septic system. He said the septic system is completely in the front yard and it would cost \$15,000 – \$25,000 to move it. He also noted that the tree line was originally thought to be the property line but it isn't. Mr. Roth stated he can't move the proposed structure back because it will be in the flood plain. The cost to level the elevation is expensive, it is estimated to cost \$50,000 - \$75,000 worth of cement since there is a 15.6 foot grade change. He said the house is on a hill and water flows to the back. He said his deck right off the house has steel eye beams and would be difficult to move and he doesn't want his garage next to it. Mr. Roth stated he is also requesting a variance to height,

because he wants to match the existing profile of what is currently there. He was also hoping to put a wood shop above.

Mr. Fuchs stated these hardships are not of Mr. Roth's own creation.

Mr. Roth submitted more pictures that would be added to his application. The Board members reviewed the pictures and asked follow up questions.

It was noted that no neighbors were in attendance. The Board asked about the notice requirements. Ms. Tarczewski stated she mails a notice to the property owners 1,000 feet from the petitioner's property, it is published in the newspaper, the agenda is posted in 4 places throughout the City and it is put on the City's website. Mr. Roth stated he talked to his neighbors about his plans.

Mr. Roth noted another reason to put the structure where he is proposing is to keep the rock retaining wall. He said it is reinforced with rebar and a layer of mortar which would be difficult to move and it is needed for soil condition control. He said the proposed addition will have to be elevated approximately 5 feet and would need a footer and concrete walls which would be filled in with 1 inch clear stone and compacted. He said frost walls are needed at the depth of 6 feet which will add up to 10.5 feet of concrete.

Mr. Tredwell asked about the design of the project. Mr. Roth stated it would be uniform to his home, using the same styles of shingles, doors and same color.

Mr. Matt asked about the stairway. Mr. Roth stated it is for the attic trusses and the upper level would basically be storage. He said it would be approximately 8 feet wide on top and it would not be used for living space.

Mr. Matt stated he had no understanding of the hardship until he viewed the pictures and found out all the landscaping that needs to be redone. He believes the proposed location is the logical place for the structure.

Mr. Tredwell agreed. He said the way the site is laid out it is a reasonable hardship and no neighbors voiced their objections. Ms. Marlin and Mr. Welcenbach also agreed. Mr. Fuchs listed the numerous hardships; septic system, flood plain, the proximity to deck and retaining wall all four factors. He said the 4 foot variance on height isn't necessarily a hardship, but may be a condition to make it blend in and doesn't have an issue with any of his requests.

A motion was made and seconded, (T. Matt, J. Tredwell) to approve the three (3) variances which include the height and the two side yard setbacks as requested by Mr. Roth. Motion Passed: 5-For, 0-Against.

A motion was made and seconded, (J. Fuchs, K. Marlin) to impose the following conditions; Mr. Roth must build the structure in the exact location as presented, he must use the construction materials as presented and must follow any applicable zoning codes. Motion Passed: 5-For, 0-Against.

Ms. Marlin asked Mr. Roth if there were any subdivision declarations that would prohibit him to build another garage on his property. Mr. Roth stated there was nothing.

4.0 Adjournment

A motion was made and seconded, (T. Matt, J. Tredwell) to adjourn the meeting at 6:27 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer