

The Board of Building and Zoning Appeals was called to order by Chairman Adler on Tuesday, February 25, 2003, at 7:30pm. Members present: HAMILTON, BEHLING, ADLER, KELLY and JONES. Excused: Supervisor of Inspections HANKOVICH. Also present: 1st Alternate BAKST and 2nd Alternate Feierstein.

Moved by Kelly, seconded by Hamilton, to approve the November 26, 2002 minutes. Motion carried without a negative vote.

NEW BUSINESS

RICK PETERSON – 300 LINCOLN AVE. – VARIANCE TO THE ZONING ORDINANCE – ADDITION – Rick Peterson presented his plans for an addition to his house at 300 Lincoln Ave. The proposed addition would be 3 feet off of the lot line and the same plane as the west side of the original structure. The lot is 66 feet wide, so variance to the zoning ordinance of 12.4 feet is needed. Peterson also explained that part of the addition will be a 2-car garage with living quarters above it. The current garage will be used as a storage shed. The current structure is one and a half levels, whereas the addition will be two stories. Kelly and Jones had concerns about the height of the new structure and runoff issues. Behling felt the issue was not the proposed structure but simply the variance.

Moved by Behling, seconded by Hamilton, to grant the variance to the zoning ordinance of 12.4 feet to Rick Peterson for an addition onto his house at 300 Lincoln Ave. The addition will be 3 feet from the west lot line on the same plane as the original structure, and this is in an older area of the Village. The reason for granting the variance is that it is a buildable lot. The condition is that the Board instruct the Building Inspector to require the construction to follow what is required in the building code of the Village. Motion defeated on a vote of 3 ayes and 2 nays (Kelly and Jones voting no).

Moved by Jones, seconded by Kelly, to to bring the issue back to the next scheduled meeting. Motion defeated on a vote of 3 ayes, 1 nay and 1 abstention (Adler voting no and Behling abstaining).

Chairman Adler tabled the issue until the next meeting.

Moved by Behling, seconded by Kelly, and carried to adjourn at 7:58 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on Tuesday, March 25, 2003, at 7:33pm. Members present: HAMILTON, BEHLING, ADLER, KELLY and JONES. Also present: Supervisor of Inspections HANKOVICH.

Moved by Kelly, seconded by Jones, to approve the February 25, 2003 minutes as corrected (second to last sentence in discussion should read, "...height of the new structure and runoff issues.") Motion carried without a negative vote.

NEW BUSINESS

EXTENSION OF VARIANCE TO THE ZONING ORDINANCE & CONDITIONAL USE PERMIT GIVEN SEPTEMBER 24, 2002 – DUMPSTER & NEW BUILDING – VILLAGE CAR CARE CENTER LLC – 1002 S. MAIN ST. – Tom Berg requested an extension of the variance to the zoning ordinance and conditional use permit given September 24, 2002 for Village Car Care Center at 1002 S. Main St. They have been tied up Waukesha County with the agreement regarding the right-of-way. The closing on the land will be at the end of this month. Also, the dry pond issue with Ruekert & Mielke has not been resolved, so the hydrology report has not been done. The only change is the size of the overhead doors, otherwise, the building design is the same. The issue is going back to Plan Commission.

Moved by Kelly, seconded by Behling, to grant Roy Hefemeister, Village Car Care Center, LLC, 1002 S. Main St., a 120 day extension of the variance to the zoning ordinance and conditional use permit originally granted on September 24, 2002 to start construction with all of the same restrictions and considerations previously stated. Motion carried without a negative vote.

OLD BUSINESS

RICK PETERSON – 300 LINCOLN AVE. – VARIANCE TO THE ZONING ORDINANCE – ADDITION – Rick Peterson presented his plans for an addition to his house at 300 Lincoln Ave. The proposed addition would be 3 feet off of the lot line and the same plane as the west side of the original structure. The lot is 66 feet wide, so variance to the zoning ordinance of 12.4 feet is needed. Peterson also explained that part of the addition will be a 2-car garage with living quarters above it. The garage height will be 6 feet higher than the current structure with a height of 28 feet to the peak. Hankovich suggested designing a system for the melting snow to run off onto this property rather than the neighbor's property.

Moved by Kelly, seconded by Behling, to grant Rick Peterson a variance to the zoning ordinance pursuant to Section 100-555 (Substandard Lots) with the condition that the construction follow the building code of the Village. Motion carried without a negative vote.

ITEMS FROM THE FLOOR

Hankovich let the Board know that there will be two appeals coming in next month. The first will be the Mukwonago Kiwanis Foundation. They are presenting a 10-year Master Plan and want to renovate their current building at 160 CTH NN. The second one will be

the Mukwonago Ambulatory Center. With the new building code, any medical building was set up to be a conditional use in the B-4 Zoning District.

Moved by Kelly, seconded by Behling, and carried to adjourn at 8:11 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Adler on Tuesday, April 22, 2003, at 7:32pm. Members present: HAMILTON, ADLER, and KELLY. Excused: BEHLING and JONES. Also present: Supervisor of Inspections Hankovich, Planner Kaniewski, 1st Alternate Bakst and 2nd Alternate Feierstein.

Bakst and Feierstein stepped up to the Board. Moved by Kelly, seconded by Hamilton, to approve the March 25, 2003 minutes as presented. Motion carried without a negative vote.

NEW BUSINESS

VARIANCE TO THE ZONING ORDINANCE & CONDITIONAL USE – UPGRADE OF BUILDING – MUKWONAGO KIWANIS FOUNDATION – 160 CTH NN – Warren

Hansen appeared on behalf of the Mukwonago Kiwanis Foundation. The Kiwanis would like to renovate the building located at 160 CTH NN to make it look better. The land is zoned P-1 (Public and Semi-public District) which means any work to any structure is a conditional use. Also, the building is closer than the 50-foot road setback. They would like to install overhead doors rather than the current swing-type doors as well as install windows. Also, it was suggested that the building either be repainted or have siding installed. When CTH NN was widened, the building became much closer to the road. The Kiwanis tried selling it to the State, but they did not want it. Hansen presented a five year plan regarding various upgrades and renovations to the building. Kelly would like to see it upgraded but was concerned with the windows and vandals. Hankovich suggested installing fake windows. Hansen explained that there is only so much money per year to spend on this building, so that is why there is a five-year plan. Projects will occur as money becomes available.

Moved by Kelly, seconded by Bakst, to grant variance to the zoning ordinance to the Mukwonago Kiwanis Foundation for work to be done to the building located at 160 CTH NN. The reason for granting the variance is the building became closer to CTH NN than the required 50-foot setback when the road was widened. This is a hardship imposed on them by others. Motion carried without a negative vote.

Moved by Kelly, seconded by Hamilton, to approve a conditional use to the Mukwonago Kiwanis Foundation for the 5-year plan as presented for upgrades and renovations to be done to the building located at 160 CTH NN. The conditions are as follows: 1) After 5 years, the Mukwonago Kiwanis Foundation must come back the Board of Building and Zoning Appeals if additional work is to be done to this building and 2) If there are any severe alterations to the structure, they will need to come back to the Board for further consideration. Motion carried without a negative vote.

REVIEW OF NEW ZONING ORDINANCES

Planner Kaniewski gave a report on the new zoning codes for Manufacturing and Business Districts, an update on the Economic Development Adhoc Committee and a overview of the Gateway District.

CONDITIONAL USE – MUKWONAGO AMBULATORY CARE CENTER – JERRY SPENCER, SUMMIT SMITH HEALTH CARE FACILITIES – TID #3 – Jerry Spencer, Summit Smith Health Care Facilities, and Matt Wade, Waukesha Memorial Hospital, wish to construct a 150,000 square foot Ambulatory Care Center in Tax Incremental District #3 (Gateway District). In the creation of the new zoning ordinances, all medical care facilities are now a conditional use in the B-5 Zoning District, which is what this property is zoned. The current plan calls for 2 stories on the north portion of the building and 1 story on the south portion. The south portion will be an expansion of the current facilities located at 400 Bay View Rd. That building has been maxed out at roughly 22 thousand square feet. The portion of the new building that will replace the current building is roughly 45 thousand square feet. The north end of the new building will consist of the ambulatory care center with a lot of diagnostic facilities not currently provided to this community such as a full service laboratory, diagnostic imaging and women's and breast care, cardiology and oncology centers. Both sections will eventually have 3 stories. The building is situated on the property so that it can be expanded to the north. Hankovich explained that the presented plans show the building fully complete with the three stories. The current plans meet all criteria as if it were completed. The department heads, the planners and the engineer have all been involved in this project. Kelly asked about medical waste. There is internal storage as well as a contracted service to dispose of certain waste. The operating hours will be similar to that of the current building, not 24 hours. Bakst asked if this building could potentially become a small medical center. It is possible. The closest hospitals are Waukesha Memorial and Lakeland. There will be an outlot formed with the realignment of Maple Avenue. The outlot will be 3 acres.

Moved by Kelly, seconded by Hamilton to table the conditional use until next month.
Motion carried without a negative vote.

Moved by Bakst, seconded by Kelly, and carried to adjourn at 9:01 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Deputy Clerk Braatz on Tuesday, May 27, 2003, at 7:30pm. Members present: HAMILTON, BEHLING, JONES and KELLY. Also present: Supervisor of Inspections Hankovich, Planner Kaniewski, 1st Alternate Bakst and 2nd Alternate Feierstein. Bakst stepped up to the Board to fill the vacant seat.

ACCEPTANCE OF LETTER OF RESIGNATION – Moved by Jones, seconded by Kelly, to accept the letter of resignation from the Board of Building and Zoning Appeals from Rick Adler. Motion carried without a negative vote.

ELECTION OF NEW CHAIRMAN – Moved by Jones, seconded by Hamilton, to elect Dennis Behling as Chairman of the Board of Building and Zoning Appeals. Motion carried without a negative vote.

Moved by Kelly, seconded by Bakst, to approve the April 22, 2003 minutes as presented. Motion carried without a negative vote.

DISCUSSION/DECISION OF MEETING DATE CHANGE –The Village Attorney has questioned the time period between the last publication of a public hearing notice and the public hearing. There was discussion on changing the meeting date to the fourth Thursday of each month. Moved by Jones, seconded by Kelly, to table the meeting date change. Members are to keep the fourth Thursday in June open. Motion carried without a negative vote.

NEW BUSINESS

CONDITIONAL USE – CONSTRUCTION OF MULTI-FAMILY UNITS – ROBERT SCHWARZ, CEDAR MILL HOMES – WEST SIDE AVENUE – Robert Schwarz of Cedar Mill Homes was present. Schwarz presented three buildings with each containing four one-story, two-bedroom, ranch style condominiums with attached two-car garages. There would be a large open space on the western half of the property. There is a substantial grade change from West Side Ave. to the back of the property. Water Flows west, and an infiltration basin was discussed. He stated that this project would convert the property into a useful, taxable property where the projected cost of each condo unit would be \$180,000 and would attract young professionals and empty-nesters. The density is comparable to other condo developments in the Village. Jones asked about the lighting. Kaniewski explained that this project is not ready for approval, be they would like to know if there is any objection to doing a project like this. Richard Pearson, owner of 305 Eagle Lake Ave., spoke against this kind of development. His concerns: drainage, a small ingress/egres leading to a small exit on West Side Ave., people crossing his property and congestion of the street. Kaniewski explained that the Village Board approved the rezoning to R-3. This development needs greater review with regards to such issues as driveways and circulation, parking, landscaping and police and fire issues. The plans will be submitted to the Plan Commission. Aesthetics of the buildings was discussed. Hamilton stated concerns regarding congestion of the driveways by the third building. Kelly would prefer 2 buildings. The Board has no objection to this type of development but would like to see it in greater detail. Moved by Jones, seconded by Bakst, to table the conditional use request from Cedar Mill Homes for review by

Department Heads, the Plan Commission and the Village Board. Motion carried without a negative vote.

CONDITIONAL USE – GARDEN CENTER & OUTSIDE STORAGE AREA – GREENBURG FARROW ARCHITECTURE – TID #3 – Dave Behrens of Greenburg Farrow Architecture was present. Home Depot would like to construct a truck and trailer rental area, a tool rental center for larger equipment, a garden center, small outside storage areas around the store and outside sales and displays in the front of the store. Behrens passed around picture examples of other stores to show the kinds of displays that would be used at this store. He stated that the garden center will be roughly 28,000 square feet and is essential to the construction of the store. Hankovich had concerns about byproducts, such as pallets, being left outside. He stated there would need to be dimensions showing the size of displays. The Board has no objection to the garden center but does not want to see the outside area cluttered and there needs to be control over scattered products and the amount of display. Moved by Jones, seconded by Hamilton, to table the conditional use request by Home Depot until the Plan Commission has read the concerns from this Board and has approved the plans. Motion carried without a negative vote.

OLD BUSINESS

CONDITIONAL USE – MUKWONAGO AMBULATORY CARE CENTER – JERRY SPENCER, SUMMIT SMITH HEALTH CARE FACILITIES – TID #3 – Jones stepped down and Feierstein stepped up to the board. Moved by Kelly, seconded by Bakst, to grant Jerry Spencer of Summit Smith Health Care Facilities a conditional use under Sec. 100-157, to construct the Mukwonago Ambulatory Care Center located in TID #3 with the following conditions: 1) The site shall be developed in accordance with all plans and specifications submitted with the Conditional Use, 2) Prior to issuance of a building permit, a final landscape plan must be submitted to the Village for the review and approval by the Village Planner, 3) Prior to issuance of a building permit, a Certified Survey Map approved by the Village Board shall be recorded, 4) All parking lot areas, driveways and parking lot landscape islands shall be outlined with concrete curb and gutter, as depicted on the plans, 5) Applicant shall place “no parking” signs or “fire lanes/no parking” signs at locations on the site when requested by either the Fire Chief or Police Chief, 6) Prior to issuance of a building permit, the final storm water management and water quality plan shall be submitted for the review and approval of the Village Engineer. The site plan may be modified to adjust driveway and parking lot locations to conform with the final storm water management and water quality plan, without additional amendment to this conditional use, 7) The applicant shall conform with all minimum core requirements, standards and design criteria within the zoning ordinance, building code and other municipal codes, that have not already been addressed with this application, 8) Applicant shall maintain and keep the property free of debris to the highest possible standard at all times and 9) After Village of Mukwonago completion of widening and improving the adjacent Maple Avenue right-of-way, in accordance to the Tax Incremental District No. 3 infrastructure and improvement plans, applicant shall cause all necessary actions to be taken to eliminate any tracking of dirt or stone unto the

adjacent right-of-way from the construction site. Motion carried on a vote of 4 ayes and 1 abstention (Behling abstaining).

Moved by Hamilton, seconded by Kelly, and carried to adjourn at 9:07 pm.

Steve Braatz
Deputy Clerk

The Board of Building and Zoning Appeals was called to order by Chairman Behling on Thursday, June 26, 2003, at 7:44pm. Members present: HAMILTON, BAKST, JONES, KELLY and BEHLING. Also present: Supervisor of Inspections Hankovich and Planner Kaniewski.

Moved by Jones, seconded by Kelly, to approve the May 27, 2003 minutes as presented. Motion carried without a negative vote. Moved by Jones, seconded by Kelly, to hold all future regular meetings on the Thursdays after the fourth Tuesdays of each month. Motion carried without a negative vote.

NEW BUSINESS

CONDITIONAL USE – CONSTRUCTION OF A MULTI-FAMILY UNIT – JEROME MARTENS – MAC ARTHUR DRIVE – Jerome Martens would like to construct one ranch-style triplex on the two vacant lots located on the east end of Mac Arthur Drive. The lots are zoned R-3, which would allow for two duplexes. Jones asked why those lots are the only ones in that subdivision zoned R-3. Hankovich explained that, in the past, R-3 was considered buffer zoning between Business and Residential Districts. Martens displayed plans for the three-family ranch home with each unit being around 1,500 square feet. Hankovich explained that any structure larger than a two-family is limited to two bedrooms. Marten will also create a condominium document for the triplex, and he will do a CSM to combine the lots. Rose Maxfield, 201 Mac Arthur Drive, wanted to see what the plans for the structure looked like. She also stated she likes the condo idea where people own their units, rather than rentals. There was discussion on whether duplexes fit the area better than a triplex. Hankovich explained that with a duplex, the homes would be two stories. All the other homes in that area a ranch style. He also explained that if the structure was a duplex, the units would be rented out as opposed to a condominium, where each tenant owns their respective units. Kelly approves of the concepts and plans but had concerns with the exterior of the building. Marten stated that there would be seven feet of brick on the front, similar to many homes in that area. Board approves of the concept of constructing a three-family structure on Mac Arthur Drive.

Moved by Kelly, seconded by Jones, to table the conditional use request from Jerome Martens for review by Department Heads, the Plan Commission and the Village Board. Motion carried without a negative vote.

OLD BUSINESS

CONDITIONAL USE – GARDEN CENTER & OUTSIDE STORAGE AREA – GREENBURG FARROW ARCHITECTURE – TID #3 – Moved by Jones, seconded Bakst, to approve the conditional use for construction of a garden center, an outside storage area, a tool rental center and a large equipment rental and storage area located at the Home Depot that will be constructed in TID #3 subject to the following conditions:

1. The outdoor display of items for sale along the front face of the building shall be for the purpose of display of seasonal representative items that are also on display and available for sale within the confines of the enclosed Home Depot building,

except for the limited amount of display and sale of plant materials (annuals and perennials) immediately adjacent to the enclosed Outdoor Garden Center as referenced within these conditions of approval. At no time shall the outdoor display of items for sale include the entire inventory. The outdoor display of items for sale shall be further limited to the following conditions:

- a. All outside display of items shall be fully coordinated and integrated together into the entire display of outside items with the landscaping of the site and the building design. Exhibit A presents several examples. As an example, fence material display could be placed surrounding a landscape planter with display of brick pavers at the base of the fence to create a vision of the product usage for the customer. Or, retaining wall materials can be displayed along the outside of a landscape planter to show the customer the stacking capability of the brick and the actual stacked view and color of the brick. The Board of Zoning and Building Appeals recognizes that the product and style of product desired by customers may change from year-to-year, making it impossible to determine exact design of the integrated display from year-to-year. Therefore, each seasonal integrated display shall be subject to the approval of the Zoning Administrator. The Home Depot store manager shall consult and provide four (4) sets of drawings showing the plans of integrated display with the Zoning Administrator for each seasonal display prior to implementation of the seasonal display. If the Zoning Administrator and store manager are unable to reach an understanding about the design of the integrated display, then final action and decision shall be with the Board of Zoning and Building Appeals. Upon approval, the Zoning Administrator shall stamp as "approved" and date each of the approved four (4) sets of drawings, and shall retain two (2) sets for the Zoning Administrator file, forward one (1) set to the Village Clerk, and forward one (1) set to the store manager.
- b. At no time shall any items be displayed on pallets, and at no time shall any pallets be stored outside the confines of the enclosed Home Depot building, including the front, sides and rear of the building.
- c. The outdoor display of up to six (6) different types of grills during seasonal promotional events, uncrated and neatly organized, to be located within the integrated display area. At no time shall more than one (1) grill of each type shall be displayed. All grills shall be stored inside the building when the building is not open for business.
- d. The sale and display of up to six (6) different types of riding and push lawn mowers during seasonal promotional events, uncrated and neatly organized, to be located within the integrated display area. At no time shall more than one (1) type of each lawn mower shall be displayed. All lawn mowers shall be stored inside the building when the building is not open for business.
- e. The sale and display of up to six (6) different types of riding and push snow blowers during seasonal promotional events, uncrated and neatly organized, to be located within the integrated display area. At no time shall more than one (1) type of each snow blower shall be displayed. All

snow blowers shall be stored inside the building when the building is not open for business.

- f. The display of examples of fence material as part of an integrated display shall be allowed, with the fence material limited to a height of six (6) feet, including fence topping. The tiered system of fence material display shall not be allowed.
 - g. The display of examples of masonry pavers and retaining wall materials as part of an integrated display shall be allowed. The inclined board display system shall not be allowed.
 - h. The placement of up to two (2) propane exchange storage units, immediately to the west of the Lumber Vestibule. The view from the parking lot of the exchange storage units shall be shielded by the use of landscaping, with shielded meaning partially obstructing the view but not total view. Final placement and view shall be subject to the approval of the Zoning Administrator, using the same approval process as outlined for the approval of the integrated display plan, as per paragraph a.
 - i. All outdoor display areas shall allow a free and safe flow of pedestrian movement on the sidewalk adjacent to the building.
 - j. All outdoor display areas shall not be allowed in any lanes of vehicle traffic or in the parking lot.
 - k. Signs indicating the name and price of the outside display item shall be located within the product display area, and not affixed to the building. The signs shall be limited to two (2) square feet per item and one (1) sign per item. The color of such signs shall be compatible to the product or the context of the integrated display, and shall be kept neat and readable at all times.
 - l. No other signs shall be allowed on the building exterior advertising products not displayed outdoors or for special in-store events.
 - m. No cash registers or transactions shall take place outside of the building.
2. The sale and display of landscape materials and gardening accessories along the front face of the Outdoor Garden Center shall be allowed within the 112 foot length area as shown on Exhibit B. The sale and display shall include mulch, landscape stone, plant material (annuals and perennials) and gardening accessories, placed in organized displays and on portable carts that can be returned internal to the Outdoor Garden Center when not open for business. This area shall have the following additional conditions.
- a. At no time shall any items be displayed on pallets, and at no time shall any pallets be stored outside the confines of the Outdoor Garden Center.
 - b. All outdoor display areas shall allow a free and safe flow of pedestrian movement on the sidewalk adjacent to the building.
 - c. All outdoor display areas shall not be allowed in any lanes of vehicle traffic or in the parking lot.
 - d. Signs indicating the name and price of the outside display item shall be located within the product display areas, and not affixed to the fence of the Outdoor Garden Center. The signs shall be limited to one (1) square foot per item and one (1) sign per product type display, such as one (1) sign for

petunias and another sign for geraniums displayed on the same portable cart.

- e. No other signs shall be allowed on the exterior of the Outdoor Garden Center advertising products not displayed outdoors or for special in-store events.
 - f. No cash registers or transactions shall take place outside to the fenced area of the Outdoor Garden Center.
3. The fenced Outdoor Garden Center shall be allowed.
 4. The Tool Rental Center shall be allowed.
 5. The Tool Rental large equipment storage area as indicated on the site plan shall be allowed. This fenced area shall only be used to store larger equipment as part of Home Depot's tool rental service that is considered cumbersome or hazardous to the public to be transported in and out of the enclosed building. No tool rental equipment shall be placed or stored outside of the fenced area.
 6. At the northeast corner of the building, as shown on the site plan, the fenced area for Building Materials Contractor Pick-up shall be allowed. Intended to stage contractor pick-ups external to the retail portion of the building, only items waiting pick-up by contractors shall be allowed within the complete fenced area. The area shall not be used for storage of inventory beyond a 24-hour period. No storage of items shall be allowed outside of the fenced area.
 7. The parking of one (1) small truck (single axle) available for rental and one (1) small trailer (single axle) available for rental or sale shall be allowed to be parked under the Lumber Vestibule. A maximum of three (3) additional small trucks and three (3) small trailers shall be parked only west of the Outdoor Garden Center.
 8. No pennants, banners or other attention devices shall be allowed on the site, other than the signage that was part of Site Plan and Architectural Plan approval by the Plan Commission and Village Board, and Planned Unit Development approval by the Village Board.
 9. The outside sales and display of hot tubs, sheds, materials on palettes and other items not specified within these conditions of approval shall be strictly prohibited.
 10. Other than the allowances listed in these conditions of approval, all other outside storage and display on all sides of the building shall be prohibited.
 11. The entire exterior of the building, especially the outdoor display areas and parking lot, shall be policed daily and kept free of debris.
 12. No other trucks, vehicles or trailers not specifically listed within the conditions of this approval shall be parked overnight on the site.
 13. All other equipment and forklifts shall be stored inside the building.
 14. Home Depot shall notify the Village Clerk and Zoning Administrator of the names of the store manager and assistant store manager along with cell phone numbers of each, and shall notify the same within seven days of any change in management.
 15. Nothing in this approval shall prevent the Zoning Administrator from enforcing the conditions listed herein, to the extent that municipal citations may be issued, and with just cause, the Zoning Administrator may request the Board of Zoning Appeals to revoke this approval for lack of compliance.

Motion carried without a negative vote.

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

Steve Braatz
Deputy Clerk

Chairman Behling called the Board of Building and Zoning Appeals to order on Thursday, July 24, 2003 at 7:30 p.m. Members present: HAMILTON, BAKST, JONES, KELLY, and BEHLING. Also present: Supervisor of Inspections Hankovich and Alternate Klappa.

Moved by Jones, seconded by Hamilton, to approve the minutes of the June 26, 2003 meeting as presented. Motion carried without a negative vote.

Chairman Behling asked if anyone on the Board had a concern about the meeting dates. No comments were made and the last Thursday of the month will be the regular scheduled meeting date.

NEW BUSINESS:

CONDITIONAL USE – CONSTRUCTION OF A COFFEE SHOP-FORREST HERREID-318 N. ROCHESTER STREET.

Forrest Herreid – Parking area has been worked out with the Building Inspector by shortening up the seating capacity. The real issue now is the Highway 83 entrance. I would hope that this would not be a take out place but a place to share ideas and thoughts.

Kelly – How many tables will you have? R/ 3 tables and 6 chairs with hookups for computers.

Behling – Conditional Use only has to do with the parking?

Hankovich – It deals with definition of that place that it is a fast food establishment. Initially additional parking stalls were needed. If he only has 3 tables and six chairs then it would be classified as a fast food establishment. Historic Preservation Commission had a problem with approving this request.

Kelly – I have a problem with the parking.

Chairman Behling read into the minutes that John & Lola Horn at 102 Pearl Street and Margaret Barber at 106 Pearl Street had registered their opposition to this type of operation at this location because of the traffic problem and parking.

Moved by Kelly, seconded by Bakst, to deny appellants request for a variance to Section 100-403(h) of the zoning code and that a fast food restaurant is not allowed in the B-2 Zoning District. Motion carried unanimously upon roll call.

OLD BUSINESS:

Members asked about the status of the items from the previous meeting. Response was that no additional information has been submitted at this time for review.

Moved by Kelly, seconded by Jones and carried to adjourn the meeting at 8:03 p.m.

Bernard W. Kahl, MMC
Village Administrator/Clerk-Treasurer

Chairman Behling called the Board of Building and Zoning Appeals to order on Thursday, August 28, 2003 at 7:30 p.m. Members present: BAKST, JONES, KELLY, and BEHLING (HAMILTON entered at 8:00). Also present: Supervisor of Inspections Hankovich and Alternate Klappa. Klappa stepped up to the Board.

Moved by Kelly, seconded by Jones, to approve the minutes of the July 24, 2003 meeting as presented. Motion carried without a negative vote.

NEW BUSINESS

CONDITIONAL USE – NEW BUILDING – WAUKESHA POWER EQUIPMENT – GREENWALD CT. – Mike Brown, MSI General, and Doug Silkworth, Waukesha Power Equipment, were present. Brown presented plans to construct a building at the end of Greenwald Ct. for Waukesha Power Equipment. The building will be 7,400 square feet and will be entirely used as retail sales of ATV's, lawn equipment, snowmobiles, etc. There will be a 46% greenspace ratio. The parking lot will have catch basins for runoff, and drainage from the lot will go into a detention pond. The building will have a 2-story showroom area with a glass entrance, all facing the freeway. The back of the building will face Greenwald Ct. and will be used as a warehouse and service shop. Plans were changed to make the back of the building look like the front. There will be security lights on the inside. There will also be a low impact of traffic. Silkworth stated that there will be outside sales during the day facing the freeway, and there will not be any outside storage. Hankovich stated that these plans comply with the Village's Stormwater Management Plan. No one was present for or against.

Moved by Jones, seconded by Bakst, to grant a conditional use pursuant to Sec. 100-157 to Waukesha Power Equipment to construct a building at the end of Greenwald Ct. The reasons for granting the conditional use are as follows: 1) There were no objections and 2) The Building Inspector, the Fire Chief and the Police Chief approved the plans. Conditions are as stated in the Plan of Operation dated August 14, 2003 (placed on file) and are as follows: 1) The building will have three sections including a warehouse, service shop and showroom, 2) the warehouse will be used to store new crated equipment and used equipment so there will not be outside storage, 3) no painting or body work will be done at the facility, 4) 20 gallons of fresh gasoline may be stored in a gasoline caddy that is OSHA approved, contaminated gasoline may be stored in a 20 gallon drum and waste oil may be stored in two 55 gallon drums and both will be properly disposed of, 5) scrap equipment will be stored and picked up weekly, 6) oil and gas spills will be properly taken care and disposed of and 7) the hours of operation will be Tuesday, Wednesday and Saturday, 8:00 am to 7:00 pm, Monday, Wednesday and Friday, 8:00 am to 5:30 pm and closed on Sunday. Motion carried without a negative vote.

CONDITIONAL USE – COTTAGE INDUSTRY – OFFICE FOR A LANDSCAPE BUSINESS – CHRIS FICKAU – 217 MAC ARTHUR DR. – Chris Fickau was present. Fickau would like to conduct business in his residential home for his landscaping business. His home will be used for office use only in a 15' by 8' room, which will contain a computer, fax machine and phone. He will not be receiving any customers at

this site nor will he be storing any equipment here except the pickup that he will drive. No one was present for or against.

Moved by Kelly, seconded by Bakst, to grant a conditional use under Sec. 100-21(6) to Chris Fickau for an office at 217 Mac Arthur Dr. Conditions are as follows: 1) The home (217 Mac Arthur Dr.) will be for office use only for the landscaping company, 2) the office area will be 15 feet by 8 feet and will contain a computer, fax machine and a phone to generate paperwork and answer calls, 3) no customers or employees will be at this site and 4) no storing of any equipment or materials with the exception of the pickup truck that will be used to travel to work. Motion carried without a negative vote.

CONDITIONAL USE – MULTI-TENANT BUILDING WITH TWO DRIVE-THRU LANES – CONTINENTAL SAVINGS BANK – GERALD GUARNACCIO, GERALD NELL CO. – WOLF RUN, ARROWHEAD DR., HWY 83 – Jim Podewils, Gerald Nell Inc., was present. Hankovich explained that Wolf Run is going to be widened by order of the State from a 66' right-of-way to three lanes of ingress/egress making it an 80' right-of-way. Continental Savings Bank will be losing land for the widening. Traffic will only be allowed to exit Arrowhead Dr. onto southbound Hwy 83, right turn only. Traffic will have to exit via Wolf Run to go north on Hwy 83. The drive-thru and the lanes from the drive-thru around the building will have to be made one-way to make the traffic flow around the building counterclockwise. There are enough parking stalls. The detention pond needs to be shown on the plan, but that is a Ruekert & Mielke issue. No one was present for or against.

Moved by Bakst, seconded by Kelly, to grant Gerald Guarnaccio, Gerald Nell Inc., a conditional use, under Sections 100-21(4) and 100-157(2), for two drive-up windows for the bank that will be constructed on the corner of Wolf Run and Hwy 83. The reason for granting the conditional use is the Village Planner and the Plan Commission recommended approval. The condition is that they comply with all recommendations from the Village Planner and Building Inspector. Motion carried without a negative vote.

DISCUSSION/DECISION OF MEETING DATE IN NOVEMBER 2003

There will not be a November meeting because the Thursday after the fourth Tuesday is Thanksgiving. The meeting will be held on December 3, 2003 instead.

ITEMS FROM THE FLOOR

Jones would like a letter sent from the Board of Building and Zoning Appeals requesting additional help for the Building Inspector. Also, businesses in residential areas needs to be addressed on Oakland Ave. There was a discussion on retention ponds.

Moved by Kelly, seconded by Jones and carried to adjourn at 8:49 pm.

Steve Braatz
Deputy Clerk

Chairman Behling called the Board of Building and Zoning Appeals to order on Thursday, September 25, 2003 at 7:30 p.m. Members present: BAKST, JONES, KELLY, HAMILTON and BEHLING. Also present: Supervisor of Inspections Hankovich, Planner Kaniewski and Alternate Klappa.

Moved by Kelly, seconded by Jones, to approve the minutes of the August 28, 2003 meeting as presented. Motion carried without a negative vote.

NEW BUSINESS

CONDITIONAL USE & VARIANCE TO THE ZONING ORDINANCE – ADDITION TO GARAGE – AMERICAN LEGION COMMUNITY POST 375 – 627 CTH NN – Kelly and Behling stepped down from the Board because they are active members of the Legion. Klappa stepped up to the Board, and Jones took the chair. Rodale Fromella presented plans for an addition onto the American Legion Post #375 garage located at 627 CTH NN. The size of the garage will increase from 720 square feet to 1,440 square feet. It will be parallel to the rental garages on the property next door. The addition will match the current structure. It will be used to store equipment for Maxwell Street Days which is now being stored in rental storage at the property next door. The Legion would like better security for the equipment as well as free up money which would otherwise be spent on the rental space. Hankovich asked if any of the money that is made from Maxwell Street Days is shared with the Village. Terry Kelly listed numerous clubs, organizations and programs that the Legion donates money and time to. Jones asked if the garage will be used as rental space. It will not. Hankovich explained that the lot is 3 ½ acres with a 5,000 square foot principle structure, which is small for that size of a lot. When they originally built the hall, the plan showed enough room for additional 5,000 square feet if they desired. The Legion must come back to the Board every time they wish to build something on this lot.

Moved by Bakst, seconded by Klappa, to grant American Legion Post #375 a variance, pursuant to Sec. 100-152 (J)(1)(b), to construct an additional 720 square feet onto the existing garage located at 627 CTH NN. Reasons for granting the variance are as follows: 1) The size of the lot will support additional structures including accessory structures, 2) The Legion supports the Village parks, Kiwanis, Boy Scouts, Fire Department, High School and other clubs, organizations and programs within the Mukwonago community through funds raised by Maxwell Street Days, 3) There were no objections and 4) the adjoining property is storage units with garage doors facing east and west, and this building will have double overhead doors facing east, not changing the east view. Conditions are as follows: 1) The Legion would have to come back to the Board for more additions and 2) The addition will conform to the existing building with matching colors and will be consistent with the plans presented. Motion carried without a negative vote.

Moved by Bakst, seconded by Hamilton, to grant American Legion Post #375 a conditional use, pursuant to Sec. 100-157, to construct an addition onto the existing garage located at 627 CTH NN. Motion carried without a negative vote.

CONDITIONAL USE – CONSTRUCTION OF A SHELTER – MUKWONAGO LIONS CLUB – FIELD PARK, 931 N. ROCHESTER ST. – Kelly and Behling returned to the Board, and Klappa stepped down. Tim Sperstad presented plans for the construction of a shelter in Field Park located at 931 N. Rochester St. The shelter will be 40 feet by 20 feet, 800 square feet. It will be a roof with no sides over a concrete floor. The intention is to provide protection from the sun and rain. Sperstad believes it would be a good complement to the playground equipment. He met with DPW Supv Tom Brandemuehl and found the best location to build the pavilion would be southeast of the playground, an area where trees will not be disturbed. There will be no electricity in the structure, therefore, there will be no lighting. Kelly had concerns about the pavilion being a nuisance in the evenings when youth congregate in there. He also would prefer to see it to the east of the playground. Hankovich explained that if a squad pulls in, the officer can illuminate the building. He also stated that the Police Chief would like more places for youth to gather because it would be easier to contain them. Jones is in favor as long as no trees are disturbed. Behling read the February 18, 2003 Village Board meeting motion to allow the Mukwonago Lions to construct a shelter in Field Park. He also read a letter from Norman and Lois Boebel objecting to the construction of the pavilion.

Moved by Jones, seconded by Bakst, to grant the Mukwonago Lions Club a conditional use, pursuant to Sec. 100-251(b), to construct a shelter with no sides in Field Park located at 931 N. Rochester St. Reasons for granting the conditional use are as follows: 1) The pavilion will be owned by the Village when it is complete, which will be required to maintain it, 2) Concerns regarding the pavilion being a nuisance have been addressed with the Police Department feeling safer with no lights inside, 3) The building will be compatible with other buildings in the park, 4) It has been accepted by a unanimous vote of the Village Board and 5) There were no objections other than the letter from Norman and Lois Boebel. Conditions are as follows: 1) At no time shall the proposed shelter be enclosed and 2) No trees shall be purposely or knowingly destroyed in the area of the proposed shelter. Motion carried on a vote of 4 ayes and 1 abstention (Kelly abstaining).

CLARIFICATION OF CONDITIONAL USE FOR HOME DEPOT – Kaniewski explained to the Board that Home Depot wishes to include trees and shrubs in the Condition 2 of their conditional use conditions. They would also like to amend Condition 7 to permit parking in the parking field directly in front of the lumber vestibule rather than under the vestibule so traffic will not be obstructed.

Moved by Jones, seconded by Hamilton, to amend Condition 2 of the Conditional Use conditions for Home Depot, given June 26, 2003, with the following amendments: 1) Include the display of trees with a maximum height of 8 feet and shrubs with a maximum height of 4 feet, 2) The trees and shrubs must be in movable containers, 3) The number of trees and shrubs to display shall not exceed 6 trees and 6 shrubs and 4) The trees and shrubs must stay within the aforementioned 112 feet of display area in front of the garden center. Motion carried on a vote of 4 ayes and 1 abstention (Behling abstaining).

Moved by Kelly, seconded by Bakst, to amend Condition 7 to permit parking of one small truck available for rental and one small trailer available for rental or sale in the first

set of parking stalls in the parking field directly in front of the lumber vestibule and designated on the site plan as having 37 stalls. In addition, these two parking stalls must be designated by a post-mounted sign. Motion carried on a vote of 4 ayes and 1 abstention (Behling abstaining).

OLD BUSINESS

CONDITIONAL USE – CONSTRUCTION OF MULTI-FAMILY UNITS – ROBERT SCHWARZ, CEDAR MILL HOMES – WEST SIDE AVENUE – No one appeared to present plans. Item was tabled.

ITEMS FROM THE FLOOR

Hankovich stated that he looked into a alleged business within a residence but could not find any proof that a business was being conducted.

Moved by Kelly, seconded by Bakst and carried to adjourn at 9:28 pm.

Steve Braatz
Deputy Clerk

Chairman Behling called the Board of Building and Zoning Appeals to order on Thursday, October 30, 2003 at 7:32 p.m. Members present: BAKST, JONES, KELLY, and BEHLING. Member absent: HAMILTON. Also present: Supervisor of Inspections Hankovich, Planner Kaniewski and Alternate Klappa.

Under **Conditional Use & Variance To The Zoning Ordinance –Addition To Garage – American Legion Community Post 375 – 627 CTH NN**, the name of the person who presented plans is Rodale Fromello. Moved by Kelly, seconded by Jones, to approve the minutes of the September 25, 2003 meeting as corrected. Motion carried without a negative vote.

VARIANCE TO THE ZONING ORDINANCE – CONSTRUCTION OF A GARAGE – MUKWONAGO ROTARY CLUB – 219 GRAND AVE. – Behling stepped down from the Board noting that he is the president of the Mukwonago Rotary Foundation and the incoming president of the Mukwonago Rotary Club. Kelly took over the Chair. Klappa stepped up to the Board to fill the vacancy. Mark Blodgett and Dennis Mullens presented plans for the construction of a garage at 219 Grand Ave. It will be centered in the western part of the lot, so there will be less concrete to pour for the driveway. The style of the garage will replicate the house. It will be 20 feet in height and 24 feet from Elmwood Alley. The Jones asked if there were garages in the area similar in height. Hankovich stated there were other variances granted in that are, so there are garages with a similar height. Klappa asked if the only reason for the placement of the garage was to have less of a driveway. Hankovich stated that if the garage is pushed back, there would be less usable lot. Kelly had concerns with the close proximity to Elmwood Alley. Hankovich explained that the Historic Preservation Commission tries to make the area match historically. There is also a provision in the code in Sec. 100-455 that would allow this distance from the street right-of-way, so it really did not have to come to this Board. However, he felt the neighbors should be made aware. There was discussion on the design of the roof. HPC approved the design and colors, feeling it matched the house well. Hankovich suggested there be an obstruction in a buffer area of 6 feet between the garage and the lot line. He was concerned about headlights shining into the neighbor's house every time a car pulled into the garage.

Moved by Jones, seconded by Bakst, to grant a variance to the Mukwonago Rotary Club of an additional 5 feet to the height of the garage that will be constructed at 219 Grand Ave. Reasons for granting the variance are as follows: 1) The garage is in compliance with the approvals of the Historic Preservation Commission and the Plan Commission and 2) It is in compliance with other homes and garages in the area. Motion carried without a negative vote.

Moved by Jones, seconded by Bakst, to grant a variance of 11 feet to the setback from the Elmwood Alley street right-of-way for the construction of a garage at 219 Grand Ave. Reasons for the granting of the variance are as follows: 1) The garage was approved by the Historic Preservation Commission and the Plan Commission, 2) It is in compliance with Sec. 100-455, 3) There were no objections, 4) Other garages and homes in the area are closer than 35 feet to the right-of-way and 5) The design of the garage is keeping

with the time period of the area. The condition is an obstruction must be placed along the west side of the driveway. The obstruction must be 12 feet long starting from the west side of the garage, extending north and must be a minimum of 3 to 4 feet in height. Motion carried without a negative vote.

CONDITIONAL USE – CONSTRUCTION OF MULTI-FAMILY UNITS – ROBERT SCHWARZ, CEDAR MILL HOMES – WEST SIDE AVENUE – Kelly stepped down from the Chair and Behling returned. Robert Schwarz presented his plans to construct three 4-unit, 1-story, ranch condominium buildings on the lot on West Side Avenue previously owned by Waukesha County. There would be 12 units in total. The Village engineer and planner has reviewed the proposal and agreed that there are only a few issues that will be taken care after approval from this Board. Kelly asked about an area of the property that appears to have a much lower elevation than the rest of the lot. He had concerns with the safety of children. Schwarz explained that is an infiltration basin that is not designed to hold water. Hankovich stated that he walked the site in the Spring, and that hole did not hold water because there is enough gravel to take the water. Behling asked if Doctor Pearson's concerns have been met. Schwarz stated they have been meeting, and Pearson is now in support of the project. Kuehner explained the landscape plan has not been approved. There will be trees removed on the site, and there were concerns with adequate screening for the neighboring lots. Behling had concerns with the parking. Hankovich stated that the Fire and Police Chiefs both reviewed the plan and were satisfied.

Moved by Jones, seconded by Kelly, to grant a conditional use to Cedar Mill Homes to construct three multi-family buildings, known as Honey Meadows, on the vacant lot on West Side Ave. formerly owned by Waukesha County. Reasons for the granting of the conditional use are as follows: 1) The plans have been reviewed and approved by the Plan Commission, engineer, planner, Police Chief and Fire Chief, 2) All concerns from residents in the area have been addressed and 3) There were no objections. The conditions area as follows: 1) The approval shall be subject to the construction of no more than 12 ranch-style condominium dwelling units within a maximum of three structures pursuant to plans approved by the Plan Commission and Village Board dated September 15, 2003, 2) Prior to issuance of a building permit, the applicant and the Village shall enter into a Developer's Agreement, with said Developer's Agreement outlining the terms and responsibilities of the applicant in completing the project as proposed, and that the applicant shall record a condominium plat, 3) Prior to the issuance of a building permit, final Landscaping Plans shall be reviewed and approved by the Village Planner, 4) Prior to the issuance of a building permit, all final engineering plans for the site, including but not limited to sanitary sewer, water main, hydrants, grading and storm water management, shall be reviewed and approved by the Village Engineer, 5) Prior to the issuance of a building permit, a final lighting photometric plan shall be reviewed and approved by the Village Planner, 6) Minor modifications and/or clarifications to any of the approved plans may be permitted with the approval of the Zoning Administrator. Should the Zoning Administrator not deem any of requested modifications and/or clarifications minor, the modifications and/or clarifications shall require an amendment of this Conditional Use, after a Public Hearing, and 7) The

construction of one building may commence with no occupancy allowed until all aforementioned conditions have been met. Motion carried without a negative vote.

CONDITIONAL USE – CONSTRUCTION OF A MULTI-FAMILY UNIT – JEROME MARTENS – MAC ARTHUR DRIVE – Jerry Martens was in attendance to answer questions. The lots have been combined into one lot. The plans are the same as that which was presented at the June 26, 2003 meeting.

Moved by Klappa, seconded by Bakst, to grant a conditional use to Jerome Martens for the construction of a multi-family building in the vacant lot on MacArthur Dr. Reasons for the granting of the conditional use are as follows: 1) There were no objections, 2) The plans were reviewed and approved by department heads and 3) The construction will follow the plans as presented and dated October 25, 2003. The condition is the building will be a triplex with a maximum of two bedrooms per unit. Motion carried without a negative vote.

CONDITIONAL USE – CONSTRUCTION OF A SHELTER – MUKWONAGO HIGH SCHOOL – 605 CTH NN – Pat O’Gorman presented plans for the construction of a shelter northwest of the football field, north of the concession stand and inside the fence on the Mukwonago High School property located at 605 CTH NN. The shelter will be similar to what is being constructed in Field Park, with a roof and no sides. It will be 20 feet by 40 feet and 15 feet in height. The purpose of the shelter is cover people during rain.

Moved by Jones, seconded by Kelly, to grant a conditional use to Mukwonago High School for the construction of a shelter at 605 CTH NN. The shelter will be 20 feet by 40 feet with no sidewalls. The height of the sides will be nine feet with a total height of the structure being 15 feet. Motion carried without a negative vote.

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

Steve Braatz
Deputy Clerk