

Deputy Clerk Braatz called the Board of Building and Zoning Appeals to order on Thursday, January 27, 2005 at 7:30 p.m. Members present: KLAPPA, BAKST, KELLY, JONES & BINDER. Also present: Alternates Bartlett and Graczyk.

Moved by Jones, seconded by Kelly, to appoint Klappa as acting Chairperson. Motion carried without a negative vote. Moved by Kelly, seconded by Bakst, to approve the minutes of the December 2, 2004 meeting as presented. Motion carried on a vote of 4 ayes and 1 abstention (Jones abstaining). Moved by Bakst, seconded by Kelly, to appoint Klappa as permanent chairperson. Motion carried without a negative vote.

Variance Request – Lot West of 214 Plank Road – Barbara Beier – Gene Kovacs from RSV Engineering and Barb Beier presented plans for the division and proposed use of the lot located at 214 Plank Rd. The Plan Commission and Village Board approved the CSM to divide the lot in December 2004, creating a sub-standard vacant lot. Beier wishes to sell the vacant lot for a single-family home. A house can be constructed on the lot and meet the zoning requirements. The existing house was built around 1890. Hankovich stated that the whole area has many irregular shaped lots. He also stated that he believes the previous owner had said it was originally two lots and was combined for tax purposes with the intention of splitting again and building on it. Hankovich said that there have also been similar requests granted in the past. The house must be approved by HPC. Kovacs presented design for a few selected home designs that may be built. Cindy Lartz, 200 Fox St., was against the variance stating that she would like the green space there, and she believes having a newer home will take away from the historical value of the homes in the neighborhood. Bill Anderson, 210 Fox St., approves of the variance, stating that he remembers the lot being divided into two lots. Georgine Kuehl, 226 Fox St., approves of the variance, stating that, being a realtor for 8 years, she does not believe this will hurt the value of other homes.

Moved by Kelly, seconded by Jones, to grant a variance, pursuant to Section 100-555, to the vacant lot west of 214 Plank Road (Parcel 2 of the CSM granted to Barb Beier by the Village Board on December 21, 2004). Reasons for granting the variance are: 1) The lot is located in an older section of the Village, the lot is not very, 2) The lot can support a residence and it complies with the zoning requirements, 3) This would not set a precedence because there were other similar requests granted in the past and 4) The Plan Commission and Village Board have both recommended approval. Conditions are: 1) The exterior design shall be compatible to the homes immediately adjacent to the lot, 2) The materials used in construction of the exterior of the new home must meet the requirements of the Historic Preservation Commission, with the recommendation that there not be metal or metallic-looking materials used and 3) No additional variances shall be granted for the principle structure. Motion carried without a negative vote.

Moved by Kelly, seconded by Bakst, to grant a variance, pursuant to Section 100-555, to the vacant lot west of 214 Plank Road (Parcel 1 of the CSM granted to Barb Beier by the Village Board on December 21, 2004). The condition is that no additional variances shall be granted for the principle structure. Motion carried without a negative vote.

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

Steve A. Braatz, Jr.
Deputy Clerk

Chairman Klappa called the Board of Building and Zoning Appeals to order on Thursday, April 28, 2005 at 7:30 p.m. Members present: BAKST, KELLY, JONES and KLAPPA. Excused: BINDER. Also present: Supervisor of Inspections/Zoning Administrator Hankovich and Alternates Graczyk and Bartlett.

Alternate Graczyk stepped up to the Board to fill the vacant spot. Moved by Kelly, seconded by Bakst, to approve the minutes of the January 27, 2005, meeting as presented. Motion carried without a negative vote.

Conditional Use Permit (Home Occupation Permit) Request – 1111 Drake Ct. – Paulette Cornell – Paulette Cornell presented her Plan of Operation for a business she would like to run out of her residence. The business will be accounting and marketing administration consultation for small businesses. There will be very few customers coming to her residence; she will be picking up work, for the most part, from customers. Hankovich stated that the ordinance specifies that only people who reside in the home may be employees of her business.

Moved by Kelly, seconded by Bakst, to grant Paulette Cornell a conditional home occupation permit to operate an accounting and marketing business out of the residence located at 1111 Drake Ct. Reasons for granting the conditional home occupation permit are: 1) This type of business is an acceptable practice for a home occupation and has been granted in the past by the Board of Building and Zoning Appeals, 2) The business will not interfere with the neighborhood and 3) There were no objections. Conditions are: 1) The applicant must follow the conditions of Village of Mukwonago Municipal Code Section 100.121(5)(a) through (g), 2) There will be no signage, 3) There will be no subcontractors and 4) The applicant must follow the Plan of Operation as submitted. Motion carried without a negative vote.

Variance to the Zoning Ordinance Request – 711 Bryant St. – Mike & Amy Gomez – Mike and Amy Gomez presented plans to construct a detached garage on the property located at 711 Bryant St. The side part of the property is useless at this point. There is no current garage, and it is felt that the vehicles in the driveway is an eyesore for the neighborhood. The previous garage was renovated and is now the main bedroom of the house. Hankovich stated that the house is a slab grade house and the lot is irregular in shape. The windows of the garage will face the street. The garage will match the house as close as possible with roof pitch, siding, color, windows and shutters. Kelly would like to see brick at the bottom similar to the house. There will be underground electric.

Moved by Jones, seconded by Graczyk, to grant a variance to Section 100-453(5) to Mike and Amy Gomez to construct a detached garage on the property located at 711 Bryant St. Reasons for granting the variance are: 1) The lot has an unusual configuration, 2) It is more aesthetic to have the garage located on the side-yard of the lot and 3) There were no objections. Conditions are: 1) The garage will have two windows, without grids, on the east side, red shutters, a decorative gable fence, landscaping in the rear and will match the house in appearance, 2) The garage will be 41' from the front street lot line, 3) Landscape plans will be approved by the Supervisor of Inspections and 4) If the color for the garage cannot match the house, the house will be repainted to match the garage. Motion carried without a negative vote.

Moved by Bakst, seconded by Kelly and carried to adjourn at 8:30 pm.

Steve Braatz
Deputy Clerk

Chairman Klappa called the Board of Building and Zoning Appeals to order on Thursday, May 26, 2005 at 7:30 p.m. Members present: BAKST, JONES and KLAPPA. Excused: BINDER and KELLY. Also present: Supervisor of Inspections/Zoning Administrator Hankovich and Alternates Graczyk and Bartlett.

Alternates Graczyk and Bartlett stepped up to the Board to fill the vacant spots. Moved by Jones, seconded by Bakst, to approve the minutes of the April 28, 2005 meeting as presented. Motion carried without a negative vote.

Conditional Use Permit (Home Occupation Permit) Request-210 Fox St.-Joyce Anderson, Whatever Baskets- Joyce Anderson presented her Plan of Operation for her existing business, Whatever Baskets, which she would like to run out of her home at 210 Fox St. instead of a retail outlet as previously done. The business is mail order only, which she will deliver the gift baskets herself. There will be a delivery of product every other week on Wednesdays at 8 a.m. to her home. She has had two different retail locations and she stated that it does not pay for her to rent a building since foot traffic is minimal. Bakst asked Anderson if she had future plans to make her home business into a retail one down the road. She stated not in the house, if the business got to that point she would find another retail location. Hankovich read messages that were called into the Clerk's Office from the Koefflers, 215 Fox St. stating their support for Anderson running her business from her home, and from Cindy Lartz, 200 Fox St., stating her only concern was parking in the streets. Klappa read a letter from Barb Beier, 214 Plank Rd., stating her support for the approval of Anderson's permit. Present from the floor, Georgine Kuehl, 226 Fox St., stated she's been neighbors with Anderson for five years and she felt the conditional use permit should be approved. Also present from the floor, Pete Tomes, 220 Fox St., said he supports Joyce's business and has no problem with her running it from her home.

Moved by Jones, seconded by Bartlett, to grant Joyce Anderson a Home Occupation Permit, under Section 100-21(5)(a) through (g) to operate a mail order business, Whatever Baskets, out of the residence located at 210 Fox St. Reasons for granting the conditional home occupation permit are: 1) There were no objections from the public (either written, phoned in to Clerk's Office, or in person), 2) The business will not cause high traffic volume and 3) A delivery will be made to the business only once every other week. Conditions are: 1) The applicant must follow the conditions of Village of Mukwonago Municipal Code Section 100.121(5)(a) through (g), 2) The business shall not occupy more than 25% of one floor of the home, 3) There will be no other person employed at the business other than family members, 4) Business hours will be 9-6 Monday through Friday, 10-4 Saturday, and closed on Sunday 5) The business will not be an "open house" type of business, and 6) There will be no signage for the business. Motion carried without a negative vote.

Conditional Use Request-Major's Farm, HWY 83-Dr. Michael Connor and Dr. Thomas McKeever- Dr. Thomas McKeever was present to request construction for a new dental office and to explain how they will dispose of hazardous waste material per Village of Mukwonago Code Section 100-157 Health Care and Social Assistance Uses (2). Hankovich first gave a history to the Board of Doctors Connor and McKeever's plans to run the dental office as it is now. The new clinic is to be on one of the four new sites formerly known as the Major's farm, north of Culver's. Hankovich stated they will need an extension of time for the conditional use permit because the land is not developed yet and is not ready for construction. Bartlett asked if they were meeting all of the codes currently. Dr. McKeever stated they have a disposal service pick up hazardous materials, and they have no narcotics on site. They are in compliance with all health codes, and Hankovich stated they are a reputable business.

Moved by Jones, seconded by Bakst, to grant Dr. Connor and Dr. McKeever a conditional use permit for their dental office to be constructed on the property formerly known as Major's farm, north of Culver's. Reasons for the conditional use permit are: 1) The dental business is an established business, being in the village since 1973 and 2) There are no objections from the public. Conditions are: 1) The applicant must follow the conditions of Village of Mukwonago Municipal Code Section 100-157, 2) There will be no hazardous materials improperly disposed of, 3) The operating hours will remain the same and 4) There is a time extension of one year as opposed to six months from today's date. Motion carried without a negative vote.

Variance to the Zoning Ordinance Request-410 Franklin St.-Norbert Kraczek Representing Property Owner Mildred Leonardelli- Norbert Kraczek presented pictures and diagrams for constructing a bathroom addition on the property located at 410 Franklin St. The homeowner, Mildred Leonardelli, is elderly and has trouble climbing the stairs to the second floor to where the only bathroom is located. The addition will not negatively affect other properties in the area. Hankovich stated that neighbors were notified by mail, and no one responded to object. The foundation will have post footings and the bathroom wall will extend into the enclosed porch a little bit. A variance is needed because the present setback from the sidewalk is 13.25 feet. Section 100-102 requires a street-yard setback of 35 feet. The property was there prior to the setback ordinance. The home was built in the 1930's or 1940's. There is no other area in the house to add on the bathroom. The addition will look like an extension to the porch on the outside. The electric meter will get relocated to the north side wall. The roof and siding will be the same as what is existing.

Moved by Jones, seconded by Bakst, to grant the variance to Section 100-102 and Section 100-551(5) to construct a bathroom addition on the property located at 410 Franklin St. Reasons for granting the variance are: 1) This is an older home and there is no bathroom located on the first floor, 2) There were no objections from the public, 3) The home was built before the building codes were enacted, 4) The roof and siding will be the same as what is existing and 5) There is no other place in the home to fit the requirements of the bathroom. Conditions are: 1) Electric and plumbing shall meet all present Village codes and ordinances, 2) The addition shall not exceed past the existing structure of two sides (north and west) and 3) The addition shall meet all of the Building Inspector's questions or concerns. Motion carried without a negative vote.

Items From The Floor

Klappa read a letter of resignation from Paul Binder. Graczyk will move from first alternate to chair vacancy. Bartlett will move from second alternate to first alternate, and now there is a chair vacancy for second alternate.

Moved by Bakst, seconded by Bartlett and carried to adjourn at 8:32 p.m.

Cathy Millard
Minutes Recorder

Chairman Klappa called the Board of Building and Zoning Appeals to order on Thursday, July 28, 2005 at 7:34 p.m. Members present: BAKST, JONES, KELLY, GRACZYK and KLAPPA. Also present: Supervisor of Inspections/Zoning Administrator Hankovich.

Moved by Jones, seconded by Bakst, to approve the minutes of the May 26, 2005 meeting as presented. Motion carried without a negative vote (Kelly abstained).

Fence Review-613 Grand Ave.-James Tarasewicz – The fiancé of Mr. Tarasewicz was present to request approval for a 6 foot fence in the rear yard and along the north side lot line. They feel they need a 6 foot fence to contain their dog and because of neighbor concerns. Tarasewicz stated they need the 6 foot fence for privacy. Hankovich proposed to the Plan Commission and the Village Board that a 6 foot fence in the rear of the yard was fine, and a 6 foot solid wood fence on the side of the yard was fine if approved by the Board of Building and Zoning Appeals and as long as the public did not object. Klappa asked what the setbacks were and Hankovich stated there would not be an interference. Hankovich has heard no complaints from the Tarasewicz's neighbors.

Moved by Jones, seconded by Kelly, to grant Mr. and Mrs. Tarasewicz the 6 foot fence they requested for the property located at 613 Grand Ave. under Sec 100-453(3)b. Reasons for granting permission for the fence are: 1) There were no objections from the public (either written, phoned in to Clerk's Office, or in person), 2) The sole purpose of the fence is for privacy and keeping the dog in the yard, and 3) To have a deterrent from neighbors coming into their yard. Review Approval Conditions are: 1) The Applicant will put up the 6 foot fence on the north property line from the front of the structure to the rear lot line. The remainder of the rear yard is to be fenced within one year. Motion carried without a negative vote.

Conditional Use Request-1616 Honeywell Rd.-Rhon Roberts, Mukwonago Baptist Church – No one present. Item was tabled.

Conditional Use Request-Major's Farm, HWY 83-Waukesha State Bank – Representatives from Stephen Perry Smith Architects were present to give a presentation. Hankovich stated that there were issues still not addressed to Plan Commission, but to go ahead with the presentation to give the Board of Building and Zoning Appeals an idea of their plan for the bank. Waukesha State Bank wanted input from the Board of Appeals for suggestions on their plans. Hankovich said the Plan Commission has concerns regarding traffic flow. The bank will be located at the corner of the proposed Black Bear Blvd. and Marsh View Rd. (which are not constructed yet), adjacent to Culver's. Waukesha State Bank wants to have a prairie style building, with four lanes of drive-thru with the ATM on the outside lane. No one from the public was present. Klappa tabled the item until there was more information from Plan Commission and other department heads.

Conditional Use Request-122 Arrowhead Dr.-Timothy Knepperath, MSI General Corp. – Tim Knepperath, representing BJ's BP, Inc. was present to request a car wash on the property. A Conditional Use was already granted last year, but the owner did not act upon it. The owner has now changed his mind and wants to go ahead with the car wash plans. Klappa said the conditional use should be the same as last year since it was already approved last year.

Moved by Bakst, seconded by Kelly, to grant a conditional use permit to MSI General Corp. to construct a car wash for BJ's BP, Inc. on the property located at 122 Arrowhead. The median opening for Arrowhead Dr. is under order by the Wisconsin State Department of Transportation to be closed. The Village is trying to keep it open through a traffic count. The closing of Arrowhead Dr. will cause the traffic to flow through Wolf Run to the service station. Conditions

are as follows: 1) Plan Commission approval is conditional upon a receipt of a copy of the letter from the Department of Transportation regarding their approval of the car wash as it relates to I-43 right-of-way setbacks, 2) Prior to site development, the Village Engineer shall approve all site engineering plans, 3) Prior to site development, the Village Planner shall approve the final landscaping plan, and 4) The canopy lighting shall be limited to the underside of the canopy, not on the sides, except for the BP logo. There will be no additional signage other than the logo on the canopy and the gas station. The car wash logo has been approved, but no other signage. Motion carried without a negative vote.

Items From The Floor

Hankovich introduced Building Codes Inspector Bob Harley, stating Harley may possibly be at meetings when he is on vacation.

Moved by Bakst, seconded by Kelly and carried to adjourn at 8:52 p.m.

Cathy Millard
Minutes Recorder

Chairman Klappa called the Board of Building and Zoning Appeals to order on Thursday, August 25, 2005, at 7:30 p.m. Members present: BAKST, JONES, KELLY, GRACZYK and KLAPPA. Also present: Supervisor of Inspections/Zoning Administrator Hankovich.

Kelly noted that the representative for James Tarasewicz at the July 28, 2005 meeting was his fiancé, not his wife. Moved by Jones, seconded by Bakst, to approve the minutes of the July 28, 2005 meeting as corrected. Motion carried without a negative vote.

Conditional Use Request – 630 CTH NN E – Construction of a Pole Building – Village of Mukwonago Dept. of Public Works – Public Works Supv Tom Brandemuehl represented the Village of Mukwonago. The pole building will be 55' by 65' which is very close to the size of the existing pole building. The color and the design will also be similar. The proposed building will be used for cold storage, so there will not be electric run to it at this time. The front of the proposed building will be set back further than the existing building because it needs to be 25' from the gas pumps. Hankovich expressed concern regarding future development on the St. James property to the east of the DPW property. He suggested installing a natural buffer, trees and bushes, along the east lot line from the existing main building to the existing pole building. He would like to take care of any vision problems in regards to shining of vehicle head lights into the St. James lot before development occurs.

Moved by Jones, seconded by Graczyk, to grant the Village of Mukwonago Department of Public Works a conditional use to construct a pole building on the property located at 630 CTH NN E. The reasons for granting the conditional use are: 1) The property is zoned P-1 (Public and Semipublic District) and Section 100-251(b)(1) requires a conditional use, 2) The proposed building will practically match the existing pole building in appearance, in size, 55' by 65', and front architectural design, 3) The existing pole building is being used as an impound and a new building is needed to move other accessory equipment and 4) There were no objections. The condition is there will be a natural buffer area installed within 5 years from the northeast corner of the main Public Works building to the southeast corner of the existing pole building. Motion carried without a negative vote.

OLD BUSINESS

Conditional Use Request – 1616 Honeywell Rd. – Rhon Roberts, Mukwonago Baptist Church – Rhon Roberts presented new plans for the addition to the Mukwonago Baptist Church and School located at 1616 Honeywell Road. The public hearing was held at the July 28, 2005 meeting. The auditorium will be increased by 75 seats. The basement will be excavated and will be the new fellowship hall. The existing baths will be taken out and will become part of the lobby area to increase traffic flow. The nursery will be on the first floor. The present kitchen will be remodeled. Two classrooms in the basement will now have windows for outside exposure. These classrooms are on the ground level with exposure because of a natural slope. The Plan Commission recommends approval.

Moved by Kelly, seconded by Bakst, to grant a conditional use to the Mukwonago Baptist Church for renovations of facilities and an addition for classrooms for the property located at 1616 Honeywell Rd. The reasons for granting the conditional use are: 1) The construction meets the criteria for Sections 100-251(b) and 100-251(4), 2) The Plan Commission and Village Planner both recommend approval and 3) There were no objections. The condition is a landscape plan will be presented to and approved by the Supervisor of Inspections/Zoning Administrator. Motion carried without a negative vote.

ITEMS FROM THE FLOOR

Kelly asked that recognition be given to Joe Sperstad for his past services to the Board of Building and Zoning Appeals, as well as the Library Board. He would like to see a plaque created similar to the one created for Bud Hendrickson. Kelly offered to be the liaison to gather information for the plaque. The Board agreed.

Moved by Bakst, seconded by Kelly and carried to adjourn at 8:28 pm.

Steven A. Braatz, Jr.
Deputy Clerk

Deputy Clerk Steve Braatz called the Board of Building and Zoning Appeals to order on Thursday, September 29, 2005, at 7:30 p.m. Members present: BAKST, KELLY and JONES. Members excused: GRACZYK and KLAPPA. Also present: 1st Alternate Bartlett and Planner Kaniewski.

Alternate Bartlett stepped up to the Board to fill the vacant spot. Moved by Bakst, seconded by Bartlett, to appoint Jones as acting Chairperson. Motion carried without a negative vote. Moved by Jones, seconded by Bakst, to approve the minutes of the August 25, 2005 meeting as presented. Motion carried without a negative vote.

Request for Variances – 309 S. Rochester St. – Construction of Addition – Genevieve Liesemeyer – Genevieve Liesemeyer presented plans to construct an addition onto the property located at 309 S. Rochester St. The addition will be an attached garage. The existing detached garage currently crosses lot lines and will be torn down. She also plans on doing renovations to the existing residence including residing, re-roofing and interior remodeling. Plans were presented to the Historic Preservation Commission and Plan Commission and were given favorable approvals. Liesemeyer also plans to landscape in the spring, with plans being presented to the Historic Preservation Commission and Supervisor of Inspections for approval. The lot has an irregular shape which prohibits the renovations from complying with the green space requirement. Kelly felt this will be an improvement to the area and expressed delight to the exterior renovations to the store front for the attached property located at 307 S. Rochester St.

Moved by Kelly, seconded by Bakst, to grant a variance to the rear yard setback, pursuant to Sec. 100-103(4)(b), to the property located at 309 S. Rochester St. Reasons for granting the variance are: 1) The lot is irregular in size and shape, 2) Plans were submitted to and approved by the Historic Preservation Commission and Plan Commission, 3) There were no objections and 4) The renovations will help the beautification of the downtown area. The condition is that the color schemes for the exterior renovations will be the same as what was presented to the Historic Preservation Commission and Plan Commission. Motion carried without a negative vote.

Moved by Kelly, seconded by Bakst, to grant a variance to the green space requirement, pursuant to Sec. 100-103(4)a.1.(d), to the property located at 309 S. Rochester St. Reasons for granting the variance are: 1) The lot is irregular in size and shape, and the proposed addition does not leave sufficient green space, 2) Plans were submitted to and approved by the Historic Preservation Commission and Plan Commission, 3) There were no objections and 4) The renovations will be an upgrade to the site. Motion carried without a negative vote.

Request for Variance – 318 N. Rochester St. – Construction of Addition – Barry Hannah, Hannah Home Health Care – Barry Hannah presented plans for a proposed addition to the property located at 318 N. Rochester Street. Plans were presented to the Historic Preservation Commission and Plan Commission and were given favorable approvals. The size of the proposed addition was changed at the Plan Commission from 600 square feet to 520 square feet. The existing building houses Hannah Home Health Care and Door to Door Driving School. These businesses currently operate at apposite times during the day. The addition will house the Grand Rental Station, currently located in the Greenridge Shopping Center, but will only be a reservation station. All large equipment will be housed off-site and will be delivered to the customers. There will only be 1 individual staffed there during the shift. Hannah stated that as it stands right now, there are at least four to five empty parking stalls at any given time during the day. He feels there will be ample parking with the addition. There will be the occasional customer that comes in, but even at the present location there is only one to two people at the most in the store. Kelly expressed concerns with the lack of parking for possible future tenants. Hannah stated that the reason for the parking restriction on the site is because of the nature of the

business of Hannah Home Health Care. Kaniewski stated that, according to the ordinance, 26 required stalls were calculated. He also stated that when the building was originally renovated, parking requirements were different than they are at the present time. Bakst stated that if a variance were to be granted, it would only be for the present operations. Jack Medlock, 102 Pearl, asked about the hours of operation and expressed concerns regarding traffic, especially on the weekends. Hannah stated that the only business that will be operating in the building will be the Grand Rental Station. Jones expressed concerns regarding the possible future widening of STH 83 and the lack of future spaces. Bakst expressed concerns with the possibility of prior customers coming in looking for rentals and not knowing that it is only a rental station. Hannah stated that even at the present time, most people call. Steve Sharpe, architect for the project, discussed signage. He feels there will be plenty of transition time.

Moved by Bakst, seconded by Kelly, to grant a variance to the parking requirement, pursuant to Sec. 100-403 Business Service, for the property located at 318 N. Rochester St. Reasons for granting the variance are: 1) Plans were submitted to and approved by the Historic Preservation Commission and Plan Commission and 2) Concerns regarding traffic and hours of operation from Jack Medlock, 102 Pearl Ave., were dealt with. The conditions are: 1) The Plan of Operation dated September 14, 2005 that was submitted to the Board will be followed and 2) Any change of business will need a variance. Motion carried on a vote of 3 ayes and 1 nay (Kelly voting no).

Request for Variance – Southeast Corner of CTH ES and Fox River – Mark Holiday, Harmony Homes – Mark Holiday and Ralph Hibbard were present to request a variance to the Waukesha County floodplain setback of 75 feet. Hibbard divided his lot into three lots to be included as part of the portion of Fox River View subdivision that is at the end of Foxhead Trail. However, Hibbard will continue to own the lots. Foxhead Tr. was there before the contract between Holiday and Hibbard. The County will not allow access onto CTH ES, so the driveway approaches will be installed on Foxhead Tr. The 100 Year Floodplain encroaches onto Lot 1 of Hibbard's Certified Survey Map. Because of the height of the floodplain, there is not enough room for the building pad on the lot to be 75 feet away. The build able area on the lot will only be 20 feet away. Waukesha County has given variances of 35 feet to the existing subdivision lots that are along the Fox River, but realized that any future requests must be approved by the Village of Mukwonago Board of Building and Zoning Appeals. Holiday discussed the vertical separation of the house from the elevation of the wetland and the importance of that versus the distance from the wetland. All of the lots in the subdivision are 2 feet in vertical separation whereas this lot will be 3 feet. Holiday also noted that Mr. Hibbard has designated a portion of his lot to be used for the multi-use trail. Holiday expressed concern that the building permit needs to be issued within six months of the granting of the variance. Hibbard would like to sit on the lots for a few years without construction. Kelly requested that the issue be tabled until further clarification of the 6-month rule. Item is tabled for the next meeting.

Moved by Bakst, seconded by Kelly and carried to adjourn at 9:39 pm.

Steven A. Braatz, Jr.
Deputy Clerk

Chairman Klappa called the Board of Building and Zoning Appeals to order on Thursday, October 27, 2005, at 7:30 p.m. Members present: BAKST, JONES, KELLY, GRACZYK and KLAPPA. Also present: Supervisor of Inspections/Zoning Administrator Hankovich.

Moved by Kelly, seconded by Bakst, to approve the minutes of the September 29, 2005 meeting as presented. Motion carried without a negative vote.

PUBLIC HEARING

Request for Unspecified Use Permit – S108 W28220 Maple Ave. – Renovation and

Construction of Addition – Douglas DeBack, Jr. – Douglas DeBack, Jr. presented plans for and addition to an existing barn for use as an indoor paintball course. The purpose is to increase the winter business. The existing building #1 includes a retail shop and an office. Building #2 includes upper and lower courses. DeBack would like to use building #3 as another indoor course after the addition. The existing building #3 is 42' by 64', and the addition will be 42' by 45'. The property is zoned A-1 (Agricultural District). He is looking to start construction within six months. Hankovich noted that as the TID #3 develops, the paintball operation, or at least the barns, may not be appropriate for the area. He requested that a review stipulation be placed in the motion so the Village may have some control. Hankovich also stated he has received no complaints regarding the paintball operation, and DeBack has followed all of the conditions placed upon his business from the previous appeal.

Moved by Jones, seconded by Kelly, to grant Douglas DeBack, Jr. an unspecified use permit to operate a paintball operation from and construct an addition to Building #3 as shown on the plans presented and located at S108 W28220 Maple Ave. The reasons for granting the unspecified use permit are: 1) The applicant appeared before the Board in April 2002 and has followed the conditions set from that meeting, 2) There have been no complaints filed to any office of the Village and 3) There were no objections. The conditions are: 1) The applicant will continue to follow the same conditions as set at the April 23, 2002 Board meeting, 2) The operation will be reviewed in two years or if the zoning, ownership or boundary of the property as it currently appears changes and 3) The applicant is granted an extension of the allowed time to begin construction from six months to eight months. Motion carried without a negative vote.

OLD BUSINESS

Request for Variance – Southeast Corner of CTH ES and Fox River – Mark Holiday,

Harmony Homes – The main concern from the prior meeting was the allowed time to begin construction, which is six months from the granting of the variance. The owner of the property stated that he does not wish to begin construction for a few years. Hankovich stated that there have been extensions given to prior appeals, but usually for a few months. The time period should not be extended beyond one year, due to the fact that rules change.

Moved by Kelly, seconded by Jones, to grant Ralph Hibbard a variance to the Floodplain zoning district of 55', pursuant to Section 100-274, for the property known as Lot 1 of the 3-Lot CSM located just south of CTH ES, north of Foxhead Trail and east of the Fox River. Reasons for granting the variance are: 1) Waukesha County granted variances of 35' to all of the properties south of Lot 1, along the Fox River in the Fox River View Subdivision, 2) The vertical separation for Lot 1 is one foot higher than the properties to the south, 3) The Plan Commission and the Village Planner both recommended approval and 4) There were no objections. The conditions are: 1) The granting of the variance shall be subject to Exhibits A-1 through A-4, prepared by RSV Engineering, dated September 7, 2005, 2) The granting of the variance shall be subject to the recording of the Hibbard Certified Survey Map consistent with the depiction of Lot 1 on Exhibit A-1, 3) The Building Permit for Lot 1 shall have been issued and construction started within one year of the granting of this variance and 4) Pursuant to Section 100-810(4),

the Clerk's Office shall forward a copy of this decision to the Wisconsin Department of Natural Resources, Waukesha County Department of Parks and Land Use and the Village Board.
Motion carried without a negative vote.

ITEMS FROM THE FLOOR

The next meeting date will be December 1, 2005, if a meeting is necessary. Kelly presented his findings for the recognition of Joe Sperstad and submitted it for further action.

Moved by Kelly, seconded by Bakst and carried to adjourn at 8:38 pm.

Steven A. Braatz, Jr.
Deputy Clerk