

In attendance: Chairman J. Fuchs, and Board Members T. Matt, K. Marlin, R. Welcenbach and J. Tredwell. Also present were Zoning Administrator J. Gibbs, Community Services & Joint Park & Recreation Director K. Woldanski and Clerk/Treasurer K. Tarczewski.

- 1.0 Call to Order and Pledge of Allegiance – Chairman Fuchs called the meeting to order at 6:00 p.m.
- 2.0 Discussion and possible approval of meeting minutes dated September 14, 2016.

A motion was made and seconded, (T. Matt, R. Welcenbach) to table the minutes.
Motion Passed; 5-For, 0-Against.

3.0 Public Hearings

- 3.1. Discussion and possible action regarding the petition of Richard Molloy for the property located at W278 N2382 Prospect Avenue (PWC 0935-031) for a variance to build a new detached garage specifically related to the following:
 - 3.1.1. The new detached garage as proposed will result in noncompliance with the City of Pewaukee Zoning Code 17.0416(f)(1) requiring a street yard setback of 35 feet.
 - 3.1.2. The new detached garage as proposed will result in noncompliance with the City of Pewaukee Zoning Code 17.0416(f)(2) requiring a side yard setback of 30 feet.

Mr. Richard Molloy was present.

Mr. Gibbs stated Mr. Molloy stopped in and stated his garage is deteriorating and he wanted to tear it down and rebuild it. Mr. Gibbs said it is a nonconforming structure and according to ordinance 17.08(04) he is only allowed to reroof and reside it. Mr. Molloy provided pictures and it was obvious that it is structurally not sound. Mr. Molloy stopped at City Hall and spoke to Mr. Clindenbeard who recommended coming before the board for a variance to take it down and rebuild in the same spot. Mr. Gibbs stated there are two street setbacks at 35 feet since it is a corner lot, and two side yard setbacks at 30 feet on a 40 foot wide lot.

Mr. Fuchs asked what the requested variance were. Mr. Gibbs stated it is a variance of 18.4 feet off of Edgewood Avenue and 1.6 feet off of what is considered the side yard setback. He also suggested allowing him to build closer to the street allowing for more space between the building and the side yard setback.

Mr. Fuchs swore in Mr. Molloy.

Mr. Molloy stated his tenants have been complaining about the condition of the garage. He stated there are four barn doors, one of which has fallen off. He said the structure leans hard to the right. There are safety concerns to be able to side and roof it. He would like to tear down the structure and

rebuild on the same footprint.

He stated the existing structure is 20.6 feet wide with a one foot over hang on both sides and he would like to build a 24' x 24' without an overhang, and bring it 1.6 feet towards the street. He was asked for the reason for the change in dimensions. He said a 20' x 20' is too hard to get out the door when two cars are in there. He said there is a fixed wall down the center. He said if he didn't have a garage the property would be difficult to lease.

Mr. Welcenbach asked if the tenants were currently using the garage for parking their vehicles. Mr. Molloy stated they were until one his tenants got a new vehicle and is now afraid to use it any further.

Mr. Matt asked if he would be willing to move the garage so it is centered more on the property. Mr. Molloy stated he was.

Mr. Gibbs stated he didn't realize that Mr. Molloy wanted to increase the size of the garage. He said the requested variances of 16.8 feet and 1.6 feet are incorrect and would need to be recalculated.

Mr. Matt noticed the drawing Mr. Molloy submitted from Menards shows a 22 feet square structure. Mr. Molloy stated he'd prefer a 24 square foot garage.

Mr. Fuchs noted that there were people in the audience but neither wanted to testify. He verified notice had been sent to the neighbors and no other objections were received by staff.

Mr. Fuchs stated if the Board considers the hardship to be the loss of the ability to lease out the property due to not having a garage, then granting a variance to build a garage, in a more sensible location, could be allowed. Mr. Molloy said moving the garage over 2 feet would allow for him to still be able to park a car between the garage and the street.

The Board discussed what would make the most sense to the compatibility of the area. Mr. Welcenbach asked if the structure is moved, will it block the windows. Mr. Molloy stated he didn't believe so. Mr. Tredwell said a 24 x 24 structure will have a taller roof peak. Mr. Matt said he'd like to see it 5 feet off the lot line, but according to Mr. Molloy that would not allow for parking between the street and the garage. Mr. Molloy stated he'd like to leave the back wall where it is and would be willing to move it a foot and a half over.

Mr. Fuchs stated he didn't feel it will alter the character of the area. Mr. Gibbs added the property owner is required to have a garage because it is a multi-family dwelling. Mr. Fuchs stated that would support the case for Mr. Molloy's hardship.

A motion was made and seconded, (J. Fuchs, R. Welcenbach) recognizing there is a hardship because the garage is required for the current use and the current use would be unreasonably interfered with if he were unable to rebuild the garage, because it appears that the garage is so deteriorated that it needs to be rebuilt opposed to repaired and a reasonable variance would be a 25 foot variance on side yard

setback and 24 foot variance on street yard setback, subject to the condition of it being built in conformity to all other applicable codes and in the location where the variance allows. Motion Passed: 5-For, 0-Against.

4.0 Adjournment

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

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer