

Building Services

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

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Tuesday, June 9, 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 Regarding the Zoning Board of Appeals Meeting Minutes Dated November 12, 2019
 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.
 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.
 5. Adjournment

Kelly Tarczewski
Clerk/Treasurer

June 5, 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 **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: June 9, 2020

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

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

DATE: June 9, 2020

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Extension Request

Catarozoli - Burdick Remodeling Project

**Address: N27 W27158 Woodland Drive
Pewaukee, WI 53072**

4/27/2020

To the attention of the Variance Committee of PWKE:

I would like to formally, and respectfully, request an extension to our (granted) variance (November 2019) to build a 24x24, detached, garage on our property. Our remodel of the house has taken more time (and money, of course!) than expected and now with the global pandemic, contractors are reeling.

I am cordially asking for a one year extension to the granted variance so that we may put up our garage next year, 2021. Still as discussed, planned, agreed to and granted permission for.

Thank you for your consideration.

Kind regards ~ Tracey Catarozoli & John Burdick

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

DATE: June 9, 2020

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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.

BACKGROUND:

FINANCIAL IMPACT:

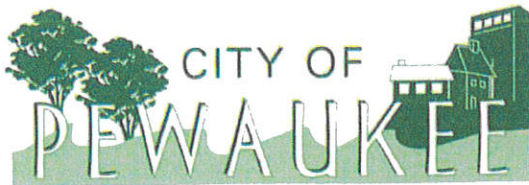
RECOMMENDED MOTION:

ATTACHMENTS:

Description

Reisner Petition

Staff Report



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770
Fax (262) 691-1798
fuchs@pewaukee.wi.us

The applicant and property owner(s) hereby certify that:

- 1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge;
- 2) the applicant and property owner(s) has/have read and understand all information in this application; and
- 3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

PETITIONER'S/APPLICANT'S SIGNATURE: Eric Reiser
NAME & TITLE (PRINT): Eric Reiser - Owner
SIGN AND DATED this 3rd day of March, 2020.

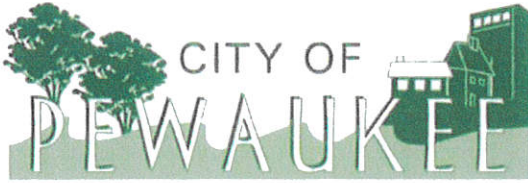
PROPERTY OWNER'S SIGNATURE: Eric Reiser
NAME & TITLE (PRINT): Eric Reiser - Owner
SIGN AND DATED this 3rd day of March, 2020.

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

City Staff-

RECEIVED at City Hall by: _____ on _____

Fee paid: \$ _____ Date: _____



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APPLICATION FOR VARIANCE REQUEST

TO THE HONORABLE MAYOR AND ZONING BOARD OF APPEALS OF THE CITY OF PEWAUKEE,
WAUKESHA COUNTY, WISCONSIN

The undersigned hereby petitions the Zoning Board of Appeals of the City of Pewaukee, Waukesha County, Wisconsin requesting a variance from: The height restriction for a detached Garage of 18' to allow 22'4" so a room can be added above current Garage to allow for Storage and Rec Room.

Legal description of property to be rezoned – Please attach.

Common property description or name: Lot 45 Map of Starke Peninsula, Dc #4360767

Property Address: N28W27558 Peninsula Dr Tax Key Number(s): PWC 0933 062

Property owner(s) (Full Legal Name): Eric A Reisner

Owner's Address: N28W27558 Peninsula Dr City/State/Zip: Pewaukee, WI 53072

Phone: 262-955-4522 Email: eric.reisner@outlook.com

Applicant (Full Legal Name):

Name: Eric Reisner

Company: Owner

Address: N28W27558 Peninsula Dr

City/State/Zip: Pewaukee, WI 53072

Phone: 262-955-4522

Email: eric.reisner@outlook.com

Contact Person (Full Legal Name):

Name: Same as Applicant.

Company: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Variance submittals must include and be accompanied by the following:

- ☒ This Application form accurately completed with original signatures.
- ☒ Application Filing Fee, payable to the City of Pewaukee:
 - ☐ \$400.00
 - ☐ Note costs for publication, notice and all attorney fees related to the project shall be paid by the applicant and will be invoiced separately
- ☒ Five (5) complete collated sets of Application materials to include:
 - ☐ A written project narrative detailing the request and site & building improvements.
 - ☐ Scaled drawings, as may be applicable, including, but not limited to; a site plan, building elevations, colored renderings, and natural resource delineations.
- ☒ Variance Findings Form
- ☒ All application materials provided in a digital format (Adobe PDF). Materials may be submitted on a USB Flash Drive or emailed to tarczewski@pewaukee.wi.us.
- ☒ Note twelve (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.



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Fax (262) 691-1798
fuchs@pewaukee.wi.us

VARIANCE FINDINGS FORM

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

Date: 3/26/2020 Property Owner: Eric Reiser
Property Address: 198 W27558 Peninsula Dr, Pewaukee, WI 53072

Section 17.1007 states, "No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- a. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

The extra 4 ft of height for the Garage would be within the neighbor's attached Garages.

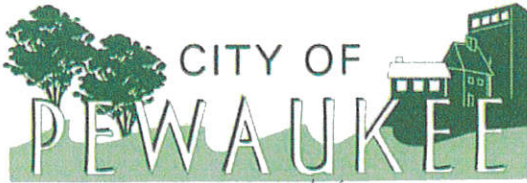
- b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.

Since we did not build new but renovated the existing home, the Garage remained detached and that is why the variance is needed.

- c. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

- d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

By granting this our renovated Garage would be equal to



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the neighbors, maintaining a standard for new and renovated homes.

- 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.

Footprint and foundation remain the same. It is not in anyones view line since it is on the street side of the house.

- 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.

None of the above are affected.

- 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.

This would not cause any additional or new issues.

Reisner Variance Request for N28W27558 Peninsula Drive

We have renovated our home within its existing structure from the bare studs and trusses so it is 100% new:

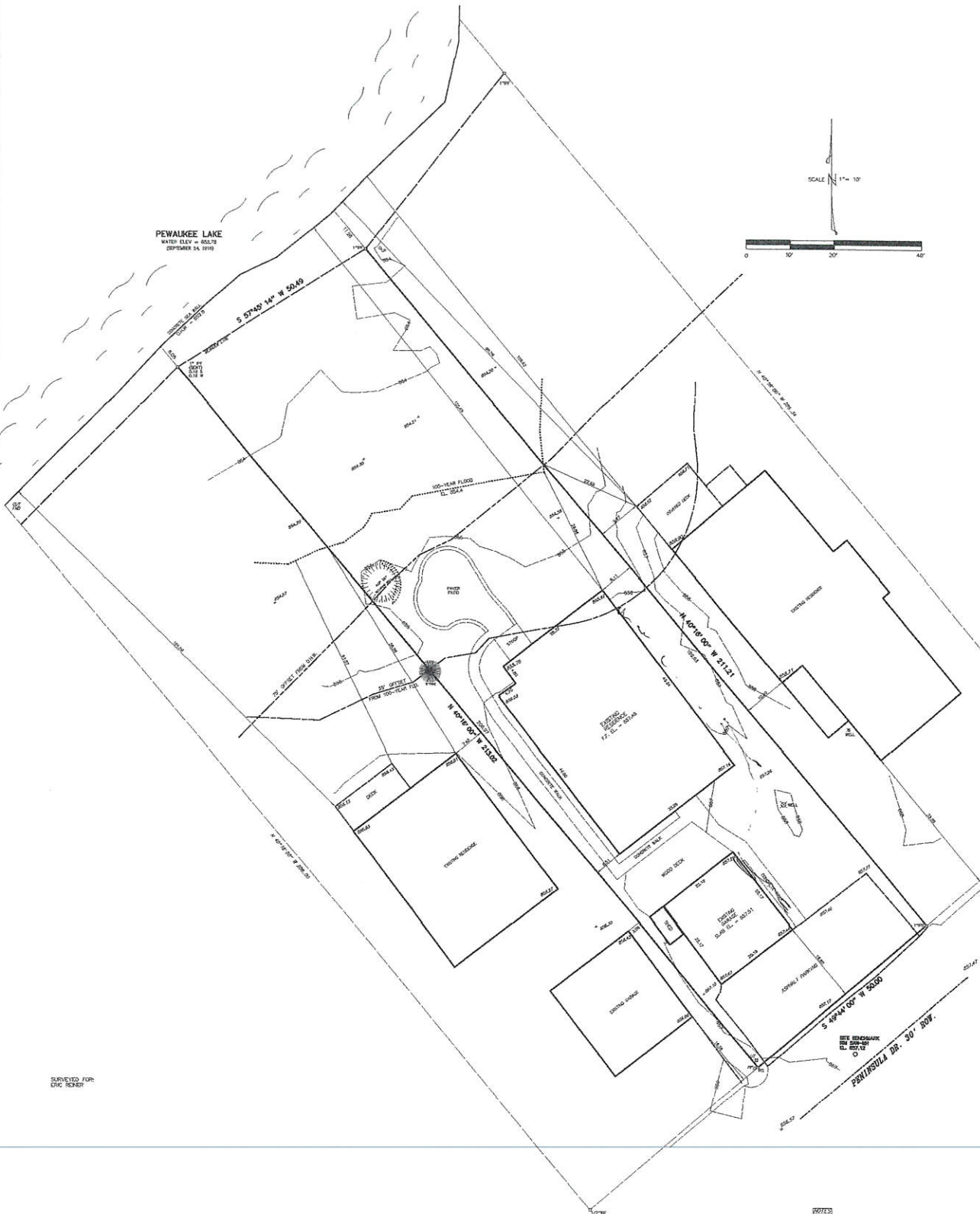
- Electrical Wiring
- Plumbing
- Mechanical Systems
- Windows
- Doors
- Appliances
- Sheetrock
- Sub Flooring
- Flooring
- Sheathing
- Siding
- Roofing

We now are planning on renovating the garage so that it matches the House. We will be taking it down to bare studs and utilizing the same footprint, but looking to raise the roof so the storage area above it is walking height. We will be building Closets for storage and also an open area.

In order to do this properly we are asking for a Variance to the 18ft Height restriction for detached garages. All of the neighboring homes that have been built have rooms over the garages so we are looking to match the neighboring houses.

PROPERTY SURVEY / TOPOGRAPHIC SURVEY

Lot 45, Starke Peninsula Subdivision, being a part of the Northwest 1/4 and the Northeast 1/4 of Section 18, Township 7 North, Range 19 East, in the City of Pewaukee, Waukesha County, Wisconsin.



SURVEYED FOR
ERIC ROEMER

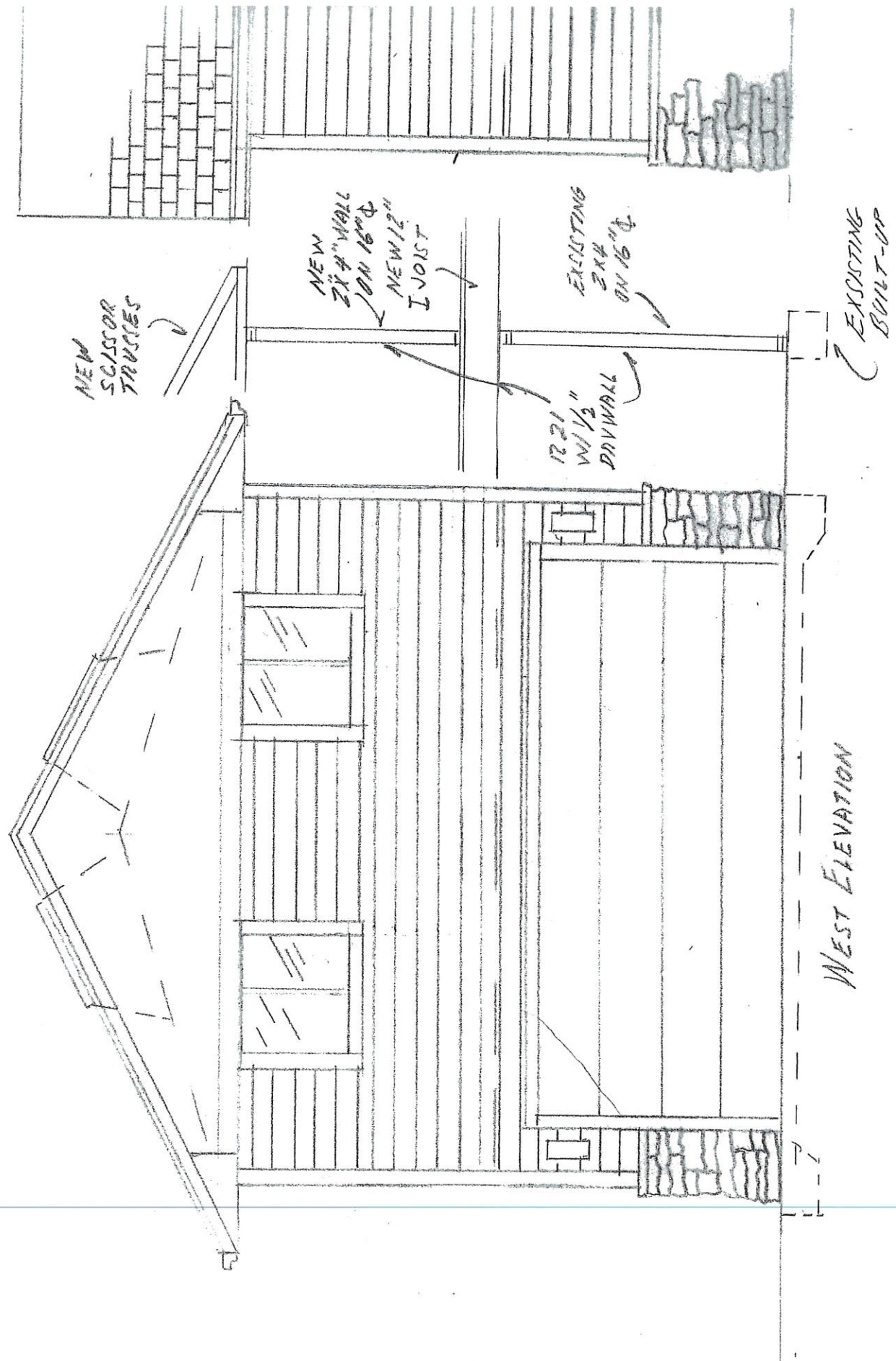
NOTES
1. BUILDING SETBACKS TO BE DETERMINED BY THE CITY OF PEWAUKEE BUILDING INSPECTION

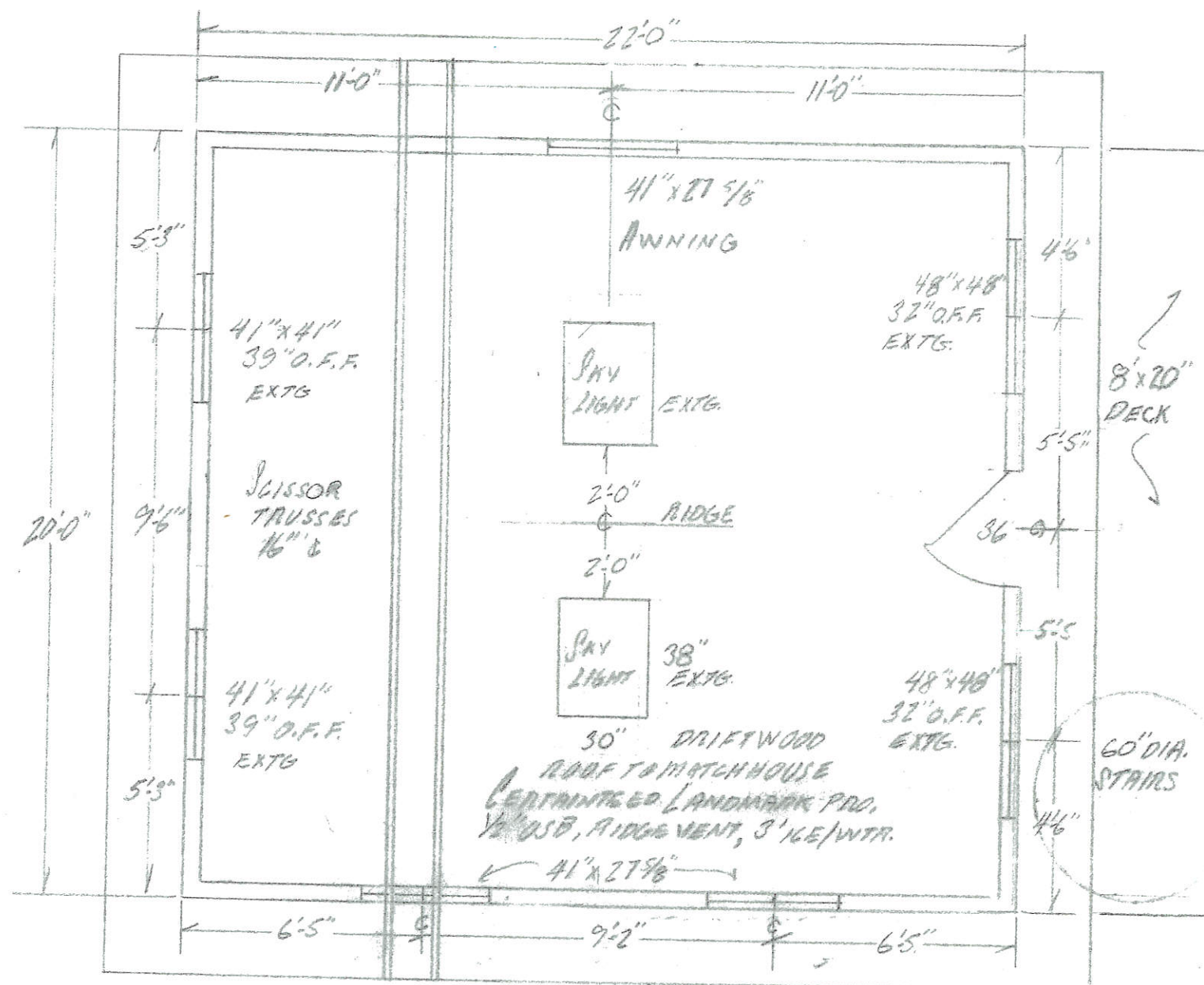
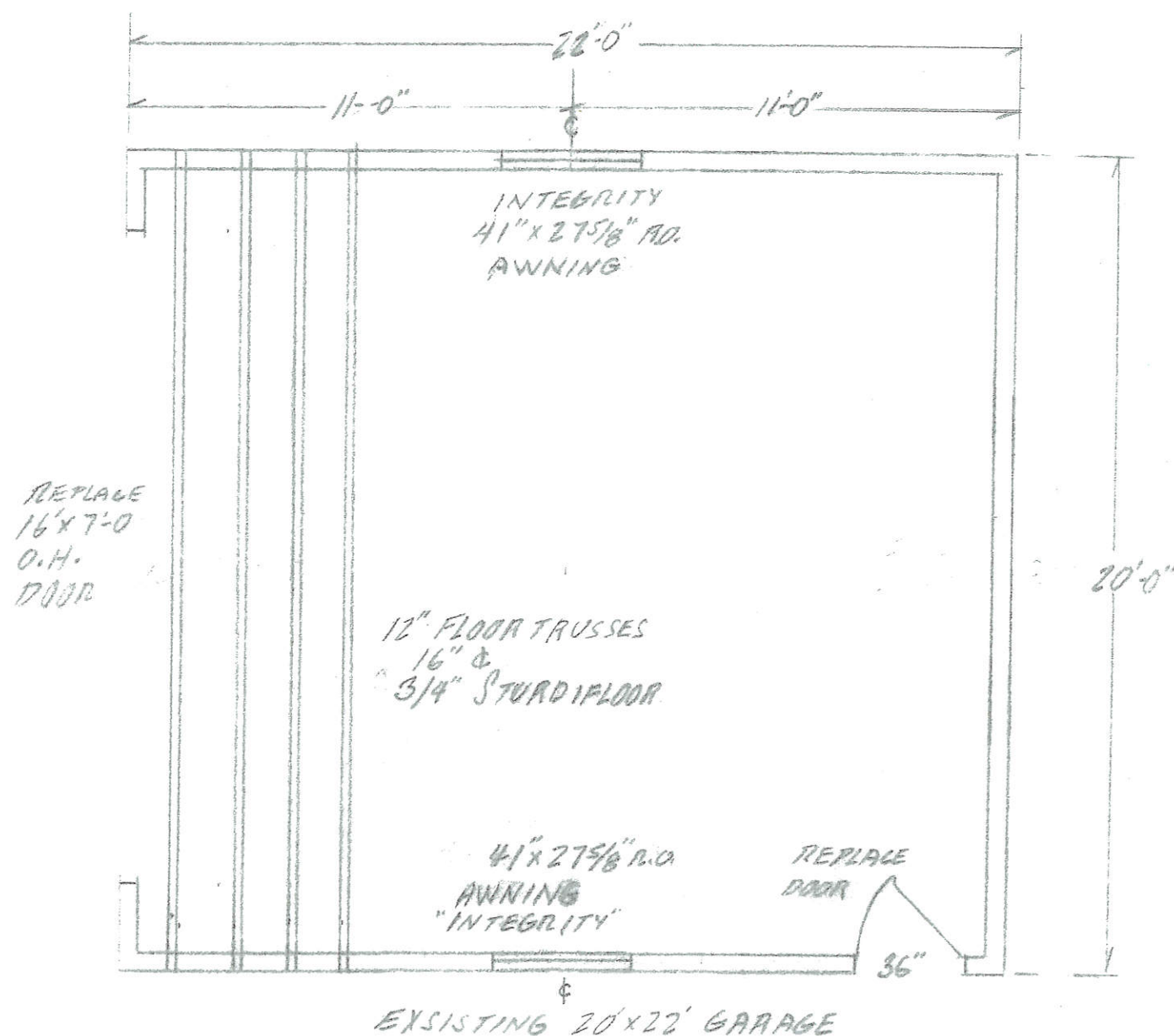
SURVEYED BY
MICHAEL W. BUECHL, INC.
200 CALVERT AVE.
PEWAUKEE, WISCONSIN 53072
PHONE
(414) 401-1144
mwbuechl@earthlink.net

I have surveyed the above described property, and the above map is a true representation thereof, and shows the size and location of the property, the extent of improvements, the location and dimensions of all visible structures thereon, fences, easements, adjacent roads, and visible encroachments. This survey is made for the exclusive use of the present owners of the property, and those who purchase, mortgage or otherwise acquire the title thereto, within one year from date hereof, and to then warrant the accuracy of said survey and map. Obtaining a building permit with this drawing constitutes approval of building location and any proposed encroachments.

David M. Buechl
PROFESSIONAL LAND SURVEYOR NO. S-25990
STATE OF WISCONSIN

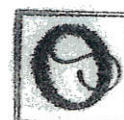




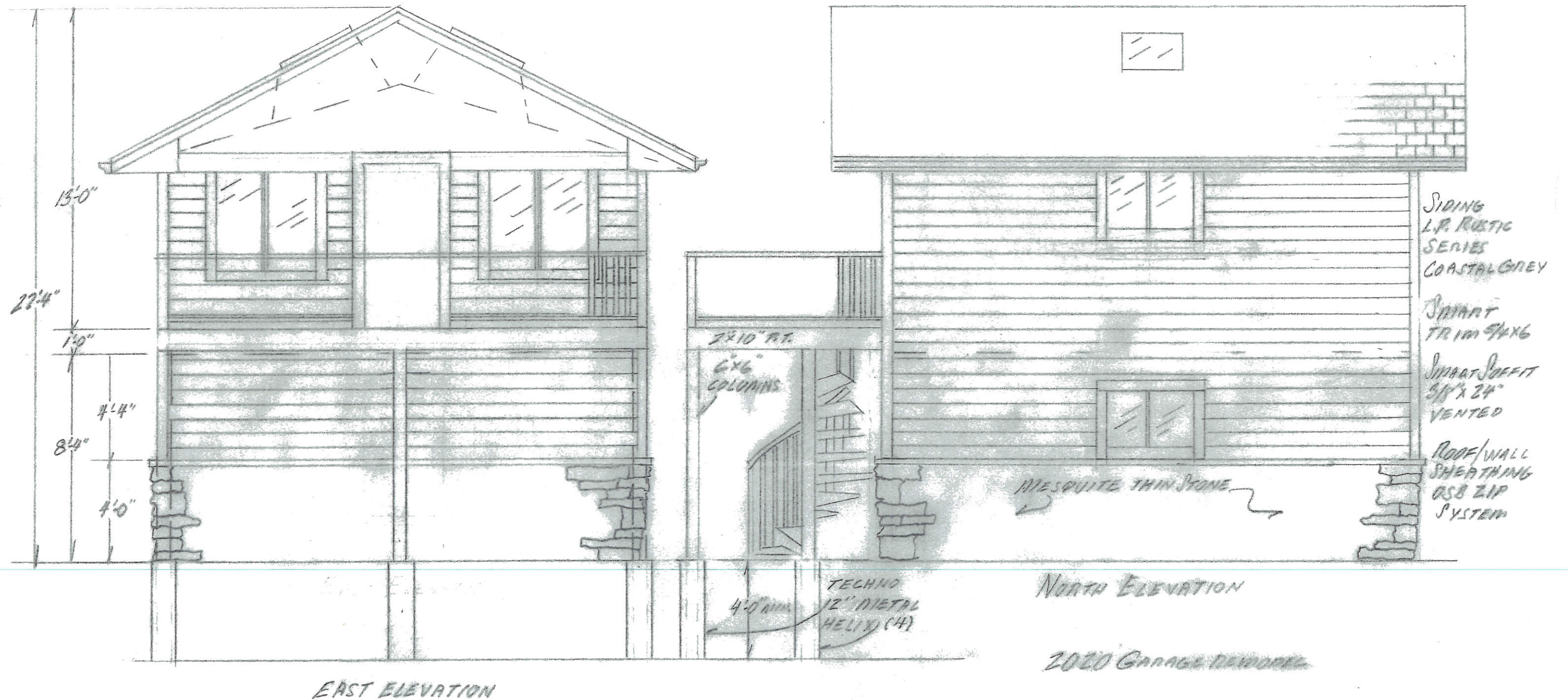


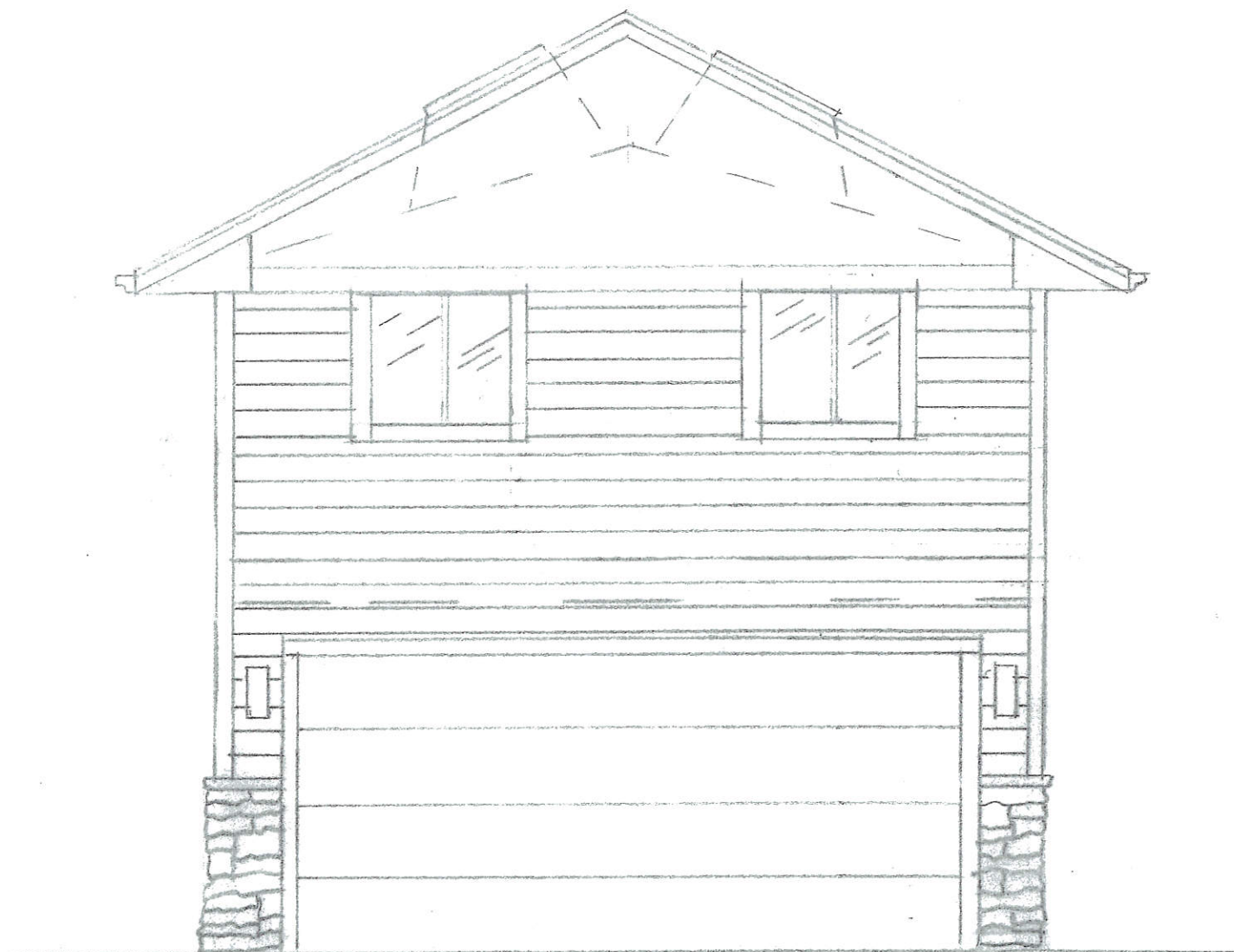
12/10/19
L.D.O.

2019 GARAGE REMODEL
REISNER/BOROSKI COTTAGE
N28W27558 PENINSULA
PEWAUKEE WI 53072



The Ohlsson Company
W278n2946 Rocky Point Rd.
Pewaukee, WI 53072





WEST ELEVATION



SOUTH ELEVATION

2020 GARAGE REMODEL



Office of the Planner & Community Development Director
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Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
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REPORT TO THE ZONING BOARD OF APPEALS

Meeting of June 9, 2020

Date: June 1, 2020

Project Name: Reisner Variance Request

Project Address/Tax Key No.: N28W27558 Peninsula Drive/PWC0933062

Applicant: Eric Reisner

Property Owner: Eric Reisner

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: Single-family residential to the north, south, and east and Pewaukee Lake to the west

Project Description/Analysis:

The applicant filed a Variance Application requesting a variance from Section 17.0411a and 17.0410e.(2) to allow for the construction of a detached accessory building with a height of 22'-4", opposed to the maximum allowed accessory building height of 18-feet.

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 20' x 22' (440 square feet) detached garage to replace the existing garage on the property. The proposed garage and will be located within the same footprint as the existing garage, which is allowed within the Shoreland District. According to the applicant, the request to exceed the maximum building height is to allow for a recreation room and additional storage space.

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.

17.1007 FINDINGS (Rep. & Rec. 14-14)

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- a. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is

located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

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

Recommendation:

Staff does not find that the applicant has provided evidence that demonstrates the Findings of Section 17.1007 are met; therefore, staff recommends denial of the variance request. More specifically, staff contends that the property rights are preserved in this case without the approval of the variance request as a new detached garage within the existing footprint of the existing garage may be built with a height not to exceed 18-feet. The lack of additional storage space does not significantly burden the use of the property as a single-family use.

Additionally, staff does not find exceptional or unusual circumstances as the subject lot is similar to surrounding lots around Pewaukee Lake and other Rs-7 zoned properties.