

The Board of Building and Zoning Appeals was called to order by Chairman Adler on February 26, 2002 at 7:30pm. Members present: DEBE, ADLER, CICHON, KELLY and JONES. Also present: Supervisor of Inspections HANKOVICH and Alternates BEHLING and HAMILTON.

Moved by Debe, seconded by Cichon, with Kelly abstaining, to approve the November 27, 2001 minutes. Motion carried without a negative vote.

NEW BUSINESS

ROB KOZIOL – 1106 WESTERN TRAIL – HOME OCCUPATION PERMIT – Rob Koziol was in attendance to present his case about having a computer repair business in his home. Issues regarding foot traffic and parking were addressed. Mr. Koziol explained that most of his business involves on-site repairs or picking up computers and their parts. The house is owned by Bielinski Bros. Mr. Koziol has written permission from the owner with conditions of no regular foot traffic and no signage on the property. Mr. Koziol also stated that he would like his business to grow in the next 2 years so he may move the business into a regular office space.

Moved by Debe, seconded by Kelly, to approve the conditional use permit under section 100-104 (3)(a) to Rob Koziol, at 1106 Western Trail, to operate a computer repair business out of his residence with the following conditions: 1) There are to be no complaints received, 2) there will be a window of 2 years to start the business up, at which time Mr. Koziol must reappear before the Board of Building and Zoning Appeals at the end of the 2 years, 3) the conditional use permit is only good for the address of 1106 Western Trail, and 4) there is to be no signage, no regular foot traffic and no excessive vehicle traffic on the property. Motion carried without a negative vote.

JOHN AMATO – 1015 S. MAIN STREET – ENLARGEMENT OF BUILDING – John Amato appeared before the Board to present his case. Mr. Amato bought 1011 S. Main St., the property adjacent to his current leased property, 1015 S. Main St., with the intention of buying the leased property in 3 years. He originally took out the green space between the two properties for more space to show cars. He was not aware that he needed approval to remove the green space when Inspector Hankovich issued proceedings to stop, which Mr. Amato complied. Hankovich stated that Mr. Amato wishes to tear down the old building and construct a new one. In the meantime, he needs more space to show cars. There is a side yard requirement of 10' of green space between adjoining lots. Also, Mr. Amato needs a conditional use for the lot at 1011 S. Main Street since vehicle oriented businesses are a conditional use under Section 100-152. After the lease is up in August of 2003, Mr. Amato intends on purchasing the lots and combining them. Tom Berg of Berg Construction stated that a new building is good for the business and the community

Moved by Debe, seconded by Kelly, to grant John Amato a variance to the zoning ordinance pursuant to Section 100-152 (d)(1)(c) with respect to eliminating the 10' green area requirement between 1011 and 1015 S. Main Street to allow the extension of the sales lot into the area required for the expansion of the car sales business. The reason for granting is that Mr. Amato plans on combine the lots once he purchases them after

August 2003. If Mr. Amato does not retain ownership and combine the lots into one Certified Survey Map by March 31, 2004, the green space that was removed is to be restored. Motion carried without a negative vote.

Moved by Debe, seconded by Jones, to grant a conditional use to John Amato to extend the existing conditional use at 1011 S. Main Street to allow the lot to be used for vehicle sales parking through the duration of the lease for 1015 S. Main Street. The condition is that after March 31, 2004, the conditional use will revert back to the original. Motion carried without a negative vote.

ITEMS FROM THE FLOOR

There was discussion on the fence at Mukwonago Village Pumper.

Moved by Kelly, seconded by Cichon, and carried to adjourn at 8:10 pm.

Steve Braatz
Deputy Clerk

Chairman Adler called the Board of Building and Zoning Appeals to order on March 26, 2002 at 7:30 p.m. Members present: BEHLING, CICHON, KELLY, JONES, & ADLER. Also present: Bldg Insp Hankovich & Alternate Hamilton.

Minutes of the previous meeting will be included on the next agenda.

NEW BUSINESS:

MC ADAMS PICK 'N' SAVE, 1010 N. ROCHESTER ST-NEW SIGN – McAdams Realty would like to construct a sign at the Pick 'n' Save located at 1010 N. Rochester Street. The sign presented equals 274 square feet in area. The sign removed was 204 square feet. Pick 'n' Save would like to add the word "Marketplace" for an additional 40 square feet. The new sign would also include Citizens Bank of Mukwonago, which would add 30 square feet bringing the total area for the sign to 274 square feet of signage for this property. Section 100-505(1), Wall Signs in Zone II, states that signs shall not exceed 100 square feet in area for any one lot. The owner is requesting a variance to the zoning ordinance.

Mary Kowalski of Sign Factory and Pat McAdams were present to answer questions. The building is set back quite a distance from the road and has no freestanding signage out at the road. The sign will be internally lit and will go off at midnight. You will see the neon in the Market Place sign.

Kelly – Will the sign be the same signage that is at the Wales store? Yes it will.

Behling – Was there an original request for the first sign? At that time it was the Plan Commission that gave approval.

Moved by Behling to approve the request to grant a variance on signage for Pick 'n' Save at 1010 N. Rochester Street. Reasons for approval are: 1) There is a precedent set for the additional 70 square feet of signage. 2) There will be no other signs granted for this property. 3) Request is necessitated by the Highway 83 project, which is causing the loss of one driveway. 4) No one was present to object to the variance request. Seconded by Kelly. 5) The lettering in the Pick'n'Save sign is the exact same size as the lettering in the old Pick'n'Save sign. Motion carried without a negative vote.

JAMES CAPE & SONS CO FOR A TEMPORARY CONCRETE MIXING PLANT AT 690 S. ROCHESTER STREET. – James Cape & Sons would like to install a temporary concrete mixing plant on property owned by WEPCO located at 690 S. Rochester Street. WEPCO is currently operating a substation on the lot. In September 2000, WEPCO applied for and was granted an expansion of their conditional use for additional fenced area around the substation to park vehicles and construction trailer. A condition set for that appeal was that any modifications to the parking area would come back to the Board of Appeals. Under Section 100-205, M-5, the manufacturing and processing of lime products would be a conditional use, and under section 100-202, M-2, does not list concrete mixing as a use. James Cape & Sons would like a temporary unspecified use permit for this site to mix concrete for the Highway 83 project.

Chairman Adler read letter from Dennis R. O'Bryan regarding the request into the record. Mark Pichler from James Cape & Sons and Doug Dembrowski of State DOT were present to answer questions. Start date for the mixing plant would be May 13th and the ending date would be about the 1st week of September. Plant has its own dust prevention system through constant watering. Fly ash would be minimal.

Adler – How many trucks? There will be 8 mixing trucks and 8 agate trucks. Would a flagman be necessary? Could be.

Hankovich – They may have to have a different route rather than turning right from Highway 83.

Pichler - The mixing plant would be operational for about 20 days over the 5-month period. If the plant were located at the park n ride then we would have to close the lot during this time period.

Jones – When this was first brought up in October for WEPCO for enlargement why is this now being brought up? WEPCO said they wouldn't be using it during this time period.

Kelly – Has DNR reviewed this plan? DNR is not required to review the plan.

Pichler – We use vacuum control for dry ingredients. We would like to have a start time of 6:30 a.m. to warm up the equipment and start hauling at 7:00 a.m. to 9:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturdays. Noise level would be at 90 db.

Hankovich – Unspecified Use is a use not specified in that zoning district. Controls as set by the Village as conditions.

Moved by Jones to grant unspecified use permit to James Cape & Sons for a temporary mixing plant at 690 S. Rochester Street. Reasons for granting the request are: 1) All issues have been addressed from the letter submitted by Dennis O'Bryan. 2) Warm up time is 6:30 p.m. and stopping time is 5:00 p.m. (unless they need additional time to complete a section of the project) Monday through Friday and from 8:00 a.m. to 5:00 p.m. 3) Truck route as set by the Village. 4) Washing of trucks at the job site and contained on the site. 5) Completion is about 50 days. Start date would be end of April and ending date in October. 6) Dust contained at mixing site to be controlled at all times by water. 7) If there is a problem the Building Inspector will pull the permit. Seconded by Kelly. Motion carried without a negative vote.

OLD BUSINESS:

Fencing at the Clark Station should be handled in 30 days.

Moved by Kelly, seconded by Behling and carried to adjourn the meeting at 8:38 p.m.

Bernard W. Kahl, MMC
Village Clerk/Treasurer

The Board of Building and Zoning Appeals was called to order by Chairman Adler on April 23, 2002 at 7:30pm. Members present: ADLER, CICHON, KELLY and JONES. Also present: Supervisor of Inspections HANKOVICH and Alternate HAMILTON. Excused: Alternate BEHLING.

Hamilton stepped into seat to replace Debe.

Moved by Jones, seconded by Cichon, to approve the February 26, 2002 minutes. Motion carried without a negative vote.

Moved by Jones, seconded by Kelly, to approve the March 26, 2002 minutes with the following correction: The lettering in the Pick'n'Save sign is the exact same size as the lettering in the old Pick'n'Save sign. Motion carried without a negative vote.

NEW BUSINESS

SHANE VANT – 601 MAIN ST. – CONSTRUCTION OF GARAGE – Shane Vant appeared to present his case. Mr. Vant would like to construct a garage on his property at 601 Main St., which located in B-1 Zoning. Section 100-151 states that residences in B-1 are to comply with all the provisions of R-3 Residential Zoning, defined in section 100-103 (1)(a) as single family/transitional residential district. In section 100-103 (8)(a), 20% is the maximum lot coverage for structures. The house presently covers 1094 square feet, and the proposed garage is 624 square feet, bringing the total to 1718 square feet. The lot, being 66.45' X 118.85', equals 7898 square feet, and 20% of that equals 1580 square feet. Mr. Vant is requesting a variance to the ordinance for the 138 square feet of extra structure coverage. He explained that he appeared before the Historic Preservation Commission and the Plan Commission for aesthetics and design of the garage. He proclaimed that when he bought his house, he thought there would be enough lot space to build garage. He was not aware of standard lot size regulations.. Hankovich explained that Historic Preservation Commission was fine with the color and design, and the Plan Commission also had no problem with it. Mr. Vant would like to store items inside the structure rather than around it. Tom Berg spoke in favor of the garage. Mr. Berg told the board that Mr. Vant has done a lot to improve the condition of the lot and the house.

Moved by Jones, seconded by Kelly, to grant Shane Vant a variance to the zoning ordinance of 138 square feet of overage, pursuant to section 100-103(1)(a), to construct a garage on his lot located at 601 Main St. Reasons for granting are as follows: 1) neighbors Vida Stumpf and Tom Berg expressed approval, 2) it was approved by the Plan Commission, 3) it was an unusual case because of the lot size, and 4) the color scheme was approved by the Historic Preservation Committee. Motion carried without a negative vote.

ROBERT KOKOTT – 215 N. ROCHESTER ST. – OUTSIDE SEATING AT INN THE OLDEN DAYS RESTAURANT AND PUB – Robert and Kitty Kokott appeared to present their case. Robert Kokott would like to have outside seating at his restaurant, Inn the Olden Days Restaurant and Pub, located at 215 N. Rochester St. He wishes to place tables and chairs to seat 8 to 12 guests and to serve food and drink outside the building on the front porch. Section 100-155 (BFD-2 Business Fire District) refers to section 100-

152 (c) and does not list the serving of food and drink outside the structure as a specified or conditional use. Therefore, Mr. Kokott is requesting an unspecified use permit for outdoor serving of food and drink. The Kokotts explained that they set up a sample setting with a table, 2 chairs, railing and lights. They presented pictures to show the board what it would look like. They continued to say there would be 4 to six tables with hours of 11:00 am to 9:30 pm, with the final seating at 9:30. It would be under strict control and add to the downtown ambience. There would be 2 chairs per table, which would be metal, some plants to add to the aesthetics and cushion traffic noise, and speakers for soft music. The setup would only be on the north side of the porch. Patrons would have to order meals, or at least an appetizer. People cannot have cocktails only; it will not be a beer garden.

Jones – *Have you contacted the Fire Chief?* No, Spoke to Fred (Police Chief Winchowky) and he had no problem with it.

Hankovich – He has spoken to Jeff (Fire Chief Rolfe); he is aware of it and had no big problems with it.

Kelly spoke of concerns with another door located on the porch. Kokotts explained that the door would not be blocks, so there would be another exit if needed. Don Stark, a neighbor from across the street at 216 N. Rochester St., spoke in favor but addressed concerns about the music outside. Kokotts said the speakers would be pointed at the patrons and would be at a level to block out traffic sounds. Tom Berg spoke in favor, as long as the Kokotts own it. He asked if it could be controlled with changing of ownership.

Moved by Jones, seconded by Kelly, to approve the unspecified use permit to Robert Kokott for outside seating at Inn the Olden Days Pub and Restaurant, located at 215 N. Rochester St., with the following conditions: 1) It will be for serving for food and dinner cocktails, 2) this use permit must come back to the Board of Building and Zoning Appeals within one year for review, 3) the approval will be as presented to the board, 4) the music is to be monitored, 5) if there would be a change in ownership, the new owners must come to the Board of Building and Zoning Appeals, 6) if there is a problem that cannot be immediately resolved, the Building Inspector can suspend the unspecified use permit until the matter is resolved, and 7) the fencing will be the same as that which was presented to the Plan Commission. Reasons for granting the permit are as follows: 1) It was approved by the Plan Commission and the Historic Preservation Commission, 2) there were no complaints, 3) the Police and Fire Chiefs had no problem with it, and 4) Don Stark and Tom Berg spoke in favor of it. Motion carried without a negative vote.

DOUGLAS DEBACK, JR. – S108 W28220 MAPLE AVE. – OPERATION OF INDOOR AND OUTDOOR PAINTBALL COURSES – Doug DeBack, Jr. appeared to present his case. Douglas DeBack, Jr. would like to open both indoor and outdoor paintball courses at S108 W28220 Maple Avenue. The property is zoned A-1 (Agricultural District), which does not list any use other than farming and raising of animals. Mr. DeBack is requesting an unspecified use permit on farm land that his family owns. DeBack, Jr. explained that this would be a public course where people could bring their own equipment or rent equipment, there would be a referee to supervise matches, and the indoor course will be in the barn along with the selling of merchandise and a CO2 refilling station.

Adler – *Is this where 3D Greenhouse is now?* Yes. *Is there an age limit for this?* There are no laws for the use of them. You must be 18 years old to purchase guns. We will require a person to be at least 10 years old to rent. *Does the area need to be cleaned up?* Some farm equipment must be disposed of and some brush clearing will be done. *Would you be the sole owner of the business?* Myself and my wife. *Is the whole property in the Village of Mukwonago?* Yes. *What would be the hours of business?* Friday, Saturday and Sunday, 12:00 pm to 9:00 pm. Parties would be open. *You would be selling equipment?* Yes. *How old would be the supervisors?* The job would call for persons aged 16 and older.

Hamilton – *Would the outdoor course be lit in the evening?* No.

DeBack, Jr. explained that with his insurance, he must follow certain rules. Matches last about 10 to 15 minutes, and when people are done they go to a designated area to wait for the next turn.

Adler – *Are there any animals on the farm?* No livestock. *How many acres for the woods?* Total of 10 acres of coverage.

Jones expressed concerns that the Police Chief should be notified. He wanted to know how safety concerns are met. Hankovich explained that the business is contained on his property, and any instances would be dealt with through his insurance and liability. They would have to meet Village requirements for the barn. DeBack, Jr. stated that all minors must have a parent sign for them for that day.

Kelly – *How far can these guns shoot?* 100 feet plus.

Hamilton – *Are there houses close by?* No.

Marilyn McCarthy had concerns with the driveway and parking. DeBack, Jr. showed her that the only that will be in use will be the first driveway by the barn. The woods can accommodate 32 vehicles with 50 more spots by the barn. Mrs. McCarthy was not in favor of the proposal. Jim Kowalkowski had no objection but said there should be restrictions for control.

Adler – *Are you planning on having music playing?* The only music would be a small radio for employees. Patrons in a game in the outdoor course will want it quiet so you can hear what is going on around you, so definitely no music outside.

Frederick Walton read a letter he and his wife Penney wrote to the Village of Mukwonago regarding this issue. In the letter were concerns regarding people straying onto their property, injury, the potential for a “hangout,” loud music, litter, possibility for future development, and people walking along unlit Maple Avenue. The Waltons are not in favor of it. Doug DeBack, Sr., owner of the property in question, spoke to address some of those concerns. The proposed outdoor course is 1500 to 2000 feet away from Mr. Walton’s property. It will be a controlled area; DeBack does not want his crops destroyed. As long as he owns it, no development will occur. DeBack, Jr. added that he is not looking to create a hangout. Paint and equipment can be very expensive. Kelly added that the woods is surrounded by DeBack property.

Adler – *Would you be selling food?* Only packaged goods.

Jones asked if there are any standards for food. Not for packaged goods. DeBack, Jr. said this will be his full-time job, along with his wife and one other person. Customer volume will determine more help. There won’t be any structures built in the woods, just some plywood. There will be safety rules posted in various places as well as on the waivers. He would like to start the woods area first. If business goes well, as this is a financial decision, he would like to finish the barn for the indoor course. The woods

would be used for summer, the barn for winter. Walton asked how he can control bachelor parties where people have been drinking. If they have been drinking too much, they would not be let on the course. Steve Braatz spoke in approval as a patron of the sport. He said there is nothing like this close by, the closest one being in Kenosha. People travel far to participate on these courses. Participants are also fairly safety conscious about the sport. Jones again had concerns about liabilities of the Village, asking if someone can come back at the Village for issuing the permit if they get hurt. Hankovich said the Village is not responsible; it would be the liability of the owners of the land and the owners of the business.

Moved by Kelly, seconded by Jones, to grant the unspecified use permit to operate an outdoor paintball course at S108 W28220 Maple Ave. with the following conditions: 1) DeBack, Jr. will provide proof of insurance (certificate of liability insurance) to the building inspector, 2) there will be no outdoor music in the paintball course, 3) if there are any complaints, the building inspector has the authorization to close the course immediately until further review, 4) the course will have to meet all Village standards regarding sanitation, 5) the hours of operation for general admission will be Friday from 12:00 am to 9:00 pm, Saturday from 10:00 am to 9:00 pm, Sunday from 10:00 am to 6:00 pm, and reservation hours Monday through Friday, from 8:00 am to 9:00 pm, 6) the operation must come back to the Board of Building and Zoning Appeals for review within 4 months of the issuance of the permit, 7) food is to be prepackaged, no license will be needed, 8) all fire safety concerns will be approved prior to operation, and 9) the wooded area will be marked with caution tape. Motion carried without a negative vote.

LETTER OF RESIGNATION FROM RICK DEBE – Adler read the letter of resignation to the board.

Moved by Jones, seconded by Adler, and carried to adjourn at 9:20 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on August 27, 2002 at 7:31pm. Members present: ADLER, BEHLING, HAMILTON and JONES. Also present: Supervisor of Inspections HANKOVICH. Excused: KELLY.

Moved by Jones, seconded by Behling, to approve the April 23, 2002 minutes. Motion carried without a negative vote.

ROGER WALSH – 111 N. ROCHESTER ST. – VARIANCE TO THE ZONING ORDINANCE – JUMP DECK – Item was tabled for lack of quorum.

OLD BUSINESS

DOUGLAS DEBACK, JR. – S108 W28220 MAPLE AVE. – OPERATION OF INDOOR AND OUTDOOR PAINTBALL COURSES – REVIEW – Doug DeBack, Jr. appeared before the Board. He would like to begin work on the indoor paintball course located at S108 W28220 Maple Ave. The course would go inside an old hay barn. Hankovich explained that DeBack would have to comply with all requirements in the B2 (Business) Zoning. DeBack would also like to extend hours of operation to include weekday hours for his pro shop to sell equipment. Customers have requested this to happen.

Moved by Jones, seconded by Behling, to allow Douglas DeBack, Jr., at S108 W28220 Maple Ave., the expansion of the unspecified use permit to include an indoor paintball course. Reasons for granting the permit are as follows: 1) No one had objections and Mr. DeBack has been operating since April, 2002, without any complaints and 2) the Building Inspector has been at the site and has seen no problems, with no complaints from citizens on the operation. Conditions are as follows: 1) Business operations must meet business/commercial building codes pertaining to exits, electrical and fire codes, 2) the hours of operation, in addition to the previously approved hours, for the pro shop will be 9:00 am to 7:00 pm, Monday through Thursday and 3) the only time this issue would need to come back to the Board of Building and Zoning Appeals is if there is a legitimate complaint or the Building Inspector would find a code violation that was not corrected in a timely manner. Motion carried without a negative vote.

ST. JAMES CATHOLIC CHURCH – 830 CTH NN – VARIANCE TO THE ZONING ORDINANCE – SIGN – No one appeared to represent the applicant. Item was tabled.

PARK VIEW MIDDLE SCHOOL – 930 N. ROCHESTER ST. – CONDITIONAL USE PERMIT – SIGN – Dave Arnott and Bob Krause were present to represent Park View Middle School. Park View Middle School would like to construct a new sign in roughly the same spot as the previous sign, further in from the original spot but the same distance from the sidewalk. The previous sign had to be removed with the expansion of HWY 83. The student government wants to replace the sign, which is smaller than the one at Mukwonago High School, but is the same type. Hankovich stated that the new sign meets all codes if it were in a business zone, but the school is in a P1 zone. There was discussion on the appearance of the sign.

Moved by Behling, seconded by Hamilton, to allow Park View Middle School to construct a post-mounted ground sign at 930 N. Rochester St. Reasons for granting the

permit are as follows: 1) The sign is a pedestal sign similar in structure to the sign at Mukwonago High School, 2) there were no objections, 3) the proposed location is relatively similar to the previous sign that was removed because of the road construction and 4) if this property were in a business zone, the sign would comply. Conditions are as follows: 1) The sign will appear as in option 6 with the height and width of option 5 from the plans that were submitted and 2) it will be of the pedestal type similar in construction as the one at Mukwonago High School. Motion carried without a negative vote.

ITEMS FROM THE FLOOR

Tentative dates of September 12 or 19 were discussed as meeting dates to discuss the two matters that were tabled at this meeting.

Moved by Behling, seconded by Jones, and carried to adjourn at 8:16 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on September 12, 2002 at 7:30pm. Members present: ADLER, BEHLING, HAMILTON, KELLY and JONES. Also present: Supervisor of Inspections HANKOVICH.

Moved by Jones, seconded by Behling, with Kelly abstaining, to approve the August 27, 2002 minutes. Motion carried without a negative vote.

NEW BUSINESS

ST. JAMES CATHOLIC CHURCH – 830 CTH NN – VARIANCE TO THE ZONING ORDINANCE – SIGN – Perry Woolley was present to represent St. James Catholic Church. Dave Moore, So-Lite Signs, was also present. St. James would like to replace the existing bingo sign with a new sign. The new sign would be constructed in the same location as the old sign and would be used for more than just bingo, such as church and community announcements and events. The base would be made out of aluminum and the lettering would be 5 inches tall. Hankovich explained that St. James has been to the Board of Building and Zoning Appeals numerous times for signs and have been granted them. This new sign would exceed the 100 square feet of signage requirement with the combination of this sign and the other sign, which is ground-mounted, on the property. Hamilton asked about the cover for the lettering. Moore stated that the cover is tempered glass with a locking system. Hankovich was concerned about the future road right-of-way for CTH NN. The new sign would be far enough back if the right-of-way is 66 feet. No Certified Survey Map was submitted that would should that right-of-way width.

Moved by Behling, seconded by Jones, to allow St. James Catholic Church located at 830 CTH NN to construct a pedestal-mounted ground sign. Reasons for granting the permit are as follows: 1) The sign is a pedestal type sign that the board has attempted to establish as a standard within the Village, 2) There were no objections, 3) The proposed location of the new sign is similar to where the previous sign was located and 4) there were previous variances granted in the past for various signs. Conditions are as follows: 1) The sign is not to exceed 39 square feet as presented, 2) There is internal lighting, 3) There are security devices in place on the doors as mentioned, 4) There be no additional signage on the sign and 5) If CTH NN were widened and the sign is not a minimum of 10 feet behind the right-of-way, the sign would have to be removed. Motion carried without a negative vote.

ROGER WALSH – 111 N. ROCHESTER ST. – VARIANCE TO THE ZONING ORDINANCE – JUMP DECK – Roger Walsh presented his proprposal for construction of a jump-deck on the building located at 111 N. Rochester St. Adler removed himself from the board, and Kelly took over as chairman. Walsh would like to add the jump-deck above the main entrance of the 1100 square foot building as decoration and a fire egress for the third floor. There is no second floor in the building, therefore, there is no access to the existing doorway that would lead out to the jump-deck. No people would be hanging out on the deck. Kelly asked about the deck being 4 feet rather than 6 feet. Walsh said he was trying to return what was there. He proceeded to distribute pictures of the original building with the jump-deck. He also stated that the Wisconsin Department of Transportation told him they won't take the lot line on that side of the street if Hwy 83 were widened. Hankovich stated that the building was there before the 66' right-of-way,

so the hardship was placed upon the property. He also stated that the owner must provide a rope ladder for the third story window. Ruth Townsend and John Hogan, Co-Chairpersons from the Historic Preservation Commission, spoke in favor of the deck. HPC agreed the jump-deck would look fine and be an asset to the building as it helps restore the historic look of it. They also recognized the safety purposes and believe it helps to improve the downtown area. Behling explained that the zoning code section was incorrect in the notice; it should be Section 100-453 (1) instead of 100-452 (1).

Moved by Jones, seconded by Behling, with Adler stepped down, to grant Roger Walsh a variance of 2 feet for the purpose of constructing a jump-deck at the property located at 111 N. Rochester St as required in Section 100-453 (1). Reasons for granting the permit are as follows: 1) The jump-deck is for appearance and for fire safety for the upper floor residence as it will be 5 feet by 10 feet, 2) It will be not be used for seating, only for aesthetics, 3) It is a better fit for the authenticity of the downtown area, 4) The overhang will not impede construction if the road was widened, 5) No one in attendance was in opposition, 6) Ruth Townsend and John Hogan spoke in favor of granting this by talking about the assets to the community, 7) The Historic Preservation Commission has endorsed this upgrade and 8) Jones was in favor of it. Conditions are as follows: 1) No stairway shall lead to the new construction and 2) no other owner shall change any format to the plan as presented. Motion carried without a negative vote.

Moved by Behling, seconded by Kelly, and carried to adjourn at 8:26 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on September 24, 2002 at 7:35pm. Members present: ADLER, KELLY and JONES. Excused: BEHLING. Absent: HAMILTON. Also present: 2nd Alternate BAKST and Supervisor of Inspections HANKOVICH.

Alternate Bakst stepped up to the Board. Moved by Jones, seconded by Kelly, to approve the September 12, 2002 minutes with the following correction: Under motion for Roger Walsh, reason #1 should read "5 feet by 10 feet." Motion carried without a negative vote.

NEW BUSINESS

INN THE OLDEN DAYS – 215 N. ROCHESTER ST. – UNSPECIFIED USE PERMIT – OUTSIDE SEATING – Dennis Stevens would like to have outside seating at Inn the Olden Days, 215 N. Rochester St., where he can serve food and drink to 8-12 guests. Stevens stated that there has been outside seating for the past six months when a permit was given to the past owner. There will be 5 tables instead of six to keep the door free, and the hours will be the same. There will be no music. Hankovich stated that he would like to change to fence from wrought iron to wood with the same height and slats less than six inches apart.

Moved by Jones, seconded by Kelly, to approve the unspecified use permit under section 100-155 to Dennis Stevens for outside seating at Inn the Olden Days Restaurant, located at 215 N. Rochester St., with the following conditions: 1) It will be for serving for food and dinner cocktails, not just alcohol, 2) This use permit must come back to the Board of Building and Zoning Appeals within one year for review, 3) The approval will be as presented to the board, 4) If there would be a change in ownership, the new owners must come to the Board of Building and Zoning Appeals, 5) If there is a problem that cannot be immediately resolved, the Building Inspector can suspend the unspecified use permit until the matter is resolved, 6) The fencing will be the same as that which was presented to the Plan Commission and 7) The replacement of the wrought iron fence to a wood fence must be approved by the Historic Preservation Commission. Reasons for granting the permit are as follows: 1) It was approved by the Plan Commission and the Historic Preservation Commission, 2) There were no complaints, 3) The Police and Fire Chiefs had no problem with it, and 4) Tom Berg spoke in favor of it. Motion carried without a negative vote.

VILLAGE CAR CARE CENTER LLC – 1002 S. MAIN ST. – VARIANCE TO THE ZONING ORDINANCE & CONDITIONAL USE PERMIT– DUMPSTER & NEW BUILDING – Dave Peterson of Berg Construction represented Roy Hafemeister of Village Car Care which is located at 1002 S. Main St. Village Car Care would like to construct a new building in an adjoining lot and a dumpster because the county will take some land from the front to widen Hwy ES. Hankovich stated that Waukesha County will need at least 50 feet to widen the road, which will render the current building useless with no driveway off of Hwy ES and no access to the front doors. Tom Berg stated that the Hafemeisters have been looking to relocate for years. They wanted a building similar, but nicer, in appearance. If it were required, Hafemeister would put in a

detention pond. It is two properties right now. The lot line, as a condition, should be removed.

Kelly – Is the shop located in a detention basin area? *Yes.* Is the house coming down? *Yes.*

Hankovich stated that there have been no complaints since they have been there. He also noted that B & G Auto Body owns the approach. Runoff cannot leave the site any faster than normal, so it must be kept on the site. Plan Commission makes the determination on the colors under Ordinance 656. Board of Building and Zoning Appeals can make recommendations. Tom Berg of Berg Construction stated that they moved the building back 10' from the original plan for possible expansion of Bay View Road. Peterson showed color renderings of the building. It is a seven bay garage with an entrance off of Bay View Road.

Jones – What is the color of the dumpster? *It hasn't been decided but probably a lighter color.*

Berg stated that the dumpsters the Village allows is too small for this operation.

Kelly – Does the 1000' rule apply? *No, the original intent of that rule was to keep gas stations apart.* The dumpster will be 6' high? *Yes.*

Moved by Jones, seconded by Kelly, to grant Roy Hafemeister a conditional use permit, under Section 100-152 (c)(14)(a) through (f), to construct a new building at 1002 S. Main St. Reasons for granting the permit are as follows: 1) The hardship was imposed upon the owners of Village Car Care because of the widening of Hwy ES by Waukesha County, 2) There were no objections and 3) This was approved by the Plan Commission. Conditions are as follows: 1) The building shall be constructed in accordance with the submitted plans dated August 28, 2002 prepared by TDI Associates, 2) Prior to the issuance of the building permit, landscape plans shall be submitted for review with a minimum of 25 trees planted in accordance with B-2 standards, 3) Parking lot lights shall be the same style as the exterior building lighting, 4) Curb and gutter shall be provided extending from the existing curb and gutter on Bay View Road to the edge of the parking space and along the driveway extending around to the proposed building, 5) The trash area shown shall be composed of masonry to match the building, 6) The applicant shall place stop signs at the exits to Bay View Road prior to occupancy permit, 7) The applicant shall provide a certified survey map to combine the two existing lots and 8) No non-operating, unlicensed or junk vehicles are to be stored on the property longer than 21 days. Motion carried without a negative vote.

Moved by Kelly, seconded by Bakst, to grant a variance to the zoning ordinance, section 100-453 (4), to Roy Hefemeister at 1002 S. Main St. for construction of a dumpster enclosure to be used for oil recycling, used tires storage and other uses required by the operation of the Village Car Care business. Reasons for granting the variance are as follows: 1) Section 100-453 (4) limits dumpster size, and the operation of the business needs a bigger dumpster enclosure and 2) It is asset to the site. Conditions are as follows: 1) The variance is for an extra 112 square feet of area and will be according to plans dated August 28, 2002, 2) The exterior of the enclosure will be the same as the exterior of the building, 3) The gates for the enclosure will be a chain link fence with slats and 4) The dimensions of the enclosure will be 6' in height by 16' in length by 16' in depth. Motion carried without a negative vote.

RIVER CREST TIRE & AUTO SERVICE – 880 MAIN ST. – VARIANCE TO THE ZONING ORDINANCE & CONDITIONAL USE PERMIT– DUMPSTER & EXPANSION

– Chuck Dykstra from Berg Construction represented River Crest Tire and Auto. Mike Kuzba would like to construct four additional service bays onto the rear of his service center, River Crest Tire & Auto Service at 880 Main St. Dykstra stated that the asphalt area will not increase because the detention pond limits expansion on the lot. The south parking will move to the east side of the building. The current building was constructed under the old zoning code. The addition must follow the new code. The addition is offset from the building to separate the buildings, thus, a firewall would not need to be built. Both the old and new sections of the building will be fully sprinkled.

Hankovich – There has been vehicles left there for awhile.

Tom Berg stated that the current plans won't allow space to store vehicles. He also noted that part of the dumpster enclosure will be behind the building.

Jones – Are there overhead wires there? *No, underground.*

Moved by Jones, seconded by Kelly, to grant Mike Kuzba a conditional use permit, under Section 100-152 (c)(14)(a-h), to construct four additional service bays at River Crest Tire and Auto located at 880 Main St. Reasons for granting the permit are as follows: 1) There were no objections and 2) The Plan Commission recommended approval. Conditions are as follows: 1) The addition will be built consistent with the plans dated August 12, 2002 prepared by TDI Associates, 2) The owners must plant two trees between the front parking lot and the property line so as not to be disturbed by CTH ES and 3) No non-operating, unlicensed or junk vehicles are to be stored on the property longer than 21 days, and if the building inspector notices inactivity of junk vehicles, he shall have the authority to notify the owner to return to the Board of Building and Zoning Appeals. Motion carried without a negative vote.

Moved by Kelly, seconded by Jones, to grant Mike Kuzba a variance to the zoning ordinance, under Section 100-453 (4), of 144 square feet for construction of a dumpster enclosure at River Crest Tire and Auto located at 880 Main St. Reasons for granting the permit are as follows: 1) The nature of the business requires a larger disposal area and 2) The construction of the dumpster enclosure will be comparable to that of the new construction of the addition. Conditions are as follows: 1) The enclosure will be 8' in depth by 36' in length by 6' in height and consistent with the plans as presented. Motion carried without a negative vote.

Moved by Kelly, seconded by Bakst, to grant Mike Kuzba a variance to the zoning ordinance, under Section 100-152 (1)(d), of 5' to the green space requirement for construction of a dumpster enclosure at River Crest Tire and Auto located at 880 Main St which is an accessory structure abutting a primary structure. Motion carried without a negative vote.

Moved by Jones, seconded by Bakst, and carried to adjourn at 9:35 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on November 26, 2002 at 7:30pm. Members present: ADLER, KELLY and JONES. Excused: BEHLING and HAMILTON. Also present: 1st Alternate BAKST and Supervisor of Inspections HANKOVICH.

Alternate Bakst stepped up to the Board. Moved by Kelly, seconded by Jones, to approve the September 24, 2002 amended minutes. Motion carried without a negative vote.

NEW BUSINESS

CITIZENS BANK OF MUKWONAGO – 115 LAKE ST. – VARIANCE TO THE ZONING ORDINANCE – ACCESSORY STRUCTURE – Tom Berg, Berg

Construction, represented Citizens Bank. The bank would like to construct an accessory structure at 115 Lake St. for paper, equipment and vehicle storage. The structure would look similar to a carriage house, which the Historic Preservation Committee came up with. It would have masonite siding and wood doors. The parking lot would be re-asphalted, with two coach-type lights installed. The mailboxes will be relocated to an island in the entrance. There will be a condition with the sale of the property that there must be a principle structure planned or the garage must come down. There will be a motion detector light on the south and west sides of the building.

Amanda Ausloos, 119 Lake St., inquired about the landscaping, the lighting and the retaining wall, as well as other issues.

Hankovich stated that the light closest to Lake St. will be on until 10:00 pm, and the other light will be on from dusk until dawn. Currently, the lot is in the A-1 (Agricultural District) and B-2FD (Business Fire District). Plan Commission and Historic Preservation Commission both said the entire lot needs to be changed to B-2FD, prior to occupancy.

Moved by Kelly, seconded by Jones, to grant Citizens Bank of Mukwonago a variance to the zoning ordinance, Section 100-21(2), to construct an accessory structure at 115 Lake Street, which is directly across Lake Street from the main bank building. Reasons for granting the permit are as follows: 1) Section 100-21(2) restricts buildings without a principle structure, and the bank's principle structure is on a separate lot, 2) Citizens Bank is running out of space, and this structure will help alleviate that, 3) The neighbors are satisfied and 4) Plan Commission and Historic Preservation Committee both approved of this plan. Conditions are as follows: 1) If the property is sold, the owner must build a principle structure or remove the garage, 2) Prior to occupancy, the A-1 portion of the lot must be rezoned to B-2FD, 3) The landscaping is the same as that approved by the Historic Preservation Committee and Plan Commission, 4) The north light be turned off by 10:00 pm, and the second light will be on from dusk until dawn as it does not appear to affect the neighbors, 5) Any extra motion detector lights will come back to the Board of Building and Zoning Appeals, 6) The present retaining wall will be structurally sound and 7) The building will be constructed according to the plans as presented. Motion carried without a negative vote.

MUKWONAGO BRAVES FOOTBALL ORGANIZATION – 605 CTH NN – VARIANCE TO THE ZONING ORDINANCE & CONDITIONAL USE PERMIT– STORAGE FACILITY – Kevin Sinnett represented the Mukwonago Braves Football Organization and Toby Ackerman represented Mukwonago High School. The

Mukwonago Braves would like to construct a storage facility on the High School lot at 605 CTH NN just south of the main football field, behind the scoreboard and downgrade. It will be roughly 150 yard from the lot line. The structure will be 48 feet long, 24 feet deep and 17 feet high with flat vinyl siding, two overhead doors and windows at the top, out of reach of damage. The building at Park View Middle School is shared with the track team. More space is needed. The new building will be shared with the High School whose students will be building it.

Kelly – Was this approved by the School Board? Yes

Sinnott stated that the Braves will be funding the project. Ackerman stated that it will be roughly the same size as the concession stand by the soccer field. Runoff from the High School onto the Minor's Homestead Property was discussed. Hankovich stated that accessory structures are limited to 15 feet, and this structure is 17 feet. All structures are conditional uses in P-1 Zoning, which the High School lot is.

Moved by Kelly, seconded by Bakst, to grant the Mukwonago Braves Football Organization and the Mukwonago School District a conditional use permit to construct a garage at 605 CTH NN. The structure will be south of the main football field, outside the fence and down slope. The purpose of the garage is to store Mukwonago Braves and High School athletic equipment. Motion carried without a negative vote.

Moved by Jones, seconded by Kelly, to grant the Mukwonago Braves Football Organization a variance to the zoning ordinance, Section 100-453(4-5), to construct a garage at 605 CTH NN. The variance is for two feet. Reasons for granting the permit are as follows: 1) There were no objections, 2) It is a much needed building to be used by both the Mukwonago Braves and the High School and 3) The additional height is to act as a security element, with the windows at the very top to cut down on vandalism. Motion carried without a negative vote.

Moved by Bakst, seconded by Jones, and carried to adjourn at 8:52 pm.

Steve Braatz
Deputy Clerk