

The Board of Building and Zoning Appeals was called to order by Chairman Stemper at 7:30 p.m. on January 25, 2000 in the Village Hall. Members present: Adler, Koshick, Dunning, and Jones. Also present: Fire Chief Rolfe.

Moved by Jones, seconded by Adler to accept the minutes as presented. Motion carried without a negative vote.

VARIANCE FOR 1005 S. MAIN – ROBERT NEIDERER – RECONVENE

Chairman Stemper recapped what had happened at November, 1999 hearing. Koshick asked if Neiderer had been notified of building reverting to new zoning requirements if unoccupied for more than a one-year period. Specifically, was he told that he would have to sprinkle the building? Neiderer said he was not. Neiderer maintains building was used for storage all along, thus it was not vacant. Moved by Jones, seconded by Adler, to grant a variance of 801 square feet for building at 1005 S. Main Street and to grandfather the building prior to the recodification of the codes in regards to sprinkling. Reasons for granting variance are: 1) Unusual nature as referred to on page 20 of the Board of Adjustment Handbook as follows: (a) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcel's similarly. Generally, hardship arises because of the unusual shape, topography or elevation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use...and (h) Variances attach to the property as a permanent right. Once a variance is granted, it is permanently applicable to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met. 2) Fire protection, presently in building, such as heat sensors, smoke detectors which are wired into the fire boxes, canisters, fire hydrants located on the southeast corner and northwest corner are more than adequate but it must be certified as a functional, operating maintained system. Conditions attached to granting this variance are: 1) This variance will only exist as long as Mr. Neiderer owns the building. When building changes owners, building will have to be brought up to conform with present code. 2) Warehousing of anything beside present owners own equipment is prohibited. 3) If zoning is changed, variance ceases to exist. 4) A sprinkler system would not be necessary, if building were to be divided with firewall and area would be reduced. 5) Any other use of this property, not listed in B-2 zoning, will have to come back to the Board of Building and Zoning Appeals. Motion carried without a negative vote.

Moved by Adler, seconded by Jones, to adjourn at 8:30 p.m.

Respectfully submitted,

Marilyn Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Clerk Kahl on February 22, 2000 at 7:30 p.m. Clerk administered the Oath of Office to new member Rick D. Debe. Members present: DEBE, JONES, KELLY, and ADLER. Absent Koshick & Dunning. Also present Hankovich.

Moved by Jones, seconded by Kelly, to nominate Rick Adler as acting Chairman. Motion carried without a negative vote.

Minutes of the January 25, 2000 meeting were referred to the next meeting.

NEW BUSINESS:

MUKWONAGO AREA SCHOOLS – SIGN VARIANCE. Notice was read. Business Manager, William Cantwell presents the sign request for the school. Sign will be lit from the ground up. Sign facing Clarendon Avenue should be on a timer. Shut down time will be 10:00 p.m. Design will be similar to the High School Sign. There will be 2 or 3 lights on each side.

Kelly – Signs will be 74 ½ square feet. It will meet the sign ordinance. Will there be post-mounted signs at the south end?

Cantwell – No additional signage there.

Main entrance of the building will move from eastside to the northside.

Moved by Kelly that we grant Mukwonago Area Schools the variance to construct 2 wall signs for Clarendon Avenue School. It will be placed on the building as indicated on the plan. One will be located on the northside of the building facing CTH 'NN' and one on the eastside facing Clarendon Avenue. Signs will be illuminated by ground lights and timer will be set to turn lights off by 10:00 p.m. on the sign facing Clarendon Avenue and provisions for a timer on the northside if it is determined that lights should be shut off. Reasons for the granting the variance are: 1) Wall mounted signs are each 74-½ square feet

2) It is in the public interest that we have adequate identification signs for the schools.

3) No one in audience spoke against the signage.

Seconded by Debe. Motion carried unanimously by roll call vote.

SEAQUIST CLOSURES – VARIANCE TO GREEN SPACE FOR BUILDING ADDITION AT 711 FOX STREET. They have an agreement with the adjoining property owner for shared driveway off of CTH 'ES'. Copy of Cross Easement Agreement was handed out to each member. Village Attorney read letter from Waukesha County Department of Transportation approving the shared driveway.

Moved by Jones to grant the variance to Seaquist Closures for the green space because they have an agreement with neighboring property owner that would be signed, dated, and recorded with the Register of Deeds to the satisfaction of the Village Attorney. That each property owner will have 30 feet of greenspace. Reasons for granting the variance:

1) Agreement with adjacent property owners.

2) Agreement will be recorded with the Register of Deeds.

3) Letter from County Transportation favoring the shared driveway.

- 4) Village Planner, Village Attorney, and County Transportation are in agreement with the driveway location.
- 5) Board is not requiring a CSM at this time.
- 6) Driveway in common – each property owner owns ½ of the drive and through deed restrictions gives the adjoining property ingress and egress.

Seconded by Kelly. Motion carried unanimously by roll call vote.

Moved by Kelly, seconded by Jones and carried to adjourn the meeting at 8:25 p.m.

Bernard W. Kahl, CMC
Village Clerk

The Board of Building and Zoning Appeals was called to order by Acting Chairman Adler on March 28, 2000 at 7:30 p.m. Members present: DEBE, JONES, KELLY, and ADLER. Absent Dunning. Also present Hankovich.

Moved by Kelly, seconded by Debe, to approve the January 25, 2000 minutes as explained. Motion carried without a negative vote. Moved by Kelly, seconded by Debe, to approve the February, 2000 minutes as distributed. Motion carried without a negative vote.

CONDITIONAL USE PERMIT – DRIVE THRU WINDOW – 225 BAY VIEW

Matthew and Roger Reitmann appeared requesting a conditional use permit for a drive thru window to be installed at their new restaurant at 225 Bay View Road. The entrance to the drive thru is from Bay View and the exit would be on Greenwald Court. Traffic control lanes would be installed to separate pick up traffic from regular traffic flow. Kelly stated he had talked to the manager of Sleep Inn, who had no problem with the drive thru being requested. Sleep Inn is located south of the drive thru. Moved by Kelly, seconded by Jones, to grant a conditional use for a pick up window at 225 Bay View Road required under Section 100-152(c) (12) of the Municipal Code. Conditions attached to the conditional use are: 1) Window will be used as a pick up window only not for ordering. 2) Signs for traffic flow direction will be in place. 3) Parking spaces will be designated for vehicles to wait for order so traffic flow will not be interrupted. Reasons for granting this conditional use are: 1) Surrounding business, Sleep Inn, was not in opposition of the drive thru. 2) Other surrounding property is vacant. 3) No one appeared in opposition. Motion carried with four aye votes.

BERG – VARIANCE AND CONDITIONAL USE – 723 N. ROCHESTER – CHILD DAY CARE

Tom Berg and Susan Sorentino appeared to represent the request. Berg stated the black top in the rear parking lot is not conducive to green space. It joins the pavement of Martens Plumbing to the west. A variance is being requested because the rear yard setback can not be met. However the rest of the parking lot will be replaced with new asphalt which will be contoured to provide needed green space. Berg's plan for this building has been reviewed and approved by the department heads and the Plan Commission. Even though the 35-foot rear yard set back can not be complied with, the rest of the landscape plan complies with the formula of 10 feet of green space times the perimeter of the property. Moved by Kelly, seconded by Debe, to grant a variance to Tom Berg for 723 N. Rochester Street. The variance is necessary to comply with Section 100-152(d) (1) b of the Municipal Code. Reasons for granting the variance are: 1) Bud Hendrickson, 109 Lincoln Avenue, appeared in support of the project. 2) No one appeared in opposition of the project. 3) This Board had previously granted a similar variance for this property. Condition attached to granting this variance is trees are to be planted inside sidewalk instead of between sidewalk and curb at driveway opening and parking lot return area. Motion carried with 4 aye votes. The Board now addressed the conditional use request. The reason for the request is all private schools, in B-2 zoning, need a conditional use permit. Most schools have walls from floor to ceiling and are masonry through out. Plan

was reviewed and approved by department heads and Plan Commission. Hankovich stated that the use of a building is what determines the requirement for sprinkling. Berg stated that he was having a 6" main installed to the building so in the future if the buildings use should change and require sprinkling, it would be there. Schools do not require sprinkling. A ten-minute recess was taken so Berg could confer with his attorney. Hearing resumed. Robert Neiderer, 325 Mac Arthur Drive, stated that a day care center would be an asset to the area. Kelly stated that he felt building should be sprinkled because of the nature of business. He could not support project without it. Debe supported the plan because the Plan Commission had already reviewed plan and approved it. Jones supports plan because building was not vacant for 12 months prior to purchase, which would have necessitated sprinkling by code. No one appeared opposed to project and surrounding property owners support project. Since Board consisted of only 4 members and 1 no vote would defeat the request; Mr. Berg was given option to table a decision until next meeting when hopefully five members will be present. Mr. Berg accepted that option.

Moved by Kelly, seconded by Debe, to adjourn at 9:46 p.m.

Respectfully submitted,

Marilyn Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Acting Chairman Adler at 7:40 p.m. on April 25, 2000 in the Village Hall. Members present: Dunning, Debe, Kelly, and Jones. Also present: Fire Chief Rolfe, Building Inspector Hankovich.

Moved by Jones, seconded by Kelly to accept the minutes as presented. Motion carried without a negative vote.

BERG – CONDITIONAL USE – 723 N. ROCHESTER – CHILD DAY CARE - RECONVENE

Tom Berg and Susan Sorentino appeared to represent the request. Berg restated his request and reviewed, for the Board, his intent. Berg also stated that the State had reviewed his plans and is requiring 2 more exit doors on the north side of building. Berg had his plan changed to show the addition of two doors, to satisfy state requirements, and two windows to balance the north side of building. Berg also stated that possibly the addition of 2 doors, for evacuation purposes, would ease Kelly's doubts about not sprinkling the building. Bud Hendrickson, 109 Lincoln Avenue, asked Chairman to read the published notice. Hendrickson then asked why the operator of the proposed day care was not asking for the conditional use. Hendrickson stated that granting conditional use to owner, who would not be operator, would be illegal. Codes were checked as well as Board manual and nothing was found to support Hendrickson's claim. Kelly stated that Section 100-551(6) states that total structural repairs or alterations shall not exceed 50% of the village's equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter. Berg will be spending much more on renovations to this building. Kelly felt this passage negated grandfathering of the building regarding sprinkling and the building would now need to be sprinkled. Berg stated that he could have bypassed this clause by simple fixing interior of building and leaving exterior as is. He feels that the work being done on exterior of building will benefit the community. Discussion followed regarding making a condition of the conditional use, if it were to be granted, would be that if building were ever to be used as something other than day care, building would have to be sprinkled. Kelly stated that he would like the Village Attorney to be present before a vote is taken. Moved by Kelly, seconded by Debe, to postpone decision until Thursday, April 27, 2000 or May 5, 2000 whichever one Attorney can make. Motion carried without a negative vote.

Moved by Kelly, seconded by Jones to adjourn at 9:05 p.m. Motion carried.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

Acting Chairman Adler at 7:40 p.m. on April 27, 2000 called the Board of Building and Zoning Appeals to order for a special meeting in the Village Hall. Members present: Dunning, Debe, Kelly, and Jones. Also present: Building Inspector Hankovich and Attorney Reilly.

Moved by Jones, seconded by Debe to accept the minutes as presented. Motion carried without a negative vote.

BERG – CONDITIONAL USE – 723 N. ROCHESTER – CHILD DAY CARE - RECONVENE

Berg was present as well as his attorney, Susan Sorrentino. Berg stated that he checked with 5 communities regarding issuing a conditional use permit to the owner of the property who was not going to be the operator. This policy was discussed, at Tuesday's meeting, as possibly being illegal. None of the municipalities contacted had such a policy. Atty. Reilly stated conditional use could be granted to owner of property when they will not be the operators. Reilly suggested a condition of granting the conditional use janitor's closet and hallways in this circumstance does not need to be sprinkled. Also add a condition stating that when use of the building changes, building must be sprinkled. Rhonda Weinkauff, operator of proposed day care center, stated that according to state specifications she would be able to have 130 children with 25 staff maximum. Moved by Debe, seconded by Jones to grant a conditional use permit to allow a child day care to operate at 723 North Rochester Street which is owned by Thomas and Cheryl Berg contingent upon the fact that it is a day care and a day care only. If the use would change, the building would have to be brought up to code to comply with Section 100-152 (d)(1)b and 100-152(c). Reasons stated for granting this appeal are: 1) No one appeared in objection of granting appeal. 2) Problems previously discussed can be addressed in conditions attached to motion. 3) Plan was previously reviewed and approved by Plan Commission, the State of Wisconsin, and all village department heads. Conditions attached to granting the conditional use are: 1) If the building's use ever changes from a day care center, then the building must meet the Code regarding sprinkling. 2) 6" main is in place for future sprinkling system. 3) Must have heat/smoke detection directly wired to the Police and Fire Department. System must be operable and maintained, which will be checked each month by operator of day care. 4) Detection system will be inspected by outside agency. 5) Pull alarm will be placed at all exits. 6) Fire department will inspect as they do all other schools. 7) Owner will insure operator complies with conditions as of April 27, 2000. 8) Good housekeeping practices will be exercised to keep all combustibles in a secure, locked area. 9) Day care center must be operated by a state licensed operator. 10) Occupancy will not exceed 130 children. 11) Day care will cease to operate from 10 p.m. to 4 a.m. motion carried without a negative vote.

Moved by Kelly, seconded by Debe, to adjourn at 9:05 p.m. Motion carried without a negative vote.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Acting Chairman Adler 7:30 p.m. on May 23, 2000 in the Village Hall. Members present: Dunning, Debe, Jones and Kelly.

Moved by Jones, seconded by Debe to accept the minutes as presented. Motion carried without a negative vote.

REVIEW OF PROPOSED SIGNS FOR BIRCH ROCK DEVELOPMENT

Garth Harris appeared, representing Birch Rock, requesting two signs for Birch Rock. The signs are 4'X6', wooden, single faced, unlit and ground mounted. The signs will read Birch Rock Senior Living with one sign located at Honeywell Road and HWY ES and the other at Mukwonago Drive and Apollo Court. Signs will meet all set backs and will be in accordance with the Municipal Code. Landscaping for sign will be a berm planted with evergreens or natural foliage. Moved by Kelly, seconded by Debe to grant a sign permit to construct two signs at Birchrock The signs are 4' X 6', wooden, single faced, unlit and ground mounted. The signs will read Birch Rock Senior Living with one sign located at Honeywell Road and HWY ES and the other at Mukwonago Drive and Apollo Court. Signs will meet all set backs and will be in accordance with the Municipal Code. Landscaping for sign will be a berm planted with evergreens or natural foliage. Reasons for granting this request are: 1) No one spoke in opposition. 2) Meets all standards set up by the Mukwonago Plan Commission i.e.Linden Grove. 3) Board feels development compliments the village. Motion carried without a negative vote.

Moved by Adler, seconded by Kelly to adjourn at 7:50 p.m. Motion carried without a negative vote.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Acting Chairman Adler 7:40 p.m. on June 27, 2000 in the Mukwonago Village Hall. Members present: Dunning, Debe, Jones and Kelly.

Moved by Jones, seconded by Kelly to accept the minutes as presented. Motion carried without a negative vote.

425 ANDREWS STREET – VARIANCE TO STREET YARD SET BACK

Steven Verduyn appeared to explain that placement of a garage in the rear yard of this property would place it in Phantom Lake. Garage must 75 feet from waters edge which would put it approximately where shed is now in front yard. Measurers from side yard ism six feet, one foot farther than required by Code. Garage will be sided wit h cedar to match house. Moved by Jones, seconded by Kelly to grant a variance to Steve and Melissa Verbuyn at 425 Andrews Street to build a garage in accordance with Section 100-102(11) for the following reasons: 1) No one intendance .with objection. 2) Unique in character with other homes 3) Lot is 372 feet deep. 4) 6 foot setback on west lot line 5) Consistent with other garages on Andrews Street. Conditions attatched to granting this variance are: 1) Garage must be built to qualifications reviewed by Building Inspector. 2) Garage must not exceed height of any other principal structure on property. 3) Siding on garage will match house. Motion carried without a negative vote.

Moved by Kelly, seconded by Dunning to adjourn at 8:05 p.m. Motion carried.

Respectfully submitted,

Marilyn Stack
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler at 7:30 p.m. on July 25, 2000 in the Village Hall. Members present: Dunning, Debe, Jones and Kelly, and Adler..

Moved by Kelly, seconded by Jones to accept the minutes as presented. Motion carried without a negative vote

VILLAGE OF MUKWONAGO WATER UTILITY – UNSPECIFIED USE - BEHIND PICK N’ SAVE:

Randall Wallencyk, Superintendent of Water Utility, stated that the permit is necessary to start construction of well building before Board can complete rezoning process on land. Land is presently zoned R-4 but must be rezoned to P-1 because it is owned by a public authority. Well building will be built exactly as submitted unless iron filters must be added; then building will need to be larger.

MOTION: Moved by Kelly, seconded by Debe, to grant an unspecified use permit to the Mukwonago Water Utility to further develop the well house located behind McAdam’s Pick N’ Save. Property is presently zoned R-4 which being rezoned P-1. in accordance with Section 100-104. Reasons for granting unspecified use permit are: 1) Village is in need of the additional water supply. 2) No one in attendance with objection. Motion carried without a negative vote,

MUKWONAGO WATER UTILITY WELL BUILDING, 250 CTH NN - CONDITIONAL USE

This permit was originally granted in 1999. As one thing or another held up the project and the conditional use permit needed to build the pump house expired before it was used.

Debe moved, Kelly seconded to grant a 6 month extension of the original conditional use permit that was granted in 1999. During discussion of this motion it was observed that the original conditional use permit was expired well over 6 mo. Kelly withdrew his second and Debe withdrew his motion. Moved by Debe, seconded by Kelly to approve the request of the Village of Mukwonago Water Utility to construct a pump house at 240 CTH NN. Reasons for granting motion are 1)Project is for the betterment of the community. 2) No one appeared in opposition. Builder must adhere to the original guidelines in April, 1999 motion. Motion carried without a negative vote.

EMPIRE LEVEL

Harl Forester, of James Lauterbach Construction, and Jenny Becker, Empire Level, appeared to present the appeal. Empire Level even though it appears to be one lot, a total lot division is also on the books which means that if Empire ever wanted to sell off some buildings they could do so and each lot would meet all set back requirements. The roads also are built to meet all Village requirements even though they have not been dedicated to the Village yet. Debe registered a fear he has without the road being dedicated. All of

building No. 3 to conform to Section 100-120 (c) of the Municipal Code. Reasons for grant appeal are: 1) Building is similar in nature to buildings 1 and 2. 2) Building will still be within the guidelines set for similar buildings by the Economic Development Committee. 3) Landscaping to be completed as approved by the Economic Development Committee. 4) No one appeared In opposition of this request, 5) Request is in accordance with continuous development of this lot as previously approved by the Economic Development Committee. 6) Empire Level will work with the Building Inspector to see that all ordinances are met in a timely manner. A copy of the Economic Development minutes from July must be added with minutes. Motion passed without a negative vote.

ENGINEERED PUMP – VARIANCE

Brian Welsfry, WM Corporation, appeared to answer questions from committee. They are asking fro a variance to the furthestmost south east corner of building which will not exceed 110 square feet from the southeast corner, The angle of the lot is unique. Two culverts will be installed to handle runoff water. Moved by Jones, seconded by Kelly to grant a variance to Engineered Pump at 624 Perkins Drive to comply with Section 100-204 (M-4). Set backs are 30 feet so a variance of 7 feet from the southwest corner approximately 110 square feet. Reasons for granting variance are: 1) Project was reviewed by the Economic Development Committee and approved. 2) No one appeared in opposition. 3) Building addition is a continuation of the original plan approved by the Economic Development Committee. Conditions attached to granting this variance are: 1) Addition to building will be of same construction material. 2) Landscaping of trees and bushes will be approved by Building Inspector and Economic Development Committee, Motion carried without a negative vote.

Kelly reported that Bud Hendricksons plaque will be presented at the August meeting

Moved by Kelly, seconded by Jones to adjourn at 9:05 p.m. Motion carried without a negative vote.

Respectfully submitted,

Marilyn A. Stack
Deputy Clerk

Chairman Adler called the Village of Mukwonago Board of Building and Zoning Appeals to order on September 26, 2000 at 7:30 p.m. Members present: DEBE, DUNNING, KELLY, JONES, AND ADLER. Also present: Building Inspector Hankovich and Planner Heinig.

Moved by Kelly, seconded by Jones, to approve the minutes of the August 22, 2000 meeting as distributed. Motion carried without a negative vote.

NEW BUSINESS:

TELECORP REALTY LLC – ANTENNA & OUT BUILDING AT 626 CTH NN – Mr. Jeff Fowe of wireless communications addressed the board about his proposed site and landscaping plan. It will be similar to the Primeco tower that is there now. Buildings will be in back of the parcel and located within the fenced area.

Kelly – what is the relationship to antennas that are presently located on the water tower? *We would have to take our antenna up to about 14 feet, at least 10 feet above Primeco's antenna.* Are there police and fire antenna's located on the tower? *No.* I checked with a property owner in Mukwonago Estates that lives near the tower in that subdivision. She stated that she had no problem with those towers and receives no interference with her television, telephone, or other items in her home.

Jones – Have we received objections from the Water Utility or Village Board? *No.*

Debe – Moved to allow for the conditional use for placement of antenna by Telecorp to be erected at 626 CTH 'NN'. Reasons for approving the conditional use are: 1) The building will house all equipment associated with this antenna. 2) Due to the fact that there is antenna's there now. 3) No objection from public or Village Board members. Motion includes the condition that everything will be located within the fenced area. Seconded by Kelly. Motion carried unanimously upon roll call.

BERG CONSTRUCTION-FINANCIAL INSTITUTION ON NORTH ROCHESTER –

Construction of the building will be on the vacant lot on N. Rochester Street next to the day care center and south of Gallagher's Barber Shop. Variances requested to Mukwonago Municipal Code, Section 100-403(4) requires a 25-foot setback from any residential lot line. A 15-foot variance requested. Section 100-152(d)(1) requires 10 feet of green space for the rear set back. Mr. Berg is requesting no green space be required for that rear area abutting the adjacent parking lot.

Mr. Tom Berg was present to discuss his proposed building. The Village requested the green spaces, if they didn't require this we would not be here for any variances. Ordinance requires 7645 square feet of green space and we are providing 9664 square feet.

Debe – Are you saying you are still over the required square footage? *Yes.*

Adler – How are you going to stop traffic from going through the day care parking lot to get to the bank? *It would take a person longer to go that way and it would be more inconvenient.*

Debe – You would still have cross easements? *Yes.*

Debe – Does the bank object to right turn only lanes? *Bank is not objecting to right turn only lanes.*

Kelly – This was defeated last month and I understood that they would not be able to come back for 6 months. *Unless it was a big change and the Building Inspector reviewed this and feels that it contains changes from last month.*

Debe – Is traffic flow on Highway 83 considered a big concern?

Adler – Yes, and parking is allowed on Highway 83.

Kelly – Could the Village Planner shed light on eliminating parking on Highway 83?

Heinig – I am working on that now and the Village Board could make that decision at any time.

Debe – One of the arguments that the Planner talked about is that when you see a large development you see sharing of parking. This plan looks better than previous one and if we could control the exits. If this is the best use of that lot we should do it, if we feel it would create a problem then we should not let anyone use it.

Jones – I talked to Tom Gallagher and he has no problem with this proposal. I think the right turn only lane is a good idea.

Robert Posekany, 114 Oakland Avenue – I am concerned about the parking and the overflow parking that would occur on Oakland Avenue. If this passes you would need to control parking on Oakland Avenue.

Gary Himebauch, 100 Oakland Avenue – Concerned about the overflow parking on Oakland Avenue.

Jerry Gasser, 216 Oakland Avenue – Have concerns about traffic. Should be a lower traffic business. Has drive through come here? *That's no longer in the ordinances.* Is there enough parking available? *Ordinance requires 31 stalls, plans show 36 stalls.* So the issue then is the egress. Payroll days will tie traffic up.

Berg – With the amount of space available at the day care center, parking should not occur on Oakland Avenue. We are moving the bank from the busiest part of downtown. Gallagher has no parking lot.

Jones – I have a problem getting out of my subdivision. The Village is growing, and moving this institution from its present location is a plus to the Village.

Adler – I still have a problem with traffic and conditions would have to be imposed. It is a bad intersection.

Dunning – I still feel as I did last time but have a concern for the traffic.

Kelly – How do we get a restriction for parking on Oakland Avenue? *Village Board would have to pass it.*

Adler – What about parking on Highway 83? *Study would have to be done and it would take about 2 months.* Could drive through lanes be cut from three to two? *No. More and more banking is done by the drive through.* Could the parking behind the bank be eliminated? *No. The Village requires these parking stalls.*

Debe – I'm in favor of this.

Kelly – You have 40 parking stalls for childcare, and then you could afford to lose 9 stalls. *Then you would be forcing the employees to park off the premises.* I still have a problem; the parking area last time was in violation of the code. I still have problem with the parking. Concern about the traffic. Village should look into no parking on Highway 83. People on Oakland Avenue are having problems now. We need to correct that.

Jerry Gasser, 216 Oakland Avenue – Tom, you said if parking was a problem at the bank you could use the day care parking lot. Can it be included in the deed? *Yes.*

Debe – Parking problem is going to be with us for a long time and you can study it forever. If this is going to work we need to work as a team and find solutions for the problems.

Jones – Moved that we grant the variances requested: A 15-foot variance to Section 100-403(4) for a resulting 10-foot green space at the lot line. A variance to Section 100-152(d)(1) that requires 10 feet of green space for the rear set back. This variance would not require any green space for that rear area abutting the adjacent parking lot. Construction of the banking institution as proposed to be constructed just south of the day care center. Reasons for granting are: 1) Village Board has approved the change of zoning. 2) Village Planner is in favor of this proposal. 3) Traffic congestion has been addressed. 4) It would be favorable to Village residents for taxes and more appealing than a vacant lot. 5) More parking than required. Conditions required are: 1) This Board would require a right turn lane only onto Highway 83. 2) Lot agreement with the Day Care Center property to the north and a quitclaim deed recorded of property to day care center to bank lot and copy of recorded deed returned back to the Building Inspector before permit is issued. 3) All employee parking must be on lot and not on Highway 83 or Oakland Avenue. Seconded by Debe. Motion carried on a roll call vote: Debe-aye; Jones-aye; Dunning-aye; Kelly-nay; Adler-aye. Vote results are 4 ayes and 1 nay.

Moved by Jones, seconded by Debe, that this Board request that the Village Board and Village Plan Commission to work with the Village Planner to look at restricting parking on Highway 83 and to look at an hourly parking on Oakland Avenue. Motion carried unanimously upon roll call.

GREG & KATHY PAUCCK-VEHICLE SALES AT 111 ATKINSON STREET – Request is for conditional use for vehicle sales and variance to green area. Mr. Paucck described the proposed operation to the Board. He will reface the exterior walls of the building. He does a lot of wholesale, about 90% of his business. He is looking at motorcycle sales. He will do some landscaping and clean up the south side of his building. East side of building would be sandblasted and the roof would be replaced. He will need variance for parking.

Debe – Only green areas would be the small green areas as shown on the map? *Yes.* Have you looked into cost for the upgrades that you have mentioned? *About \$35,000 to \$40,000, I'm estimating.*

Adler – Reminded the board members of the memo from Steve Braatz's regarding the Plan Commission comments.

Debe – Have you gone to the Plan Commission with this? *No.*

Hankovich – Under the ordinance you can send it to the Plan Commission for comments and with questions.

Debe – I have a concern about the parking. The green space as shown on your plan would not fly with the Village. I would like to see a more detailed plan.

Jones – I agree with Debe's statements. I would like to hear from the Plan Commission and the Historic Preservation Committee.

Moved by Debe, seconded by Jones, to send this item to the Plan Commission for their recommendation and to the Historic Preservation Committee for their comments and then have him come back to this Board at its next meeting. Questions for the Plan Commission are: 1) Review the architectural changes. 2) Parking requirements for customers and inventory. 3) The green space requirements. 4) Taking into consideration

the storage of chemicals and gas and if the building should be sprinkled. 5) Time table that Atkinson Street would be closed with the Highway 83 project. 6) How it would affect the community as a whole. The Historic Preservation should review these questions. Motion carried unanimously upon roll call.

JOHN PETERSON OF COLLISION CENTER-VEHICLE REPAIR SHOP AT 1005 MAIN STREET – Request is for a conditional use and variance to the Municipal Code. Memo from the Plan Commission was given to the Board. Letter from Leon & Mary Friegel, 603 Bay View Road was read into the record that they opposed this operation.

Peterson – The intersection problem is due to the plantings on Highway ES. Body shops are unsightly. We would redesign the front of the building; this would include a garage door for vehicles to drive into the building. Overhead door in the rear to bring in damaged cars. Chemicals are picked up on a regular basis. Fencing along Bay View Road would be removed. I would increase the green space on the side of the building. We have redesigned the parking lot. No vehicles would be stored outside.

Debe – I checked with friends in Union Grove and you get high marks for your operation there. Will you be closing the Union Grove business? *No.*

Jones – You stated that high damage vehicles would not be stored outside. How do you define ‘high damage vehicles’? *Those that cannot be driven by their own power. We don’t do mechanical, oil or grease jobs. Our spray booth is 2 years old and meets all EPA requirements.*

Debe – How high is the rear fence and how many vehicles can you realistically store back there? *10 feet high and I can store 21 to 22 vehicles inside and 5-8 cars in back.*

Adler – How many loner cars on premises? *No more than 2.*

Jones – The damaged vehicles that have leakage from damages, how do you handle those? *Those vehicles are towed to salvage yards. I don’t intend to operate a salvage business.*

Kelly – The plan shows 29 parking stalls and we require 35. Are the stalls behind the fenced area included? *No.*

Debe – At your existing building, will this operation be larger. *Larger, we have 36 stalls. Lot is about the same size.* Are you putting in a sprinkling system? *Yes. Building would be 13,000 square feet, up from 10,500 square feet.*

Ken Toutant, 977 Bay View Circle – I see no reason why your business would be different from any other business of your type. What about the noise level? Your doors will be closed, how are you going to bring in fresh air. I don’t want that building there.

Dennis Behling, 943 Bay View Circle – I have been contacted by residents of the Whispering Bay Condominium Association and they are opposed to this type of use. It will be detrimental to the area. If everything is going to be done inside, then why the fencing area? It will affect property values. Letter from Richard & Joyce Leberman, 933 Bay View Circle, was given to the chair; they are opposed to this plan.

Roy Nuchell, 1006 Main Street – 100-152 (14)(b) of the Municipal Code states that no auto business shall be located within 1000 feet of another like business. What will he do with parking when Highway ES is reconstructed? Storage of flammable material, we had to put up another storage building. Hazardous waste, we had to construct a cement base for it. When vehicle is heavily damaged it could set for 3 months until the insurance company settles on it. Is employee parking included in the stalls? Will building be air conditioned during summer months?

Sue Lanham, 955 Bay View Circle – I have a concern about the traffic and tow trucks. We are concerned about property values. Before you asked on other appeals, is this in the best interest of the community? It is not; it belongs in the industrial park and not on Main Street.

Tom Berg, 545 Bay View Road and 955 Main Street – I went to Union Grove and visited that shop. You told me that parking would be in the back for employees and all other vehicles would be stored inside. Why has that been changed? I am concerned with the fence and the parking. If you grant this, I think all modifications should be done before occupancy permit is issued.

Peterson – No vehicles would be exposed to the general public.

Kathy Wilson, 1011 Bay View Court – Location is an issue. We do not need more auto businesses here.

Paro, 1016 Bay View Court – Residents of Whispering Bay are all against this.

Debe – The Village residents have a lot of concerns.

Kelly – What is the present setback from Main Street? *60 feet from centerline. The proposed road improvements will have no effect on this plan as we know.* This does not address the 1000-foot requirement in our ordinance book. I am opposed to putting an auto body shop at 1005 Main Street because of the 1000 foot rule and secondly, with so residents of the area here with concerns about health, environment, and traffic.

Jones – With 45 people in attendance and those who spoke against it, I would have a hard time supporting this.

Moved by Debe, seconded by Kelly, to decline the application for a conditional use for repair shop due to residents reaction and that it does not comply with Section 100-152(c)(14), requirement of the 1000 foot buffer between like businesses. Motion carried unanimously upon roll call.

Moved by Adler, seconded by Debe and carried to adjourn the meeting at 10:08 p.m.

Bernard W. Kahl
Village Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on October 24, 2000 at 7:30 p.m. Members present: DEBE, JONES, KELLY, and ADLER. Absent Dunning. Also present Hankovich.

Moved by Debe, seconded by Kelly, to approve the September 26, 2000 minutes with the following correction: Moved by Kelly, seconded by Debe to adjourn. Motion carried without a negative vote.

OLD BUSINESS

PRESENTATION OF PLAQUE

Presentation of plaque was canceled due to the absence of Bud Hendrickson.

GREG & KATHY PAUCEK – VEHICLE SALES – 111 ATKINSON

Moved by Debe, seconded by Kelly to deny the permit for Gregg & Kathy Paucek for a vehicle sales business at 111 Atkinson for a conditional use based on the Historic Preservation Commission's and the Plan Commission's recommendations against approval. Motion carried without a negative vote.

NEW BUSINESS

KEVIN SINNETT – 640 PERKINS – INQUIRY ONLY

Mike McNamara was present to represent Kevin Sinnett. Has a 10,000 square foot building at 640 Perkins and would like to expand on that before the winter weather approaches. This conflicts with the 30 foot side yard setback. Building will be same as the original. McNamara is asking for a special meeting. Adler called a Special Board of Building & Zoning Appeals meeting to take place on Thursday, November 9, 2000, at 7:30 pm.

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH – NEW ELEMENTARY SCHOOL & CHURCH – HWY NN

Dale Brugger was present to represent St. John's Evangelical Lutheran Church. They would like to build a new multi-use building on their lot on HWY NN which includes a gym, a school, and a parking lot. The property is zoned R-3, which would make private elementary schools and churches a conditional use under section 100-103 (3). Adler asked Gene Cichon, an alternate for the board, to step up in place of Dunning.

Debe - *Sprinkler's?* Yes. *It looks like one classroom?*

Brugger - Will be keeping school and worship services in present location, but they do not have capacity for larger services. Wants to finish gym, offices & two of the classrooms first. Will have about 6 classrooms. Won't have need to move in until they sell current property.

Hankovich – Explains that this project was reviewed by Planner in conjunction with Bielinski's development, utilities are available, detention pond is set up to take the drainage, and cannot put structures on easement that runs through the property. Meadowview Lane is slightly offset with entrance to church. He discussed with St. John's the easement and Fire Chief concerns and they have corrected it, with no structures on the easement and access to 3 sides of the building. Has no more outstanding issues as of right now. St. John's has been reviewed by Sewer Dept., Water Utility, Planner, Fire Chief, and Building Inspection.

Debe – *Do you foresee more summer rec programs... year round?* Has no plans for formal leagues, case-by-case basis. *Use of gym will be confined to congregation rather than general public?* Yes.

Gilbert Yerke, Yerke's Greenhouse – Property owner to the north. Wanted to see proposal. There is an old fence row with barbed wire.

Hankovich – Cannot remove barbed wire if on Yerke's town property.

Yerke – There is a spike strip(strip of land connecting to properties used to avoid town islands) connecting Douglas property with the Town, *is soccer field in the Town?* No. Has concerns with driveway lining up with Meadowview.

Hankovich – Road off of CTH NN will be a boulevard through Bielinski Development.

Debe – Concerned with fence to the north. *Something will have to happen with it.*

Hankovich – With master plan, Village will eventually go north and something will be done, but don't know when or how fast.

Kelly – Had concerns with parking.

Hankovich – There is adequate parking. State has formula for parking.

Brugger – Will have around 172 stalls.

Hankovich – Retention pond is adequate for current construction.

Moved by Kelly, seconded by Debe, to grant St. John's Evangelical Lutheran Church a conditional use permit to construct an elementary school/multi-purpose building at 400 W CTH NN in accordance Section 100-103 (3). Reasons for granting permit are 1) it has been under consideration for a number of years, 2) they are currently located in cramped facilities on Grand Avenue and are looking to expand the facilities to increase the utilization of facilities, and 3) area has been approved by the Plan Commission. Conditions include 1) the driveway for the entrance of the school/multi-purpose facility will line up with Meadowview Lane, 2) concerns of the Fire Chief with regard to fire safety will be fully complied with, and 3) the building will be constructed in accordance with the plans submitted to the Planner and the Building Inspector. Motion carried without a negative vote.

WISCONSIN ELECTRIC – GRAVEL PARKING AREA – 690 S. ROCHESTER

Dave Magna was present to represent Wisconsin Electric. Wisconsin Electric would like to construct a gravel parking area at the substation currently located at 690 S. Rochester Street in the M-2 zoning. The present equipment is currently located within the fenced area on the lot. The proposed parking area is located to the east of the present fence and will be used for employee parking and to place a trailer on the site for morning meetings. Section 100-202 states that utility substations are a conditional use. Therefore, Wisconsin Electric is applying for an expansion of their conditional use.

Kelly – *Are there any wetlands we have to be concerned about?*

Hankovich – Area is high. They are more than 50 feet from any residential area. There are a lot of big projects that will be in this area, such as the re-do of HWY 83 and the bypass.

Adler – *All the storage will be in the fenced in area... and the trailer?* Yes.

Kelly – *Will you be increasing the amount of materials?* Materials go back out into field.

Hankovich – Barbed wire should be left there (it is on the top of the current fence). New fence should match the old fence. There are certain areas with gravel driveways, for heavy machinery.

Magna – There will be semis, trucks, and other heavy machinery going in and out of there. Will be in there for 3 or 4 months.

Gary Brzakala, 509 Baron – Had concerns that this would be a drop site. It will not. Will there be added lighting? No. Has no problems with this construction.

Magna – Wisconsin Electric is doing this so they will be closer to local job sites. Cannot park on west side of area due to current conditional use.

Hankovich – There is a different set of rules once inside the fenced area where the power equipment is.

Moved by Debe, seconded by Kelly, to allow Wisconsin Electric to expand existing conditional use at 690 S. Rochester St. which is currently in an M-2 zoning. Their request to move east fence line back to house a temporary trailer, to allow vehicles to be staged in that area should be approved as a conditional use. Reasons to allow are 1) it was the original plan for use for this property, 2) it complies with the current M-2 zoning (Section 100-202), and 3) there were no objections from the floor. Conditions are if there were any modifications to the parking area, they would have to come back to the Board of Building and Zoning Appeals. Motion carried without a negative vote.

Adler asked that the Board of Building and Zoning appeals discuss any changes to the current zoning code to recommend to the Plan Commission. This item will be put on November 9, 2000 agenda.

Moved by Kelly, seconded by Cichon and carried to adjourn at 9:15 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on November 9, 2000 at 7:30 p.m. Members present: DEBE, KELLY, and ADLER. Absent DUNNING, JONES. Also present Hankovich, Alternate Behling.

Chairman Adler asked that Behling step up in place of Dunning. Moved by Debe, seconded by Kelly, to approve the October 24, 2000 minutes. Motion carried without a negative vote.

OLD BUSINESS

PRESENTATION OF PLAQUE – Kelly was pleased to present Bud Hendrickson with a plaque in honor of all the time and hard work he has put towards the Village as a member of the Board of Building and Zoning Appeals.

ST. JOHNS LUTHERAN CHURCH – Hankovich asked that the Board grant a 60 day extension to the conditional use permit granted at the October 24, 2000 meeting. They are not going to start construction until spring, and weather may not cooperate. Hankovich also pointed out that the conditional use granted in October is only good for 6 months. Moved by Kelly, seconded by Debe to grant an extension from 6 months to 9 months. The reason for granting is unpredictable weather; the extension will allow time to start construction. Motion carried without a negative vote.

ENGINEERED PUMP – Brian Wellsfry was present to represent Engineered Pump. Wellsfry asked the Board to grant a 6 month extension to the variance that was granted in July 2000. Wellsfry explained that the owner of Engineered Pump decided to work on the plant in Minnesota first. Moved by Kelly, seconded by Behling to grant Engineered Pump an extension to their variance to June 30, 2001. The reason for granting is unpredictable weather; the extension will allow time to start construction. Motion carried without a negative vote.

NEW BUSINESS

KEVIN SINNETT – 640 PERKINS - Brian Wellsfry was present to represent S & M LLC. They are requesting a permit for an addition to the present structure located at 640 Perkins Drive. The construction will be the same as the present. They would like a variance to encroach into the 30 foot green area set back of 15 feet on the west and 20 feet on the east. An equal amount of required green space currently exists on the property to compensate for the encroachment. Green space will be by the entry doors of the units instead of on the lot line.

Hankovich – Explained that this is not a self-imposed hardship, the hardship is brought about by the change ordinance. There is enough green space but not in the right places. The building is divided by walls so it does not need sprinkling.

Adler – *The new building is going to match the old building?* The only difference is the old building has high windows on one side, and the new building will have an accent on opposite side. Exterior materials will match.

Moved by Behling, seconded by Debe to grant a variance to S & M LLC for an addition to the present structure at 640 Perkins. Reasons for the granting are 1) this is in accordance with what is there and 2) it is a hardship that is imposed by the change in

ordinance. Debe added the condition that the variance be contingent with the plans submitted. Kelly added the condition that the exterior of the new building will be the same as the existing building. Motion carried without a negative vote.

DANA NIGBOR – MINI STORAGE – CTH NN – Frank Bauer was present to represent Dana Nigbor. She would like to expand on the current structure of mini-storage sheds located on HWY NN. Storage sheds are a non-specified use in the B-2 zoning district. The proposal includes 38 sheds along the railroad line on the west side of the property. Bauer – Went before Plan Commission, and they said it was OK. They have been there for 10 or 12 years and have had no problems.

Hankovich – The whole area is zoned B-2. Right now it is the best use for the property. There is not much existing light, will not be adding lighting.

Kelly – The American Legion has found them to be very good neighbors.

Hankovich – This does meet the green space requirement.

Moved by Kelly, seconded by Debe to grant Dana Nigbor a non-specified use to allow the construction of sheds at 615 CTH NN. Reasons for the granting are:

- 1) The appellant has about 230 storage spaces, this is just an extension
- 2) The American Legion has no problems with this
- 3) It is abutting the railroad tracks
- 4) It is a logical use for the property

Conditions for the approval are:

- 1) The addition must be of the same type(materials, colors)
- 2) There will be no additional lighting without coming back to the Board of Appeals

Motion carried without a negative vote.

DISCUSSION OF ZONING CODE CHANGES TO RECOMMEND TO THE PLAN COMMISSION – Will be discussed at a later date.

Moved by Kelly, seconded by Debe and carried to adjourn at 8:25 pm.

Steve Braatz
Deputy Clerk