

## Building Services

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

~ REVISED ~

### ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

**Tuesday, August 18, 2020**

**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 Zoning Board of Appeals Meeting Minutes Dated June 9th, 2020
  3. Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated November 12th, 2019
  4. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Petition of Stephen Siodlarz of the Waukesha County Department of Parks and Land Use for the Property Bearing the Tax Key Number of PWC 0959-988-001 for a Variance from **Section 17.0432f(2)** to Allow Construction of the Trailhead and Parking Lot Within 75-feet of the F-1 Floodplain District (100-Year Floodplain) and 25-Feet from a Wetland as Well as **Section 17.0432g(2)** to Allow the Parking Lot Within 30-Feet of the Public Right-of-Way. The Parking Lot will be Located Adjacent to a Wetland Areas, 32-Feet from the Floodplain and Will Extend to the Street Side Property Line and into the City's Right-of-Way.
  5. **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 27.3 Feet to 6.9 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 4.7 Feet and a West Side Yard Setback of 3.8 Feet, Opposed to the Rs-7 District Minimum Side Yard Setback of 8-Feet for 2-Story Structures.
  6. Adjournment

Kelly Tarczewski  
Clerk/Treasurer

August 13, 2020

#### NOTICE

This in-person meeting will have the option to attend virtually or by phone due to the Governor's Emergency Safer At Home order due to the

COVID-19 virus.

To attend this meeting virtually or by phone please stop by Pewaukee City Hall or contact Kelly Tarczewski, City Clerk, 262-691-0770, [tarczewski@pewaukee.wi.us](mailto: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 Building Services office, at (262) 691-9107 by 11:00 a.m. the Monday 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:** August 18, 2020

**DEPARTMENT:** Clerk/Treasurer

**PROVIDED BY:**

***SUBJECT:***

Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated June 9th, 2020

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

**ATTACHMENTS:**

Description

ZBA Minutes 6/9/2020

**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 and Payroll Specialist N. McMillian.

1. Call to Order and Pledge of Allegiance – Ms. Marlin called the meeting to order at 6:01 p.m.
2. Discussion and Possible Action Regarding the Zoning Board of Appeals Meeting Minutes Dated November 12, 2019

The meeting minutes were not available. No action was taken.

3. Discussion and possible action to grant an extension on the action previously taken at the Public Hearing held on November 12, 2019 regarding the petition of Tracey Catarozoli and John Burdick for the Property Located at N27 W27158 Woodland Drive (PWC 0933-130) for variances from Section 17.0411a and b and 17.0410f(1) and (2) to allow for the construction of a 576 square foot detached accessory building with a front and side yard setback of approximately 2.80-feet, opposed to the minimum front yard setback of 20-feet and side yard setback of 5-feet. Additionally, for a variance from 17.0436d to increase the existing nonconforming lot coverage of permanent structures onsite by approximately 118 square feet, further exceeding the maximum lot coverage requirement of 20% for permanent structures.

Ms. Marlin stated the petitioner requested an extension on the variance. The petitioner stated in a letter that the pandemic slowed construction and they need additional time to get the additional accessory building erected. Mr. Fuchs stated he has been in contact with the applicant and has no objection to the extension.

**A motion was made and seconded (T. Matt, J. Tredwell) to grant the extension on the action previously taken at the public hearing held on November 12, 2019.** Motion Passed: 4-For, 0-Against.

4. **PUBLIC HEARING** and possible action regarding the petition of Eric Reisner for the property located at N28 W27558 Peninsula Drive (PWC 0933-062) for variances from Section 17.0411a and 17.0410e(2) to allow a height of 22'-4", opposed to the maximum allowed accessory building height of 18-feet to allow for the construction of a detached accessory building.

Mr. Fuchs stated the applicant wants a variance for 22'4" as opposed to the 18-foot height maximum restrictions for accessory structures. He said the added space would be used as a recreation room and additional storage. Mr. Fuchs said the staff recommendation is denial of the application due to criteria not being met from 17.1007. He did state that the applicant provided responses to those and should be reviewed and considered by the Board.

Eric Reisner was present for this item. He said he wants to raise the roof on the existing garage by fourfeet to have walking height for a ping-pong table and storage. He said two years ago he tried to build a new house on this lot which was turned down due to the water.

Mr. Tredwell stated in the property owner's application there was a statement made that if the variance was given the renovation would be equal to the neighbors, maintaining the standard for newly renovated homes. He asked the applicant if he thought that was a true and accurate statement. Mr. Reisner agreed that was an

accurate statement and of the 30 plus houses, only four detached garages remain, whereas the rest are now two-story garages attached to the homes. Mr. Reisner stated the other garages are still taller.

Ms. Marlin asked Mr. Reisner if there was anything unique about the property compared to others on the street. Mr. Reisner stated he renovated the original structure, whereas everyone else has knocked down and built two or three stories.

Ms. Marlin stated Mr. Reisner is asking for an area variance which seeks relief from a dimensional restriction. She said the Board should analyze whether there is unnecessary hardship due to the conditions of the property, unique conditions to the property and if it would cause no harm to the public interest to allow the variance.

Mr. Matt stated he does not see the hardship in this because they can rebuild the garage the way it is and have storage on the second floor. They cannot use it as a recreation room because a detached garage cannot be used for living space. He doesn't want to see illegal rentals of detached garages that may be used as a party house.

Mr. Welcenbach stated it is a self-created hardship. Factors such as being the same height as others or blocking views of the lake are not factors that go to whether it's necessary to have the variance. He said it doesn't meet the standards to grant the variance.

Ms. Marlin noted the struggle to meet the first two statutory tests. She said a lack of recreation space and lack of storage is not an unnecessary burden.

**A motion was made and seconded (T. Matt, R. Welcenbach) to deny the application.**

Motion Passed: 4-For, 0-Against.

5. Adjournment

**A motion was made and seconded (J. Treadwell, R. Welcenbach) to adjourn the meeting at 6:12 p.m.**

Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Nadine McMillian  
Accounting and Payroll Specialist

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

**DATE:** August 18, 2020

**DEPARTMENT:** Clerk/Treasurer

**PROVIDED BY:**

***SUBJECT:***

Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated November 12th, 2019

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

**ATTACHMENTS:**

Description

ZBA Minutes 11/12/2019

**In attendance:**

R. Welcenbach, T. Matt, 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

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

2. Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes for Olson / Pewaukee Realty Dated October 2, 2019

**A motion was made and seconded (J. Tredwell, R. Welcenbach) to approve the Zoning Board of Appeals meeting minutes dated October 2, 2019.** Motion Passed: 3-For, 0-Against, 1-Abstain (T. Matt).

3. **PUBLIC HEARING** and Possible Action Regarding the Petition of **Tracey Catarozoli and John Burdick** for the Property Located at **N27 W27158 Woodland Drive (PWC 0933-130)** for variances from **Section 17.0411a and b** and **17.0410f(1) and (2)** to allow for the construction of a 576 square foot detached accessory building with a front and side yard setback of approximately 2.80-feet, opposed to the minimum front yard setback of 20-feet and side yard setback of 5-feet. Additionally, for a variance from **17.0436d** to increase the existing nonconforming lot coverage of permanent structures onsite by approximately 118 square feet, further exceeding the maximum lot coverage requirement of 20% for permanent structures.

Mr. Fuchs stated the property owner is proposing to replace the existing detached garage. He said the new garage is slightly larger than the existing. Mr. Fuchs stated the current garage measures 22' x 20' and the proposed garage would measure 24' x 24'. He said the variance requested is for lot coverage issues and setbacks from the street on the West property line by 2.8'. He said these are the same setbacks as the existing garage. Mr. Fuchs said staff is recommending approval. He said the garage is consistent with the surrounding area. He stated the property owner would struggle to meet the front yard setback if the structure was pushed back. It would not meet the 10' building separation requirement with the house, and it would be difficult to shift the garage to meet the five foot setback, which would narrow the driveway.

Mr. Matt asked if the proposed garage would be 10' away from the house. Mr. Fuchs confirmed it would be. Ms. Marlin asked if it was moving slightly closer to the house. Mr. Fuchs stated yes, but it will still meet the 10' separation requirement.

The property owners stated the garage has already been torn down.

Mr. Matt asked about the green space. He said there is a great deal of asphalt around the existing garage going up to the house. He said the property owner could increase the green space if they removed some of the asphalt. The property owner stated they will be removing some of the asphalt and the sidewalk to add greenspace to the property.

**A motion was made and seconded (R. Welcenbach, J. Tredwell) to approve the variances from Section 17.0411a and b and 17.0410f(1) and (2) to allow for the construction of a 576 square foot detached accessory building with a front and side yard setback of approximately 2.80-feet, opposed to the minimum front yard setback of 20-feet and side yard setback of 5-feet. Additionally, for a variance from 17.0436d to increase the existing nonconforming lot coverage of permanent structures onsite by approximately 118 square feet, further exceeding the maximum lot coverage requirement of 20 percent for permanent structures.**

Motion Passed: 4-For, 0-Against.

Ms. Catarozoli asked if the roof pitch of 7/12 is acceptable. Mr. Fuchs stated he didn't recall that conversation. He asked if they would be under 18'. Ms. Catarozoli confirmed it was. Mr. Fuchs stated that would be fine.

4. Adjournment

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

Motion Passed: 4-For, 0-Against.

Respectively Submitted,

Kelly Tarczewski  
Clerk/Treasurer

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

**DATE:** August 18, 2020

**DEPARTMENT:** Clerk/Treasurer

**PROVIDED BY:**

***SUBJECT:***

**PUBLIC HEARING,** Discussion and Possible Action Regarding the Petition of Stephen Siodlarz of the Waukesha County Department of Parks and Land Use for the Property Bearing the Tax Key Number of PWC 0959-988-001 for a Variance from **Section 17.0432f(2)** to Allow Construction of the Trailhead and Parking Lot Within 75-feet of the F-1 Floodplain District (100-Year Floodplain) and 25-Feet from a Wetland as Well as **Section 17.0432g(2)** to Allow the Parking Lot Within 30-Feet of the Public Right-of-Way. The Parking Lot will be Located Adjacent to a Wetland Areas, 32-Feet from the Floodplain and Will Extend to the Street Side Property Line and into the City's Right-of-Way.

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

**ATTACHMENTS:**

Description  
Staff Report  
Waukesha County Application



**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](mailto:fuchs@pewaukee.wi.us)

## REPORT TO THE ZONING BOARD OF APPEALS

Meeting of August 18, 2020

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**Date:** August 5, 2020

**Project Name:** Waukesha County Pewaukee to Brookfield Trail

**Project Address/Tax Key No.:** Not Assigned/PWC0959988001

**Applicant:** Waukesha County

**Property Owner:** Siepmann Realty

**Current Zoning:** LC Lowland Conservancy District, UC Upland Conservancy District, F-1 Floodplain District, and SO Shoreland Overlay District

**Proposed Zoning:** P-1 Park and Open Space District and F-1 Floodplain District

**2050 Land Use Map Designation:** Floodplains, Lowland & Upland Conservancy and Other Natural Areas

**Use of Surrounding Properties:** North Avenue, single-family residential and the Fox River to the north, I-94 to the south, floodplain to the east and upland conservancy to the west

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### **Project Description/Analysis:**

The applicant submitted a Variance Application related to the construction of a recreational trail and trailhead for the Waukesha County Pewaukee to Brookfield Trail. The project will include a 5-stall parking lot at the south end of North Avenue (north end of the subject property) and a 10-foot wide asphalt trail heading south from the trailhead. This trail extension will connect to the main regional trail, which runs through the City of Pewaukee via an abandoned railroad right-of-way that is owned by Waukesha County.

The applicant has also filed a Petition for Rezoning and Site and Building Plans for the trail, which will be reviewed by the Plan Commission and Common Council.

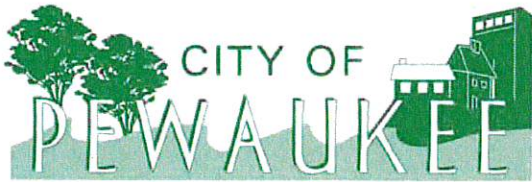
The applicant is requesting a variance from Section 17.0432f.(2) to allow construction of the trailhead and parking lot within 75-feet of the F-1 Floodplain District (100-year floodplain) and 25-feet from a wetland as well as Section 17.0432g.(2) to allow the parking lot within 30-feet of the public right-of-way. The parking lot will be located adjacent to a wetland area, 32-feet from the floodplain and will extend to the street side property line and into the City's right-of-way.

The Board of Zoning Appeals must review the application materials provided as well as Section 17.1007 of the City's Zoning Code, 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 applicant has provided sufficient evidence that demonstrates the Findings of Section 17.1007 are met; therefore, staff recommends approval of the variance request.

More specifically, staff contends that the parking lot is located as far as possible from the floodplain while still being set at an elevation that meets ADA requirements, the design of the parking lot has been reduced to 5 parking stalls to minimize setback impacts, and there is not sufficient area onsite to reasonably construct the trailhead within the setback requirements. Additionally, exceptional circumstances exist as the subject property is irregularly shaped with a significant amount of floodplain and wetland on it. Further the trail itself is a Permitted Use within the floodplain and is designed to not impact the floodplain or raise the base flood elevation.



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](mailto: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: \_\_\_\_\_

**Section 17.0432f.(2):** All structures shall be set back a minimum of 75 feet from the designated 100 year recurrence interval (base flood) floodplain of all navigable streams and bodies of water and 25 feet from any designated wetland (Also see sub-section 17.0435)

**Section 17.0432g.(2):** There shall be no parking or loading area within 30 feet of a street right-of-way.

**Legal description of property to be rezoned – Please attach.**

**Common property description or name:** Not applicable PWC 0959988001  
**Property Address:** Vacant Land Siepmann Realty **Tax Key Number(s):** PWC 0959988001  
**Property owner(s) (Full Legal Name):** Siepmann Realty (c/o John Siepmann) Waukesha, WI 53188  
**Owner’s Address:** W240N1221 Pewaukee Rd **City/State/Zip:** Waukesha, WI 53188  
**Phone:** (o) 262.650.9700/ (c) 414.491.3536 **Email:** John@siepmannrealty.com

**Applicant (Full Legal Name):**  
**Name:** Stephen Siodlarz  
**Company:** Waukesha County Dept of Parks and Land Use  
**Address:** 515 W. Moreland Blvd Room AC230  
**City/State/Zip:** Waukesha, WI 53188  
**Phone:** (262) 548-7793  
**Email:** ssiodlarz@waukeshacounty.gov

**Contact Person (Full Legal Name):**  
**Name:** Lynda Fink  
**Company:** KL Engineering, Inc.  
**Address:** W175N11081 Stonewood Drive Suite 211  
**City/State/Zip:** Germantown, WI 53022  
**Phone:** (262) 735-4856  
**Email:** lfink@klengineering.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 [tarzewski@pewaukee.wi.us](mailto:tarzewski@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.




**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](mailto: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.

By execution of this application, the property owner(s) authorize the City of Pewaukee and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(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):** STEPHEN SIODLACZ, LANDSCAPE ARCHITECT  
**SIGN AND DATED this** 4<sup>th</sup> **day of** AUGUST, 2020.

**PROPERTY OWNER'S SIGNATURE:** (email attached with permission- County currently acquiring property) \_\_\_\_\_  
**NAME & TITLE (PRINT):** \_\_\_\_\_  
**SIGN AND DATED this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_.

**PROPERTY OWNER'S SIGNATURE:** \_\_\_\_\_  
**NAME & TITLE (PRINT):** \_\_\_\_\_  
**SIGN AND DATED this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_.

City Staff-

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

## Lynda Fink

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**From:** John Siepmann <John@siepmannrealty.com>  
**Sent:** Monday, July 6, 2020 2:48 PM  
**To:** Lynda Fink  
**Cc:** Stephen Siodlarz  
**Subject:** RE: Pewaukee to Brookfield Trail project - City of Pewaukee preliminary permitting applications with your permission

Caution External Email

Linda,

We have received the information and have no objections to the layout and concur with your commencement of the permitting process.

**From:** Lynda Fink <lfink@klengineering.com>  
**Sent:** Thursday, July 2, 2020 10:36 AM  
**To:** John Siepmann <John@siepmannrealty.com>  
**Cc:** Stephen Siodlarz <ssiodlarz@waukeshacounty.gov>  
**Subject:** Pewaukee to Brookfield Trail project - City of Pewaukee preliminary permitting applications with your permission

July 2, 2020

John-

As with all new construction projects, we will be applying for a variety of permits with different authorities. As you're aware, we're planning to construct a small parking lot (small 5-stall) and then a connector trail to the main trail on the property that you currently own (and the County is interested in acquiring from you for and currently is in process). I have attached an overview of the plan to this email as well.

I am working on the draft permits (internal City staff review) for the City of Pewaukee right now. This includes the following permits:

- Site Plan Review: For the construction of the parking lot and connector trail
- Rezoning:
  - Currently the property is zoned as floodplain (F-1) and LC (Lowland Conservancy).
  - The trail is in F-1, but where we are planning for the parking lot is currently zoned as LC. We are requesting that the LC is rezoned to to Park and Open space (P-1) as the parking lot and trail are allowable elements within that district (are not in LC)
- Variance Request:
  - The City requires a 75' offset from floodplain and a 25' offset from wetlands.
  - As the majority of the parcel is wetlands, we aren't meeting that requirement and will be traversing directly through.
  - Although the parking lot is outside the floodplain, it is not 75' away.
  - NOTE: We will also be securing permits from WisDNR and Army corps of Engineering for wetland fill for this area (and a WRAPP permit for grading)

In order to meet the multi-month approval process and get the construction project bid out in winter 2020, we need to start the Pewaukee permitting process now, so I am requesting your concurrence in us starting the permitting. I will also need a signature on the final permits after staff review, but for now, a concurrence via e-mail is OK.

Waukesha County is the applicant and you are listed as the property owner. You will incur no fees with the application nor are required to attend any meetings to such or have any add'l responsibilities through the process.

If you have any questions, please do not hesitate to call me at 262.804.1337 or email me as well. Otherwise, if you are OK with us applying, if you could just reply to this email with your concurrence, I would appreciate it greatly. We are hoping to submit these permits on Monday, July 6<sup>th</sup>.

As noted above, we would send you the final permits for signature after internal city staff review and required modifications.

Thank you very much!

Lynda

Lynda Fink, PLA  
Project Manager

KL Engineering, Inc.  
W175N11081 Stonewood Drive, Suite 211  
Germantown, WI 53022  
262.804.1337 - cell  
262.735.4856 - office  
[lfink@klengineering.com](mailto:lfink@klengineering.com)



[klengineering.com](http://klengineering.com)

***On behalf of KL Engineering, Inc., I hope you, your family, friends, and colleagues are safe and healthy. We would like to reassure you that we are open and look forward to working with you. Our main office line is open and you will either get a live greeting or an auto-attendant. If you receive an auto-attendant feel free to dial my extension 283 or dial my line direct at 262.345.3824.***

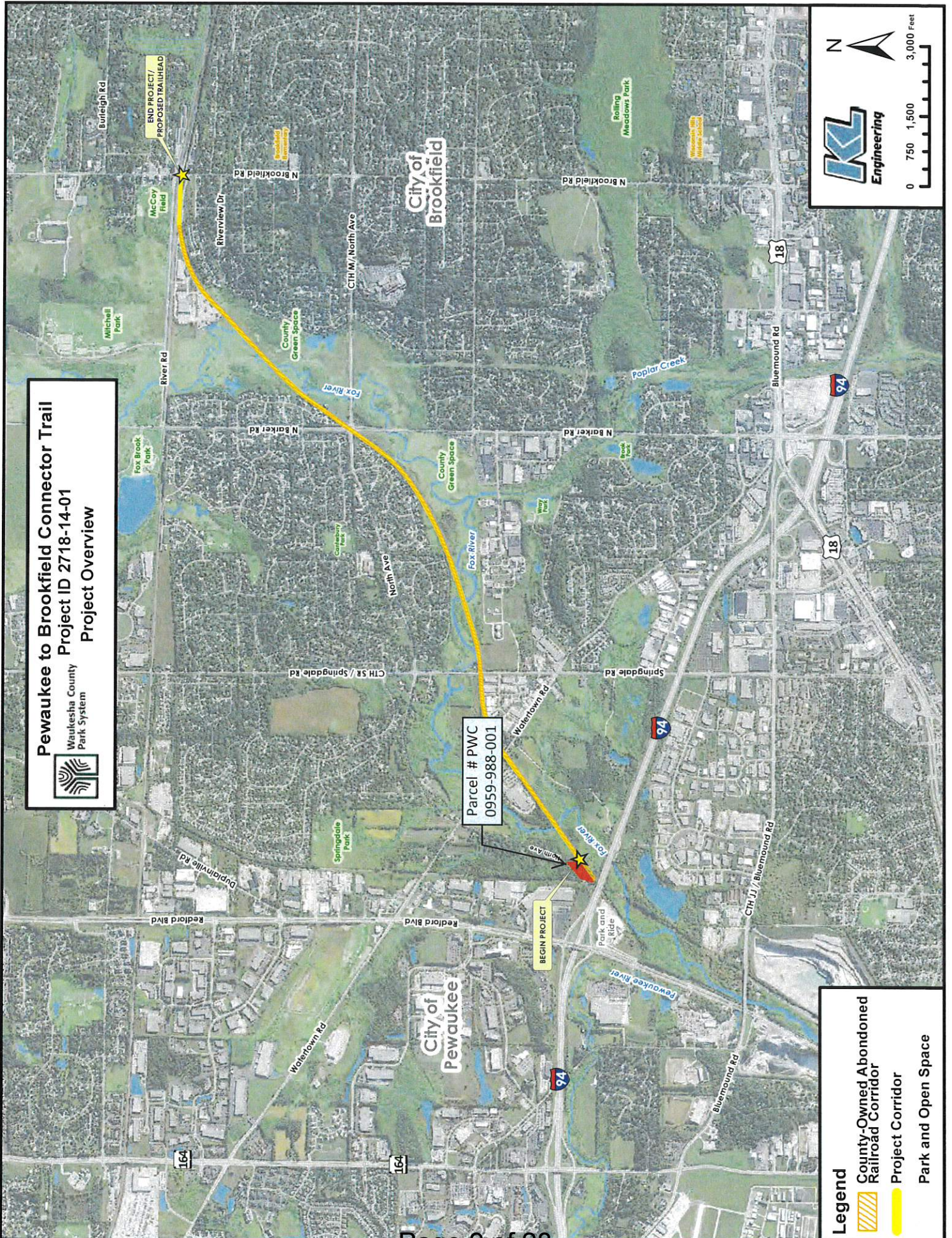
## Permit Variance Request Application Attachments

1. Project Location Maps (2)
2. Project Narrative
3. Variance Findings Form
4. Legal description
5. Property Plat
6. Plan & Profile sheets
  - a. Parking Lot
  - b. Connector Trail
7. Typical Sections
8. Detail sheets
  - a. Grading & Layout
  - b. Signing & Marking
  - c. Erosion Control
9. Cross Sections
  - a. Parking Lot
  - b. Connector Trail




**Pewaukee to Brookfield Connector Trail**  
 Project ID 2718-14-01  
 Project Overview

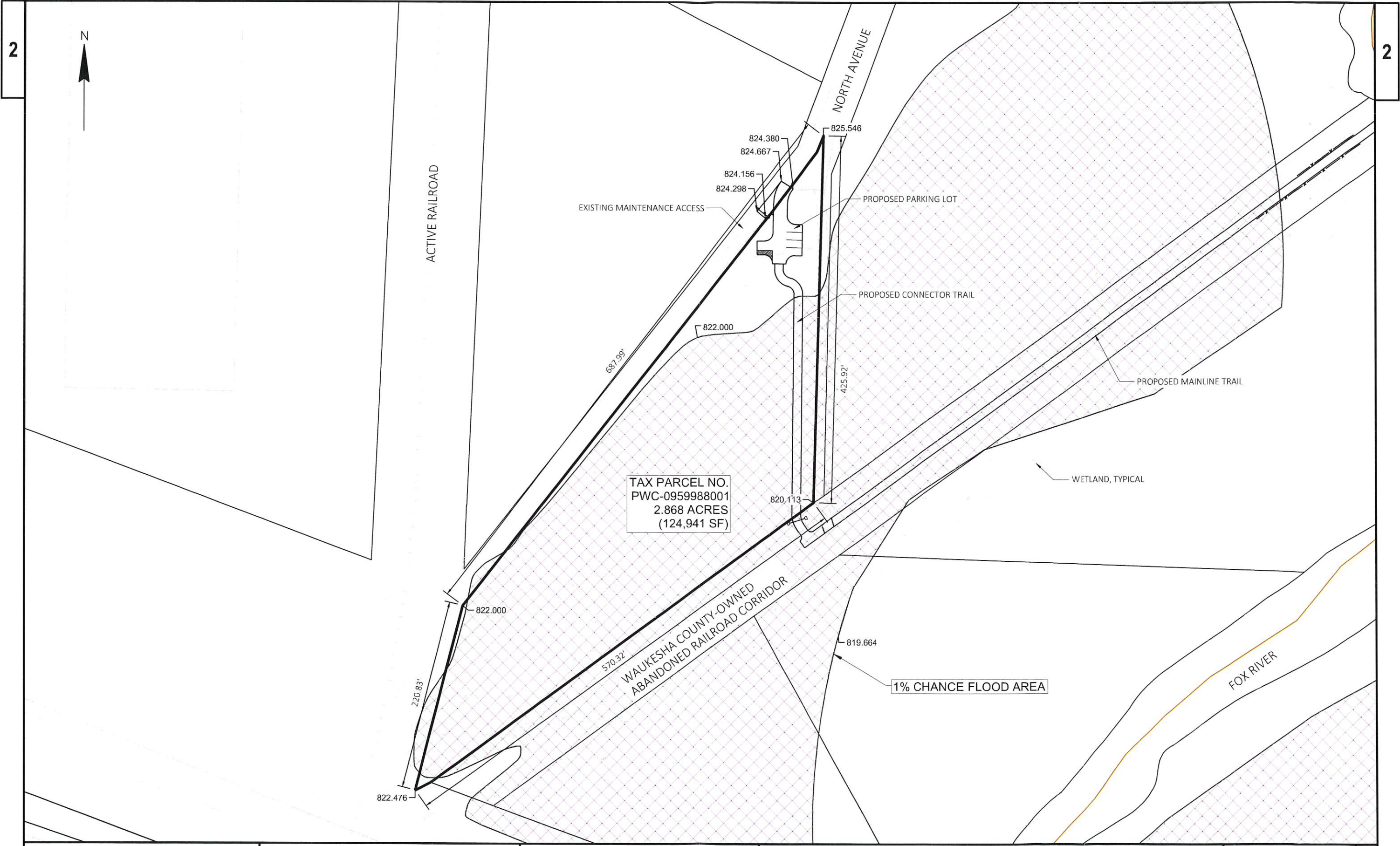


Waukesha County  
 Park System



**Legend**

-  County-Owned Abandoned Railroad Corridor
-  Project Corridor
-  Park and Open Space



2

2

## City of Pewaukee Variance Request Permit Narrative

Waukesha County in cooperation with WisDOT will be constructing the Pewaukee to Brookfield Trail (WisDOT ID #2718-14-01). The regional trail will consist of a 10' wide paved trail on the abandoned railroad corridor owned by the County and will stretch 3.5 miles from Pewaukee to downtown Brookfield.

As part of this project, the County will be constructing a small, 5-stall parking lot at the south end of North Avenue within the City of Pewaukee. The parking lot will then provide access via a 10' wide asphalt connector trail to the main trail on the abandoned rail corridor. The County is in the process of acquiring tax parcel #PWC 0959988001 to include these improvements.

The work on this site will include the following:

- Site preparation/finishing: Erosion control, clearing & grubbing, grading & restoration
- Construction of a 5-stall parking lot: Geogrid, stone base, HMA pavement, signing and marking.
- Construction of a 10' wide asphalt trail: geogrid, stone base, asphaltic surface, signing and marking.
- City/ RR Maintenance access improvements: formalized pavement past the parking lot entrance drive and a new maintenance gate.

The proposed parking lot will serve as a safe, off-road trailhead for trail users and allow for an off-street parking option. The connector trail is needed to then provide a connection to the mainline trail within the abandoned railroad corridor. Trailheads are located at both ends of the proposed trail --- with this small parking lot at North Avenue and then a connection to the redeveloped train depot parking lot on the north end.

In addition to the site plan permit and rezoning permit (from LC to P-1), we are requesting three variances for this new facility construction:

- 75' floodplain setback
- 25' wetland setback
- Parking within 30' of street RR/W

**The Specific ordinance sections for the variance requests are the following:**

- Section 17.0432f.(2): All structures shall be set back a minimum of 75 feet from the designated 100 year recurrence interval (base flood) floodplain of all navigable streams and bodies of water and 25 feet from any designated wetland (Also see sub-section 17.0435)
- Section 17.0432g.(2): There shall be no parking or loading area within 30 feet of a street right-of-way.

**Floodplain setback exemption request:**

- The Fox River floodplain extends into the majority of this parcel.
- The parking lot is located outside the 1% floodplain, but is only 32' away and there is no available property that would meet the 75' setback.
- The parking lot was reduced in size to a 5-stall lot to minimize environmental impacts.
- The parking lot was designed to minimize wetland fill & grading as noted below:
  - The floodplain elevation is at 822' and the parking lot elevation is from
  - 822.88 to the highest point of the parking lot is at 824.6' to match in at North Avenue.
  - The parking lot needs to match into the existing elevation of North Avenue and also meet ADA requirements with the cross and running slope.

- The existing abandoned railroad corridor and private drive currently serve as a barrier between the Fox River and the parcel to be developed with the plateaus being located between 821.7' and 822.6' in elevation.
- The connector trail is being constructed to follow the existing topography with the exception of the connection points to the proposed new parking lot and the existing RR ballast surface.
- The connector trail travels through the floodplain, but is an allowable use.
- Both the connector trail and the parking lot will be constructed for finished elevation to follow existing grade and will not raise the floodplain.

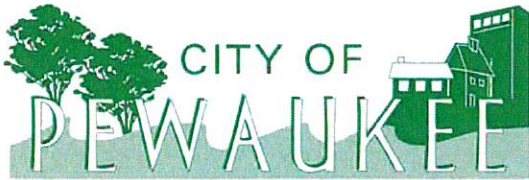
**Wetland setback exemption request:**

- The majority of the parcel is located within designated wetlands. The original trailhead parking lot design was shrunk down to a 5-stall lot to construct on the non-wetland part of the property and minimize impacts.
- The trail itself and parking lot were built to be close to the existing topography to minimize wetland fill with side slopes as well.

**Parking within 30' of Street R/W:**

- The configuration of the R/W within the proposed parking lot area is unique in including a City of Pewaukee unimproved road R/W that is currently being utilized as a maintenance drive for the City and the railroad.
- North Avenue dead-ends at the subject property.
- The siting and layout of the proposed parking lot was developed based on minimizing the # of stalls after public input, minimization of wetland impacts, and feedback from the City in reference to their roadway maintenance operations.
- The City and County will be developing a separate agreement to allow for the trail/ parking lot within a portion of the City R/W (unimproved road R/W).

The County will also be applying for WisDNR and ACOE permits for the entire project. A "Chapter 30" (waterways) permit will be applied for for the bridge rehabilitation on the County's corridor. The County will also apply for a "Wetland Disturbance – Recreational Development" permit (general permit) as part of the project. Finally, the County will be applying for the appropriate stormwater/ grading permits with the County and WisDNR. All permits will be in place prior to the start of construction. The County will forward the approved permits to the City of Pewaukee upon receipt. The County will apply for any additional city of Pewaukee stormwater or erosion control permits that they require.



**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](mailto:fuchs@pewaukee.wi.us)

**VARIANCE FINDINGS FORM**

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

Date: 07.06.20 Property Owner: Siepmann Realty (c/o John Siepmann)  
 Property Address: Vacant land - Tax Key : PWC 0959988001

**\*\*Project Narrative includes additional applicable information to this form.**

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.

Variance will allow for the construction of a trail and small parking lot that will serve the regional trail that will be constructed on the County-owned abandoned corridor.

- 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.

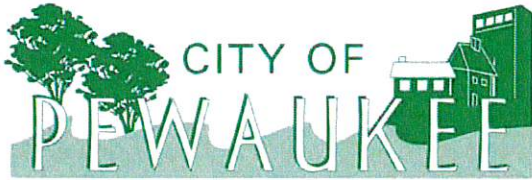
The typical 75' offset from floodplain boundary and 25' offset from wetland boundary is needed based on available real estate and limited location for the trailhead. The parking lot was located to maximize the offset from the floodplain, minimize wetland impacts, and designed in conjunction with the city of Pewaukee to assure roadway operations were not negatively impacted.

- 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.

There is no economic, financial or self-imposed hardship that requires the variance. The location of the parking lot and the connector trail are tied to the end of North Avenue and the start of the regional trail on the County-owned abandoned RR corridor.

- 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.

No negative impacts are anticipated for adjacent properties based on the construction of the trail and parking lot on this parcel.



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

- 
- 
- e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

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No negative impacts are anticipated for adjacent properties based on the construction of the trail and parking lot on this parcel

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- 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.

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No negative impacts are anticipated to the base floodplain and no historical structures are impacted. Per the cross section of the area, the existing private drive are higher than the proposed trail located within the floodplain. The parking lot is located outside the floodplain, but at a 32' set back vs. 75'. WisDNR and ACOE permits for wetland disturbance for recreational activities will be acquired for the project as well.

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- 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.
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- 
-

LEGAL DESCRIPTION:

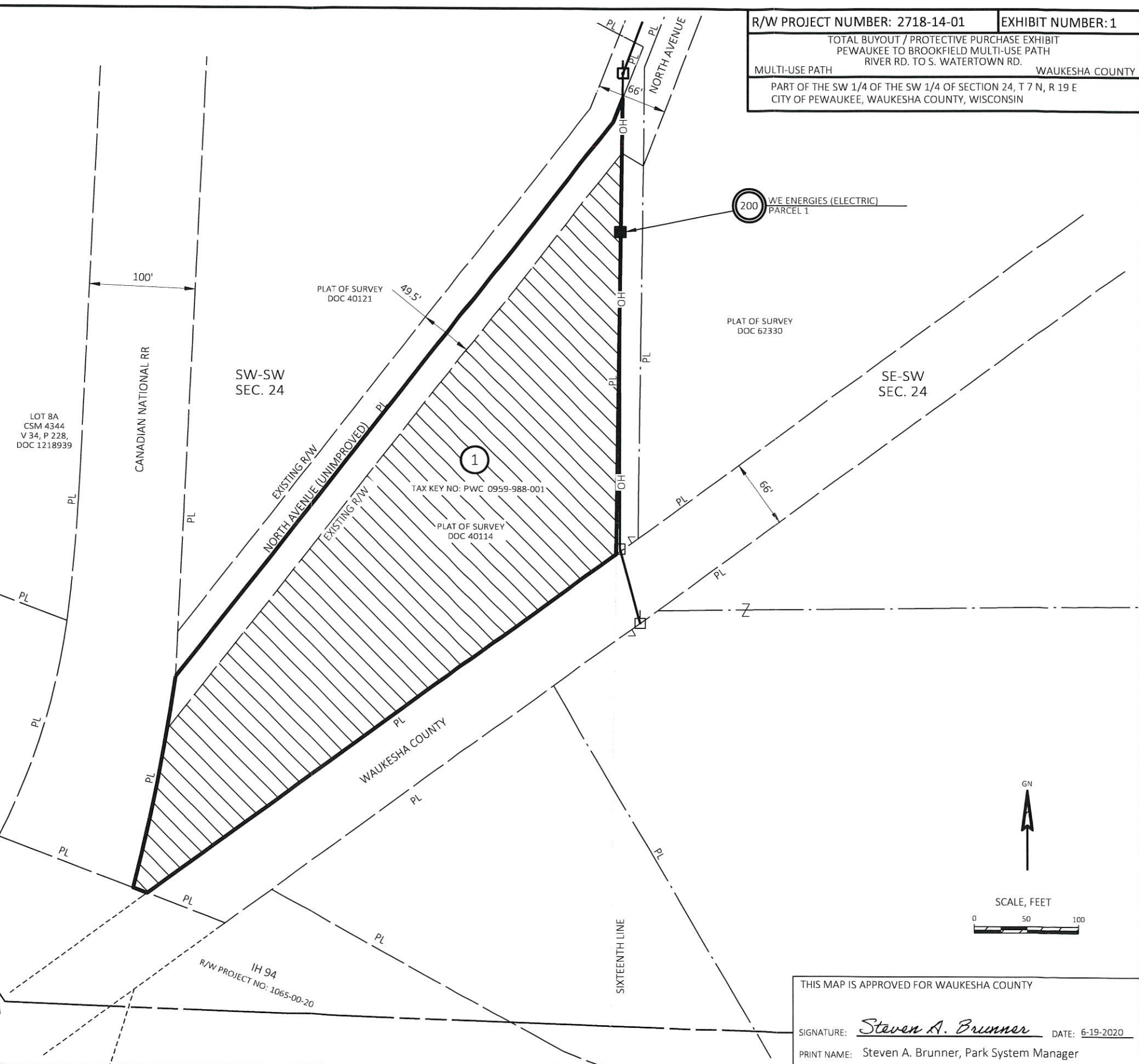
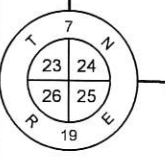
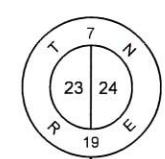
ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 7 NORTH RANGE 19 EAST, IN THE TOWN OF PEWAUKEE [NOW CITY OF PEWAUKEE], WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 ; THENCE SOUTH 88° 43' 18" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 651.280 FEET; THENCE NORTH 37° 29' 00" EAST, 388.555 FEET TO THE EAST RIGHT OF WAY LINE OF THE SOO LINE RAILROAD [NOW CANADIAN NATIONAL RAILROAD], THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED; THENCE CONTINUING NORTH 37° 29' 00" EAST ALONG THE CENTERLINE OF A PUBLIC HIGHWAY (TOWN ROAD), 668.545 FEET TO AN ANGLE POINT; THENCE NORTH 20° 41' 35" EAST ALONG SAID CENTERLINE, 23.986 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 0° 07' 25" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 430.173 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD (FORMERLY THE MILWAUKEE AND MISSISSIPPI RAILROAD) [NOW OWNED BY WAUKESHA COUNTY]; THENCE SOUTH 53° 20' 06" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 570.693 FEET TO THE EAST RIGHT OF WAY LINE OF THE AFORESAID SOO LINE RAILROAD; THENCE NORTHEASTERLY 222.043 FEET ALONG SAID RIGHT OF WAY AND ALONG THE ARC OF A CURVE OF RADIUS, 1966.580 FEET, CENTER LIES TO THE WEST, CHORD OF SAID ARC BEARS NORTH 10° 47' 20.5" EAST, 221.925 FEET TO THE PLACE OF BEGINNING, EXCEPTING AND RESERVING ALL LANDS PREVIOUSLY DEDICATED OR DESIGNATED FOR RIGHT OF WAY PURPOSES FOR NORTH AVENUE.

NOTES:  
THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY.  
REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

**LEGAL DESCRIPTION:**

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 7 NORTH RANGE 19 EAST, IN THE TOWN OF PEWAUKEE (NOW CITY OF PEWAUKEE), WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTH 88° 43' 18" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 651.280 FEET; THENCE NORTH 37° 29' 00" EAST, 388.555 FEET TO THE EAST RIGHT OF WAY LINE OF THE SOO LINE RAILROAD [NOW CANADIAN NATIONAL RAILROAD], THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED; THENCE CONTINUING NORTH 37° 29' 00" EAST ALONG THE CENTERLINE OF A PUBLIC HIGHWAY (TOWN ROAD), 668.545 FEET TO AN ANGLE POINT; THENCE NORTH 20° 41' 35" EAST ALONG SAID CENTERLINE, 23.986 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 0° 07' 25" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, 430.173 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD (FORMERLY THE MILWAUKEE AND MISSISSIPPI RAILROAD) (NOW OWNED BY WAUKESHA COUNTY); THENCE SOUTH 53° 20' 06" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 570.693 FEET TO THE EAST RIGHT OF WAY LINE OF THE AFORESAID SOO LINE RAILROAD; THENCE NORTHEASTERLY 222.043 FEET ALONG SAID RIGHT OF WAY AND ALONG THE ARC OF A CURVE OF RADIUS, 1966.580 FEET, CENTER LIES TO THE WEST, CHORD OF SAID ARC BEARS NORTH 10° 47' 20.5" EAST, 221.925 FEET TO THE PLACE OF BEGINNING, EXCEPTING AND RESERVING ALL LANDS PREVIOUSLY DEDICATED OR DESIGNATED FOR RIGHT OF WAY PURPOSES FOR NORTH AVENUE.

R/W PROJECT NUMBER: 2718-14-01 EXHIBIT NUMBER: 1  
TOTAL BUYOUT / PROTECTIVE PURCHASE EXHIBIT  
PEWAUKEE TO BROOKFIELD MULTI-USE PATH  
RIVER RD. TO S. WATERTOWN RD. WAUKESHA COUNTY  
MULTI-USE PATH  
PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 24, T 7 N, R 19 E  
CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN



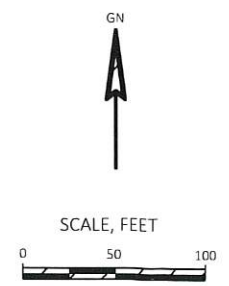
**SCHEDULE OF LANDS & INTERESTS REQUIRED**

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TOTAL ACRES
1	WESTWOOD COMMERCE CENTER, A PARTNERSHIP	FEE	2.97 INCL. R/W 2.58 EXCL. R/W

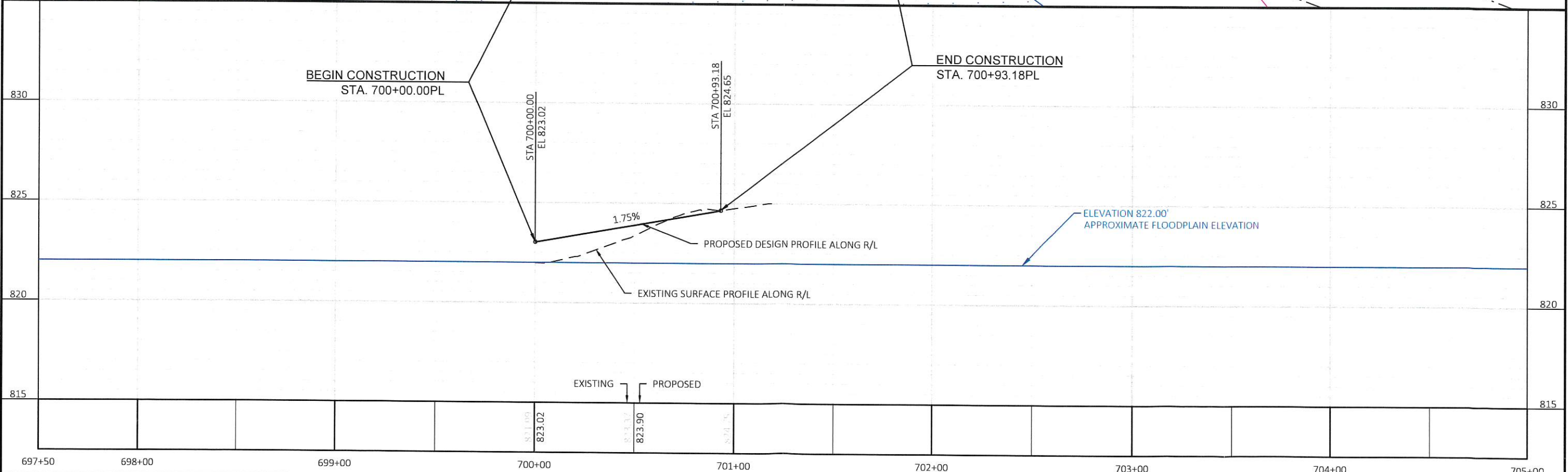
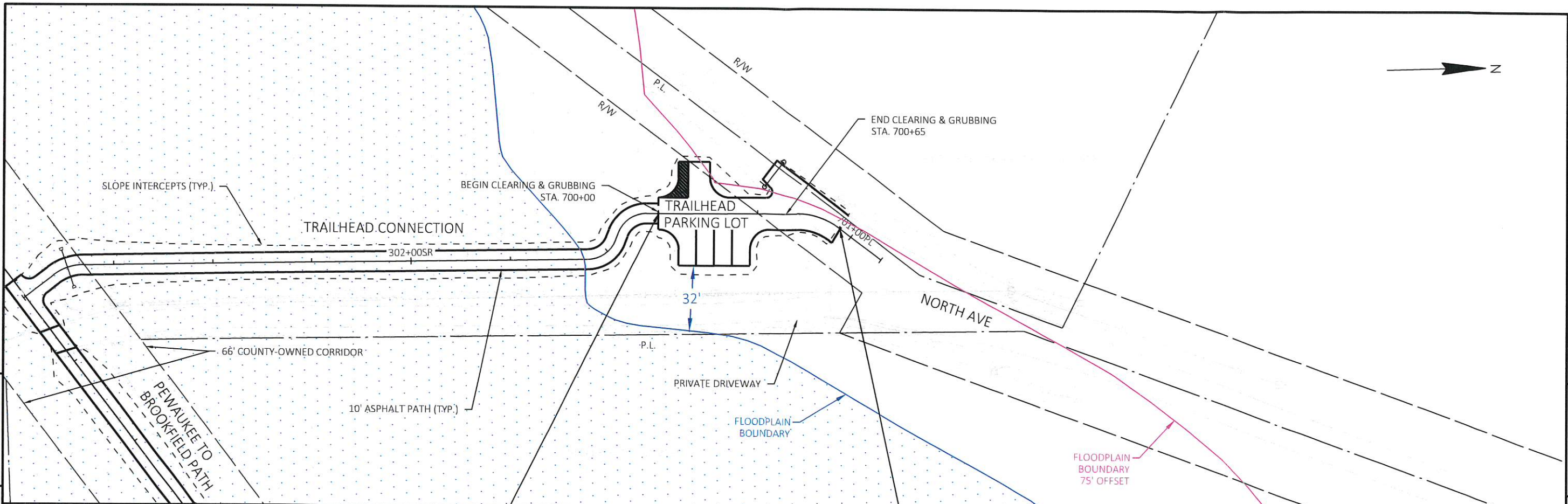
**UTILITY INTERESTS REQUIRED**

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
200	WE ENERGIES (ELECTRIC)	RELEASE OF RIGHTS

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO WAUKESHA COUNTY

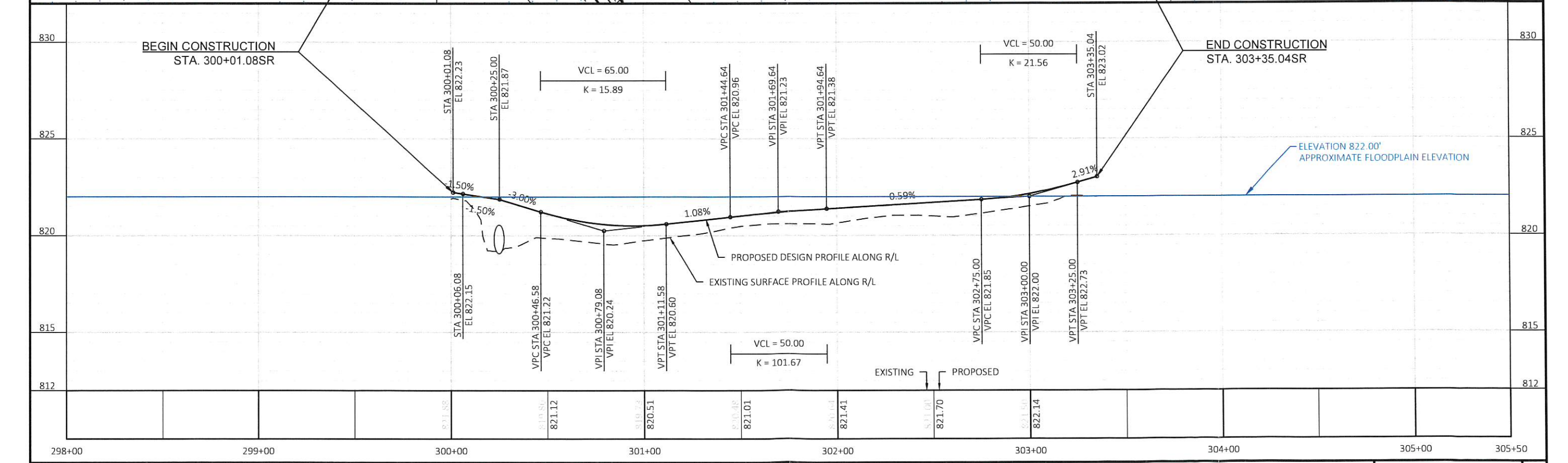
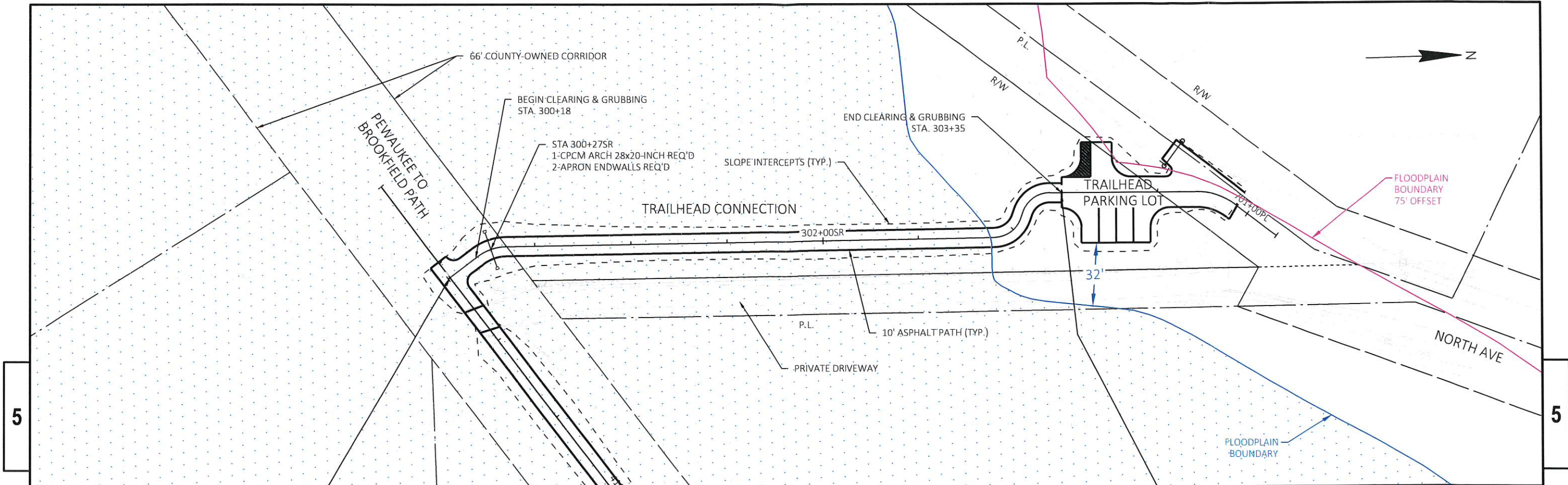


THIS MAP IS APPROVED FOR WAUKESHA COUNTY  
SIGNATURE: *Steven A. Brunner* DATE: 6-19-2020  
PRINT NAME: Steven A. Brunner, Park System Manager

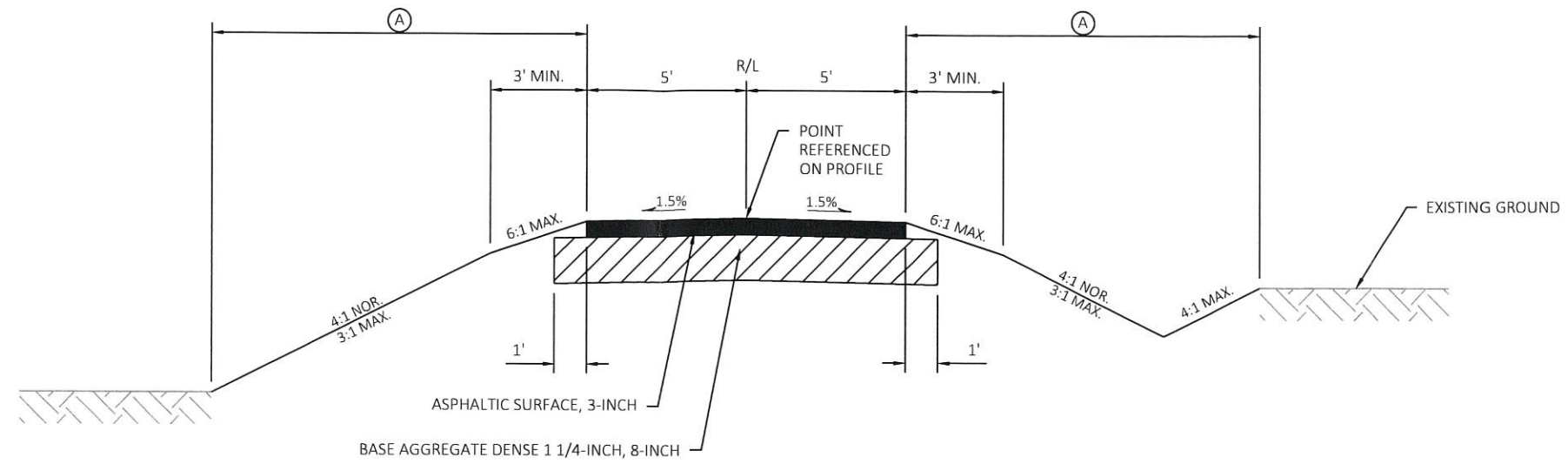


697+50	698+00	699+00	700+00	701+00	702+00	703+00	704+00	705+00
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PROJECT NO: 2718-14-71      PEWAUKEE TO BROOKFIELD MULTI-USE PATH      COUNTY: WAUKESHA      PLAN AND PROFILE: TRAILHEAD PARKING LOT 'PL'      SHEET      E



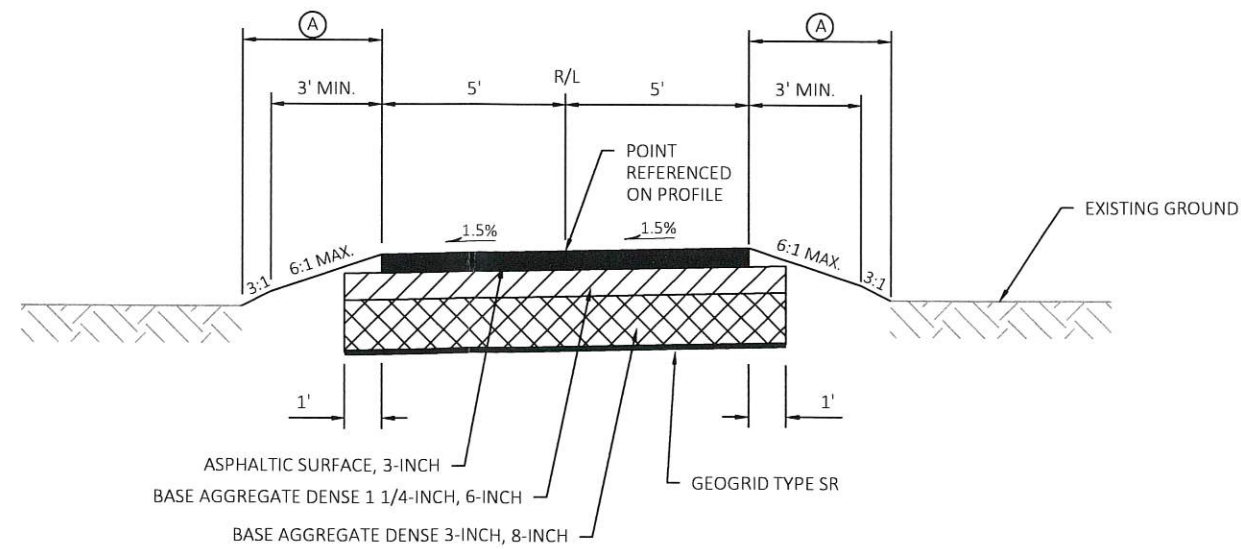
PROJECT NO: 2718-14-71    PEWAUKEE TO BROOKFIELD MULTI-USE PATH    COUNTY: WAUKESHA    PLAN AND PROFILE: TRAILHEAD CONNECTION 'SR'    SHEET    **E**



TYPICAL PROPOSED SECTION - PATH

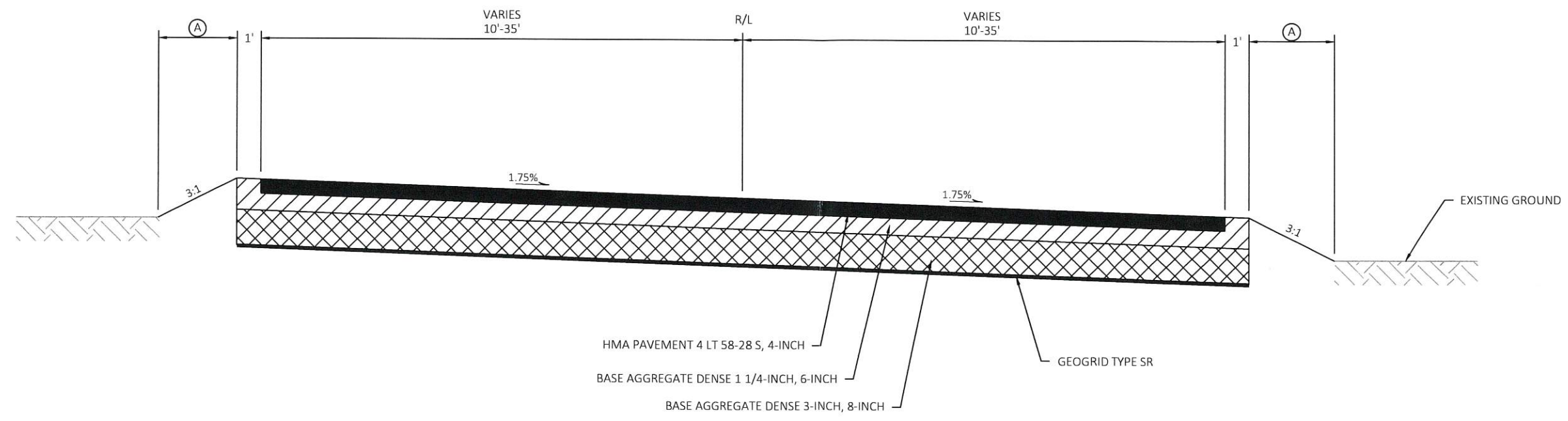
STA. 573+19 - STA. 573+98  
STA. 578+90 - STA. 582+56

(A) SCREENED TOPSOIL, HYDROMULCH, FERTILIZER TYPE B, SEEDING MIXTURE NO 20, SEEDING TEMPORARY (SEE SPECIAL PROVISIONS FOR APPLICATION RATES)



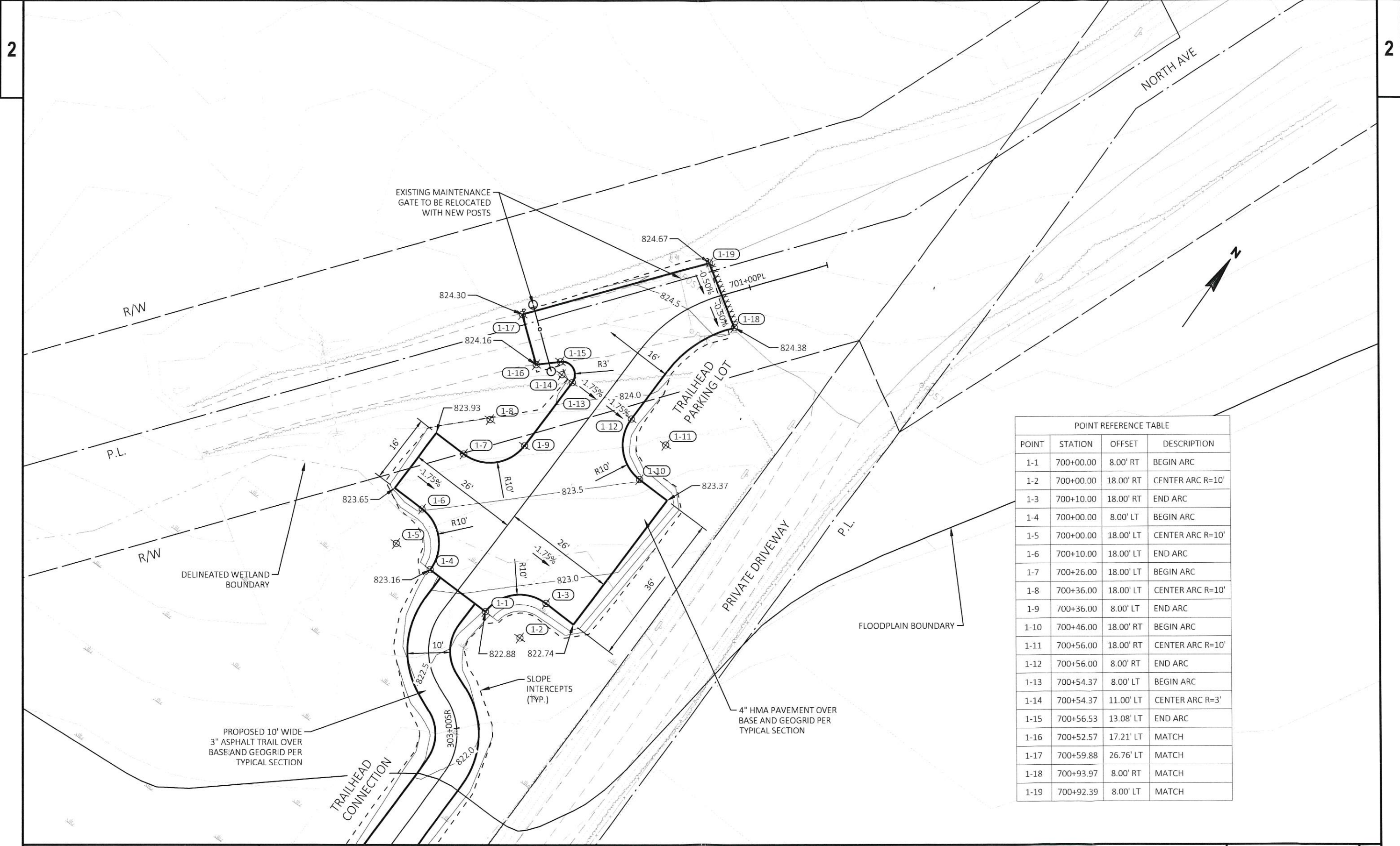
TYPICAL PROPOSED SECTION - PATH IN WETLAND

STA. 300+01 SR - STA. 303+35 SR

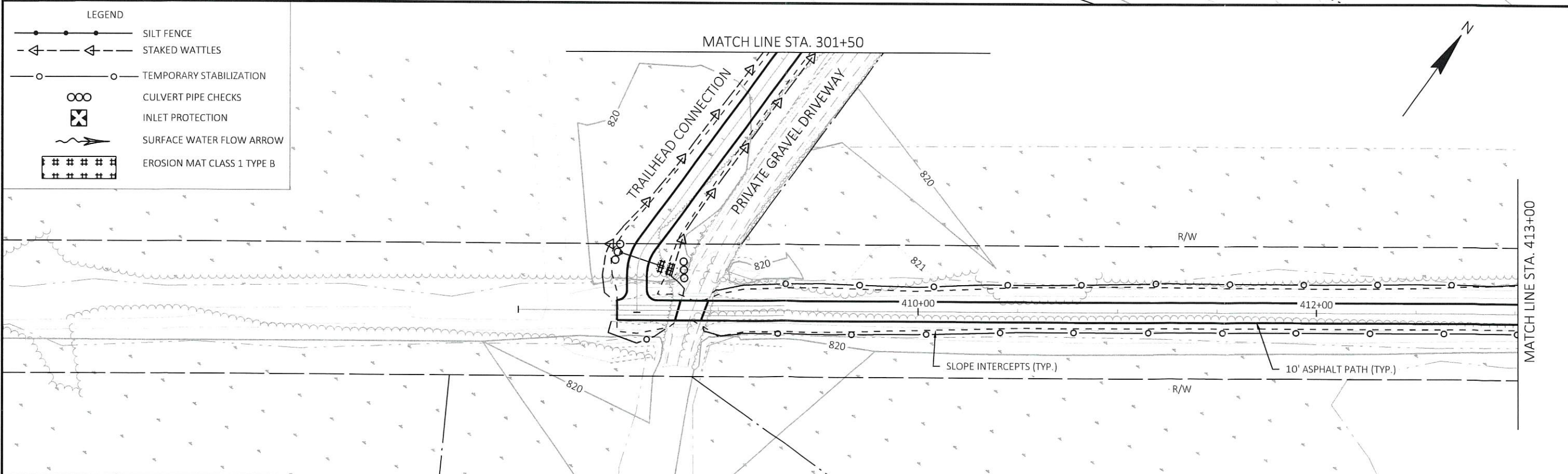
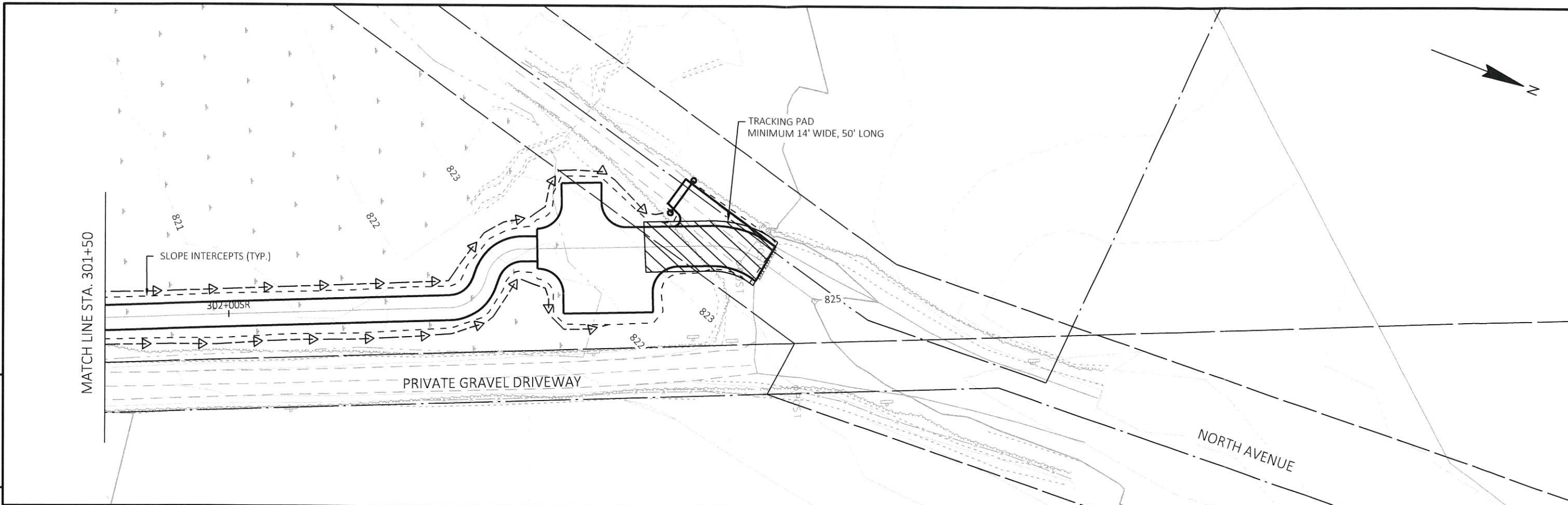


Ⓐ SCREENED TOPSOIL, HYDROMULCH, FERTILIZER TYPE B, SEEDING MIXTURE NO 20, SEEDING TEMPORARY (SEE SPECIAL PROVISIONS FOR APPLICATION RATES)

TYPICAL PROPOSED SECTION - PARKING LOT  
STA. 700+00 PL - STA. 700+93 PL



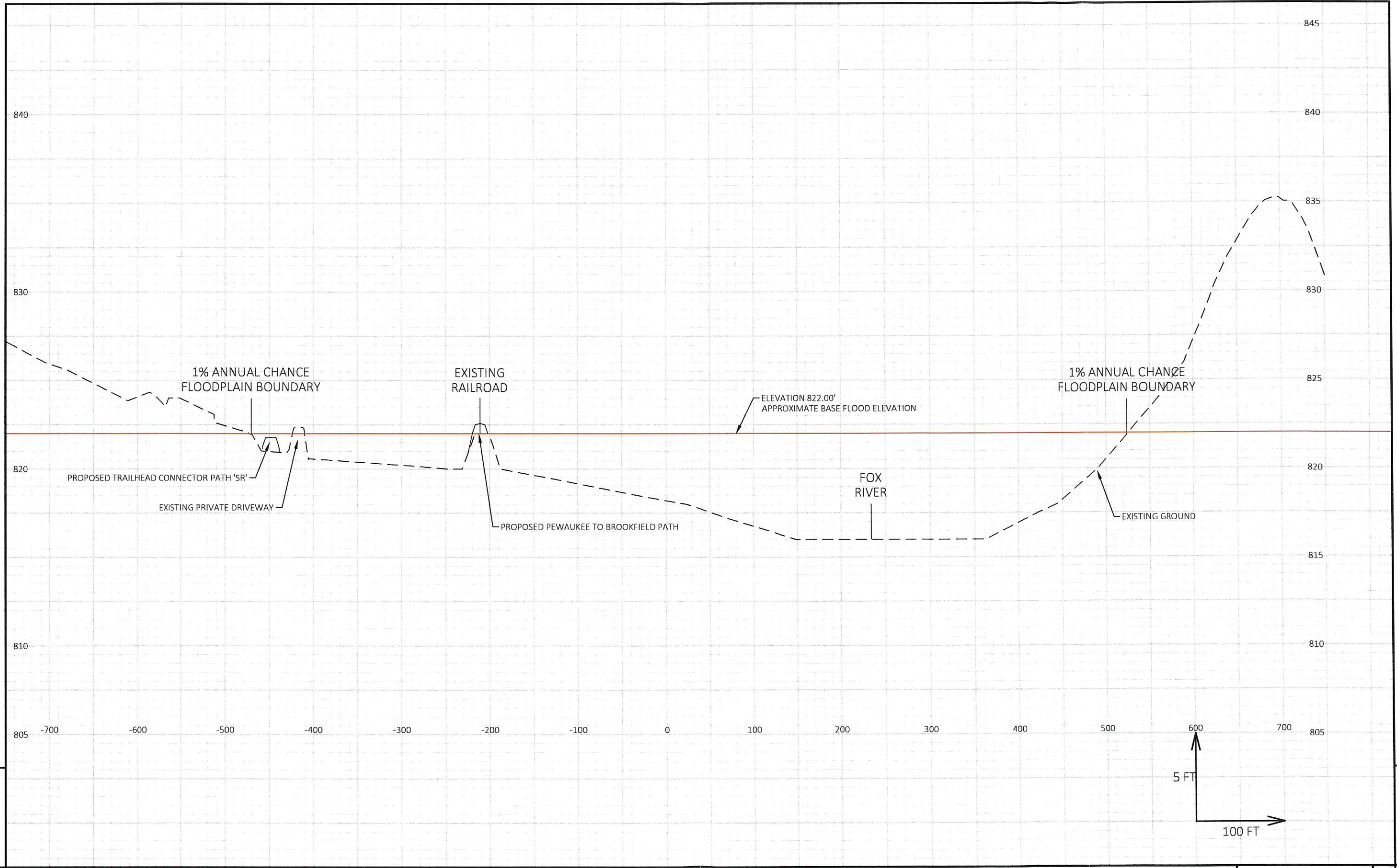
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1-3	700+10.00	18.00' RT	END ARC
1-4	700+00.00	8.00' LT	BEGIN ARC
1-5	700+00.00	18.00' LT	CENTER ARC R=10'
1-6	700+10.00	18.00' LT	END ARC
1-7	700+26.00	18.00' LT	BEGIN ARC
1-8	700+36.00	18.00' LT	CENTER ARC R=10'
1-9	700+36.00	8.00' LT	END ARC
1-10	700+46.00	18.00' RT	BEGIN ARC
1-11	700+56.00	18.00' RT	CENTER ARC R=10'
1-12	700+56.00	8.00' RT	END ARC
1-13	700+54.37	8.00' LT	BEGIN ARC
1-14	700+54.37	11.00' LT	CENTER ARC R=3'
1-15	700+56.53	13.08' LT	END ARC
1-16	700+52.57	17.21' LT	MATCH
1-17	700+59.88	26.76' LT	MATCH
1-18	700+93.97	8.00' RT	MATCH
1-19	700+92.39	8.00' LT	MATCH



LEGEND

	SILT FENCE
	STAKED WATTLES
	TEMPORARY STABILIZATION
	CULVERT PIPE CHECKS
	INLET PROTECTION
	SURFACE WATER FLOW ARROW
	EROSION MAT CLASS 1 TYPE B

PROJECT NO: 2718-14-71	PEWAUKEE TO BROOKFIELD MULTI-USE PATH	COUNTY: WAUKESHA	EROSION CONTROL	SHEET	E
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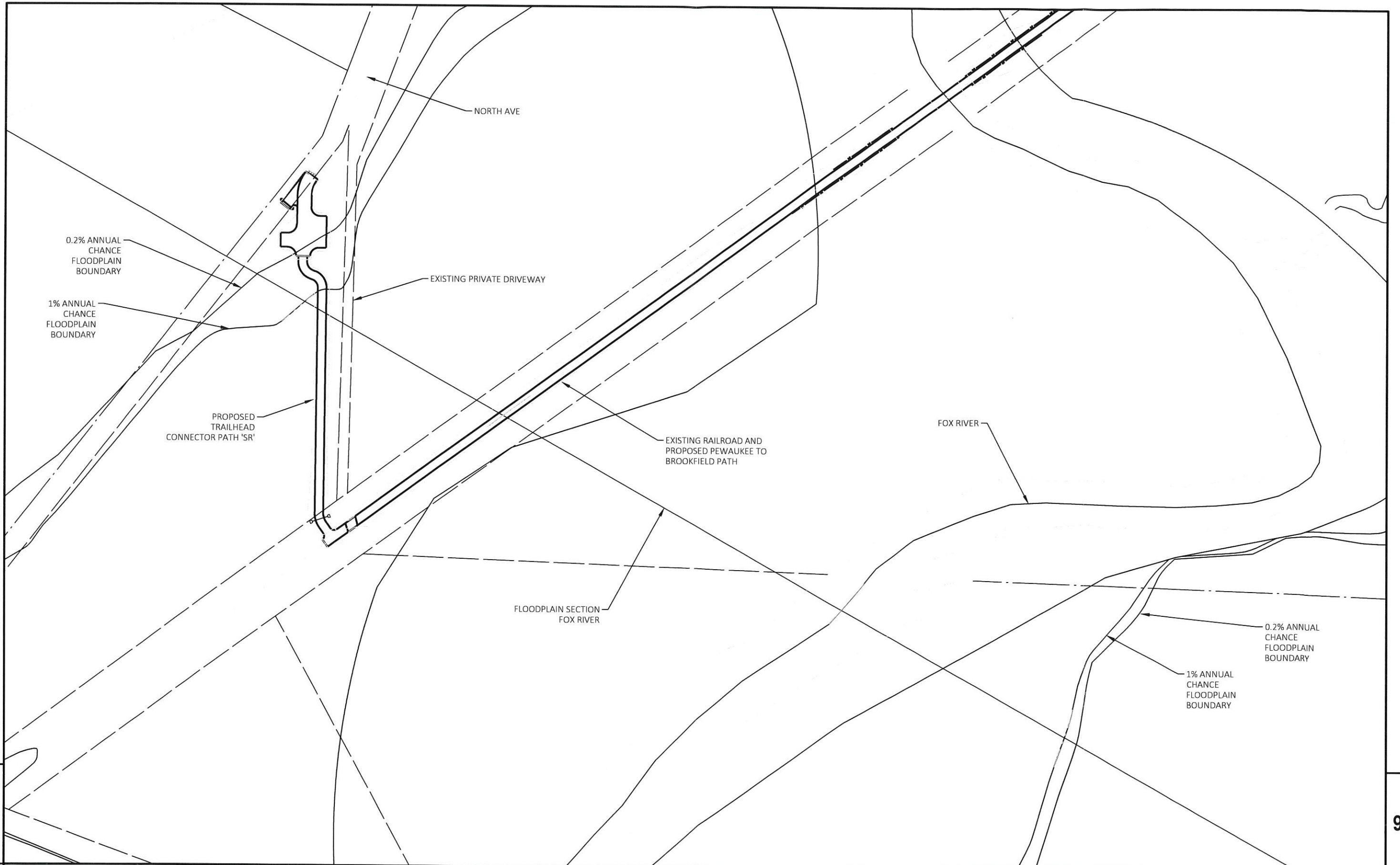


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9

PROJECT NO: 2718-14-71      PEWAUKEE TO BROOKFIELD MULTI-USE PATH      COUNTY: WAUKESHA      CROSS SECTIONS: FLOODPLAIN SECTION, FOX RIVER      SHEET      E

FILE NAME: G:\WDOT LP\WAUKESHA CO\2718-14-01\_19\_PEWAUKEE-BROOKFIELD TRAIL\CIVIL\_3D\SHEETS\OTHER PERMITS\FLOODPLAIN XS.DWG      PLOT DATE: 7/2/2020 2:29 PM      PLOT BY: BRIAN ST. VINCENT      PLOT NAME:      PLOT SCALE: 1 IN:40 FT HORZ. / 1 IN:40 FT VERT.      WISDOT/CADD5 SHEET 49



PROJECT NO: 2718-14-71	PEWAUKEE TO BROOKFIELD MULTI-USE PATH	COUNTY: WAUKESHA	CROSS SECTIONS: FLOODPLAIN SECTION, FOX RIVER	SHEET	E
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FILE NAME: G:\WDOT LP\WAUKESHA CO\2718-14-01\_19\_PEWAUKEE-BROOKFIELD TRI\CIVIL 3D\SHEETS\OTHER\PERMITS\FLOODPLAIN XS.DWG  
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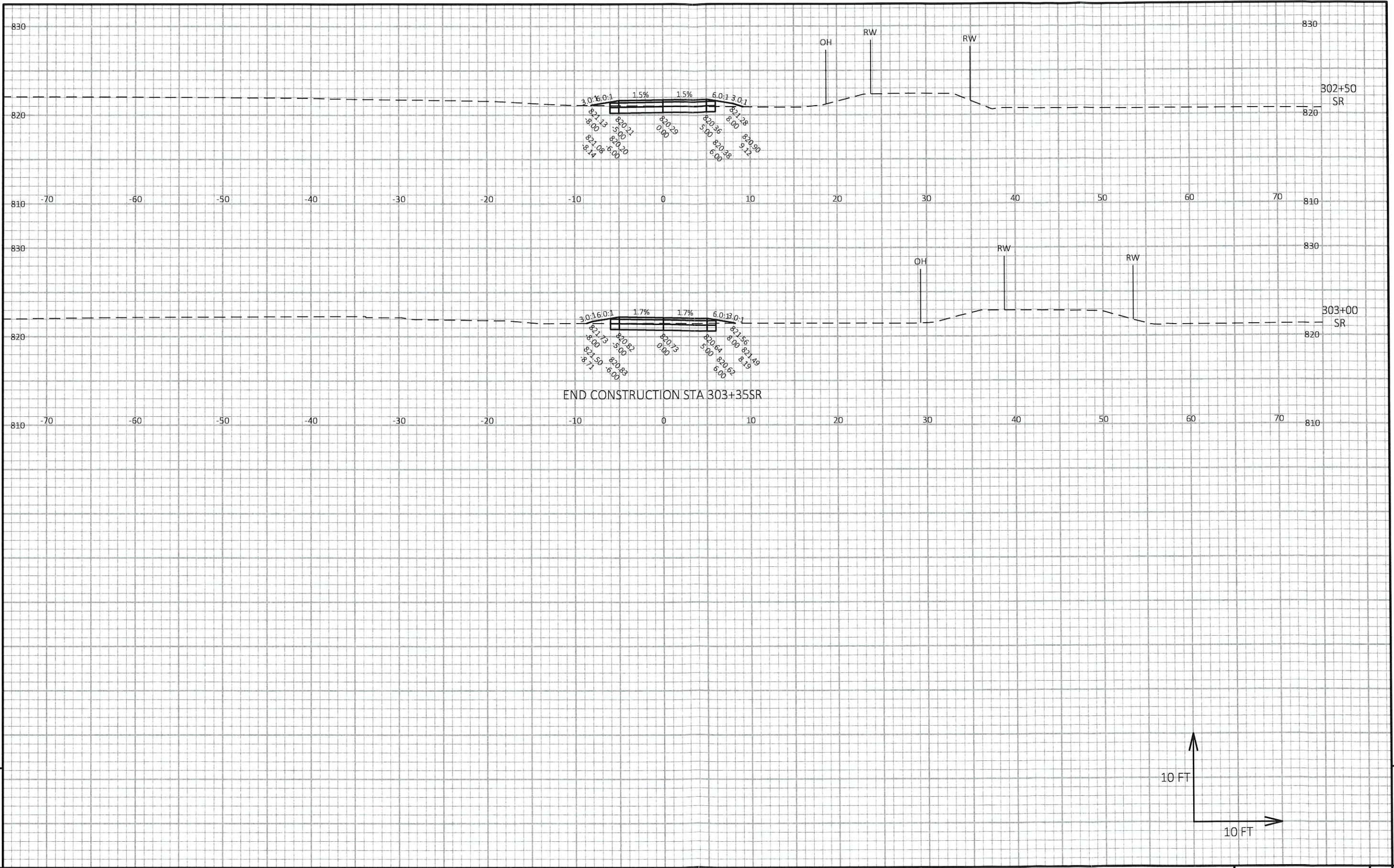
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PLOT BY: BRIAN ST. VINCENT

PLOT NAME:

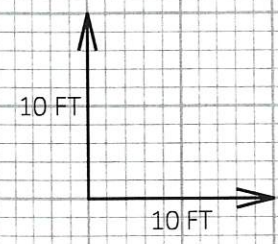
PLOT SCALE: 1 IN:40 FT HORZ. / 1 IN:40 FT VERT.

WISDOT/CADD5 SHEET 49

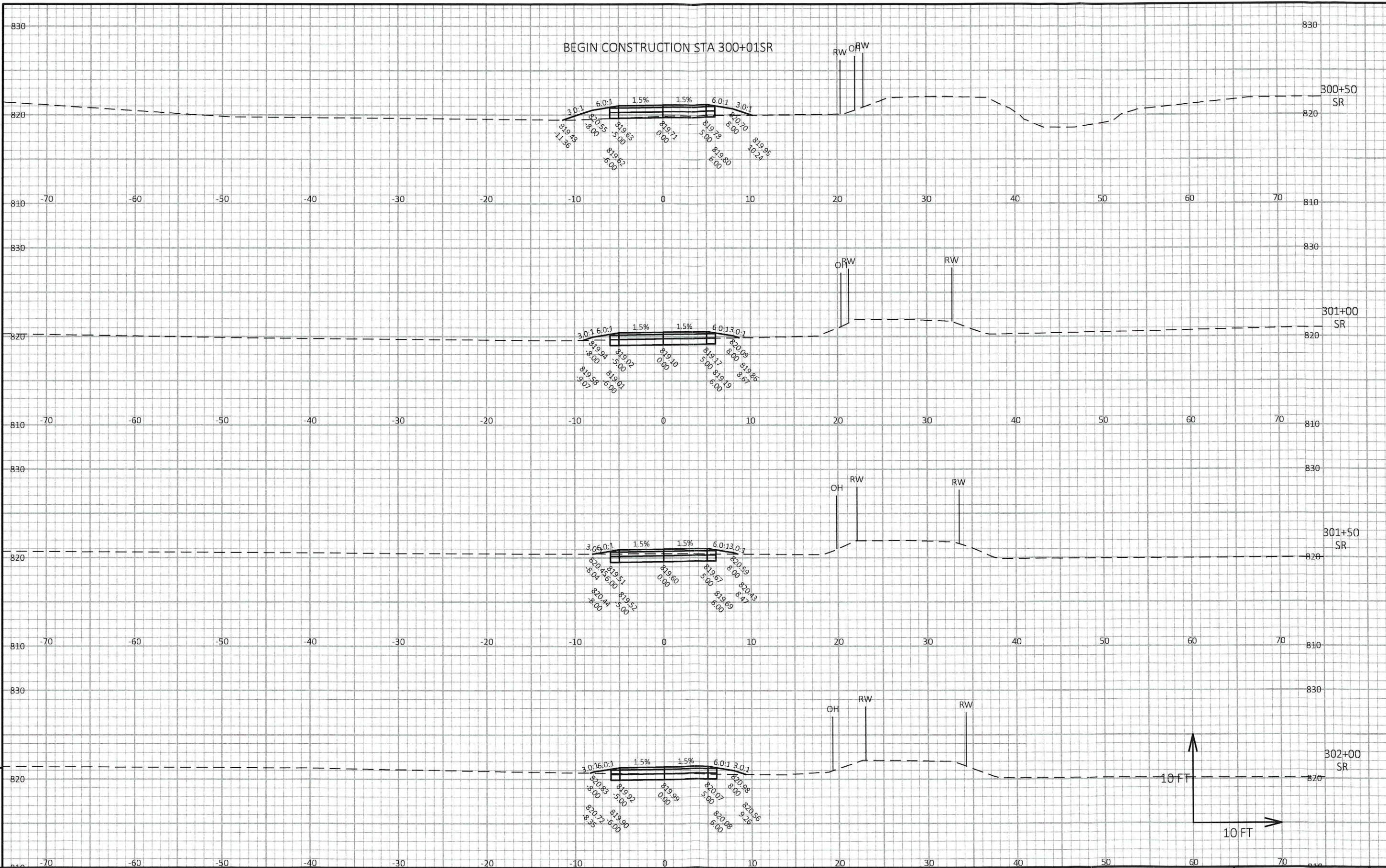


9

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PROJECT NO: 2718-14-71	PEWAUKEE TO BROOKFIELD MULTI-USE PATH	COUNTY: WAUKESHA	CROSS SECTIONS: TRAILHEAD CONNECTION 'SR'	SHEET E
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PROJECT NO: 2718-14-71

PEWAUKEE TO BROOKFIELD MULTI-USE PATH

COUNTY: WAUKESHA

CROSS SECTIONS: TRAILHEAD CONNECTION 'SR'

SHEET

E

FILE NAME: G:\WOOD LP\WAUKESHA CO\2718-14-01\_19\_PEWAKUKEE-BROOKFIELD TR\CIVIL 3D\SHEETS\PLAN\090101\_XS.DWG  
LAYOUT NAME - SR1

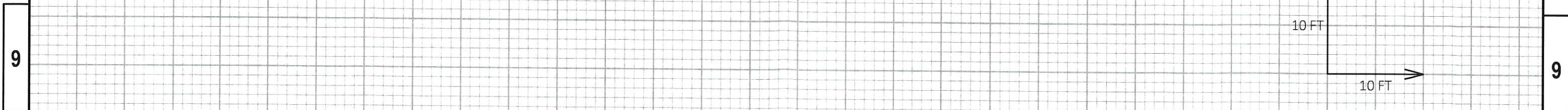
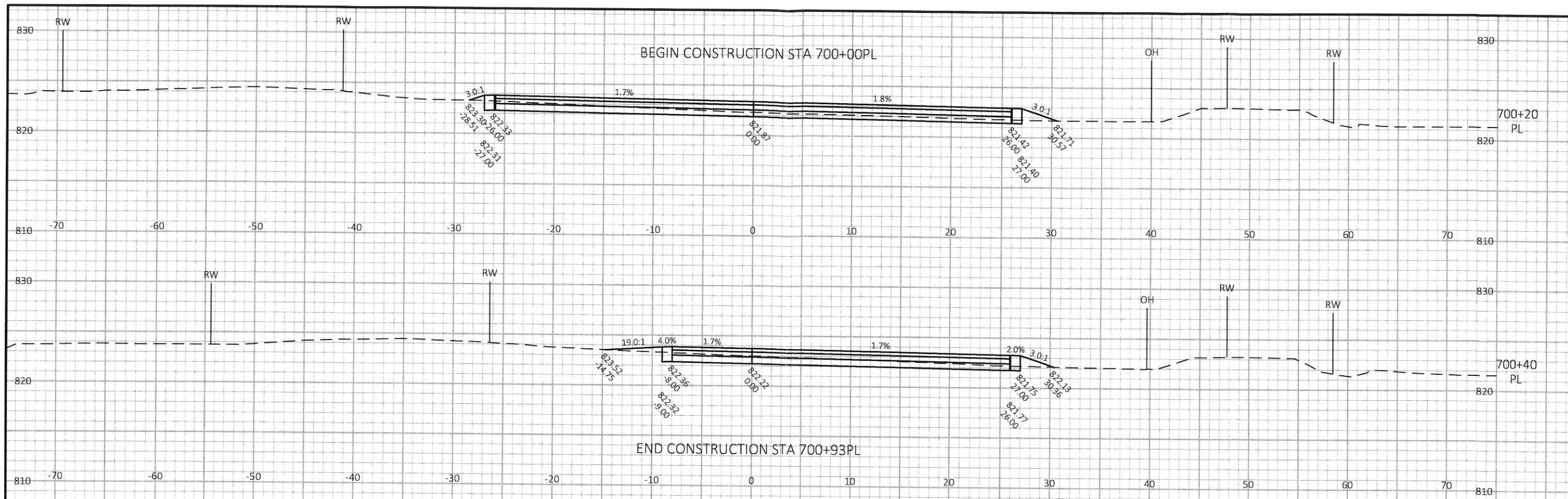
PLOT DATE: 7/2/2020 12:26 PM

PLOT BY: BRIAN ST. VINCENT

PLOT NAME:

PLOT SCALE: 1 IN:10 FT HORZ. / 1 IN:10 FT VERT.

WISDOT/CADD5 SHEET 49



PROJECT NO: 2718-14-71      PEWAUKEE TO BROOKFIELD MULTI-USE PATH      COUNTY: WAUKESHA      CROSS SECTIONS: TRAILHEAD PARKING LOT 'PL'      SHEET      E

FILE NAME: G:\WDOT LP\WAUKESHA CO\2718-14-01\_19\_PEWAUKEE-BROOKFIELD TR\civil 3D\SHEETSPLAN\090101\_XS.DWG      PLOT DATE: 7/2/2020 12:27 PM      PLOT BY: BRIAN ST. VINCENT      PLOT NAME:      PLOT SCALE: 1 IN:10 FT HORZ. / 1 IN:10 FT VERT.      WISDOT/CADD SHEET 49

**NOTES TO USERS**

This map is to be used in conjunction with the National Flood Insurance Program's Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community.

**General Base Flood Elevation** shown on this map is based on the National Flood Insurance Program's Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community.

**Special Flood Hazard Areas** shown on this map are based on the National Flood Insurance Program's Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community.

**Map Scale** is 1 inch = 100 feet. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community.

**Map Information** is provided for the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community. The community map is not intended to be used as a substitute for the FIRM and FIS. The community map is intended to provide additional information to the community.

**LEGEND**

**GENERAL FLOOD HAZARD INFORMATION SHEET TO BE USED IN CONJUNCTION WITH THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM AND FIS FOR THE COMMUNITY.**

**GENERAL FLOOD HAZARD INFORMATION SHEET TO BE USED IN CONJUNCTION WITH THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM AND FIS FOR THE COMMUNITY.**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

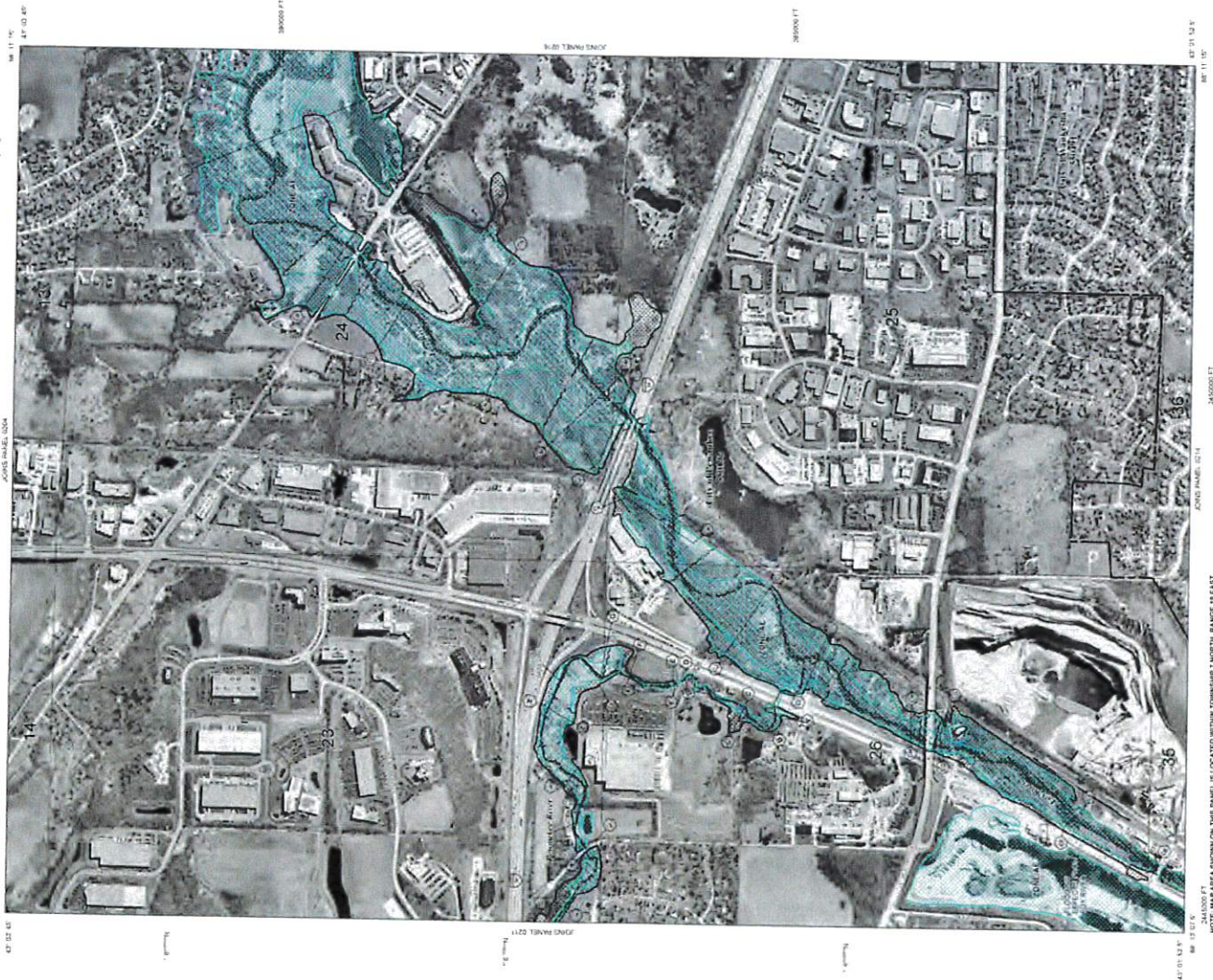
**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**

**OTHER FLOOD AREAS**



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**WAUKESHA COUNTY, WISCONSIN AND INCORPORATED AREAS**

**PANEL 312 OF 600**

**FOR MAP HOLDERS (FOR FIRM PANEL LAYOUT)**

**MAP NUMBER 5513027163**

**MAP REVISED NOVEMBER 5, 2014**

**Federal Emergency Management Agency**

**CITY OF PEWAUKEE  
ZONING BOARD OF APPEALS AGENDA ITEM 5.**

**DATE:** August 18, 2020

**DEPARTMENT:** Clerk/Treasurer

**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 27.3 Feet to 6.9 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 4.7 Feet and a West Side Yard Setback of 3.8 Feet, Opposed to the Rs-7 District Minimum Side Yard Setback of 8-Feet for 2-Story Structures.

***BACKGROUND:***

***FINANCIAL IMPACT:***

***RECOMMENDED MOTION:***

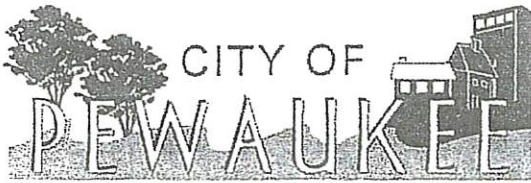
**ATTACHMENTS:**

Description

Bullerjahn Application

Staff Report Bullerjahn

Krech Objection



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)

Legal description of property to be rezoned – Please attach.

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

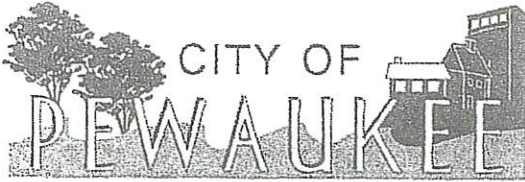
Contact Person (Full Legal Name):

Name: DARYL BULLERTJAHN  
 Company: —  
 Address: W232 N9075 PRESERVE PL  
 City/State/Zip: LISBOW 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:
  - o \$400.00
  - o 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:
  - o A written project narrative detailing the request and site & building improvements.
  - o 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 [tarzewski@pewaukee.wi.us](mailto:tarzewski@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 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](mailto:fuchs@pewaukee.wi.us)

VARIANCE FINDINGS FORM

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

Date: JULY 6TH 2020 Property Owner: DARYL + DOBRA BULLERJAHN  
 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 PAGE

- 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 PAGE

- 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 PAGE

- 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 PAGE



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](mailto: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 PAGE

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- 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 PAGE

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- 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 PAGE

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- 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, 3 generation home. Occupants would be the owners/parents, a daughter/college student and consideration for potential mother-in-law accommodations. The current structure is the family cottage, dating back over 3-generations and over 97 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 shore (based upon the average distance of neighboring property), forces us into a unique building footprint, further South on the lot. We would be utilizing a portion of the original footprint and adding space to the west. Where a variance is requested. (2.) Mrs. Bullerjahn occasionally requires use of a walker. As a result, additional space & width has been built into the home to allow for the space required by using, pivoting, and turning within a room. (3.) The multi-generational home includes the owner, their daughter and most likely, Mrs. Bullerjahn's 84-year-old mother. (4) The property is located toward the end of Starke/Peninsula Drive, with existing limited space between structures 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 arch 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, along the diagonal line of the pie shape layout of the property. In order to successfully accomplish the objective of designing a multi-generational home, consideration has been paid to create a structure that follows the East side diagonal lot line. Historically, since the 1900's - 1920's, and later, the properties along the Peninsula have been built closely together. This is due to the unusual circumstances and conditions presented by building upon a peninsula and the location at the Dead End/Cull du Sac. This is an example of the "exceptional, extraordinary and unusual circumstances" ... "applying to the lot..." and existing hardships of building upon a peninsula. We are respectfully requesting a variance on the East and West Side of the property. Since Starke/Peninsula Drive ends, in a Cull du Sac, most of the properties (and the driveways) at this end are curved due to the nature of a Cull Du Sac and not squared off. Since a straight horizontal line does not naturally exist on the curved front and pie shaped lots, a variance is requested for only the east side portion of the entrance into the garage.
- c. Economic or Financial Hardship .... are Not Grounds for Variance: N/A
- d. Preservation of Property Rights: The requested variances are made with the necessity of establishing a year-round home on a pie shaped property that has been held by our family for over 97 years. The proposed home/structure will be passed on to the subsequent generation (daughter), who will also reside in the home and in the future. 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 building does not include any extraneous features. The proposed structure

provides basic rooms only, i.e. bedrooms, bathrooms, kitchen, living room and laundry room. Additional 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 Pantry, No tub in the master bath, No additional laundry features on the second floor, No Whirlpool tub, etc.

- 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 (not including a raised deck) is 63'. As the back of the lot North/(lakeside) is slightly curved, this has been calculated from the shore to the home. 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.
- 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. Edward I. Bullerjahn purchased the property and cottage around 1923. 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 97-year-old cottage and build a new home, that will be passed on to the 4<sup>th</sup> generation of Bullerjahn's. The General Contractor is currently Allan/Victory Builders.

To build the proposed structure, Variances are requested on the East and West 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 width at the end of the existing lot is 49.01'
  - The proposed two car garage, would be 27.3' from the edge of paving on the West side, and 18.4' 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 97-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 modification to accommodate three generations in the 21<sup>st</sup> Century
- 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 multi-generational (Now & Later) home, we will require variances on the East and West sides of the pie shaped lot.
  - Our daughter currently attends Waukesha County Technical Collage (WCTC) and would be residing in the proposed home
  - Based upon the approval of the suggested structure, Mrs. Bullerjahn's 84-year-old mother may reside in the home; until such point in her life, that she will require professional care. She will be 85 this year.
  - Four (4) people would potentially be living within the home (three generations)
  - Hallways, doors, and areas are designed to allow for the use of a walker, which is sometimes necessary for Debra Bullerjahn
  - A walker requires more space to pivot and turn within work areas; therefore, more space is required in the laundry, kitchen, bathroom and hallways

- Variances to the East and West are requested to allow for the home to meet future needs, should a walker become necessary on a daily basis.

Proposed structure: Will use typical roof materials and the typical fascial/soffit.

- The objective is to create an appealing façade and comfortable residence, with requested variances
- 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 of four (4) people. The foot print is distinctive, as the recommended structure has indented (staggered or stepped-in) rooms along the East side to accommodate the pie shaped property line, where variances are requested.
- Variances would allow for standard rooms – Closet & Master Bath

The proposed structure would consist of:

A. Wood frame construction.

B. Concreate block foundation.

C. Siding (light blue with white trim) and composite shingles on the roof. (To Be Determined - Masonry elements on the exterior)

D. Chimney – To Be Determined based on a decision to install a fireplace, on the West side of the proposed structure. Chimney pot - TBD

E. A multi gable, flat top, hipped roof-front on the South facing façade.

Entrances/Exits: The proposed structures will have four (4) entrances/exist 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 the North 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 to a small wooden 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 (allowing for water to run off)
  - Open risers will allow for a pervious area
  - 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 or gardens will be installed
- The roof line facing the street (South) would be multiple gables
- Exterior siding is proposed as light blue with white trim (masonry use TBD)
- Gardens will be planted along each staggered section of the house and 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
  - East side of the proposed structure is staggered to follow the diagonal line of the lot, where a variance is requested along this angle.
- 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. And where a variance is requested:

- 4.7' off of the East property line. A one side setback.
- Rooms on the East side of the proposed structure face the garage and driveway of the neighboring property
- 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). 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

#### 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**

- 3.8' off of the West property line
- The neighbor's garage and laundry room, may possibly align with our garage and laundry room
- Laundry room will have a sliding window and vent to the exterior of the proposed structure
- There will be a window at the North/West corner of the living room

#### **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 of both the daughter and mother of Mrs. Bullerjahn.

#### Windows:

- A few 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 the rooms below, on the 1<sup>st</sup> floor.

#### Bedrooms & Bathrooms:

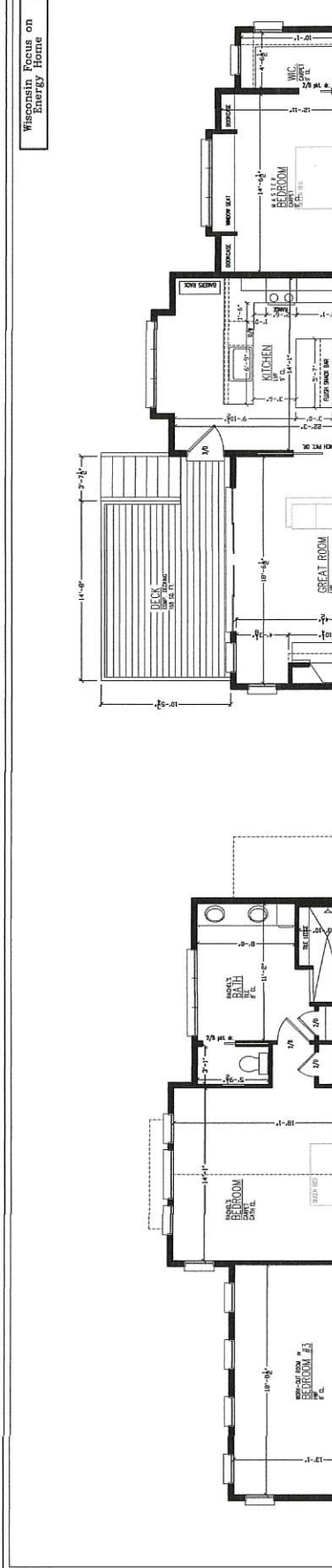
- The second story provides bedrooms and bathrooms for both the daughter and the Mother of the owner (Bedroom #3 would be the grandmother's bedroom, combination sitting room).
- Bedroom #4 will be utilized as the daughter's study and family home office.
- The Bonus Space allows for storage

The proposed design of the second floor is two-fold. Providing space for the families immediate/current lifestyle with near future life-style changes (mother-in-law space). The proposed plan allows for the next

generation of ownership as the daughter will reside here, with her family, in the future. In the future, the daughter may use Master Bedroom, the home office and incorporate children's bedrooms. Or, in time, she may choose to relocate to the Master Bedroom on the 1<sup>st</sup> floor.

Overall, the proposed structure plan allows for the Bullerjahn family to maintain its family history in the City of Pewaukee and on Pewaukee Lake. The proposed structure enables us to move into a home that can be occupied now, to assist Mrs. Bullerjahn's mother, to reside in as we age, and by future generations. The proposed structure enables us to preserve our nearly 100-year history on this lot on Peninsula Drive. The proposed structure will enable us to move into this home, and as full-time residents, contribute to the community, in various ways. This home enables our family to bring-up a future generation of Pewaukee students and future Pewaukee Pirates. Residing in this home would enable us to provide year-round personal and financial support of the many special events in the Village, City, School District, and historic Clark House. Building the proposed structure will enable our dream, to come true. We hope your approval of variances will allow this to happen, so we can continue to maintain a greater than a 100-year family ownership of this pie shaped lot, on the peninsula.

Wisconsin Plans on Energy Home



DATE	BY	DESCRIPTION

CLIENT	BULLERJAHN RES.
TITLE	TWO-STORY
FLOOR PLANS	5/7/20
DATE	2/26/6
NO. REFS.	3/4
PLUM	NOTED
23003-1	

**Allan Builders, Inc.**  
General Contractor

**NOTE:**  
THIS IS A CONCEPT PLAN IN ACCORDANCE WITH ALL BUILDERS, INC. AND REPRODUCTION OR PERMISSION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF ALLAN BUILDERS, INC. IS AN VIOLATION OF COPYRIGHT LAWS. VIOLATORS WILL BE PROSECUTED.

**NOTE:**  
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
ALL EXTERIOR FINISH WALLS ARE 5 1/2" THICK.  
ALL INTERIOR FINISH WALLS ARE 5/8" THICK.  
ALL FLOOR HEIGHTS ARE 8'-0" UNLESS OTHERWISE NOTED.  
FRAMING DOES NOT INCLUDE INTERIOR DOORS.  
UNLESS NOTED OTHERWISE, ALL DOORS ARE 3'-0" x 7'-0" WITH 1 1/2" MIN. CLEARANCE.  
ALL WINDOWS ARE 3'-0" x 4'-0" UNLESS OTHERWISE NOTED.  
ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

FIRST FLOOR PLAN  
1,602 SQ. FT.  
1/4"=1'-0"

SECOND FLOOR PLAN  
1,354 SQ. FT.  
1/4"=1'-0"

Wisconsin Focus on Energy Home

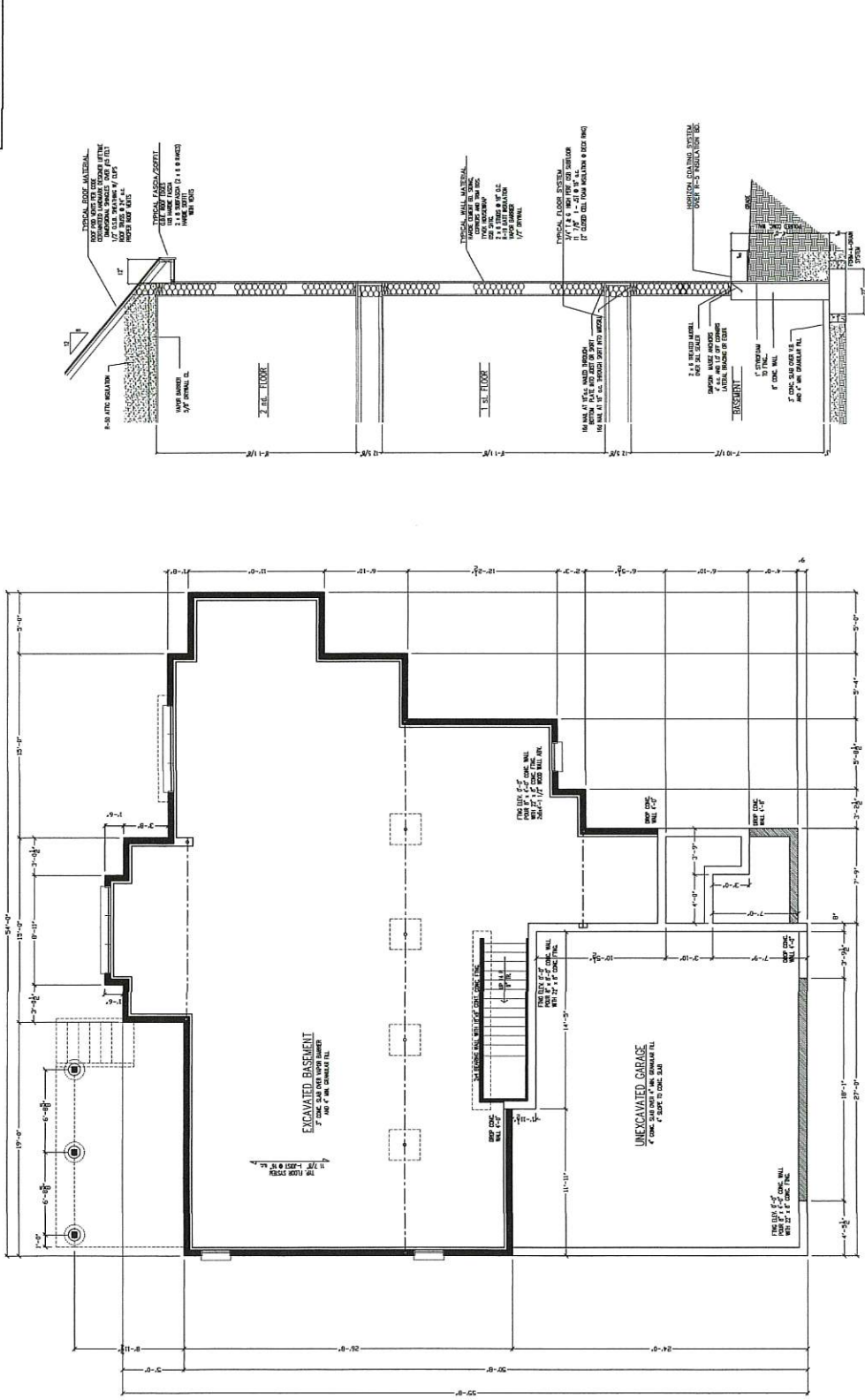
Deb / Daryl Butlerjahn  
and Rachel Butlerjahn Residence  
Lot 23 of Starke Peninsula Subdivision

DATE	BY	DESCRIPTION

CLIMATE	CLIENT	DATE	PROJECT	SCALE	PLANNED	NOTED
TWO-STORY <td>BUTLERJAHN RES. <td>5/7/20 <td> </td> <td> </td> <td> </td> <td> </td> </td></td>	BUTLERJAHN RES. <td>5/7/20 <td> </td> <td> </td> <td> </td> <td> </td> </td>	5/7/20 <td> </td> <td> </td> <td> </td> <td> </td>				

**Allan Builders, Inc.**  
General Contractor

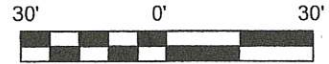
THIS IS A COPYRIGHTED PLAN IN ACCORDANCE WITH ALL RIGHTS RESERVED. ANY REPRODUCTION OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF ALLAN BUILDERS, INC. IS AN INFRINGEMENT OF COPYRIGHT LAWS. VIOLATIONS WILL BE PROSECUTED.







# Exhibit



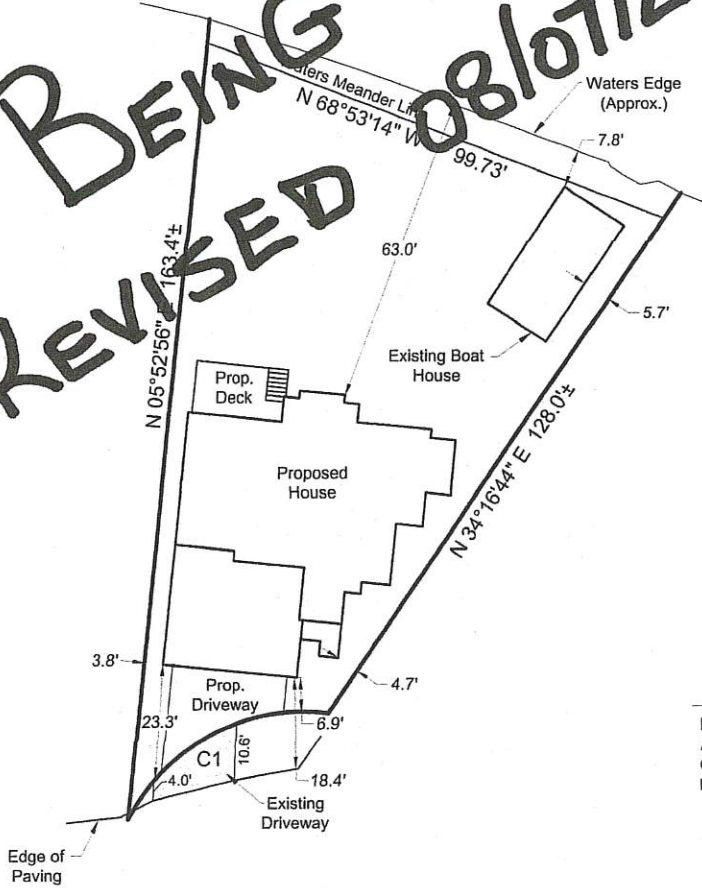
PROPERTY DESCRIPTION:  
 LOT 23 OF STARKE PENINSULA SUBDIVISION LOCATED IN THE NE.  
 1/4 OF THE NE. 1/4 OF SECTION 18, T.7N., R.19E., CITY OF  
 PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

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



BULLENJAHN RESIDENCE

BEING REVISED 08/07/20



**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 Buildings: 2,780± S.F. (30%)  
 Proposed Impervious Other: 299± S.F. ( 3%)  
 (Porches, Conc. & Brick)  
 Total Proposed Impervious: 3,079± S.F. (33%)

**Notes:**

1. Parcel drawn from survey by Landmark Engineering Sciences, Inc. supplied by the client and has not been field verified. Existing improvements scaled from same drawing.
2. House was scaled from preliminary plans. All dimensional ties and areas are approximate.
3. 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  
 c3geomatics.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

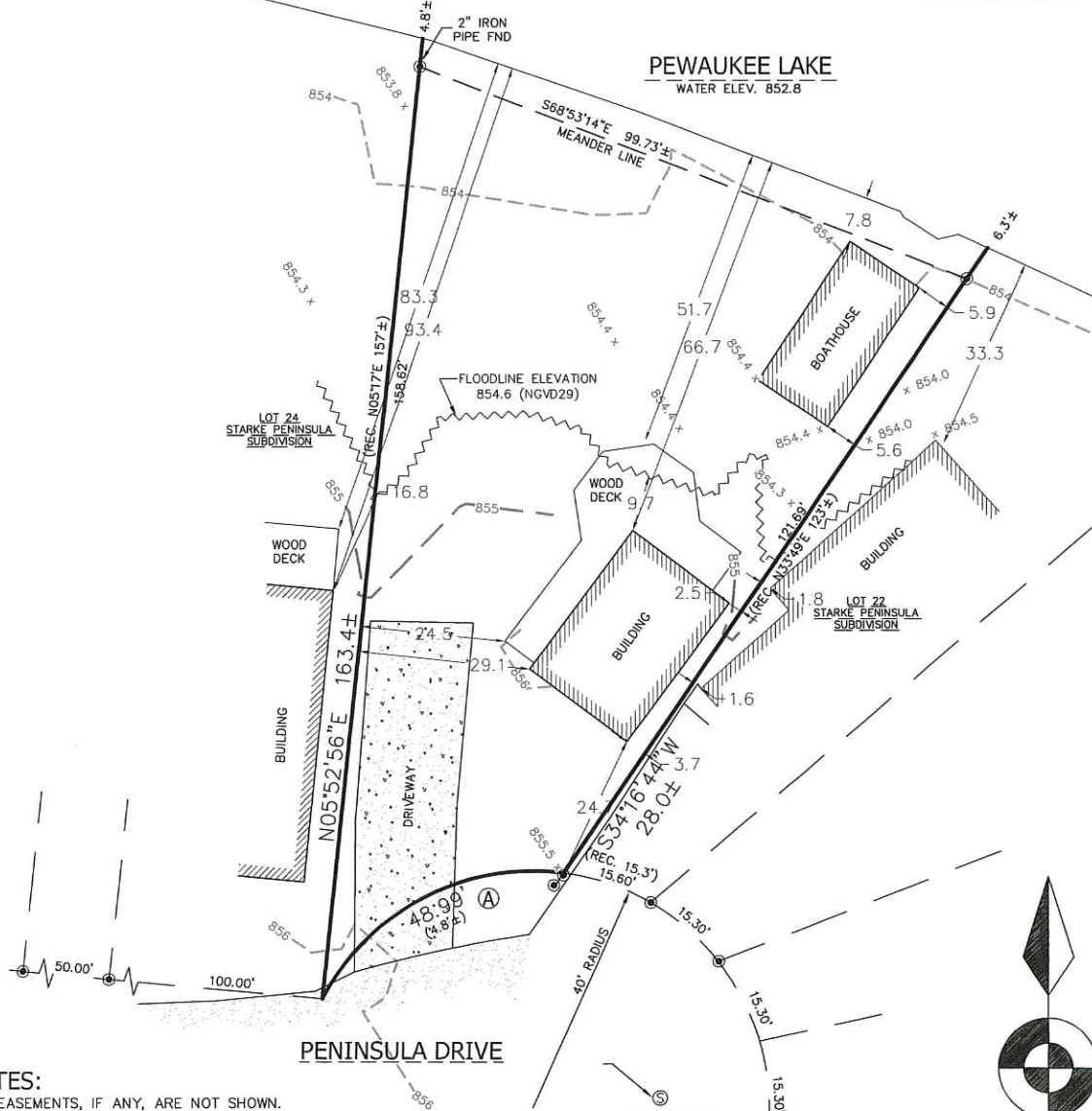
SURVEY FOR:  
 BULLERJAHN

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

Ⓐ 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.

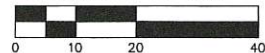
THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERE TO WITHIN ONE (1) YEAR FROM DATE HEREOF.

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"E.



LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map



**Legend**

- Address Points
- Municipal Boundary\_2K
- FacilitySites\_2K\_Labels
- Lots\_2K
- Lot
- Outlot
- Unit
- SimultaneousConveyance
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline\_2K
- <all other values>
- EA-Easement\_Line
- PL-DA
- PL-Extended\_Tie\_Line
- PL-Meander\_Line
- PL-Note
- PL-Tie
- PL-Tie\_Line
- Road Centerlines\_2K
- Railroad\_2K
- TaxParcel\_2K
- Waterbodies\_2K\_Labels
- Waterlines\_2K\_Labels

**Notes:**

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically administers and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



Printed: 5/14/2020



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## REPORT TO THE ZONING BOARD OF APPEALS

Meeting of August 18, 2020

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**Date:** August 7, 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

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### **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 23.3 feet to 6.9 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 4.7 feet and a west side yard setback of 3.8 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 33%.

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 1,602 square feet and total living space of 2,956 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.

Section 17.0435f. and 17.0436c.(5) require a 75-foot setback from the floodplain boundary. The Shoreland Overlay District also allows that setback to be reduced to the average shoreland setback of the principal structures on each adjacent lot; however, the setback may not be reduced to less than 35-feet from the ordinary high water mark of any navigable waters.

During the review process, but after the public notice was issued, staff found that the proposed home setback is less than 35-feet from the floodplain boundary and F-1 District. As such, this additional variance request must be properly noticed and brought back to the Zoning Board of Appeals for review.

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:**

As an additional variance request is needed and must be discussed at a future meeting date due to public hearing notice requirements, staff is recommending that the current variance requests be tabled to allow for all requests to be reviewed at the same time. If the Board chooses, they may discuss the current variance requests to provide the applicant with some initial feedback.

At the time of this report, the final revised exhibit showing the proposed home, required setbacks, and the floodplain boundary have not yet been provided. Therefore, staff is not making a specific recommendation at this time. With that said, it is recommended that the Board consider the proposed home and lot layout, the feasibility of complying with side yard setbacks, and the possibility of providing mitigation for exceeding the lot coverage requirement in accordance with 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.

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)

