

In attendance:

R. Welcenbach, J. Tredwell, T. Matt and D. Tuttle.

Also Present:

Zoning Administrator N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

R. Welcenbach called the meeting to order at 6:02 p.m.

2. **PUBLIC HEARING** and Possible Action Regarding the Petition of **TYLER J. PINTER** for the Property Located at **W267N2965 PETERSON DRIVE** (PWC 0930-026) for the following:

- 2.1 **Section 17.0411** to allow side yard setbacks of 5.2 feet from the north property line and 3.0 feet from the south property line, opposed to the RS-7 District minimum side yard setback of 8.0 feet for a two story dwelling
- 2.2 **Section 17.0410e(4)** to allow for the sum total of the first floor area of the principal building and all accessory buildings to exceed 30 percent of the lot area
- 2.3 **Section 17.0435f** to allow a principal building to be located within 75-feet of the floodplain boundary
- 2.4 **Section 17.043c(5)** to allow a building/structure to be located within 75-feet of the floodplain boundary
- 2.5 **Section 17.0436d** to allow for an increased in lot coverage

Mr. Matt recused himself stating he had a conflict of interest due to him being an adjacent property owner affected by the proposed application.

Ms. Tuttle stated she had a discussion with Mr. Pinter prior to the meeting at a sports outing. Once she found out Mr. Pinter lives in the City of Pewaukee she told him they could no longer discuss the matter. She spoke to the City Attorney and he stated as long as she could be impartial, she could deliberate on the request.

The City Clerk swore in the following individuals who wished to give testimony. Chris Wills (W267 N2955 Peterson Drive), Tyler and Brianna Pinter (W267 N2965 Peterson Drive), Thomas Matt (W267 N2930 Peterson Drive), Rose Sorensen (W267 N2926 Peterson Drive), and Steve Krings (N30 W26568 Peterson Drive). Later in the meeting the Architect, Jeff Levar was also sworn in.

Mr. Fuchs summarized the various variances that the applicant was requesting. He stated the first variance request was for a reduction of side yard setbacks. The applicant is proposing a 5.2 foot setback from the north property line and 3.0 foot setback from the south property line. The second variance is to allow a reduction in lot coverage. The Rs-7 District requires that the principal and accessory structures not exceed 30% of the lot area. The applicant is proposing lot coverage of 30.96%. Mr. Fuchs stated the variances in items #2.3 and #2.4 on the agenda are both related to the floodplain boundary. The F-1 District requires a 75 foot setback. The proposed setback varies, but is 13.3 feet at its nearest point. The Shoreland Overlay District also requires a 75-foot setback, but also allows for an average setback to be used based on adjacent structures. In this case the property to the north is vacant, so the averaging of setbacks is not applicable. The Shoreland Overlay District also requires different lot coverage requirements considering different types of structures. The first requirement is that permanent

structures may not occupy more than 20% of the lot. The applicant, again, is proposing lot coverage of 30.96%. The Shoreland Overlay District also limits impervious surfaces, such as driveways, parking areas, walkways, patios, and decks, which may not occupy more than 7.5% of the lot. The applicant is proposing approximately 19.52%. The Shoreland Overlay District also allows for a combined lot coverage of all structures and impervious surfaces of up to 35% with mitigation, such as a rain garden. The applicant is not proposing mitigation. The total lot coverage proposed is 50.5%.

He said staff is recommending denial and finds that the Rs-7 District is in the zoning code to accommodate these types of lots, so adhering to these standards would meet the intent of the Zoning Code. Mr. Fuchs also stated staff did not see any unusually circumstances. This lot is similar to a lot of the lots in the City, particularly around the lake. He said a single-family home could be built on that property that would meet these standards.

Mr. Pinter stated they purchased the property approximately 4 years ago. He said they have out grown their home. He added it is need of several repairs including a new roof, heating and air conditioning. He mentioned the garage has issues with the pitch and said it fills full of water when there are heavy rains. He added, with the recent thawing and heavy rains and cold weather his garage floor is covered in ice. He stated there are plumbing issues with the home too. In researching repair costs it was determined that they would be extremely costly and it would make more sense to build a new home.

Mr. Pinter stated he spoke to his neighbors about his proposed plans and they are in support of his new home. Mr. Pinter also submitted a letter of support from his neighbors Denny & Amy Stone who could not be present this evening.

Mr. Pinter also submitted photos of his property with various flags marking where his home would be positioned on his property. One is the view from the Stone's deck, another photo showed how far the proposed deck would extend in the yard in comparison to where the Wills deck is located and one photo showed three different flags; the notations were as following: *'five feet off N PL – Mr. Matt's desired location'*, *'Proposed plan, five feet off N PL'* and *'8 feet off N PL, 30 feet from RD ROW. Build location with no variances'*. Mr. Pinter stated he did not agree with Mr. Matt's request as it would require a greater encroachment into the floodplain.

Mr. Welcenbach opened the public hearing.

Mr. Wills spoke in favor of the proposed plans. He mentioned the lot adjacent to the Pinter property is vacant and won't be built upon and that should be considered when granting the variance.

Mr. Matt stated his view of the lake would be adversely affected and requested the house be moved slightly. He submitted pictures from his home office window.

Ms. Sorensen stated she was opposed to all of the variances that have been granted over the recent years. She said the homes that are being built on the lake are far too large for the small lots. She also voiced here concerns over the issues of the height of some of the buildings as well as construction activity and parking on her property.

Mrs. Pinter thanked the Commission members for their consideration on the matter before them.

Ms. Tuttle referenced Chapter 59 of the Wisconsin State Statutes and mentioned Chapter NR 117 of the Wisconsin Administrative Code to see if there was any leeway the Board could offer the petitioner.

Mr. Welcenbach closed the public hearing. The Board members stated they wanted to research the matter and asked if they could contact the City's Attorney if needed. The Board members were told they could not have any discussion among themselves.

A motion was made and seconded, (R. Welcenbach, J. Tredwell) to table the decision and reconvene on Tuesday, February 19th, 2019 at 6:00 p.m. Motion Passed: 3-For, 0-Against.

3. Adjournment

A motion was made and seconded, (R. Welcenbach, J. Tredwell) to adjourn the meeting at 9:46 p.m. Motion Passed: 3-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer