

The Board of Building and Zoning Appeals was called to order by Chairman Adler on January 23, 2001 at 7:35 p.m. Members present: DEBE, JONES, KELLY, and ADLER. Absent Dunning. Also present: Atty. Reilly.

In lieu of Dunning's absence, Chairman Adler asked 1st Alternate Gene Cichon to take the seat.

Moved by Debe, seconded by Kelly, to approve the November 9, 2000 minutes. Motion carried without a negative vote.

NEW BUSINESS

DECISION ON WHETHER TO RECONSIDER BOARD OF ZONING AND APPEALS DECISION OF NOVEMBER 23, 1999 AND JANUARY 25, 2000 PERTAINING TO NIEDERER PROPERTY – Reilly referred back to the November 23, 1999 and January 25, 2000 Board of Building & Zoning Appeals where there was an issue regarding the building located at 1005 S. Main St owned by Robert Niederer and whether or not it had to be sprinkled. He also made reference to letters sent from himself to the Village Clerk and from Atty. Brian Randall, Mr. Niederer's attorney. He stated that the Board ruled that under the zoning code, because the building had been vacant for 12 months, it then had to be sprinkled. On January 25, 2000, the Board granted a variance that the building did not have to be sprinkled until it changed ownership. Reilly believed the decision was wrong because the Board used the zoning code to enforce a section of the fire code to make the decision. He stated that under the fire code, any building over 10,000 square feet built or structurally altered after the adoption of the code must be sprinkled. Under the zoning code, any building vacant for 12 months or more, it has to be brought up to the zoning code requirements. Nothing in the zoning code requires sprinklers. It was determined that any motion made should come from either Jones or Adler because they were at the meeting on January 25, 2000. Thus, motion was made by Jones, seconded by Adler to reconsider the action taken on January 25, 2000 pertaining to the Niederer property located at 1005 S. Main St. Motion carried without a negative vote. Reilly determined that a motion may be made to vacate the past decision, based on the reasons previously stated. Further, Kelly moved, Debe seconded, to vacate the decision made regarding the Niederer property at 1005 S. Main St. on January 25, 2000. Adler stated that this would just be bringing the property back to square one. Reilly agreed. Motion carried without a negative vote.

Moved by Kelly, seconded by Jones and carried to adjourn at 8:35 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Deputy Clerk Braatz on February 27, 2001 at 7:35 p.m. Members present: DEBE, JONES, and KELLY. Excused: ADLER. Also present: Alternates CICHON and BEHLING, and Supervisor of Inspections Hankovich.

In lieu of Chairman Adler's absence, Debe nominated Kelly to take the Chair. In lieu of Dunning's resignation, Cichon took the seat. Kelly asked Behling to also take a seat.

Moved by Jones, seconded by Debe, to approve the January 23, 2001 minutes. Motion carried without a negative vote.

NEW BUSINESS

MHS BUILDING & TRADES CLASS – PRESS BOX BUILDING – 605 W. SCHOOL RD

Toby Ackerman was there to present plans for a two story press box to be built between the main soccer field and the practice field. This structure will be used for running a clock, substitutions, observation, weather cover, minimal storage, etc. Hankovich stated that there is some terrain difference. There is about a three feet drop from the main field to practice field, where the building will be constructed. He also stated that the plan has changed from 19' in height to between 17' and 18'. Moved by Behling, seconded by Debe, to grant the Mukwonago High School a conditional use permit pursuant to 100-251 to construct a two story press box between the soccer field and the practice field. Reason is they need a press box on the north side by the practice field – logical use. Moved by Debe, seconded by Behling, to grant Mukwonago High School a variance to the height restriction to allow construction of a two-level press box. Reason is due to the previous motion. Condition is the structure shall not exceed 19' in height from the concrete grade floor.

AMY KNOWLTON – THREE SEASONS ROOM – 641 PINE ST

Steve Menden from Patio Enclosures was there to represent Amy Knowlton. He will be replacing the existing sun room with a new one of the same size. Hankovich stated there is a 27' setback from HWY ES for future use when it was still STH "15." Knowlton said she understands. Moved by Behling, seconded by Cichon, to grant the variance to allow Amy Knowlton to construct a three seasons room onto the current structure located at 641 Pine St. Reasons are 1) it is replacing an existing structure with a new structure, 2) no neighbors objected including approvals from neighbors on each side, and 3) the current owner is aware of a 27' county setback from HWY ES.

Moved by Jones, seconded by Behling, and carried to adjourn at 8:10 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on April 24, 2001 at 7:34 p.m. Members present: DEBE, ADLER, KELLY, and CICHON. Excused: Supervisor of Inspections HANKOVICH. Absent: JONES. Also present: Alternate BEHLING.

In lieu of Jones's absence, Chairman Adler asked Behling to take the seat.

Moved by Debe, seconded by Behling, to approve the February 27, 2001 minutes.
Motion carried without a negative vote.

NEW BUSINESS

CINGULAR WIRELESS – TOWER EXTENSION & EQUIPMENT ENCLOSURE – 981 GREENWALD CT

Attorney Jim Gormley spoke on behalf of Cingular Wireless. He explained that Cingular would like to extend the height of the current Nextel tower to around 190'. There is a need for the extension so they may cover more communication space. They would also like to construct an equipment enclosure. The Plan Commission denied the first proposal for the building, but they have since modified. The Plan Commission approved the revised design. The building will be fully monitored for security purposes.

Adler – *Is this the maximum height for the tower?*

Gormley – It could go to 193', never to exceed 200' because of FAA airspace regulations.

Behling – *Who will be responsible for the landscaping?*

Gormley – Per the contract with the Village that Cingular will sign, Cingular will be responsible for the building and the tower. The Village will be responsible for the landscaping such as mowing.

Moved by Debe, seconded by Kelly to approve the application for conditional use per section 100-251(b)(1) of the Village of Mukwonago Municipal Code for the property located at the Village water tower in the Village of Mukwonago as approved by the Plan Commission for Cingular for a tower and equipment enclosure. Reasons: 1) Concerns with the design by the Plan Commission were met and approved after revisions and 2) there were no objections from the populace.

Moved by Behling, seconded by Cichon, and carried to adjourn at 7:50 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on May 22, 2001 at 7:30pm. Members present: DEBE, ADLER, KELLY, and CICHON. Absent: JONES. Also present: Supervisor of Inspections HANKOVICH and Alternate BEHLING.

In lieu of Jones's absence, Chairman Adler asked Behling to take the seat.

Moved by Kelly, seconded by Debe, to approve the April 24, 2001 minutes with the following correction: the motion for the conditional use should end with "Motion carried without a negative vote." Motion carried without a negative vote.

NEW BUSINESS

DR. MICHAEL CONNOR – 603 N. ROCHESTER ST. – CONSTRUCTION OF SIGN

Tom McKeever was present to represent Dr. Michael Connor. He explained that they would like to place a 4' X 8' sign with a 9" high base on the property located at 603 N. Rochester St. Mr. McKeever stated that the sign would be on the north side of the sidewalk. Mr. Hankovich added that, in that location, it fits better on the lot, and it is in line with Ashlyn Village, who has an 8' sign. He also said that this property was set up as a business property.

Moved by Kelly, seconded by Behling, to grant Dr. M. Connor, 603 N. Rochester St., Mukwonago, Wisconsin, a variance of 30 square feet to Section 100-503(2) of the Municipal Code for the purpose of constructing a sign. The property located at 603 N. Rochester St. is zoned R-3. Section 100-503(2) of the code permits PERSONAL NAME signs, which do not exceed 2 square feet. Dr. M. Connor operates a dental office with three other dentists. To require Dr. M. Connor to list all four dentist's names on a 2 square foot sign would render the sign useless. Patients would not be able to see the names of the dentist from the street. There is a Medical Arts Building just to the north of the property in question that has a similar sized sign which lists the doctors located in the building. Motion carried without a negative vote.

ITEMS FROM THE FLOOR

The daughter of Aloysia Fabijan, the owner of the property located at 210 Field St., was present to ask how she goes about getting a rebuild letter for the house on the property. The property is zoned business. They are trying to get a loan so they may fix the house. The loan officer needs a letter stating the house may be rebuilt if damages were to exceed 50% of the improvements. Hankovich suggested she talk to Village Clerk Bernie Kahl.

Moved by Kelly, seconded by Debe, and carried to adjourn at 8:00pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on June 28, 2001 at 7:30pm. Members present: DEBE, ADLER, KELLY, JONES, and CICHON. Also present: Supervisor of Inspections HANKOVICH and Alternate BEHLING.

Moved by Kelly, seconded by Debe, to approve the May 22, 2001 minutes. Motion carried without a negative vote.

NEW BUSINESS

MICHAEL KUZBA – 301 LINCOLN – SINGLE-FAMILY DWELLING – Steve Stach was present to represent Michael Kuzba. Mr. Stach sold the vacant lot at 301 Lincoln to Mr. Kuzba and would like construct a single-family dwelling on it. The lot is a substandard lot. Mr. Stach explained that the lot is the same size as the other lots on Lincoln Avenue, neighbors and the Plan Commission have no problem with it, the house complies with the zoning ordinance, and it will be an increase in tax revenue. Hankovich stated that previous boards decided not to build on vacant lots in that area. The Plan Commission later decided to look at every lot individually. There have been similar situations in the past regarding additions to houses on Lincoln Avenue but never whole houses.

Moved by Kelly, seconded by Debe, to grant a variance to the zoning ordinance to allow Michael Kuzba to construct a house on the vacant substandard lot located at 301 Lincoln Avenue. Reasons for granting are as follows:

- 1) The Plan Commission feels that this lot should be buildable as a 66 ft wide lot the same as the others along both sides of Lincoln Avenue
- 2) The lot is 66 x 190 = 12,540 square feet. R-2 zoning requires 12,000 square feet. This lot exceeds this requirement.
- 3) The proposed dwelling is two story with over 900 square feet on each floor level. Substandard lot requires only 1,000 square foot of dwellings.
- 4) Set backs required by ordinance: Street yard 25 feet for a substandard lot and this will have a 35-foot set back. The rear yard is 40 feet for substandard, with the plan showing 40 feet plus an additional 65 feet plus or minus. The side yard set back is to be 12.38 feet on each side. The plan shows 12.0 feet, but the garage can be moved in 1 foot off the corner and the garage entry door moved to the side (making the total building 41 feet instead of 42 feet for the overall length of the dwelling). The neighborhood supports a single family dwelling on this site.
- 5) Neighbors signed a petition in favor of the construction of this dwelling.

Conditions are 1) must follow the tree ordinance and 2) the plan for the house must be approved by the Building Inspector and it must be similar to what is proposed here.

Motion carried without a negative vote.

ITEMS FROM THE FLOOR

There is an issue with the fence at Village Plaza (Village Pumper). The fence is down. Also, the fence at Clark Oil is in poor condition. This issue will be on the next agenda. Kelly asked if the Board has made any progress with the issue of businesses out of residences. Item will be on next agenda

Moved by Kelly, seconded by Cichon, and carried to adjourn at 8:13pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on September 25, 2001 at 7:35pm. Members present: DEBE, ADLER, KELLY, JONES, and CICHON. Also present: Police Chief WINCHOWKY, Supervisor of Inspections HANKOVICH and Alternates BEHLING and HAMILTON.

Moved by Kelly, seconded by Jones, to approve the June 28, 2001 minutes. Motion carried without a negative vote.

NEW BUSINESS

MUKWONAGO POLICE DEPARTMENT – 627 S. ROCHESTER ST. – SIGN – Chief Winchowky was present to represent the Mukwonago Police Department. Hankovich explained that the sign the Police Department wants to construct will be located in the Hwy 83 future road right-of-way. There are no plans to widen Hwy 83, and the Village received approval from the State of Wisconsin to expand into the right-of-way so the building would fit on that parcel. The Police Department would lose one parking stall (Stall #22). Kelly had a concern about the size of the sign and obstruction of view. Winchowky explained they tried to coordinate with the Village Hall sign and the obstruction would be nothing major. He added that there are no neighbors, so it will not be a nuisance at night. Jones inquired about putting the sign on Stall #23. Winchowky said people would miss the driveways by the time they see the sign and he tried to put it as close to the main Police Department entrance as possible. Jones then asked about putting it between Stalls #21 and 22 for more room between the sign and a car parked next to it. Winchowky answered that they would lose another stall, and they would have to move the electric for the sign, which is in the middle of Stall #22. Kelly asked if Stall #21 can just be blocked off so the sign can be more visible. Hankovich explained that it would not be much of a difference. The sign will appear over the hood of a car, so it will be seen. This is really the only place to put this sign. He went on to add that this property will not be affected by Ordinance 656 because it is not in the Design Sensitivity Area.

Moved by Kelly, seconded by Debe, to grant the variance for the construction of a sign for the remodeled Mukwonago Police Department located at 627 S. Rochester St. under Section 100-152 (d)(1)(a) in parking lot space 22 on the site plan as presented. The location of the sign, as well as the parking lot, is clearly in State of Wisconsin property. The State granted the Village permission to use their land. However, if the State needs that property, they can take it back at the Village's expense. The Village has been working for 24 years under this agreement. The current parking lot will not be disturbed. The Village is aware of this contingency. As a continuation, the location of the sign, in parking lot space 22 and 1 foot off of the sidewalk, is place there for the enhancement of visibility for passing cars on Highway 83. It has unique needs by being a governmental body and a law enforcement agency, which persons in a hardship may locate the Police Department immediately. By placing the sign anywhere else on the property, it would be lost if you take into consideration the curve of Highway 83. To gain identity and its location, this board accepts this position. This board recognizes that this is a unique situation and that this should not set a precedent for any other persons. Motion carried without a negative vote.

CONDITION OF FENCES AT VILLAGE PUMPER AND CLARK OIL – Hankovich notified the board that Village Pumper has fixed and re-fixed their fence, but has not been able to talk to anyone at Clark. Hankovich said there was an agreement when Clark received their conditional use that they must maintain the fence. Board to have Hankovich send one more letter to Clark Enterprise to fix the fence.

BUSINESSES OUT OF HOMES – Hankovich said the Village cannot go after one without going after all. It is a long process to go after these businesses. Inspections office is a one-person department and has little time and no help to take on this project. Also, “Home Occupation” and “Cottage Industry” must be defined, and a list of what types of businesses fit in which definition must be created. Adler to have Debe and Jones each draft a letter to the Village Board requesting more manpower and assistance for the Building Inspection Department for next meeting.

ITEMS FROM THE FLOOR – Kelly asked, with respect to the Walgreens petition, when would that issue would come to this board. Hankovich explained that as of right now, it is a zoning issue only between the Plan Commission and the Village Board. It is only to the point where those two boards are considering the request to change the zoning of the parcel where the current Fire Station is so a business may occupy that site. If Walgreens does go through, only issues dealing with the construction of the building would come to the Board of Building and Zoning Appeals, not the use of the property.

Moved by Kelly, seconded by Cichon, and carried to adjourn at 9:00pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on November 27, 2001 at 7:35pm. Members present: DEBE, ADLER, and JONES. Also present: 2nd Alternate HAMILTON. Excused: KELLY and Supervisor of Inspections HANKOVICH. Absent: CICHON and 1st Alternate BEHLING.

In lieu of Kelly's absence, Chairman Adler asked Hamilton to take the seat.

Moved by Jones, seconded by Debe, to approve the September 25, 2001 minutes. Motion carried without a negative vote.

NEW BUSINESS:

U.S. CELLULAR – 981 GREENWALD CT – EQUIPMENT ENCLOSURE & ANTENNA – Jeff Fowle was present to represent U.S. Cellular. U.S. Cellular would like to construct an equipment building to the Village of Mukwonago property at 981 Greenwald Ct. The equipment enclosure would be needed for an antenna they would like to add to the existing tower. The antenna is needed to combat coverage problems for cell phones in the area. The equipment building would look like the one Cingular Wireless currently has on the property, and it will be 15' to the west.

Moved by Jones, seconded by Hamilton, to approve the conditional use for U.S. Cellular to construct an equipment building and add an antenna to the existing tower on Village of Mukwonago property at 981 Greenwald Ct. Reasons for granting the conditional use are 1) there were no objections to the plan, and 2) the Plan Commission recommended to approve this plan. Conditions of approval are 1) the equipment building and antenna are to be the same size as others on the property, and 2) the trees that are planted must be at least 2" in diameter. Motion carried without a negative vote.

OLD BUSINESS

BUSINESSES OUT OF HOMES – LETTERS TO VILLAGE BOARD REGARDING MORE HELP FOR INSPECTIONS OFFICE – Jones submitted a letter that he sent to certain members of the Village Board regarding more help for the Inspections Department. Moved by Debe, seconded by Hamilton, to strongly request to the Village Board that an additional person be hired in the same capacity as the Building Inspector but part-time. This person should have the same certifications and can flow in the job status due to and/or disability to the current inspector. This should be independent of the hiring of any Village Planner. Motion carried without a negative vote.

Moved by Debe, seconded by Adler, and carried to adjourn at 8:00pm.

Steve Braatz
Deputy Clerk