

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on January 24, 2008 at 7:30 pm. Members present: MADES, KELLY, JONES and KLAPPA. Excused: GRACZYK. Also present: Supv of Inspections/Zoning Administrator Hankovich and Alternate DECKER.

Decker filled the vacant spot. Moved by Kelly and seconded by Jones to approve the November 29, 2007 minutes. Motion carried without a negative vote.

## **PUBLIC HEARING**

**Request for a Conditional Use Permit – Physical Therapy Business – 111 Atkinson St. – Joan Zachow, The Anatomy Shop Physical Therapy Services, LLC** – Joan Zachow represented The Anatomy Shop Physical Therapy Services, LLC. She is moving from a different location in the Village to 111 Atkinson, which is a bigger space. The new location is suited for this kind of business. There will be some machines for wellness and therapy. There may be a few nights a week that she would work late. The business has doubled in customers since last year. There is a municipal parking lot very nearby where customers can park if the spaces in front are full. Hankovich stated that there is not much parking in the downtown for any business, but there is enough parking in the area. No one spoke for or against.

Moved by Kelly and seconded by Mades to grant a conditional use permit to Joan Zachow, The Anatomy Shop Physical Therapy Services, LLC, pursuant to Section 100-157 for a physical therapy business on the property located at 111 Atkinson St. The reasons for the approval are: 1) The business appears to fit well in the area, 2) There is adequate parking and 3) There were no objections. Motion carried without a negative vote.

**Request for Variance to the Zoning Ordinance – Construction of a Wheelchair Ramp – 621 Grand Ave. – Jeffrey Semrow, VFW Post 7221** – Jeff Semrow represented the VFW Post 7221. Kelly stated that he is not a member of the VFW Post 7221. The North side entrance is the only entrance that can have a wheelchair ramp. Hankovich stated that he has worked for 10 years off and on with the VFW trying to get a ramp on the building. Hankovich confirmed that the location chosen for the proposed ramp is the only location for it. The bottom of the ramp is adjacent to the driveway. Semrow stated that the only way to get handicapped people into the building is to lift them over the stairs. The ramp will be four feet wide, except around the corner and in front of the door, of which the ramp will be five feet wide. The building is already only eight feet from the sidewalk. No one spoke for or against.

Moved by Kelly and seconded by Jones to grant the variance to the VFW Post 7221 of 32 feet to Section 100-102 (4)b.1 for the property located at 621 Grand Ave. The reasons for the approval are: 1) The property is located in a unique area where few properties support the setbacks listed in the code due to houses being built prior to the existence of the current code, 2) The VFW provides service to veterans, including handicapped veterans, 3) There were problems getting handicapped people into the building in the past and 4) There were no objections. Motion carried without a negative vote.

**Request for Conditional Use Permits – Construction of a Banquet Hall and Sports Bar – 927 Main St. – Steve Sharpe Representing Blue Bay Restaurant** – Steve Sharpe, Nate

Islami, and Sonny Islami represented Blue Bay Restaurant. Ruekert and Mielke had issues with the storm water management of the property. The area is a high ground water area. Sharpe will be proposing new technologies to meet the requirements for storm water management, and he will follow the storm water ordinance. The site is two parcels that will be combined into one lot. It is a family operation. The bar will be a lounge rather than a sports bar. The restaurant, the banquet hall, and the lounge will not be maximized all at the same time.

Kelly would like to wait for the submittals to and recommendation from the Plan Commission. Jones likes the plan and believes the expansion will help alleviate congestion. He is in favor as soon as the Board and Plan Commission get the rest of the plans.

Phyllis Klaus, 923 Bay View Ci. – Has concerns with parking, the possible noise level of people from the banquet hall being outside, more trash, and lighting. She stated that there is a residential neighborhood in the backyard of Blue Bay. She is not in favor.

Sharpe stated that the plan has the parking more toward the westerly area of the property, keeping it as far away from the residential area as possible. The building will be insulated with concrete form 13” thick, so noise from the inside should not be a problem. The trash area will be moved to the north side of the building.

Klappa tabled the issue for Plan Commission and Village Board reviews.

Moved by Kelly, seconded by Decker, and carried to adjourn at 8:34 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on February 28, 2008 at 7:30 pm. Members present: GRACZYK, MADES, KELLY, JONES and KLAPPA. Also present: Alternate DECKER.

Moved by Kelly and seconded by Mades to approve the January 24, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARING**

**Request for Variance to the Zoning Ordinance – Construction of a Sign – 1090 N. Rochester St. – Greg Landon, Culver's of Mukwonago** – Greg Landon, Culver's of Mukwonago, requested to keep and retrofit the existing pole sign on the property located at 1090 N. Rochester St. He expressed concerns that a monument sign would create a hardship for the business due to vehicles blocking the view of the sign on the north side. Landon asked for a monument sign 15 feet in height if his original sign were not approved. Hankovich stated that the request was withdrawn from the Plan Commission agenda. He also stated that he had asked the Village President for another year to review the current sign ordinance and make necessary changes. Hankovich asked that this item be tabled.

Moved by Kelly and seconded by Jones to table the request for variance for the Culver's of Mukwonago sign. Motion carried without a negative vote.

Moved by Kelly, seconded by Jones, and carried to adjourn at 7:48 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on May 1, 2008 at 7:31 pm. Members present: MADES, KELLY and KLAPPA. Member excused: GRACZYK. Member absent: JONES. Also present: Supv of Inspections/Zoning Administrator Hankovich and Alternate DECKER.

Decker filled the vacant seat. Moved by Kelly and seconded by Decker to approve the February 28, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARING**

***Request for Conditional Use Permit – Replacement of Bleachers – 605 CTH NN W – Mukwonago High School*** – Kevin Wall, Plunkett Raysich Architects, presented plans for the replacement of bleachers at the football field on the Mukwonago High School property located at 605 CTH NN W. The bleachers have been discussed with Hankovich and Fire Chief Rolfe. The existing bleachers will be torn down, along with some fencing. The capacity for the new bleachers will be 2,930 seats, which is more than doubling the existing capacity. The existing entrance gates will remain but increase in width. The existing ticket booth will be removed. There will be storage units under the bleachers that will include lighting. The current press box will remain. The new bleachers include a visitor's press box. Hankovich was concerned with the existing advertisement signage on the back of the existing bleachers. The existing bleachers will be relocated on site, and the signage will be removed after the advertisement lease agreements are up. The new bleachers shall not have signage on the back of them. The storage will be used for non-combustible materials and will mainly consist of sport equipment. The Fire Dept. will check the storage area twice per year. There will be 22 spaces for handicap seating on the new bleachers.

There was no one in attendance speaking for or against.

Moved by Decker and seconded by Kelly to grant a conditional use permit to Mukwonago High School for the construction of bleachers, pursuant to the plans presented, on the property located at 605 CTH NN W. Conditions are: 1) Signage will be removed upon the termination of the advertisement agreements, 2) Storage beneath the bleachers shall not contain combustible materials, and there shall be signage stating this condition, and 3) The high school staff shall work with the Fire Department with any concerns about the bleachers. Motion carried without a negative vote.

***Request for Conditional Use Permit – Expansion of Business to Include U-Haul Rentals – 811 S. Rochester St. – Carl Goede, River's Edge Wash-N-Lube*** – Carl Goede, River's Edge Wash-N-Lube, presented plans to include the storage of U-Haul vehicles on his property located at 811 S. Rochester St. He would like to include the rental of the U-Haul trucks as a supplement to his business. There will be new pavement poured to the south of the car wash building. The new pavement will not cut into the existing hill very much at all. There will be four to six trucks, and no truck will be longer than 32 feet. There will be no additional signage on the property concerning the U-Haul business.

There was no one in attendance speaking for or against.

Moved by Kelly and seconded by Decker to grant a conditional use permit to Carl Goede, River's Edge Wash-N-Lube, for the storage of U-Haul trucks on the property located at 811 S. Rochester St. The reasons for granting the conditional use permit are: 1) The level of the property is lower than the property to the south, making the storage of the vehicles less conspicuous, 2) There will be no hindrance to adjoining property owners, and 3) There were no objections. The conditions are: 1) No vehicle shall be parked east of the front face of the existing car wash building, 2) Vehicles will only be parked for storage on the newest asphalt to the south of the existing car wash building, and 3) There shall be no repairs or maintenance done to the vehicles parked on the newest asphalt. Motion carried without a negative vote.

***Request for Variances to the Zoning Ordinance and Conditional Use Permit – Remodel Existing Structure and Open a Restaurant/Tavern – 715 Main St. – Troy Schoenrock, Lakeside Inn Restaurant and Lounge*** – Troy Schoenrock and Tracey Hewitt presented preliminary plans to turn the building located at 715 Main St. back into a restaurant. They currently own Lakeside Inn Restaurant in the Town of Mukwonago and are looking to move the restaurant to the Village of Mukwonago. Hankovich noted that the previous use has been a number of restaurants throughout the years prior to it being turned into office space. The parking restrictions were not as strict as they are now. There was no green space on this property in the past. There is no grandfathering because the class of business is changing. The plans must meet current code. The plan would require 44 parking stalls, and the current plan shows 42 parking stalls. Two more stalls could be included if more green space were taken away. Hankovich suggested keeping more green space to filter storm water runoff from the parking lot from going into the lake. There is no green space on the south side of the property. Schoenrock stated the proposed outside seating deck will be open from May to October. Hankovich stated that about 25% of the floor plan is for the bar. Kelly had concerns about trespassing in the neighbor's yards.

Josie Midman, W9455 East Shore Rd. – Spoke in favor. Wonderful food, relaxing and family atmosphere, it will be a plus for Mukwonago.

Ken Davis, 329 Andrews St. – Asked about parking and green space. Had concerns about people parking boats on his pier and crossing his lawn to get to the restaurant.

Schoenrock – He must maintain his property. This property does not have lake access. His current location only gets about 3% lake traffic.

Grace Graham, 807 Main St. – There are two bars on Main St. There have been nothing but difficulties with them with the Police. There is garbage all around her yard from the patrons of those bars. Has problems with people coming on the lake and crossing her yard.

Schoenrock – Has been in the current location in the Town of Mukwonago for nine years and has never had problems with the Police. The property is not an eyesore.

Dorothy Dailey, 711 Main St. – Does not want a tavern/restaurant at this location.

John Lord, 405 Brockway Dr. – Has been in Mukwonago for 40 years. This will not be a bar.

Great food, great people, there are no problems.

Moved by Decker and seconded by Mades to grant Troy Schoenrock, T-Rock LLC, a conditional use permit to operate a tavern/restaurant according to the Plan of Operation presented and pursuant to Section 100-157, Accommodation and Food Service Uses, a variance to Section 100-403 of two parking stalls, and a variance to Section 100-152 (d)(2)a.-c. regarding the minimal or lack of green space on the north, south, and east lot lines for the property located at 715 Main St. Conditions are: 1) There shall be 26 feet of green space on the west lot line to take care of water runoff from the parking lot and 2) The applicant shall come back to the Board after one year from the issuance of the occupancy permit for review of the operations and any potential problems, and the neighbors that expressed their concerns at the meeting on May 1, 2008 shall be notified by mail of the review meeting. Motion carried without a negative vote.

Moved by Kelly, seconded by Mades, and carried to adjourn at 9:04 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on May 29, 2008 at 7:31 pm. Members present: MADES, KELLY, JONES and KLAPPA. Member absent: GRACZYK. Also present: Supv of Inspections/Zoning Administrator Hankovich and Alternate DECKER.

Decker filled the vacant seat. Moved by Kelly and seconded by Decker to approve the May 1, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARINGS**

***Request for Variances to the Zoning Ordinance – Construction of Shed – 644 Pine St. – Claudia Dodge*** – Claudia Dodge presented plans to construct a shed on the property located at 644 Pine St. The proposed shed will be in the side yard because there is no back yard. The address is on Pine St., but the driveway is on Oakland Ave., effectively creating two front yards. There is a utility easement along the southeast lot line. The shed will be 10 feet from the attached garage. There will also be an asphalt slab placed on the Oakland Ave. side of the shed. Hankovich stated that the lot is substandard by today's standards. The lot was created in the 1960's by the Village, and the hardship was put on the lot by the developer when Pine St. was created, creating two street yards and two side yards with no back yard. A firewall will not be required because the shed will be 10 feet from the attached garage. Kelly noted that there are many similar sheds in that area.

There was no one in attendance speaking for or against.

Moved by Kelly and seconded by Jones to grant a variance, pursuant to Sec. 100-453 (4), to allow a shed to be constructed in the side yard of the property located at 644 Pine St. The reasons for granting the variance are: 1) The lot is substandard from a development many years ago, and the hardship of having two front yards was created by the developer, not the property owner, 2) There are a number of properties in the area with similar sheds, and 3) There were no objections. Motion carried without a negative vote.

***Request for Variances to the Zoning Ordinance – Construction of Large Attached Garage – 920 Pinehurst Dr. – Jason and Sarah Szejn*** – Jason and Sarah Szejn presented plans to construct an attached two-story garage. Each level would be 1,158 square feet, making the total garage size 2,316 square feet. The maximum allowed area for an attached garage is 960 square feet, and the request would be for almost three times that amount. They want to ensure enough room to store three vehicles and a number of recreation vehicles as well as a boat. Minor's Homestead restrict outside storage of vehicles, but they received approval from the subdivision's architectural committee. The lower level is facing the back yard. Hankovich had concerns of future sales of the property. The next owner could use the lower level for some kind of business. Klappa stated that this request is so far over the allowance, and approving it would set precedence. Hankovich noted that he has received calls from some neighbors that did not like the idea. He suggested to the Szejns that they go to the Village Board to get support in changing the ordinance and increasing garage sizes. The proposed lower level garage would have spancrete for the floor, but the decision to place spancrete will wait until they hear from the Village Board.

Jason and Sarah Szejn formally requested to amend their variance request to 1,158 square feet for the first floor of the garage. They will attempt to get support from the Village Board to increase garage sizes.

Brad Szejn, father of Jason Szejn – Spoke in favor. Will be building the house. Got the idea from a home in Iowa. With the grade of the lot, the lower level garage would be possible. Wants to make the house aesthetically pleasing.

Dick Szopinski, owner of an adjacent lot – Concerned with future use of the proposed lower level garage. Has no problem with the requested amendment to a larger garage on the first level only.

Moved by Decker and seconded by to grant the amended variance of 198 square feet, pursuant to Sec. 100-101 (5), for an attached garage of 1,158 square feet on the property located at Lot 149 of Minor's Homestead Addition #3, to be known as 920 Pinehurst Dr. The reasons for granting the variance are: 1) The owners received permission from the Minor's Homestead Architectural Committee for the construction of the larger garage, 2) The two people that spoke did not object to the larger garage on the first level, and 3) The house meets the requirements of the existing ordinance. Motion carried without a negative vote.

## **CORRESPONDENCE**

***Letter of Concern from Harley and Judy Binon, Mrs. Robert Daily, Ken and Gail Davis, and Mrs. Grace Graham Regarding May 1, 2008 Board of Appeals Decision on Request for Variances to the Zoning Ordinance and Conditional Use Permit to Remodel the Existing Structure and Open a Restaurant/Tavern at 715 Main St. – Troy Schoenrock, Lakeside Inn Restaurant and Lounge*** – There was general discussion of the contents of the letter. Hankovich noted that the houses on Main Street are in a business district. The plans presented at the last Board meeting were conceptual plans. This letter should have been presented before the discussion on May 1. Troy Schoenrock was in attendance and stated that he does not want to make waves with the neighbors. The letter was placed on file.

Moved by Kelly, seconded by Decker, and carried to adjourn at 8:40 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer



Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on June 26, 2008 at 7:30 pm. Members present: DECKER, MADES, KELLY, JONES and KLAPPA. Also present: Supv of Inspections/Zoning Administrator Hankovich.

Moved by Kelly and seconded by Jones to approve the May 29, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARINGS**

***Request for Variances to the Zoning Ordinance – Construction of Deck and Shed – 327 Lake St. – Rodney Reinecke*** – Rodney Reinecke would like to put up a shed to store lawn equipment. He would also like to construct a deck on the side of the house. The lawn is sloped, so it is not conducive to have a patio. Hankovich noted that the hardship was placed on the property by others by plotting 66' by 66' lots. He stated that there is no possibility to have a garage constructed on the lot. Mr. Reinecke stated that he wanted to have a 12' deck so he can place his grill on it.

There was no one in attendance speaking for or against.

Moved by Jones and seconded by Mades to grant a variance of 332 square feet, pursuant to Sec. 100-102(4)a.3., for the construction of a deck and shed on the property located at 327 Lake St. The reasons for granting the variance are: 1) The lot is a unique, small size causing a hardship that was created by others, and 2) There were no objections. Motion carried without a negative vote.

Moved by Jones and seconded by Mades to grant a variance of 4 feet, pursuant to Sec. 100-555, for the construction of a deck on the property located at 327 Lake St. The reasons for granting the variance are: 1) The lot is a unique, small size causing a hardship that was created by others, and 2) There were no objections. The condition is: 1) If screening is needed on the west side of the property, the property owner shall install appropriate screening at the owner's expense. Motion carried without a negative vote.

***Request for Variance to the Zoning Ordinance and Conditional Use Permit – Dog Washing Business – 104 Henry St. – Robert & Susie Hardaker*** – Robert Hardaker, End of the Leash, would like to add a dog washing business onto his existing pet supply business. The existing business has been at the location for three years, and he would like to increase services based on customers asking about grooming dogs. Hardaker read from the Plan of Operation he submitted and dated May 21, 2008. He will be taking over another unit in the building where the existing business is in. Hankovich stated that there was a pet shop in this unit in the past, and that business did get a conditional use permit. There is no green space around the building. There will be no boarding of pets overnight. No mess from waste is foreseen.

There was no one in attendance speaking for or against.

Moved by Kelly and seconded by Decker to grant a variance, pursuant to Sec. 100-157, to allow for a pet grooming business at the property located at 104 Henry St. The reasons for

granting the variance are: 1) There were no objections, and 2) The property has been used for a number of types of businesses and will not be a difference to the surrounding area. The conditions are: 1) No animal will be boarded overnight, 2) No animal will be left unattended, 3) Waste will be tended to every day, and 4) The animals will be kept inside the building. Motion carried without a negative vote.

Moved by Kelly and seconded by Mades to grant a conditional use permit, pursuant to Sec. 100-157, for the operation of a pet grooming business at the property located at 104 Henry St. The reasons for granting the conditional use are: 1) There were no objections, and 2) The property has been used for a number of types of businesses and will not be a difference to the surrounding area. The conditions are: 1) No animal will be boarded overnight, 2) No animal will be left unattended, 3) Waste will be tended to every day, 4) The animals will be kept inside the building, and 5) The conditional use permit is only approved for the operators of the business known as End of the Leash. Motion carried without a negative vote.

***Request for Conditional Use Permit – Construction of Church – 410 CTH NN W – St. John's Lutheran Church*** – Dave Miller, Anderson Ashton Inc., presented plans for the construction a church addition onto the existing school on the property located at 410 CTH NN W. The church was established in Mukwonago in 1895. In 1950, another church was built. The school was founded in 1969. The land where the existing school is was purchased in 1991. The school was built in 2001 after approvals from the Plan Commission, Village Board, and Board of Building and Zoning Appeals (BZA). At that time, a conceptual master plan was presented that included a future addition for the church. The school was built first because the church and school boards felt the children come first. The plans for the proposed church addition were presented to the Plan Commission on May 19, 2008, and the Commission recommended approval to the BZA. Hankovich noted that there is a sewer line that runs through the property. He also stated that there were proposed homes for church staff on the master plan. The original plan showed the basic footprint for the church. There is enough room on the property for future parking if it is needed. St. Johns is not asking for any variances or exceptions. Under the current zoning, the construction of any addition would need to have a public hearing. CTH NN has a road right-of-way of 100 feet. The church will be 50 feet from the right-of-way. Miller stated that there will be trees planted in the front of the addition. The distance from the curb line to the building will be 70 feet. Hankovich stated that all drainage on the site goes into the retention pond, but the pond acts as more of a settlement pond, so water does not stay in it long. Miller stated that lighting will not leave the site. Hankovich suggested more landscaping in the front to cut down on noise and lighting. He also stated that when St. Johns came before the BZA in 2000, the master plan was presented, but little to no residents came to the meeting to voice their opinions.

James Brown, 320 Elwin Dr. – Spoke against. Read from a letter dated June 26, 2008 on behalf of the residents on Elwin Dr. The concerns listed in the letter dealt with the distance from the road, noise from church and vehicle noise deflecting off the building, brick construction, diminished light into the properties across the street, possible flooding from the site, illumination of the church and sign, reflection of the sun off the windows, safe evacuation of the church, and the height of the church. He also noted that there are many new home owners on Elwin Dr. that were not there in 2000, so they were not aware of the master plan.

Diane Magolan, 325 CTH NN W – Spoke against. Agrees with Mr. Brown's comments. Concerned with traffic noise, distance from the road, height of the building, lighting, and the potential loss of value of her property. Against the location of the church addition. Also concerned about temporary construction access across from her driveway. (*Hankovich noted that it is a County highway, and the temporary construction access is determined by Waukesha County*).

Roger Schankey, 118 Small Farm Rd. – Spoke in favor. Is a member of St. Johns since 1941. Wants a nice church, nice school, will improve the land, will bring people in.

Dale Brugger, W344S10519 Island View Ln., Town of Eagle – Spoke in favor. Went through the timeline of the construction of the school. Re-iterated that the church is not asking for a variance. Cannot afford a delay in construction. The proposed location of the addition is the only contiguous area to put the church. It was a very long and well-thought-out process.

Jim Bodendorfer, 539 Small Farm Rd. – Spoke in favor. Is a member of St. Johns. The church enhances the quality of life in Mukwonago with the many programs it provides.

Ralph Holtz, W304S8180 Oakridge Dr., Town of Mukwonago – Spoke in favor. Is a member of St. Johns. Noted that St. Johns knew that they would need to expand 20 years ago, so they bought this land. They were going to build everything all at once, but the funds did not allow. They need to build the church now.

Donna Rush, 900 Kims Ln. – Spoke against. Concerned about the distance from church to the road and the potential for increased noise. The church should be built further back.

Thayne Odier, 130 Park Place Ave. – Neither opposed nor in favor. The noise has increased on CTH NN over the years.

Joe Weinkauff, S86W30445 Stonegate Dr., Town of Mukwonago – Spoke in favor. Is a member of St. Johns. St. Johns should not be penalized for road noise.

Susan Schmear, 934 Robins Ln. – Concerned with widening of CTH NN. Concerned about the distance from church to the road and the potential for increased noise. Noise will be worse with the church there.

Brian Behl, 1269 River Park Circle W – Spoke in favor. Daughters go to school at St. Johns. It is across from a County highway.

Brian Ruebl, N9654 Sunset Dr., Town of Troy – Spoke in favor. Is a member of St. Johns. Mukwonago has developed a lot in the last 30 years. Not sure if noise will increase.

Rodell Singert, W254S7890 HiLo Dr., Town of Vernon, former Waukesha County Supervisor – Is the Village thinking about consistency of distance of buildings from CTH NN? It would be beneficial for the church to have a Plan B. Is 50 feet enough of a distance from the road?

Other buildings along CTH NN are more than 50 feet from the road. *(Hankovich noted that there are a number of buildings that are closer than 50 feet from the road, such as Linden Grove, the dentist office, and Hawks Ridge condos.)*

Jim Kyler, 508 Lake St. – Spoke in favor. Is a member of St. Johns.

Moved by Decker and seconded by Makes to grant a conditional use permit, pursuant to Sec. 100-103(3), for the construction of a church addition to the existing building on the property located at 410 CTH NN W. The reasons for granting the conditional use are: 1) There are no other variances requested, 2) The proposed addition meets all other requirements, 3) The Plan Commission recommended approval, 4) More people spoke in favor than against, and 5) The applicant will try to address everyone's concerns. The conditions are: 1) The noise levels from the new addition will stay the same as the existing building, 2) All lighting will stay on the site, and the applicant will submit to the Village an illumination plan, 3) There shall be more berm plantings along the front of the property which shall be reviewed by the Inspection Dept., and 4) All conditions from previously approved conditional use permits shall remain in effect. Motion carried without a negative vote.

Moved by Jones, seconded by Kelly, and carried to adjourn at 9:51 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on July 24, 2008 at 7:30 pm.

Members present: James Decker

Dave Mades

Tom Jones

Dan Klappa

Member excused: Terry Kelly

Also present: Sarah Szejn, 1<sup>st</sup> Alternate

Joe Hankovich, Supv of Inspections/Zoning Administrator

Szejn filled the vacant seat on the Board. Moved by Jones and seconded by Decker to approve the June 26, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARINGS**

### ***Request for Variance to the Zoning Ordinance and Cottage Industry Permit – Construction of Garage, Allowance for Masonry Business – 487 Eagle Lake Ave. – Lee Voelz***

Lee Voelz presented plans to construct an attached garage to the existing residence located at 487 Eagle Lake Ave. Variances of 7.9 feet to the side yard set back and 388 additional square feet to the size of the garage are needed. He also requested a cottage industry permit to allow for him to run his masonry business out of his home. Voelz purchased the house in August 2007. The existing basement of wood beams and posts is sagging and would like to jack the house up two feet to rehabilitate the basement. The location of the house will remain the same because of the location of the utilities. Neighboring homes are also within four to six feet of their lot lines. There is woods and a marsh in the rear of the house all the way to the lake. The west side of the house will have a fireplace, which will partly be set into the garage. The existing sheds are eyesores and will be removed. Drainage will go toward Bay St., but there is also 400+ feet of land behind the house to get rid of it. Regarding the masonry business, there will be a plank, scaffolding, and a cement mixer. All equipment will be stored in the new garage, not outside. The neighbor to the west has no problem with it.

Daniel Schmidt, 450 Eagle Lake Ave. – Will be building soon on his vacant lot on Eagle Lake Ave. and would like to build a larger garage as well. Hankovich informed Schmidt that with the rules in place today, he would have to apply for his own variance and have a public hearing. Schmidt is not opposed to the request by Voelz.

Moved by Jones and seconded by Decker to grant a variance of 7.9 feet, pursuant to Sec. 100-553, for the construction of a garage on the property located at 487 Eagle Lake Ave. The reason for granting the variance is: 1) There were no objections. Motion carried without a negative vote.

Moved by Jones and seconded by Decker to grant a variance of 388 square feet, pursuant to Sec. 100-102(5), for the construction of a garage on the property located at 487 Eagle Lake Ave.

The reasons for granting the variance are:

- 1) There were no objections, with one neighbor speaking in favor.
- 2) The masonry fireplace will be partly into the garage, needing a larger garage.

The conditions are:

- 1) The existing sheds on the property shall be removed.
- 2) There shall be no storage outside.

Motion carried without a negative vote.

Moved by Jones and seconded by Mades to grant a cottage industry permit, pursuant to Sec. 100-21(7)g., to Lee Voelz to allow for a masonry business at the property located at 487 Eagle Lake Ave.

The reason for granting the variance is:

- 1) There were no objections.

The conditions are:

- 1) The cottage industry permit shall only apply to Lee Voelz and at 487 Eagle Lake Ave.
- 2) There shall be no masonry equipment left outside.
- 3) There shall be no noise from the business before 7:00 am and after 10:00 pm.
- 4) There shall be no other employees other than family members.
- 5) The letter submitted and dated July 24, 2008 will serve as the Plan of Operation and shall be followed.

Motion carried without a negative vote.

***Request for Variance to the Zoning Ordinance – Construction of Two Monument Signs – Greenridge Center – DN Greenwald*** – DN Greenwald presented plans for a replacement monument sign on the property located at 831-937 Greenridge Center and known as Greenridge Center. The property is in sign zone 3, which only allows for one sign on the property. A variance is needed to allow for two signs. The property abuts two major highways: CTH NN and CTH ES. The sign on CTH NN will remain the same, but the sign on CTH ES is proposed to be replaced and will be taller than the other sign. There are currently two signs on the property, but the Greenwald lost the grandfathering of both signs on January 1, 2008. Hankovich got approval from the Village President to allow for more time to enforce the sign code. The Plan Commission reviewed the sign and recommended approval because the property is unique in the fact that it abuts two major highways, and the signs are far apart. The Commission also requested that there only be three lines of lettering rather than the proposed four lines. The sign will be illuminated.

No one appeared for or against.

Moved by Jones and seconded by Decker to grant a variance, pursuant to Sec. 100-503(a), to allow for two signs on the property located at 831-937 Greenridge Center and known as Greenridge Center.

The reasons for granting the variance are:

- 1) The signs have been located on the property for 28 years, and there have been no complaints.
- 2) The Plan Commission recommended approval of two signs on the property.
- 3) The property is unique because it abuts two major highways.
- 4) There were no objections.

The conditions are:

- 1) There shall be green area around the sign.
- 2) The sign shall be illuminated.
- 3) The sign shall be constructed according to the plans submitted.

Motion carried without a negative vote.

### **ITEMS FROM THE FLOOR**

Clerk-Treasurer Steve Braatz notified the Board that Sarah Szejn is now the 1<sup>st</sup> Alternate, and the 2<sup>nd</sup> Alternate is now vacant. If anyone knows of someone to fill the vacant position, let him know.

Moved by Jones, seconded by Decker, and carried to adjourn at 8:42 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on October 2, 2008 at 7:30 pm.

Members present: James Decker

Dave Mades

Tom Jones

Dan Klappa

Terry Kelly

Also present: Sarah Szejn, 1<sup>st</sup> Alternate

Joe Hankovich, Supv of Inspections/Zoning Administrator

Moved by Jones and seconded by Decker to approve the July 24, 2008 minutes. Motion carried without a negative vote, with Kelly abstaining.

## **PUBLIC HEARINGS**

***Request for Variance to the Zoning Ordinance– Construction of Addition to Attached Garage– 169 Baron Rd.(taken out of order) – Dennis O’Bryan*** – Dennis O’Bryan presented plans to construct an addition to his attached garage to the existing residence located at 169 Baron Rd. The existing garage is 607 square feet, and the addition will be 430 square feet bringing the total area of the garage to 1,037 square feet. Section 100-101 (5) lists the maximum allowed area of garages as 960 square feet. A variance to Section 100-101 (5) of 77 square feet is needed to construct the addition to his garage. O’Bryan stated that he doesn’t want a shed, instead it would look nicer to add to the garage, hoping to square off garage to the back of the house. Supv of Inspections/Zoning Administrator, Hankovich, said he would need an additional fire wall with 5/8” drywall. The vinyl siding needs to be taken off and can be reused within the setback. He will still be within the 20% green space. Kelly drove through the neighborhood and stated there are a number of homes with three car garages and they are all within the setbacks. The only drawback is the garage will be 77 extra square feet over the limit for a garage.

Moved by Kelly and seconded by Decker to grant a variance of 77 square feet, pursuant to Sec. 100-101 (5), for the construction of an addition to the garage on the property located at 169 Baron Rd.

The reasons for granting the variance are: 1) There were no objections. 2) It is in accordance with the ordinance. 3) The proposed garage is within the symmetry of the house. It will fit in well. No variances are

The conditions are: 1) The fire wall is to be extended. 2) The siding is to be removed and possibly reused. Motion carried without a negative vote.

Moved by Decker and seconded by Kelly to extend the total life of the building permit to 18 months. Motion carried without a negative vote.

## ***Request for Variance to the Zoning Ordinance – Construction of Attached Garage – 218***



**Mac Arthur Dr.(taken out of order) -Chris & Charity Kaestner** – Klappa stepped down due to personal association with Kaestner and Szejn stepped in as board member for this request only. Klappa appointed Kelly as chair person for this request only. Chris Kaestner presented plans for an attached garage on the property at 218 Mac Arthur Dr. The proposed garage is to be located in the side yard of the property. The present side yard set back is 26.4 feet. With the proposed garage being 22 feet in width, the new set back will be 4.4 feet. Section 100-102 (b) sets the minimum side yard set back at 15 feet on each side. A variance to Section 100-102 (b) of 10.6 feet is needed to construct the attached garage. Kaestner stated he wants to remove the existing one car detached garage in the back of the house and replace it with a two car attached garage. He submitted a paper with signatures from people in his neighborhood to say they agreed with what he wants to do. There are only three houses in the subdivision without attached garages. His neighbor to the west is four feet off of the lot line. Decker was concerned how they would get to their backyard and if they would be going into the neighbor's yard to get to their backyard. Kaestner said he would be putting in a man door and an 8'x7' garage door. Hankovich stated that the subdivision was not originally within the set backs and that there was no developer's agreement. The homes built from 1977 on were the only ones that meet the set back rules, to Hankovich's knowledge. He wants to make sure that by letting this pass, it does not cause a problem for the rest of the neighborhood. Hankovich feels there is nothing unique, or extenuating circumstances, or hardship to give the variance. It would make it a non-conforming use. Kaestner stated that he is conforming to the other homes on the street. Jones said the house would look better, but is concerned about opening a can of worms. Kelly stated that he could not agree to the variance. Hankovich also stated that others were denied by him in the neighborhood. Jones said that for a garage that size it should be detached in the back. Hankovich suggested the board table the request and come back to it. Maybe there is another way to make this work. He needs to research it to see when the house was built.

Kelly tabled this variance request for additional research until the next meeting. The Clerk will notify Kaestner for the next meeting.

**Request for Conditional Use Permit – Construction of Equipment Storage Building and Antenna – 981 Greenwald Ct.(taken out of order) –Cricket Communications** – Klappa returned to chair position, Szejn stepped down. Cricket Communications would like to construct an equipment storage building and an antenna on the property located at 981 Greenwald Ct. The property is zoned P-1 (Public and Semi-public District). Section 100-251 states that all structures are a conditional use. A conditional use permit is needed to construct an equipment storage building and antenna. Hankovich stating on behalf of Cricket Communications that there are already four communication buildings on the southside of the water tower site. Cricket Communications is leasing land from the Water Utility, which is an agreement between them and the Village Board. They are asking for the conditional use permit. The footings and slab are already in, as the rental agreement from the Village to Cricket has already been signed. Rent money starts as soon as they are operating. Kelly visited the site and said that the proposed location will be hidden from Mukwonago Estates subdivision residents and will not create an unsightly situation. Mades wanted to know if there would be flammable liquids stored there. Hankovich said the picture submitted is accurate and there is nothing flammable in it. It will be a pea gravel building. The Village will get revenue

from Cricket Communications.

Moved by Kelly and seconded by Decker to grant Cricket Communication a conditional use permit under Section 100-251 to construct a utility building at the property location at 981 Greenwald Ct.

The reasons for granting the variance are:

- 5) The Village Board is in agreement with Cricket Communications for wireless communications.
- 6) There were no objections.

There are no conditions.

Motion carried without a negative vote.

### **ITEMS FROM THE FLOOR**

Jones told Hankovich that there is a wire fence in a front yard on Blood St. that does not seem to be in compliance that was put in last month. Jones received a phone call regarding the fence from a Village resident. Hankovich told Jones to file a complaint and he will investigate it. An official complaint is required. Jones will get the address.

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

Cathy Millard  
Recorder

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on October 30, 2008 at 7:32 pm.

Members present: James Decker

Dave Mades

Tom Jones

Dan Klappa

Terry Kelly

Also present: Sarah Szejn, 1<sup>st</sup> Alternate

Joe Hankovich, Supv of Inspections/Zoning Administrator

Moved by Kelly and seconded by Decker to approve the October 2, 2008 minutes. Motion carried without a negative vote.

## **PUBLIC HEARINGS**

***Request for Conditional Use Permit – Expansion of Animal Day Care Business to Include Pet Grooming and Full Time Boarding – 828 Perkins Dr. – Annette Mayfield, Lucky Dog! Dog Day Care Inc.*** – Annette Mayfield presented a plan of operation to expand her business to include full time boarding and grooming of dogs. A part of the building will be used for animal placement. This would be an expansion of the existing conditional use permit granted in September 2006, which allowed day care only. The property is zoned M-4 (Medium/Heavy Industrial District). Section 100-208, Services Uses, lists animal boarding, grooming, and animal training as a conditional use. She wants to take over the current leased area of The Plumbing Shop. This will give her business an additional 2000 square feet, adding 20 3'x8' kennels. Patti Muraczewski, owner of For Pet's Sake was present to say that she has no objections to the expansion of Lucky Dog! Day Care. Jeff Rudolph, the owner of the building, was also present and stated that the business is run very professionally. Supervisor of Inspections Hankovich said there have been no complaints on her operation to him. Mayfield stated that she will follow the plan of operation as presented to the board, increasing the number of dogs if possible up to nine, which are rescued and will stay up to four months until they have homes. Mades was concerned about outside cages overnight, and Mayfield said there would be none. Kelly suggested to put up a slatted fence in the back yard so the dogs do not see other people and bark. During the day, there will only be one or two dogs at a time in the fenced area. The dogs in day care will run in and out throughout the day. Hankovich stated that the area she wants to fence is actually to the west of the building, that is a side yard not in the rear as presented.

Moved by Jones and seconded by Kelly to grant the conditional use permit for expansion of the Lucky Dog! Day Care at 828 Perkins Dr.

The reasons for granting the conditional use permit are: 1) There were no objections. 2) A Conditional use permit was granted for the business in September 2006. 3) There are two people present in favor of the business.

The conditions are: 1) The same conditions as placed on the day care in 2006. 2) There will be at least three people supervising and more as more dogs are added. 3) Fenced in area will

be on the west-side of the building. The fence will be slatted and Hankovich will work with Mayfield to keep privacy from the rest of the industrial park. 4) Older and younger dogs will be separated. 5) Dogs will be calmed using different methods. 6) John's Disposal Service will handle waste removal with proper sanitary care. Pellets should be used to absorb urine. Motion carried without a negative vote.

## **UNFINISHED BUSINESS**

***Request for Variance to the Zoning Ordinance – Construction of Attached Garage – 218 Mac Arthur Dr.-Chris & Charity Kaestner*** – Klappa stepped down due to personal association with Kaestner and Szejn stepped in as board member for this request only. Klappa appointed Kelly as chair person for this request only. Chris Kaestner was present for the unfinished business for an attached garage on the property at 218 Mac Arthur Dr. Supervisor of Inspections Hankovich stated at the last meeting he would research the subdivision further. He found that the subdivision started in the early-mid 1950's. Files show that there were houses in 1955-1956, which was six years prior to the Village Zoning Ordinances. He found surveys of homes built in 1963, 1965, and 1967 which do not match the 15' offsets. Hankovich said it did appear that the subdivision started before the ordinances were in place. That there are more houses that do not comply with the side yard set back than houses that do. Kaestner told the board that out of the 29 houses on Mac Arthur, there are only three with detached garages, one being his house. He brought in pictures to present to the board from corner to corner and their dimensions. Hankovich said what Kaestner was saying was true. Kaestner's neighbor, Ed Renner was present to say that Kaestner has done a beautiful job with his house and feels the attached garage will look nice.

Moved by Jones and seconded by Decker to grant the variance to the zoning ordinance for the construction of an attached garage at 218 Mac Arthur Dr.

The reasons for granting the variance of the zoning ordinance are: 1) There were no objections. Neighbors had signed a petition (submitted last meeting) and Mr. Renner was present to say he was in favor of the attached garage. 2) There appears to be a hardship placed on the property with the creation of the zoning ordinance since there was no zoning ordinance when the subdivision started construction. 3) It conforms to the homes within the subdivision with substandard side yard setbacks.

The conditions are: 1) The existing garage is to be removed and landscaped. Motion carried without a negative vote.

## **ITEMS FROM THE FLOOR**

Klappa returned to chair position. Hankovich said that November 27<sup>th</sup> would be the next meeting date and that is Thanksgiving Day. The next meeting then could be held on December 4<sup>th</sup>. Klappa stated he would not be able to attend a meeting on that date, otherwise the other members are OK with it. Everyone will check their calendars and let Hankovich know if they can attend for sure. There will not be another meeting then at the end of December.

Klappa asked Hankovich about his stepping down for Kaestner's review. He asked where do you draw the line as to how well you know the person involved in a review. Hankovich said

depending on how comfortable or uncomfortable you feel, if the relationship is personal to some degree, then it is best to step down if you can not be objective. This should be for all members.

Moved by Kelly, seconded by Mades, and carried to adjourn at 8:43 pm.

Cathy Millard  
Recorder