

In attendance: Chairman J. Fuchs, R. Welcenbach, M. Heise and T. Matt. G. Roth and G. Staven were absent and excused. Also present were Zoning Administrator J. Gibbs, Parks, Recreation and Community Development Director K. Woldanski and Recording Secretary K. Tarczewski.

- 1.0 Call to Order and Pledge of Allegiance - Chairman Fuchs called the meeting to order at 6:28 p.m.
- 2.0 Approval of Meeting Minutes May 6, 2015

A motion was made and seconded, (T. Matt, M. Heise) to approve the meeting minutes dated May 6, 2015. Motion Passed 4-For, 0-Against.

3.0 Public Hearings

- 3.1. Discussion and Possible Action Regarding the Petition of **BERNARD & JILL DOMECKI** for the property located at **N27 W27152 Woodland Drive** (PWC 0933-129) to Build a 2-Car Garage.
 - 3.1.1. The new garage as proposed will result in noncompliance with the City of Pewaukee Zoning Code 17.0411(a) to the street yard setback of at least 20 feet.
 - 3.1.2. The new garage as proposed will result in noncompliance with the City of Pewaukee Zoning Code 17.0411 side yard reduction to the reduced side yard setback of 8-feet.

Mr. Gibbs stated there was an error in the agenda, the 'side yard reduction to the reduced side yard setback of 8-feet' should actually be 1-foot. The new garage will need a variance of 17.32 feet street yard setback.

Mr. Fuchs swore in Bernard Domecki (N27 W27152 Woodland Drive) and John Gibbs (W240 N3065 Pewaukee Road).

Mr. Gibbs stated he spoke to the petitioner approximately 6 months ago. The property owner expressed an interest in tearing down the old 1-car garage to construct a 2-car garage. He stated it was staff's recommendation to deny the request since it does not meet the City's zoning code and would be in violation of setbacks. Mr. Fuchs ask if the proposed new garage would meet the compatibility of the area. Mr. Gibbs stated yes, most in garages in the area are detached 2-car structures. Mr. Domecki provided pictures to illustrate that.

Mr. Domecki stated they purchased the home at the end of June 2015 and they want to build a 2-car garage based on the extremely small size of the existing garage. Mr. Fuchs advised the petitioner that he should present the reason why there would be a hardship to build it anywhere else. He commented that the requirements for a hardship have recently been softened and now the petitioner only needs to show the Board that without the variance the intended used of the property would be unreasonably be impeded. Mr. Domecki stated he believes there are 2 hardships to be considered. First, the existing distance from the street to the road, they

would ultimately have to build into the house to attach a 2-car garage. He stated to meet the street side set back of 20-feet they would be limited to 15-16 feet before hitting the front of the house. Secondly, the survey shows there is a well that encroaches inside of the house. The well would then need to be moved and the DNR does not like to have wells on the lake side of the house.

Mr. Heise stated he believe the side yard setback code could be met by moving the structure over another foot stating the requirement for a side yard setback is 5-feet. He also noted that there is only a 15 foot distance between the garage to the house and 2.6 feet from garage to the street, leaving only about 18 feet setback so they could never meet ordinance if they moved it to the back to the house.

Mr. Gibbs agreed Mr. Domecki could move the garage over 1-foot to meet the side yard setback.

After looking at the pictures submitted by Mr. Domecki, Mr. Fuchs asked if any of the garages in the area meet the setbacks. Mr. Gibbs stated one or two newer homes do because they were built with attached garages, but the rest do not.

Mr. Matt asked why the project includes stairs. Mr. Domecki stated it was for storage. Mr. Matt wanted it made clear that the City will not allow for a business or secondary living space up there. It was recommended to limit it to garage and storage use only. Mr. Fuchs stated another contingency should be to build it according to plans submitted.

Mr. Heise asked why they didn't consider moving the garage closer towards the well. Mr. Domecki stated they have a bay window in the back and then they would only have a view of the garage. They also didn't want to reduce the green space by putting in a longer driveway.

Mr. Gibbs stated moving the garage towards the back would cause issues with having adequate access to the well.

Mr. Fuchs asked Mr. Domecki for clarification whether or not he was withdrawing his petition for the 1-foot side yard setbacks. Mr. Domecki confirmed that it was not necessary any longer.

A motion was made and seconded, (M. Heise, T. Matt) to grant the variance of 17.25 feet from the street yard setback with the following conditions; 1) the garage structure shall be constructed consistent with all other applicable building codes, 2) the use of the garage is limited to a garage for the parking of motor vehicles and storage and 3) the garage shall be constructed consistent with the plans and renderings as submitted by the applicants in the course of the hearing. Motion

Passed: 4-For, 0-Against.

Mr. Fuchs stated he would prepare the Findings, Conclusions, Determination and Order form.

4.0 Adjournment

A motion was made and seconded, (M. Heise, T. Matt) to adjourn the meeting at 6:46 p.m. Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer