



Building Services

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

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Wednesday, April 11, 2018

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to 2 minutes, if further time for discussion is needed please contact the City Clerk prior to the meeting.
 3. Consent Agenda
 - 3.1 Discussion and Possible Action Regarding the Zoning Board of Appeals Meeting Minutes Dated January 10, 2018 for Grasch
 - 3.2 Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated July 12, 2017 for Seeboth
 - 3.3 **PUBLIC HEARING** Regarding the Petition of **TOM YOUNGBAUER** for the Property Located at **N28 W27580 Peninsula Drive (PWC 0933-064)** for an Extension of a Variance Previously Issued on March 1, 2017 to Build a New Single Family Home Specifically Related to the Following:
 - 3.3.1 The new home as proposed will result in non-compliance with the City of Pewaukee Zoning Code 17.0436(c)(5) of a setback of 75 feet to the 100 year base floodplain, but can average to the structures on EACH side of the parcel but no closer than 35 feet.

The petitioner is requesting a variance of 27.9 feet to the 100 year floodplain which is a setback of 7.1 feet.
 - 3.3.2 The new home as proposed will result in a non-compliance with the City of Pewaukee Zoning Code 17.0411(a) Side Yard Setback reductions on non-conforming lots. Structures on these lots over one story in height must have a side yard setback of at least 8 feet.

The proposed new home will have a side yard setback of 4.76 feet on the right side of the house and is requesting a variance of 3.5 feet.

The proposed new home will have a side yard setback of 4.76 feet on the left side of the house and is requesting a variance of 3.5 feet.
 4. Public Comment - Please limit your comments to 2 minutes, if further time for discussion is needed please contact the City Clerk prior to the meeting.
 5. Adjournment

John Gibbs
Zoning Administrator

April 6, 2018

NOTICE

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 3.1**

DATE: April 11, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding the Zoning Board of Appeals Meeting Minutes Dated January 10, 2018 for Grasch

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 3.2**

DATE: April 11, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve the Zoning Board of Appeals Meeting Minutes Dated July 12, 2017 for Seeboth

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 3.3**

DATE: April 11, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

PUBLIC HEARING Regarding the Petition of **TOM YOUNGBAUER** for the Property Located at **N28 W27580 Peninsula Drive (PWC 0933-064)** for an Extension of a Variance Previously Issued on March 1, 2017 to Build a New Single Family Home Specifically Related to the Following:

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Directors Memo

Youngbauer Variance

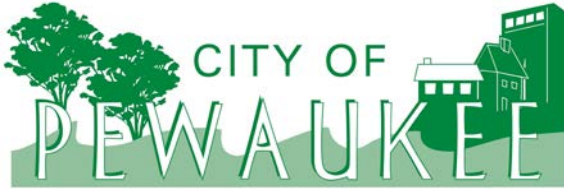
Youngbauer Minutes 3.1.17

Original Staff Report

Youngbauer Original Application

Youngbauer Plans

Youngbauer Plat of Survey



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

TO: Zoning Board of Appeals

FROM: Kelley Woldanski, Director of Parks, Recreation & Community Services

DATE: March 6, 2018

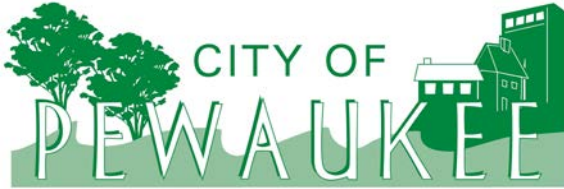
RE: Youngbauer Variance Extension Request

The Building Services Department has been working with Mr. Thomas Youngbauer over the past several years regarding property maintenance concerns. At the time we were about to start issuing daily citations because the violations were not be addressed, Mr. Youngbauer stated he was going to raze his current home and build a new one however was looking for a variance in order to do so.

With that information, we put the property maintenance violations on hold while Mr. Youngbauer went through the variance petition process. He went before you in March of 2017 and was given a variance as requested. At that time Mr. Youngbauer was working with Turn Key Homes and after receiving the variance, decided to no longer work with Turn Key Homes and started working with Wausau Homes. The permit process has been long and difficult. In December of 2017 we contacted Mr. Youngbauer to remind him again that we were missing paperwork in order to issue his permits and as of February, 2018 had not heard back.

According to ordinance 17.109(b) Mr. Youngbauer's variance expired after 6 months since no substantial work had been done on the property. We informed Mr. Youngbauer of this on February 9, 2018 and stated all of his permit applications would no longer be valid due to the inexistence of his variance. Therefore Mr. Youngbauer is coming before you to request an extension on this variance. While we would recommend granting this extension, we would also ask the Zoning Board of Appeals to consider adding the parameters below to encourage Mr. Youngbauer to move forward with razing his home and building new because of the outstanding property maintenance issues.

- The current home should be razed within 30 days of receiving this extension which includes securing the proper permits to do so.
- The new home construction should begin within in 3 months of receiving this extension. Within 30 days of razing the previous home, the foundation for the new home should be complete.



Building Services
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- The new home should be 50% complete prior to the variance expiration date. After the home is 50% complete, the variance will no longer be in jeopardy of expiring.
- We believe a 6 month extension would be sufficient for these parameters.

Our 6 month recommendation allows time to get the permits complete and the project started to a sufficient state but also does not allow the project to be delayed any longer.

Thank you in advance for your consideration. I will be attending this meeting should you have any particular questions or feel free to contact me prior to the meeting at 262-691-9107.

Document Number

AREA VARIANCE CITY OF PEWAUKEE

N 28 W27580 Peninsula Drive, Waukesha County, WI

Legal Description:

W33 Ft of Lot 48 Starke Peninsula Sub PT NW ¼ & NE ¼ Sec 18 T7N
R19E R767/1411

Record this document with the Register of Deeds

Name and Return Address:

John Gibbs
Pewaukee City Hall
W240 W3065 Pewaukee Rd
Pewaukee, WI 53072

PWC 0933-064
(Parcel Identification Number)

**CITY OF PEWAUKEE
OFFICE OF THE CITY CLERK
N28 W27580 PENINSULA DRIVE
PEWAUKEE, WI 53072**

**BOARD OF ZONING APPEALS
FINDINGS, CONCLUSIONS, DETERMINATION AND ORDER**

In Re the Area Variance Application of Tom Youngbauer for the property at N28 W27580 Peninsula Drive, Pewaukee, WI (PWC0933-064) for a variance to build a new single family home.

Application filed: January 24, 2017

Date of Notice: February 2, 2017

Hearing Date: March 1, 2017

Legal Description

W33 1/3 ft of Lot 48 Starke Peninsula Sub PT NW ¼ & NE ¼ Sec 18 T7N R19E R767/1411.

Finding of Facts

The Board of Zoning Appeals having heard the testimony and considered the entire record, the Board finds:

1. The applicants are the owners of the property at N28 W27580 Peninsula Drive, Pewaukee, WI. The property is zoned Rs 7.
2. The property will be used for a single family residence.
3.
 - a. 17.0436(c)(5) requires a setback of 75 feet to the 100-year floodplain, but can average to the structures on each side of the parcel but no closer than 35 feet. The proposed new single family home will need a variance of 27.9 feet.
 - b. 17.0411(a) requires structures over one story in height on non-conforming lots must have a side yard setback of at least 8 feet. The proposed new single family home will need a variance of 3.5 feet on both the right and left side of the house.

Conclusions of Law

1. The variance requested is consistent with the intent and purpose of the zoning code for the continued use of the lot as a residence.
2. The Board is satisfied that there is a hardship which unreasonably prevents the owner from using the property for its residential use, in that _____
Strick adherence to the code would result in a building footprint possibly
as small as 10x20 feet, rendering the lot unbuildable.

Determination and Order

Area variances are granted as follows:

Section 17.0436(c)(5) requires a setback of 75 feet to the 100 year base flood plain, but can
average to the structures on each side of the parcel but no closer than 35 feet. The proposed
new single family home will need and is hereby granted a variance of 27.9 feet.

Section 70.0411(a) requires structures over one story in height on non-conforming lots to
have a side yard setback of at least 8 feet. The proposed new single family home will need
a variance of 3 feet on both sides of the house, which variance is granted, such that the
home shall be built with a side setback, as to each side of the house, of at least 5 feet.

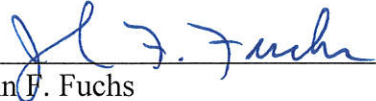
Such variances are depicted on Exhibit A attached hereto and incorporated herein by
reference. The setbacks enumerated in the determination and order, as hereinabove set
forth, shall control in the event the side setbacks as depicted on Exhibit A are less than 5
feet.

_____:

1. All structures shall be constructed consistent with all other applicable building codes.
2. The use of the structures are limited to residential use.
3. All structures shall be constructed consistent with the limitations of this variance grant.

Dated: 3-8-17

City of Pewaukee

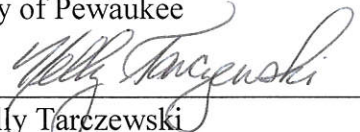


John F. Fuchs

Chairman, Board of Zoning Appeal

Dated: 3-8-17

City of Pewaukee



Kelly Tarczewski

City Clerk/Treasurer

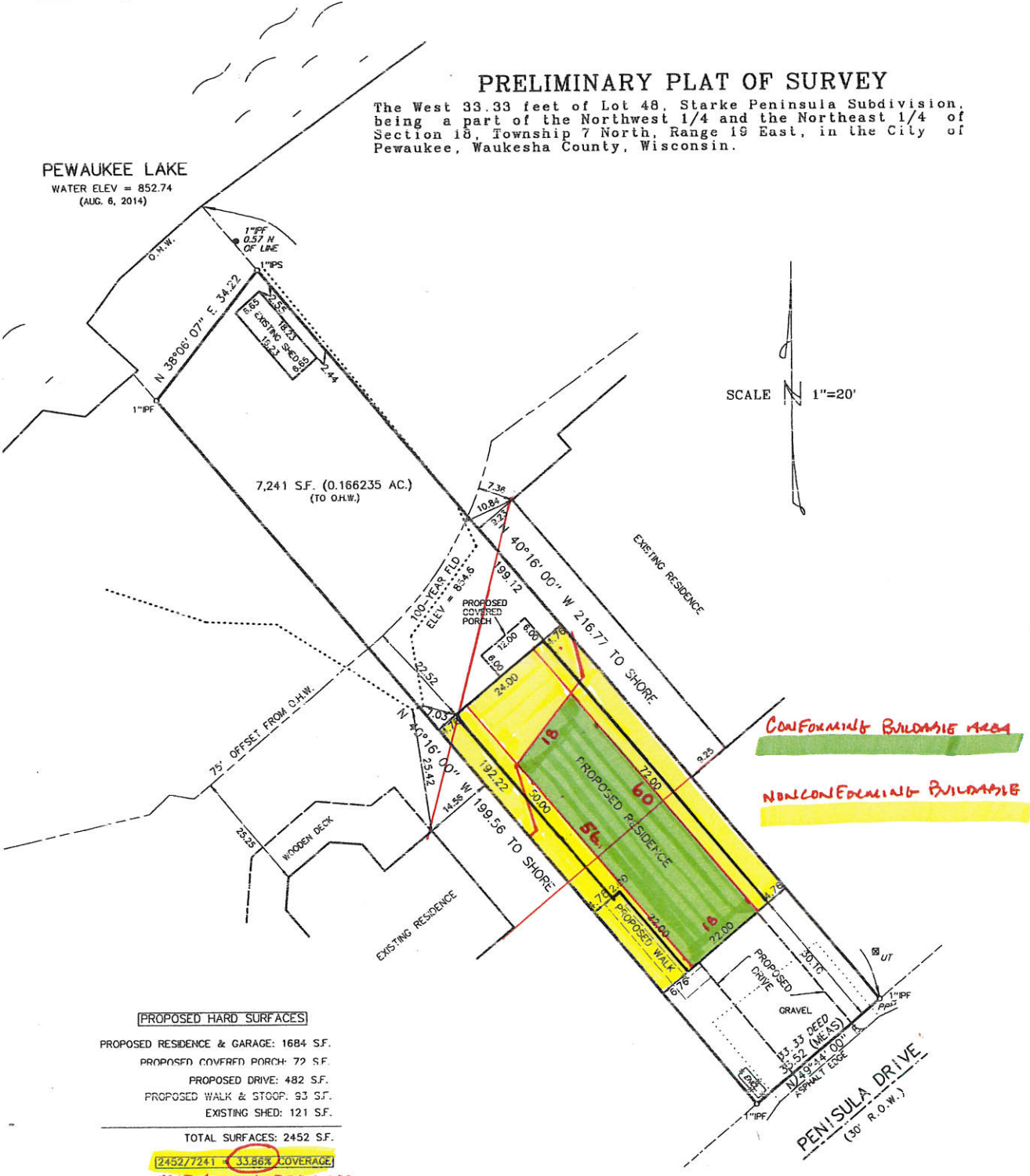
AUGUST 12, 2014
SEPTEMBER 2, 2014 REV.
JANUARY 11, 2017 EXHIBIT
JANUARY 31, 2017 REV.

PRELIMINARY PLAT OF SURVEY

The West 33.33 feet of Lot 48, 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.

PEWAUKEE LAKE
WATER ELEV = 852.74
(AUG. 6, 2014)

SCALE 1"=20'



(PROPOSED HARD SURFACES)

PROPOSED RESIDENCE & GARAGE: 1684 S.F.
PROPOSED COVERED PORCH: 72 S.F.
PROPOSED DRIVE: 482 S.F.
PROPOSED WALK & STOOP: 93 S.F.
EXISTING SHED: 121 S.F.

TOTAL SURFACES: 2452 S.F.

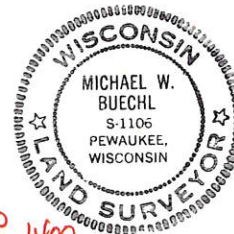
2452/7241 = 33.86% COVERAGE

MITIGATION REQUIRED

(NOTES)

1. 100-YEAR FLOOD ON PEWAUKEE LAKE HAS BEEN LOWERED TO 854.4 AND MUST BE FIELD-LOCATED.
2. ADDED 75' OFFSET LINE FROM ORDINARY HIGH-WATER

4 BEDROOM 900
MINIMUM FIRST FLOOR SQ FT 1800
MINIMUM TOTAL AREA FOR 4 BEDROOM 1700 SQ FT 1400



In attendance: Chairman J. Fuchs, and Board Members M. Heise, K. Marlin, J. Treadwell and R. Welcenbach (arrived at 6:33 p.m.). T. Matt and G. Staven were absent and excused. Also present were Zoning Administrator J. Gibbs and Clerk/Treasurer K. Tarczewski.

- 1.0 Call to Order and Pledge of Allegiance - Chairman Fuchs called the meeting to order at 6:30 p.m.
- 2.0 Discussion and Possible Approval of Meeting Minutes
 - 2.1. September 14th, 2016 – **A motion was made and seconded, (K. Marlin, J. Treadwell) to approve the meeting minutes dated September 14th, 2016.**
Motion Passed: 4-For, 0-Against.
 - 2.2. November 9th, 2016 – **A motion was made and seconded, (J. Treadwell, K. Marlin) to approve the meeting minutes dated November 9th, 2016.**
Motion Passed: 4-For, 0-Against.
- 3.0 Public Hearings
 - 3.1. Discussion and possible action regarding the petition of **TOM YOUNGBAUER** for the property located at N28 W27580 Peninsula Drive (PWC 0933-064) for a variance to build a new single family home specifically related to the following:
 - 3.1.1. The NEW HOME as proposed will result in non-compliance with the City of Pewaukee Zoning Code 17.0436(c)(5) of a setback of 75 feet to the 100 year base floodplain, but can average to the structures on EACH side of the parcel but no closer than 35 feet.

The proposed new home will have a setback to the 100 year base floodplain closer than the 35 foot average. The petitioner is requesting a variance of 27.9 feet to the 100 year floodplain which is a setback of 7.1 feet.
 - 3.1.2. The NEW HOME as proposed will result in a non-compliance with the City of Pewaukee Zoning Code 17.0411(a) Side Yard Setback Reductions on Non-Conforming Lots. Structures on these lots over one story in height must have a side yard setback of at least 8 feet.

The proposed new home will have a Side Yard Setback of 4.76 feet on the RIGHT side of the house and is requesting a variance of 3.5 feet.

The proposed new home will have a Side Yard Setback of 4.76 feet on the LEFT side of the house and is requesting a variance of 3.5 feet.

Mr. Gibbs stated that Mr. Krueger came in approximately in November/December inquiring about a tear down and rebuild. He said he reviewed the criteria with Mr. Krueger. Mr. Gibbs stated Mr. Krueger stopped in another time for more clarification. Mr. Gibbs made suggestions and some changes were made, but variances are needed for the side yard setback and the 100 year flood plain.

Mr. Fuchs sworn in Mr. Krueger, Mr. Youngbauer, Mr. Gibbs and members of the audience.

Mr. Krueger stated they already altered the footprint significantly to make it fit on the lot better. He said it is a narrow lot. He said another issue is that Mr. Youngbauer can't have a basement for storage so he wants something large enough to be able to have storage options.

Mr. Fuchs stated the previous standard for obtaining a variance was that no reasonable use of the lot could be done absent of the grant of the variance. He said now it is if strict adherence to the code would unreasonably interfere with the use of premises for the intended use. Mr. Fuchs asked the petitioner to address why building within the set requirements would be a unreasonable burden.

Mr. Krueger stated the standard is unreasonable to adhere to the use of the property. Mr. Krueger stated he could only build a structure 10 x 20 feet. He said the two houses on both sides are relatively new and if he took the average of the neighbors' homes he would have to be off the road about 65 feet and be 75 feet from the 100 year flood plain, leaving only a small strip left.

Ms. Marlin stated she noticed a discrepancy in the building plan of 10 feet. Mr. Krueger stated the plan was not updated but they reduced the structure by 6 feet and chopped off half of the porch.

Mr. Heise stated he was looking at the residence to the right on the survey and noted it was a newer home. He asked why it was closer to the 100 year flood plain. Mr. Gibbs stated it actually wasn't, he referred to the dash line on the survey. Mr. Heise commented it must be elevated higher. Mr. Krueger stated swales have been cut into the property to allow for better drainage to the lake.

In reviewing the plat map submitted by Mr. Gibbs, Mr. Fuchs stated the conforming area is highlighted in green and appears to measure approximately 18 x 56 on one side and 60 on the other. Mr. Gibbs stated the survey is not to scale and may be off a few feet. He said the scale is 1 to 20. Mr. Fuchs said there is a substantial difference between the buildable area Mr. Krueger is claiming to be limited to and what Mr. Gibbs is stating.

Mr. Krueger stated it depends on how you interpret the setback from the road, it is either 30 feet off of the road or the average of the two neighbors. Mr. Krueger stated he was using the average of each of the neighbors. Mr. Gibbs stated he can average but not less than 20 feet from the roadway. Mr. Gibbs state he was actually at 30 feet. Mr. Gibbs stated he has nothing to average against since the neighbors' homes are not on the surveys. Mr. Gibbs stated Mr. Youngbauer should revert back to the RS-6 zoning which is 30 feet from the street. Mr. Fuchs concurred with Mr. Krueger that if he averages between the neighbors it takes away from the buildable area. Mr. Gibbs stated they could average but it could not be closer than 20 feet and if there is a minimum setback requirement and it is his understanding that they have to default back to the RS-6 which is 30 feet and then the lot would be unbuildable. He said clarification is needed because the starting point is no clear and the measurements are missing. Mr. Krueger stated he could go back to the surveyor for the measurements of the neighbors'

setbacks.

David and Meagan Moe (N28 W27572 Peninsula Drive) state they were confused about the conversation related to the street side setback as well as the side setbacks and the lakeside setback. Mr. Gibbs explained how the street side setback was determined and the backside is determined by the 100-year flood plain. Mr. Moe stated he did not hear what Mr. Youngbauer's hardship was. Mr. Moe stated Mr. Youngbauer's current home is already too close to theirs. He voiced concerns over their privacy. Mr. Krueger stated the proposed home would be the same width of the existing home but will be centered on the lot more, giving them more space between their homes.

Mr. Moe also voiced his concerns about the lack of the property maintenance. Mrs. Moe stated Mr. Youngbauer has not been following codes up to this point and it is a safety issue. She again stated she was not in support of this. Mr. Fuchs stated this matter was not before the Zoning Board of Appeals and they could do nothing about this issue.

Mr. Krueger added all houses on the lake have some sort of variance and their request was not unreasonable.

Tom Reinke (N28 W27571 Peninsula Drive) stated the house that the Moes live in should have had a variance but one was never applied for. He stated the old Mayor and a developer bypassed that requirement. Mr. Heise stated that could be an issue at some point in time since it is a legal non-conforming structure, that couldn't be rebuilt. Mr. Fuchs suggested that they look into that. This situation would easily qualify as an undue hardship.

Mr. Heise stated he doesn't have too much of a problem with the side setback being at the minimum of 5 feet.

Mr. Heise was okay with the variance needed for the floodplain as long as the owner realizes that there could be an issue with the house flooding at some point.

Ms. Marlin was also okay with the 5-foot side yard setback, but did voice an issue with encroaching on the lake and would like more green space. She thought there may be a little more room by decreasing the driveway and moving the home towards the street.

Mr. Welcenbach would also like to move the home away from the lake.

Mr. Tredwell stated he was confused about the dimensions, but echoed the previous comments related to supporting the side yard setback 5 feet and would prefer keeping away from the lake and does not want to set precedents with floodplain variances.

Mr. Fuchs stated the owner has satisfy the hardship requirement as it appears the lot is unbuildable. He noted the zoning code for the lake doesn't match what has been built in the area.

Mr. Fuchs asked the Board if there was much of difference between 5 feet

and 4.7 feet. Mr. Heise and Ms. Marlin Kate both stated this is an issue and a standard should be adhered to. Mr. Fuchs stated it is a particularly narrow lot and would be an improvement of the situation if the house is centered on the lot. He stated he'd want the house away from the lake and should remain behind his neighbors' homes. There was discussion that the porch dimensions changed to 12 x 6 feet.

A motion was made and seconded, (M. Heise, R. Welcenbach) to set the side yard setback variance to 5-feet on both sides of the home. Motion Passed: 4-For, 1-Against (J. Fuchs) stating that three inches is not unreasonable.

A motion was made and seconded, (M. Heise, J. Fuchs) to allow for a 27.9 foot variance from the floodplain setback. Motion Passed: 3-For, 2 Against (K. Marlin & J. Tredwell) Ms. Marlin stated she'd like the house built closer to the road and Mr. Tredwell agreed.

A motion was made and seconded, (J. Fuchs, K. Marlin) to reconsider at the next meeting if there is an issue with the surveyor's measurements. Motion Passed: 5-For, 0-Against.

4.0 Adjournment – **A motion was made and seconded, (K. Marlin, M. Heise) to adjourn the meeting at 7:40 p.m.** Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

FOLLOW-UP:

Mr. Gibbs stated Mr. Krueger gave misinformation regarding the buildable area. He confirmed the legal buildable area was correctly marked in green on the survey presented to the ZBA on March 1, 2017. Per Chapter 17.0411 the street yard setback shall follow 17.0410 but can average. See highlighted notation below.

Excerpt from the City of Pewaukee Municipal Code – Chapter 17 Zoning

17.0411 Rs-7, SINGLE-FAMILY RESIDENTIAL DISTRICT (Renamed 13-09)

- a. The Rs-7, Single-Family Residential District is intended to accommodate only existing single-family residential uses or parcels within the older, established areas of the City where such uses are located on lots or parcels of land which are within predominantly residential areas, do not conform to the restrictions set forth in the Rs-6 district, and were "lots of record" prior to August 1982. Any single-family residential use or structure existing in the Rs-7 Zoning District shall be considered to be a conforming use but may not be altered to change the principal use and may only be structurally altered in conformance with the requirements set forth in sub-section 17.0410 with the exception that the setback and yard requirements may be changed as follows:

The street yard setback may be reduced to the average of the yards on each side within the same block but to not less than 20 feet. The existing side yard on each side of the structure may be considered the side yard for purposes of structural expansion; and, the rear yard may be reduced to 20 feet unless adjacent to a designated 100 year recurrence interval (base flood) floodplain (see 17.0435).

In addition, existing non-conforming parcels of land in the older, established areas of the City (particularly the Lake Pewaukee shore area) may be placed in this district if no other residential district is appropriate, but may not be altered in any way or a residence constructed thereon except in conformance with the requirements set forth in Section 17.0410 and 17.0436, with the exception that the setback and yard requirements set forth in Section 17.0410 may be reduced as follows:

The street yard setback may be reduced to the average of the nearest residences on each side of the parcel in question but to not less than 20 feet; the side yard requirement on lots 60-89 feet in width may be reduced by one (1) foot for each ten (10) feet less than 90 feet; and, lots less than 60 feet in width may be reduced by an additional one (1) foot for each five (5) feet less than 60 feet, but to not less than five (5) feet and with the exception that residences over one story in height must have a side yard setback of at least eight (8) feet. The rear yard may be reduced to 20 feet unless adjacent to a designated 100 year recurrence interval (base flood) floodplain (See 17.0435 and 17.0436). (See table below.)

Further, any such existing uses which lie within the shoreland or floodplain areas in the City must comply with all Waukesha County Shoreland regulations or subsection 17.0436 of this ordinance, whichever is more restrictive.

SIDE YARD REDUCTION ON EXISTING PARCELS IN THE Rs-7 ZONING DISTRICT			
LOT WIDTH	MINIMUM SIDE YARD	LOT WIDTH	MINIMUM SIDE YARD
90 ft. – 99.8 ft.	12 ft.	55 ft. – 59.9 ft.	8 ft.
80 ft. – 89.9 ft.	11 ft.	50 ft. – 54.9 ft.*	7 ft.
70 ft. – 79.9 ft.	10 ft.	45 ft. – 49.9 ft.*	6 ft.
60 ft. – 69.9 ft.	9 ft.	Less than 45 ft.*	5 ft.

*** Residences on these lots over one story in height must have a side yard setback of at least eight (8) feet.**

INTEROFFICE MEMORANDUM

TO: ZONING BOARD OF APPEALS
FROM: JOHN GIBBS, ZONING ADMINISTRATOR
SUBJECT: N28 W27580 PENINSULA DR. TOM YOUNGBAUER RESIDENCE
DATE: 2/2/2017
CC: KELLEY WOLDANSKI

STAFF REPORT

Upon review of the site plan for the proposed New Single Family Home on the property, it was determined that the structure would not comply with the Waukesha County Shore-land Ordinances and the City of Pewaukee Zoning Codes.

Property is zoned RS-7 and has the following classifications:

CITY OF PEWAUKEE ZONING CODE

CITY ZONING DISTRICT - RS-7

Setbacks required for the proposed structure are as follows:

1. 17.0411(a) - Street Yard – 30 feet - averaging allowed but not less than 20 feet per 17.0411
2. 17.0411(a) - Side Yard – 12 feet – reductions allowed for lots less than 100 feet in width
3. 17.0411(a) - Rear Yard – 20 feet unless adjacent to the 100 year base floodplain.
4. 17.0436(c) (5) - Shore Yard – 75 feet to 100 year flood plain & wetland averaging allowed but not less than 35 feet.
5. 17.0436(d) - Lot Coverage of Buildings – maximum is 27.5% all foot prints
6. 17.0410 – Maximum height principle building – 35 feet
7. 17.0410 – Minimum Lot Width 90 feet
8. 17.0410 – Minimum lot are 12,500 square feet

NOTES & FINDINGS:

The property is a LEGAL NON-CONFORMING STRUCTURE on a LEGAL NON-CONFORMING LOT.

Total PROPOSED lot coverage is 33.86% which is over the 27.5% per City of Pewaukee Zoning Code 17.0436(d) and will require a detailed mitigation plan reviewed by Pewaukee Engineering department.

VARIANCE(S)/SPECIAL EXCEPTION(S) REQUESTED:

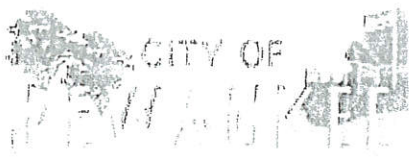
1. The NEW HOME as proposed will result in non-compliance with the City of Pewaukee Zoning Code 17.0436(c)(5) of a setback of 75 feet to the 100 year base floodplain, but can average to the structures on EACH side of the parcel but no closer than 35 feet.
 - a. Proposed NEW HOME will have a setback to the 100 year base floodplain closer than the 35 foot average, and to the adjoining parcels on each side of the lot. This will be a non-compliance to the City of Pewaukee Zoning Code 17.0436(c) (5) of 27.9 feet.
2. The NEW HOME as proposed will result in a non-compliance with the City of Pewaukee Zoning Code 17.0411(a) Side Yard Setback Reductions on non-conforming lots. Structures on these lots over one story in height must have a side yard setback of at least 8 feet.
 - a. Proposed NEW HOME will have a side yard setback of 4.76 feet on the RIGHT side of the house. This will be a non-compliance to the City of Pewaukee Zoning Code 17.0411(a) of 3.5 feet.

- b. Proposed NEW HOME will have a side yard setback of 4.76 feet on the LEFT side of the house. This will be a non-compliance to the City of Pewaukee Zoning Code 17.0411(a) of 3.5 feet.

STAFF RECOMMENDATIONS:

The City of Pewaukee requires a setback to the 100 year base floodplain of 75 feet BUT can average to the structures on each side of the lot but no closer than 35 feet. Mr. Youngbauer is requesting a variance to the 100 year base floodplain of 27.9 feet. Also the City of Pewaukee requires a side yard setback of 8 feet for structures over one story in height. Mr. Youngbauer is requesting a variance to the side yard setback of 3.5 feet on the RIGHT side and 3.5 feet on the LEFT side.

Staff recommends denial of the variance due to the setbacks not complying with the City of Pewaukee Zoning Code.



City of Pewaukee ~ ZBA
W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262)691-9107

Zoning Board of Appeals Application

Notice: The Zoning Board meets on the first Wednesday of every month at 6:30 pm in the lower level in Common Council Chambers at Pewaukee City Hall. ATTENDANCE OF THE APPLICANT IS REQUIRED. Failure to appear could result in the application being acted on without the applicant's input or result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Building Services Department 30 days prior to the next Zoning Board of Appeals meeting.

Applicant Information

Name: Tom Youngbauer
Address: N 28 W 27580 PENINSULA DR
City, ZIP: PEWAUKEE, WI 53072
Phone: 262-691-4803

Property Information (Information pertaining to property in question)

Parcel Tax Key No.: PWC 0933064
Address: N 28 W 27580 PENINSULA DR.
Zoning District: CITY OF PEWAUKEE
Present Use of Property: Single family home

Please provide statements to the following:

Please list the specific section of the Zoning Code from which the exception or variance is being requested:

Setbacks and footprint section 17.0410

Please state specifically the relief that is being requested: (e.g. a 4-foot variance from the side yard setback)

Current 4.76-foot side yard, similar to neighbors

Please state why the relief is being requested: (e.g. explain hardship or reason for variance)

No reasonable single family home is possible with current setback and footprint requirements

Please state "unique" (Exceptional, extraordinary, or unusual) circumstances or conditions affecting the lot, parcel, structure, use or intended use that applicant believes result in a situation where strict compliance with the specific restrictions governing area, setbacks, frontage, height, bulk or density that would either:

- Unreasonably prevent the owner from using the property for a permitted purpose or
- Would render conforming with those restrictions "unduly burdensome"

Existing older home is in much need of improvements and updating, replacement would be a much better option for all. Work orders are on file.



City of Pewaukee ~ ZBA
W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262)691-9107

Zoning Board of Appeals Application Continued...

Please state why you believe that requested variance will not be contrary to the public interest and the purposes of the applicable code provisions:

Same or better properties around the lake.

Please include necessary documents for the appeal. (8 copies are required)

Plat Survey-Survey by a Wisconsin Registered Land Surveyor showing the following: a. Boundaries and dimensions of the property and all existing and proposed setbacks. b. Existing or proposed structures, easements, streets, public ways, off street parking, loading areas, driveways, street, side or rear yards. c. 100 year flood elevation or high water mark for abutting bodies of water and courses.

Plans- 8 copies of proposed construction plans (if applicable)

Other documents may be included if necessary.

No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as ground for the granting of a variance.

I hereby certify that the above statements contained in the application submitted here with are true and correct.

Geri Handl (acting as agent)
Applicant Signature

01-24-17
Date

PLEASE NOTE THIS APPLICATION MUST BE ACCOMPANIED BY A \$400.00 FILING FEE

For internal office use only		
Amount Paid: <u>\$400.00</u>	Receipt # <u>98093</u>	Received by: <u>Geri / 80</u>



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Custom Designs -Second Stories - Lake Homes



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BobBennett@TurnKeyHome.com 920-723-8412

Pewaukee Lake Retreat
Bill and Kathy Tarpey
Drawn By: JJK
Scale: 3/16" = 1'-0"
Date: 01.24.17
Revised:

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ROADSIDE FRONT, Scale 3/16



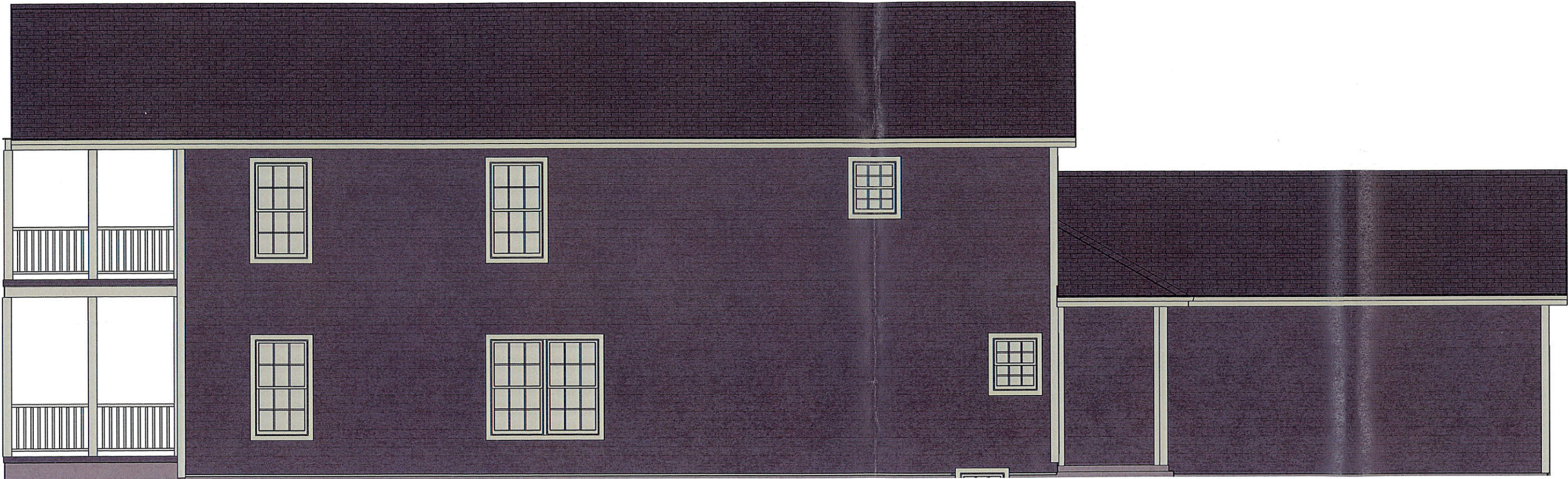
LAKESIDE FRONT, Scale 3/16



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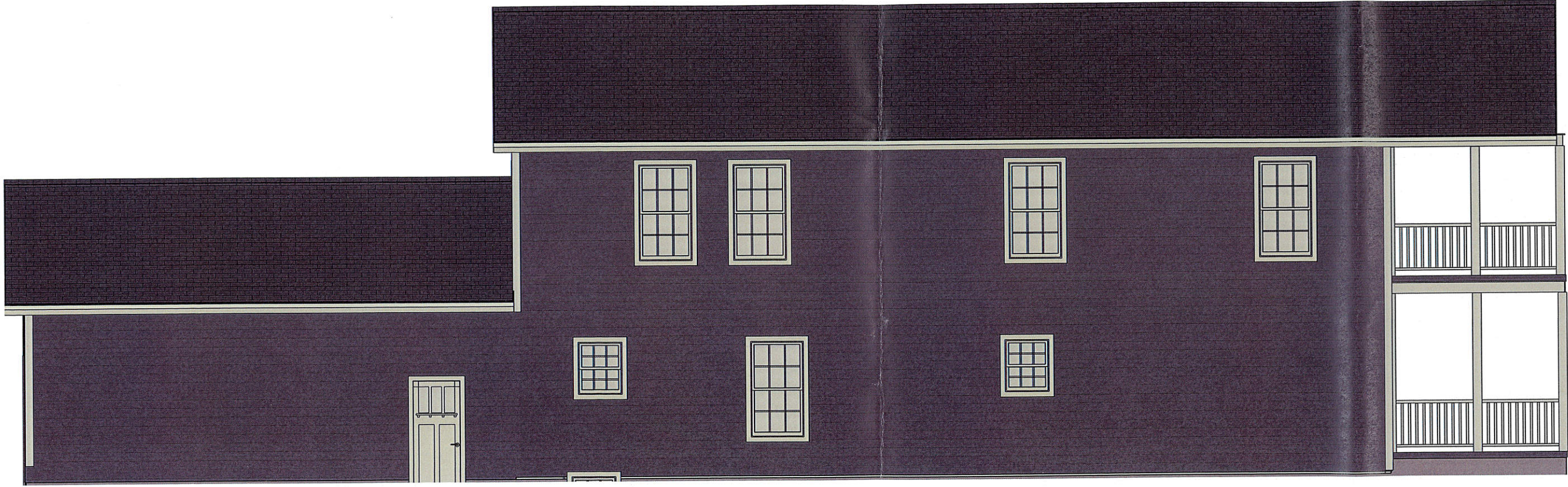
ROAD LEFT, Scale 5/32



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ROAD RIGHT, Scale 5/32

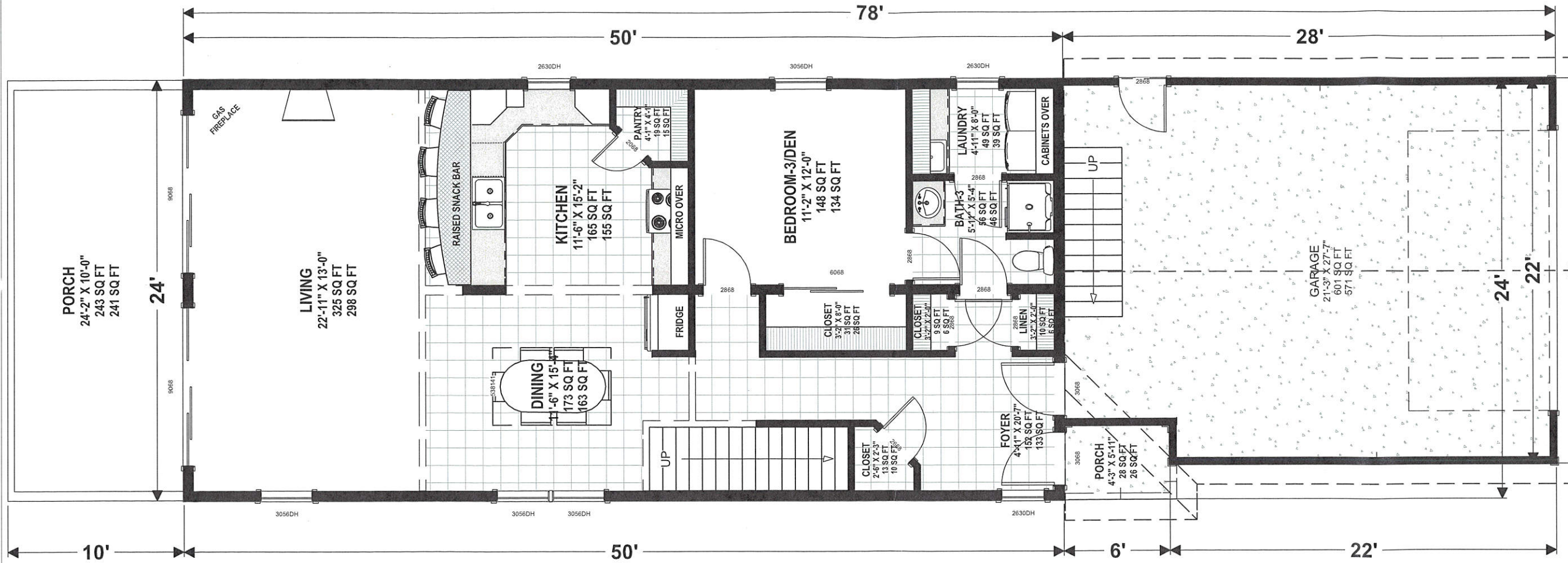


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CUSTOMER: Tom Youngbauer, N28 W27580 Peninsula Dr, Pewaukee, WI 53072, 262-691-4803, No Email, No Text. SITE: Same, City of Pewaukee, Waukesha County Wisconsin, Tax Parcel: PWC 0933064



FIRST FLOOR, Scale 5/32



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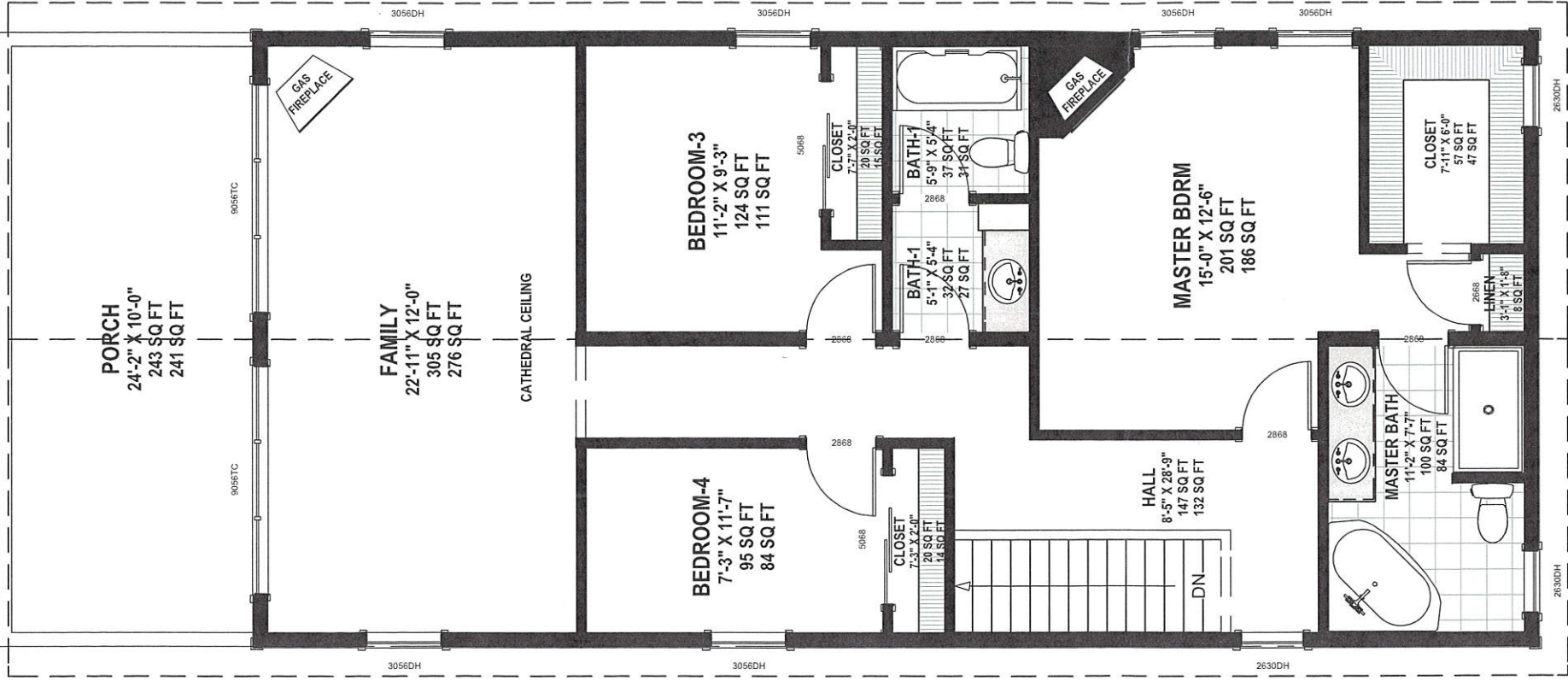
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BUILDER CREDENTIALS: DDC ID 2553, DCQC ID 10077, Milwaukee HICN-0196489, MH Lic 1256831



LIVING AREA
1157 SQ FT

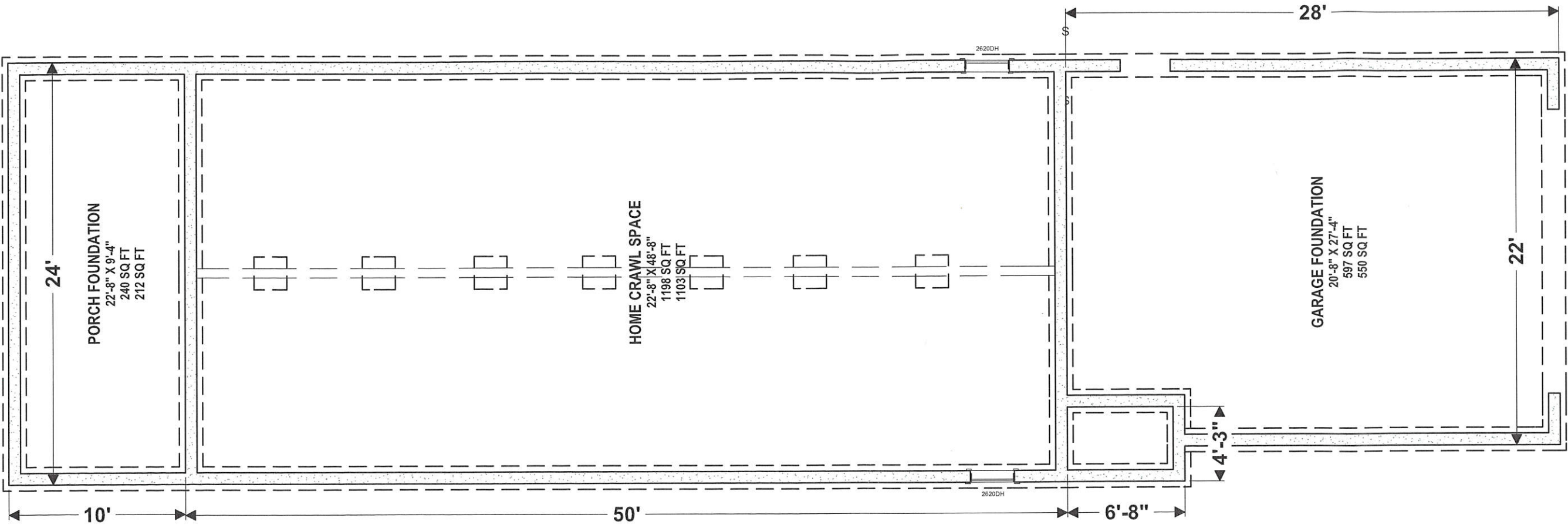
SECOND FLOOR, Scale 5/32



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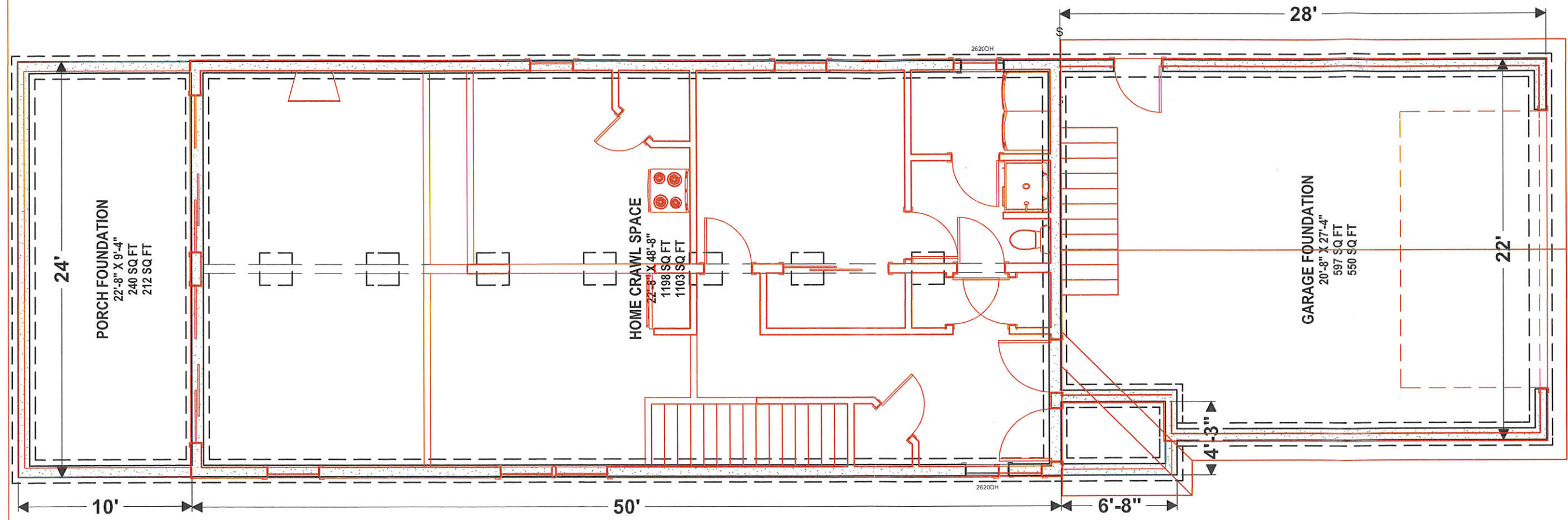
FOUNDATION PLAN 5/32 Scale



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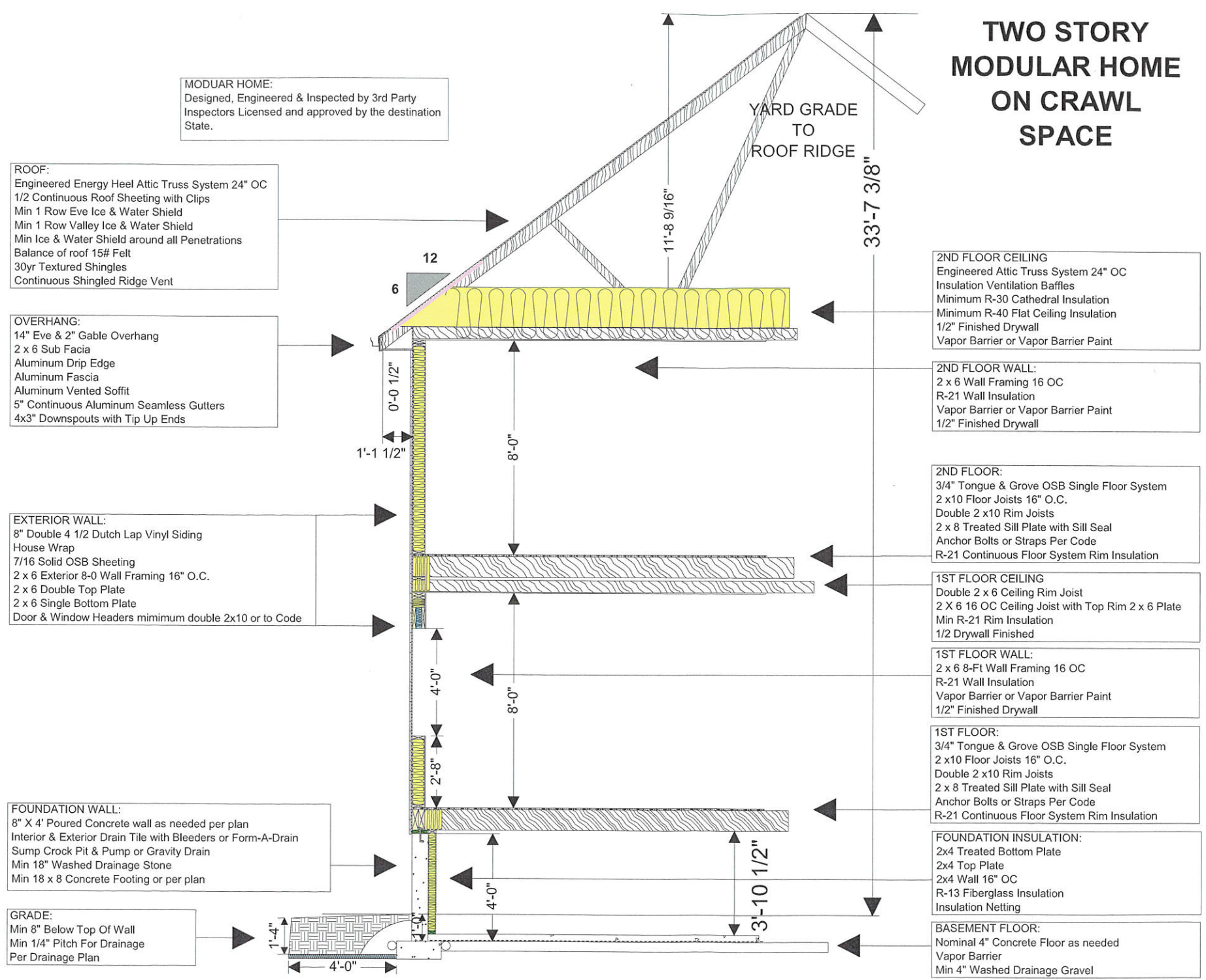
FOUNDATION WITH 1ST FLOOR OVERLAY 5/32 Scale
Page 25 of 29



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Pewaukee Lake Retreat

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AUGUST 13, 2014
SEPTEMBER 2, 2014 REV.
JANUARY 11, 2017 EXHIBIT

PE-7100-W

EXHIBIT

The West 33.33 feet of Lot 48, 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.

42388 - 42389
PENNAKEE LAKE

IT'S
THE

7,241 SF. (2,168235 AC.)
[TO 04.02]

Accepted for publication 12 November 2007

PROPOSED RESURFACING & CURBING: 1804 SF.
PROPOSED COVERED PORCH: 240 SF.
PROPOSED DECK: 200 SF.
PROPOSED WALK & STOOP: 138 SF.
EXISTING: 8400 SF. 121 SF.

Estadística  **Facultad de Ciencias**
Universidad de Valencia

THE

1. 100-YEAR FLOOD ON PEWEEVALE LAKE HAS BEEN DETERMINED TO BE 834.4 AND MUST BE FIELD-LOCATED
2. ADDED 75' OFFSET LINE FROM COUNTRY HIGH-WATER



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**CUSTOMER: Tom Youngbauer
N28 W27580 Peninsula Dr
Pewaukee, WI 53072
262-691-4803 No Email**

← → ↻ 🔒 Secure | <https://www.google.com/maps/@43.0714248,-88.2957622,133m/data=!3m1!1e3>

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BUILDER CREDENTIALS: DDC ID 2553, DCQC ID 10077, Milwaukee HICN-0196489, MH Lic 1256831

PRELIMINARY PLAT OF SURVEY

The West 33.33 feet of Lot 48, 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.

PEWAUKEE LAKE

WATER ELEV = 852.74
(AUG. 6, 2014)

SCALE 1"=20'



PROPOSED HARD SURFACES

PROPOSED RESIDENCE & GARAGE: 1684 S.F.
PROPOSED COVERED PORCH: 72 S.F.
PROPOSED DRIVE: 482 S.F.
PROPOSED WALK & STOOP: 93 S.F.
EXISTING SHED: 121 S.F.

TOTAL SURFACES: 2452 S.F.

2452/7241 = 33.86% COVERAGE

MITIGATION REQUIRED

NOTES

1. 100-YEAR FLOOD ON PEWAUKEE LAKE HAS BEEN LOWERED TO 854.4 AND MUST BE FIELD-LOCATED.
2. ADDED 75' OFFSET LINE FROM ORDINARY HIGH-WATER

4 BEDROOM
MINIMUM FIRST FLOOR SQ FT 1000
MINIMUM TOTAL AREA FOR 4 BEDROOM 1700 SQ FT

