

**MINUTES OF THE REGULAR BOARD OF
BUILDING AND ZONING APPEALS MEETING
Tuesday, January 28, 2010**

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on January 28, 2010 at 7:31 pm.

Members Present: Sarah Szejn
Dave Mades
Terry Kelly
Dan Klappa

Member Excused: Tom Dantzman

Also present: Mark Penzkover, 1st Alternate

Penzkover filled the vacant seat on the Board. Motion by Kelly/Mades to approve the October 29, 2009 minutes was carried unanimously.

PUBLIC HEARING

Request for Conditional Use Permit – Operation of a Tavern – 105 Fox St. – Pamela Kollaszar, Pam’s Fine Wines, LLC

Pam Kollaszar, Pam’s Fine Wines, presented plans to operate a wine retailer and bar/lounge at 105 Fox St. She currently operates a wine retailer at 716 Main St. Business has grown to the point where she needs larger space. She would like to be able to allow her customers to consume on premises more wine than is allowed for simple wine tastings, as well as offer cheese and snacks. She would also like to hold educational classes on wine. Her current customer base is around a thousand people. Hankovich asked the Board that it was up to them to determine if this kind of business belongs in the downtown. There are very few residences in the area. There is plenty of parking in the back of the building. This type of business will not generate much more traffic than is already going through downtown. There have been other bars in the downtown over the years.

Chairman Klappa noted receipt of letters of support received from Reginald Hislop III, Thomas Flynn, Laura Thornton, James Johnson, Donna Allen, Mike Beckman, and Jillian Imilkowski.

Melanie Sanfilippo, 2821 Lakeview Dr., East Troy – Spoke in favor of granting the conditional use.

Dion LaRue, speaking on behalf of Jay Campbell, Campbell Construction – Spoke in favor of granting the conditional use.

CONSIDERATION

Request for Conditional Use Permit – Operation of a Tavern – 105 Fox St. – Pamela Kollaszar, Pam’s Fine Wines, LLC

Motion was made by Kelly/Szejn to grant Pam Kollaszar a conditional use, pursuant to Section 100-157, of 2’4” to operate a bar/lounge at the property located at 105 Fox St.

Reasons for granting the variances are:

- 1) The business will be located within the confines of the building.
- 2) There have been other bars in the downtown in the past, and this type of business is

nothing new for that area.

- 3) There were seven letters received and two people spoke in favor of the granting of the conditional use permit
- 4) There were no objections.

The conditions are:

- 1) The Plan of Operation (POO) dated 1-15-10 and submitted shall be followed with the exception of changing the time of close on Saturdays to 11 pm. Any changes to the POO shall first be approved by the Board of Building and Zoning Appeals.
- 2) The business shall be limited to within the facilities.
- 3) There shall be no substantial kitchen construction. If a kitchen is requested, the request shall first be approved by the Board of Building and Zoning Appeals.

Motion carried unanimously.

Motion by Kelly/Mades to adjourn the meeting at 8:10 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

**MINUTES OF THE REGULAR BOARD OF
BUILDING AND ZONING APPEALS MEETING
Tuesday, March 25, 2010**

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on March 25, 2010 at 7:32 pm.

Members Present: Sarah Szejn
Dave Mades
Terry Kelly
Adam Olson
Dan Klappa

Also present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator

Motion by Kelly/Szejn to approve the January 28, 2010 minutes was carried unanimously.

PUBLIC HEARING

Request for Conditional Use Permit – Construction of a Shelter and Antenna – 630 CTH NN E – open Range Communications

Open Range Communications would like to install an antenna on the north water tower located at 630 CTH NN E. They would also like to construct an equipment building on the site that the tower is located on. The equipment building will be prefab, 8' by 10', and will match, to the best ability, the other structures on the site. The property is zoned P-1 (Public and Semi-public District), and all structures require a conditional use permit. The Village Board is negotiating a lease agreement, the Open Range needs the conditional use permit to continue with the agreement.

CONSIDERATION

Request for Conditional Use Permit – Construction of a Shelter and Antenna – 630 CTH NN E – open Range Communications

Motion was made by Kelly/Mades to grant Open Range Communications a conditional use permit, pursuant to Section 100-251 (b), for the construction of an equipment building and an antenna on the water tower on the property located at 630 CTH NN E.

Reasons for granting the variances are:

- 5) There are several other antennas on the water towers and equipment buildings located on the sites, and there have been no adverse results.
- 6) There were no objections.

The conditions are:

- 4) The plans for the equipment building shall be in accordance with the diagram submitted on March 25, 2010 and the letter dated February 24, 2010

Motion carried unanimously.

Motion by Kelly/Mades to adjourn the meeting at 8:00 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Tuesday, April 29, 2010

1. Call to Order

Administrator/Clerk-Treasurer Paul Moderacki called the meeting to order at 7:30 p.m. in the absence of Chairperson Dan Klappa. Members present: Adam Olson, Sarah Szejn and Dave Mades. Chairman Klappa and Board member Terry Kelly were absent and excused. Also present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator.

Motion by Szejn, Mades to nominate Olson to chair the meeting. Unanimously approved.

Olson assumed the chair.

2. Statement of Public Notice

The meeting was posted and noticed according to law.

3. Approval of Minutes

Motion by Szejn/Mades to approve the meeting minutes of March 25, 2010 as presented carried unanimously.

4. Appeals

A. Consideration of a Conditional Use Permit for the Construction of an Outdoor Eating Area, 927 Main St., Memet Islami, Blue Bay Restaurant

Olson opened the public hearing at 7:35 p.m.

Hankovich said Mr. Islami proposed to add an open air patio on the front (Main St.) side of the Blue Bay Restaurant and outdoor food service areas required a Conditional Use Permit (CUP). He said the patio would be in use throughout the restaurant's business hours: 5 a.m.-10 p.m., Saturday through Thursday, and 5 a.m. to 11 p.m. on Friday.

Zana Islami, Mr. Islami's son, said the patio would have quiet music, low lights (facing toward the restaurant and away from the street) and garbage would be kept under control.

Joe Rice and Donna Bykonski, of 428 Blood St., said they had no objections and were in favor of the proposed patio.

Olson closed the public hearing at 7:45 p.m.

Motion by Szejn/Mades to grant a Conditional Use Permit as requested as two people spoke in favor of the CUP and no one appeared in opposition, and because 1) the patio was tailored to the site and would have no negative impact on neighboring businesses, 2) would be behind required setbacks, 3) would be operated during the normal current operations of the restaurant, and on condition that: 1) loud music did not emanate from the patio, 2) the staff be conscious of garbage and keep debris from escaping onto the street or surrounding properties, 3) that the lighting be soft and indirect and limited to the patio as proposed, 4) no signage be erected or affixed to the fencing and 5) the

materials used to construct the patio be in-kind with the existing restaurant building.
Unanimously approved.

B. Consideration of a request for a variance to Section 100-453(4), of the Village Zoning Code, to construct a shed, 163 Baron Road, Kevin Franklin

C. Consideration of a request for a variance to Sec. 100-102(4)b., of the Village Zoning Code to construct an attached garage, 434 Blood St., Mark Marzion and Greg Momoi

Olson announced the scheduled public hearings on the proposed variances would not be held because the Board lacked a sufficient quorum to approve or deny the variances following the hearings.

5. Items from the floor – none

6. Adjournment

There being no further matters to come before the Board of Building and Zoning Appeals, Mades/Szejn moved to adjourn the meeting until Thursday, May 6, 2010, at 7:30 p.m. when the public hearings on the two proposed variances (above) would be heard. Unanimously approved. Olson adjourned the meeting at 7:53 p.m.

Paul J. Moderacki
Village Administrator/Clerk-Treasurer

MINUTES OF THE SPECIAL BOARD OF BUILDING AND ZONING APPEALS MEETING

Tuesday, May 6, 2010

1. Call to Order

Chairman Klappa called the Board of Building and Zoning Appeals meeting to order on May 6, 2010 at 7:32 pm.

2. Roll Call

Members Present: Sarah Szejn
Dave Mades
Dan Klappa

Members Excused: Terry Kelly
Adam Olson

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator
Ken Johnson, 1st Alternate

1st Alternate Johnson filled the vacant seat on the Board.

3. Appeals (Postponed from the April 28, 2010 Meeting)

B. Appeal #2: Consideration of a Variance to Section 100-102(4)b. for the Construction of an Attached Garage – 434 Blood St. – Mark Marzion and Greg Momoi (Taken out of order)

1) Public Hearing

Public Hearing opened at 7:34 p.m.

Mark Marzion and Greg Momoi presented plans for the construction of an attached garage on the property located at 434 Blood St. They are rebuilding the entire house. There is an existing driveway approach and curb cut on Blood St. The proposed garage would be 22' in width by 22' in depth. Hankovich noted that there is no room in the back of the property to build the garage. By definition in Sec. 100-102, there is no rear yard because this property is a corner lot, thus there are two side yards and two street yards. The property is substandard in area but not by width. Hankovich presented three plans of possible alternate locations for an attached garage. The first plan shows the current proposed location. The second plan shows a garage of the same dimensions with location facing Shore Dr. That garage would require a 3' side yard variance. The third plan shows a garage 20' in width and 24' in depth also facing Shore Dr., and it would not require a variance. One tree may need to come down.

Joe Rice, 428 Blood St. – Spoke against the variance request. He stated that this would violate Sec. 100-11, "No structure, land, water or air shall hereafter be used or developed and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or substantially improved without full compliance with the provisions of this chapter and all other applicable local, county and state regulations." He also stated that this would violate Sec. 100-454, "Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels." He also stated

that this would violate Sec. 100-455, The required street yard, or setback, may be decreased at the discretion of the zoning administrator in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.”

Donna Bykowski, 428 Blood St. – Spoke on behalf of Clarence Fox, 437 Blood St., who is against the variance request.

Public hearing closed at 8:00 p.m.

2) Consideration

Chairman Klappa called a recess at 8:00 p.m. Board reconvened at 8:06 p.m.

After consideration of the new plans presented by Zoning Administrator Hankovich, applicants Mark Marzion and Greg Momoi respectfully withdrew their request for a variance to Section 100-102(4)b. for the construction of a garage at 434 Blood St.

A. Appeal #1: Consideration of a Variance to Section 100-453(4) for the Construction of a Shed – 163 Baron Rd. – Kevin Franklin

Chairman Klappa noted that there was a typo in the notice, and the correct section is 100-453(4).

1) Public Hearing

Public Hearing opened at 8:10 p.m.

Kevin Franklin was not in attendance. Hankovich presented the plans submitted by Mr. Franklin for the construction of a shed on the property located at 163 Baron Rd. Mr. Franklin had already begun building the structure prior to getting a building permit. This property is located in Meadow Park Estates, which was under construction in the middle of the last zoning code changes. The developer included a restriction of no detached garages in the subdivision restrictions. However, there is no restriction on sheds. In regards to the Village's zoning code, a sheds have wood floors, and garages have concrete floors. This proposed shed has a concrete slab. Also, The Village code allows detached garages. If the Board defines this structure as a shed, a variance to the size requested would not be needed. If the Board defines this structure as a garage, and the Board were to grant the variance, the residents of Meadow Park Estates would have the right to sue Mr. Franklin pursuant to the subdivision restrictions. Hankovich stated that he has a letter on file from We Energies allowing Mr. Franklin to build into the right-of-way.

Dennis O'Bryan, 169 Baron Rd. – He is a neighbor and a Village Trustee. Spoke against the variance request. Reiterated to the Board that if the building is considered a “garage” then the neighbors are allowed to sue. Presented a copy of the subdivision restrictions. The final copy was approved well before Mr. Franklin bought his home. Mr. O'Bryan received a variance in 2008 from the Board. At that time, Mr. Franklin asked O'Bryan why he had to go through the process to go to the Board to get it built. O'Bryan explained to Franklin the rules, so Franklin is aware. There was another property on Small Farm Rd. that was forced to cut 8 feet off of a shed they built so it would comply with the subdivision restrictions.

Public hearing closed at 8:53 p.m.

2) Consideration

Motion was made by Szejn/Johnson to postpone until the next meeting the consideration for a variance of 52 feet to Sec. 100-453(4) requested by Kevin

Franklin for the construction of a shed on the property located at 163 Baron Rd. The Board would like to confer with the Village Attorney for clarification on the following:

1. The Board would like a copy of the current recorded subdivision restrictions and would like to know how many different versions were created during the construction of Meadow Park Estates.
2. The Board would like a determination on which document supercedes, the Village Code or the subdivision restrictions.
3. The Board would like to determine what recourse would be involved with defining this structure as a shed versus a garage.

Motion was carried unanimously.

4. Items From The Floor

There will be a training session prior to the regular Board meeting on May 27. It will start at 6:45 p.m.

5. Adjournment

Motion by Mades/Szejn to adjourn the meeting at 9:03 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Tuesday, May 27, 2010

Call to Order

Chairperson Dan Klappa called the meeting to order at 7:30 p.m. Members present: Adam Olson, Sarah Szejn, Kenneth Johnson and Dave Mades. Board member Terry Kelly was absent and excused. Also present: Administrator/Clerk-Treasurer Paul Moderacki and Joe Hankovich, Supervisor of Inspections/Zoning Administrator.

Statement of Public Notice

The meeting was posted and noticed according to law.

Approval of Minutes

Motion by Szejn/Mades to approve the April 29, 2010 as presented and the May 6, 2010 meeting minutes as revised to correct the Zoning Code section reference for the Kevin Franklin variance request from Sec. 100-442(4) to Sec. 100-453(4) carried unanimously.

Variance Request

Consideration of a Variance Request to Section 100-453(4) to construct a shed at 163 Baron Road by Kevin Franklin

Motion by Mades/Olson to lay this matter over June 24, 2010 carried unanimously.

Appeals

Consideration of a Conditional Use Permit request by Aurora Health Care, Chris Walgren agent, convert an existing building at 225 Eagle Lake Ave. into a Patient Service Center pursuant to Section 100-151(a) of the Zoning Code

Motion by Mades/Szejn to defer the public hearing until June 24, 2010 carried unanimously.

Consideration of a Conditional Use Permit (CUP) request by the Mukwonago Area School District, Paul Strobel agent, to construct an Administrative Office Building on school property located west of the Clarendon Avenue School and south of the existing auxiliary parking lot pursuant to Sections 100-251 and 100-251(b)(3) and (4) of the Village Zoning Code

Klappa opened the public hearing at 7:40 p.m.

Hankovich reported the Plan Commission recommended changes to the building's exterior design, review by the Fire Chief and review of the proposed storm water by the Village Engineer.

Mr. Strobel said the building façade submitted to the Board was modified after the Plan Commission meeting to blend in more with the Clarendon Elementary School. He said he'd met with the Fire Chief, Village Planner, Zoning Administrator and Village Administrator and the Storm water management plan was submitted to the Village Engineer. He said the building was designed with a meeting room and work space for 20 people.

Hankovich said a CUP was required for buildings in the P-1 District and to permit a second primary building on the same lot as the Clarendon Elementary School lot. He said the plan presented would have to be further revised to show vehicular access for fire apparatus to 75% of the building's exterior and the engineer's report was not yet available. He said building mechanicals would be on the south side of the building and would not be visible from CtH NN.

Steven Burican, a resident of the Fox Ridge Condominiums across CtH NN from the proposed building site, said he was concerned about traffic flows initially, but was pleased to learn the building would be accessed from the existing driveway approach (to Clarendon).

Klappa closed the public hearing at 8:10 p.m. after all present had been given an opportunity to be heard.

Hankovich reported the Plan Commission had requested an opportunity to review revised plans at its next meeting in June.

Motion by Mades/Olson to table further consideration of the plans until June 24, 2010 carried unanimously.

Items from the floor – none

Adjournment

There being no further matters to come before the Board of Building and Zoning Appeals, Mades/Szejn moved to adjourn the meeting. Klappa adjourned the meeting at 8:15 p.m.

Paul J. Moderacki
Village Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Tuesday, June 24, 2010

Call to Order

Administrator/Clerk-Treasurer Paul Moderacki called the meeting to order at 7:30 p.m. in the absence of Chairperson Dan Klappa. Members present: Adam Olson, Sarah Szejn, Kenneth Johnson, Terry Kelly and Dave Mades. Chairperson Dan Klappa was absent and excused. Also present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator.

Statement of Public Notice

The meeting was posted and noticed according to law.

Appointment of Temporary Chairperson

Motion by Szejn/Mades to elect Kelly to chair the meeting carried unanimously.

Approval of Minutes

No minutes presented for approval.

Unfinished Business

Consideration of a Variance Request to Section 100-453(4) to construct a shed at 163 Baron Road by Kevin Franklin

Dismissed without action and referred to the Building Inspection and Zoning Administration Office for handling.

Consideration of a Conditional Use Permit (CUP) request by the Mukwonago Area School District, Paul Strobel agent, to construct an Administrative Office Building on school property located west of the Clarendon Avenue School and south of the existing auxiliary parking lot pursuant to Sections 100-251 and 100-251(b)(3) and (4) of the Village Zoning Code

Moderacki noted the public hearing for this item was conducted on May 27, 2010.

Mr. Strobel said the revised site plan and building elevations had been approved by the Plan Commission. Hankovich confirmed Mr. Strobel's report, adding the Fire Chief was satisfied with the revised plans for exterior access in the event of an emergency, but the Village Engineer was still working with the school to ensure the storm water retention plan met Village standards.

There were no further comments from the public.

Motion by Szejn/Johnson to grant a CUP to permit a second principal structure on the Clarendon Elementary School lot pursuant to Section 251(b)(3) of the Village Zoning Code provided the proposed building meet all setback requirements for the P-1 Zoning District. Motion carried unanimously, 5-0.

Motion by Szejn/Mades to grant a CUP pursuant to Sec. 251(4) to permit the Mukwonago Area School District to operate a school district office (administration office building) pursuant to the recommendation of the Plan Commission and subject to the recommendations of the Village Planner as specified in his letter dated May 12, 2010. Motion carried unanimously, 5-0.

Consideration of a Conditional Use Permit request by Aurora Health Care, Chris Walgren agent, convert an existing building at 225 Eagle Lake Ave. into a Patient Service Center pursuant to Section 100-151(a) of the Zoning Code

Kelly opened the public hearing at 7:50 p.m.

Gary Fritz, vice-president for Aurora Health Care Services, said the proposed patient service center would accommodate 90 employees who would schedule, register and record patient for primary and tertiary care over a wide area of southeast Wisconsin. He said the center would operate from 6 a.m. to 10 p.m. weekdays and from 7:30 a.m. to 3 p.m. on weekends. He said 50 employees would be relocated and between 20-50 new jobs would be created. He said Aurora's architects had worked diligently to present a plan which preserved the integrity of the surrounding neighborhood. He said the on site landscaping would be improved, the 81 stalls were sufficient to accommodate the anticipated staffing needs of the building, that the parking lot lights would be off when the building was vacant.

Hankovich said the building was located in a B-1 Zoning District, which required business uses to serve the surrounding neighborhood. He said while the proposed use would not meet a strict interpretation of the Code, because patients would not be seen by doctors at the center, he said the center would indirectly serve neighbors as well as other Village residents and "is probably the best use of the building as it exists today."

He reported Aurora had met with the Fire Chief and would need to make a few upgrades to ensure the building complied with current Fire Code standards.

Motion by Szejn/Johnson to grant a CUP to Aurora to operate a Patient Service Center in adherence to its submitted plan for lighting, shed, landscaping, no street parking, one-way traffic flow, snow removal, no use of the basement as occupied working space, with a limit of 72 working occupants at any one time and with the incorporation of the Plan Commission's recommendations. Unanimously approved, 5-0.

Items from the floor – none

Adjournment

There being no further matters to come before the Board of Building and Zoning Appeals, Mades/Szejn moved to adjourn the meeting. Kelly adjourned the meeting at 8:25 p.m.

Paul J. Moderacki
Village Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Thursday, August 26, 2010

1. Call to Order

Chairperson Klappa called the meeting to order at 7:35 p.m.

2. Roll Call

Members Present: Dave Mades
Terry Kelly
Dan Klappa, Chairperson

Member Excused: Sarah Szejn

Member Absent: Adam Olson

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator
Ken Johnson, 1st Alternate

1st Alternate Johnson filled the vacant seat on the Board.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Approval of Minutes for May 27 and June 24, 2010 Regular Meetings

Motion by Johnson/Mades to approve the minutes for the May 27 and June 24, 2010 regular meetings with the correction to change "Dan Mades" to "Dave Mades" on both sets of minutes was approved unanimously.

5. Unfinished Business – Discussion and Possible Action on the Following Items:

A. Conditional Use Permit Request – Approval of a Contractor's Yard – Southwest Corner of Main St. and Phantom Woods Rd. – Robert Reimer, Mukwonago Remodeling

Motion was made by Kelly/Mades to remove from the agenda indefinitely the request by Robert Reimer, Mukwonago Remodeling for a conditional use permit for the approval of a contractor's yard at the property located at the Southwest corner of Main St. and Phantom Woods Rd. The reason for removal of the item is that it has been over six months since the public hearing and postponement, and no new information has been submitted. If the applicant wishes to proceed with the project, the process would need to start from the beginning. Motion was approved unanimously.

6. Appeals – Discussion and Possible Action on the Following Items:

A. Appeal #1: Request for Conditional Use Permit Pursuant to Section 100-157 Commercial and Office to Allow Outside Sales of Lawn Equipment – 1430 Main St. – Home & Garden Power Equipment

1) Public Hearing

Jerry Sergio, Home & Garden Power Equipment, presented plans for the outside sale and display of lawn care equipment at the property located at 1430 Main St. He notified the Board that as of August 1, 2010, the name of the business has been changed to Mukwonago Outdoor Power Equipment. He would like to place up to 10 units, one of each model, of tractors and walk-behind equipment on either the north,

south, or front of the building. They will be put out first thing in the morning and taken inside the building before close of business.

No one appeared to speak for or against the proposal.

2) Consideration

Motion was made by Johnson/Kelly to grant the conditional use permit to Mukwonago Outdoor Power Equipment pursuant to Section 100-157 Commercial and Office to allow outside sales and display of lawn equipment at the property located at 1430 Main St. The conditions are: 1) There shall not be more than one kind of each piece of equipment and a maximum of 10 total pieces of equipment displayed at any one time, and 2) There shall not be any equipment displayed on the parking lot or on the South side of the building. Motion was approved unanimously.

B. Appeal #2: Request for Conditional Use Permit Pursuant to Section 100-157 Commercial and Office to Allow an Outside Patio Area – 215 Bay View Rd. Suite D – Jim Jones, The Boneyard Pub & Grille

1) Public Hearing

James Jones, The Boneyard Pub & Grille, presented plans for an outdoor patio/seating area at the property located at 215 Bay View Rd. Suite D. The area proposed is the patio area and grassy area in between the buildings located at 215 Bay View Rd. and 225 Bay View Road. The area is adjacent to the business. The area was currently unkempt, and he has would like to improve and beautify it. There shall be up to eight tables on the patio area. New, decorative fencing, four feet in height, has been installed, and there are gates in the front and back. Hankovich notified the applicant that there must be two means of ingress and egress, which means the gates cannot be locked from the inside of the area.

Darwin Greenwald, 1243 Fox River Ct. – Supports the request. Will be a nice patio area for the residents of the Village to enjoy.

2) Consideration

Motion was made by Kelly/Johnson to grant the conditional use permit to The Boneyard Pub & Grille pursuant to Section 100-157 Commercial and Office to allow an outside patio and seating area at the property located at 215 Bay View Rd. Suite D. The condition is: 1) The outside patio and seating area shall be in accordance with the plans submitted to the Board. Motion was approved unanimously.

C. Appeal #3: Request for Conditional Use Permit Pursuant to Section 100-157 Commercial and Office to Allow an Outside Dining Area – 325 Bay View Rd. Unit D – Mark Weiss, Half-Time Sports Grille

1) Public Hearing

Mark Weiss, Half-Time Sports Grille, presented plans for an outdoor patio/seating area at the property located at 325 Bay View Rd. Unit D. There will be six tables and limited serving of food and drink. The area will mainly be used for people who wish to go outside for a cigarette. The fencing will be plastic and 30 inches in height. Johnson stated that the Judicial Committee submitted a recommendation requesting that the fenced area begin at the building walls so there will not be space to move in and out of the area. Hankovich recommended that there be no propane heaters outside as long as the fence is plastic.

No one appeared to speak for or against the proposal.

2) Consideration

Motion was made by Mades/Kelly to grant the conditional use permit to Half-Time Sports Grille pursuant to Section 100-157 Commercial and Office to allow an outside patio and seating area at the property located at 325 Bay View Rd. Unit D. The conditions are: 1) The outside patio and seating area shall be in accordance with recommendation from the Judicial Committee, and 2) There shall not be any propane heaters in or near the area as long as the fence is plastic. Motion was approved unanimously.

7. Items From The Floor

Deputy Clerk Braatz notified the Board that there will be another training session prior to the next regular meeting to go over drafts of the variance applications.

8. Adjournment

Motion by Kelly/Johnson to adjourn the meeting at 8:26 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Thursday, October 28, 2010

1. Call to Order

Deputy Clerk Steve Braatz called the regular Board of Building and Zoning Appeals meeting to order at 7:33 p.m.

2. Roll Call

Members Present: Sarah Szejn
Dave Mades
Adam Olson

Members Excused: Terry Kelly
Dan Klappa

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator
Ken Johnson, 1st Alternate
Tom Kay, 2nd Alternate

1st Alternate Johnson and 2nd Alternate Kay filled the vacant seats on the Board.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Introduction of New Board Members

Braatz introduced Ken Johnson and Tom Kay as the new 1st and 2nd Alternates, respectively, for the Board.

Motion by Szejn/Mades to elect Olson as chairperson of the meeting was carried unanimously.

5. Approval of Minutes for August 26, 2010 Regular Meeting

Motion by Szejn/Johnson to approve the minutes for the August 26, 2010 regular meeting as presented was carried unanimously.

6. Appeals

A. Appeal #1: Request for Conditional Use Permit Pursuant to Section 100-157 Community-servicing Uses to Allow a Church to Operate in Business Zoning – 857 S. Rochester St. – Brooklife Church

1) Public Hearing

Public Hearing opened at 7:36 p.m.

Charles Budde and Dale Quakkelaar presented plans for construction of a church in the remaining vacant space in the building located at 857 S. Rochester St. The church has been meeting at a local school for the past two years and needed to expand. They have been looking at several sites throughout the Village, but came across this site that seems to be a perfect fit. They will lease around 40,000 square feet of the building. The average attendance per service is around 400 people. The “coffee shop” that is listed on the plan is not a commercial coffee shop, but rather just a meeting space. Hankovich noted that there will be no cooking on site, so

cooking fire suppression is not needed. He also stated that he had traffic concerns. His suggestion is that if traffic becomes an issue, the church should provide a traffic control officer. The revised plan shows a dumpster enclosure. Johnson asked about snow removal. Budde stated that Wal-Mart, who currently owns the building, contracts with a company to plow. Kay asked about the outdoor play area that is listed on the plan. Budde stated that there will be green space, but the majority of activities will be indoors. Plan Commission reviewed and recommended approval at the October 18, 2010 meeting. No one appeared to speak for or against the proposal.

Public hearing closed at 8:29 p.m.

2) Consideration

Motion was made by Szejn/Johnson to grant the conditional use permit to Brooklife Church pursuant to Section 100-157 Community-servicing Uses to allow the construction of a church at the property located at 857 S. Rochester St. The reasons for granting the conditional use permit are: 1) The Plan Commission recommended the approval, 2) There will be no negative impact on the community, and 3) There were no objections. The conditions are: 1) There shall be no commercial restaurant or café on site, but there may be a microwave, coffee maker, dishwasher, stove, refrigerator, and other similar non-commercial appliance, 2) No signage shall be installed prior to approvals, 3) When traffic control is needed, the church shall implement a plan to coordinate traffic, 4) The tree near the stop sign on the south side of the property shall be removed, 5) The exterior aesthetics of the building shall be in accordance to the plan submitted, 6) The property shall not be used as a banquet facility, and 7) The Plan of Operation dated October 4, 2010 shall be followed with the exception of a possible wedding at the church. The Board discussed the possibility of increased sounds coming from the building due to services and other events. Hankovich explained that there are no sound deadening requirements. Motion was carried unanimously.

B. Appeal #2: Request for Variance to the Waukesha County Shoreland and Floodplain Ordinance – Lot 24 of the Orchards of Mukwonago – William Ryan Homes

1) Public Hearing

Public Hearing opened at 7:36 p.m.

Hankovich spoke on behalf of the applicant. There was a drainage ditch in the Mukwonago Orchards subdivision that the Wisconsin Department of Natural Resources (Wisc DNR) had deemed a navigable stream. This affected seven lots. This request is the fifth request out of the seven. The four previous requests were all approved. No one appeared to speak for or against the proposal.

Public hearing closed at 8:41 p.m.

2) Consideration

Motion was made by Szejn/Johnson to grant a variance of 49 feet to the Waukesha County Shoreland and Floodplain Ordinance to William Ryan Homes for the property known as Lot 24 of the Orchards of Mukwonago. The reasons for granting the variance are: 1) The proposed setbacks meet and exceed Village requirements, 2) There were no objections, and 3) This approval falls in line with previous similar approvals in the subdivision. The condition is: 1) The floor plan of the house to be constructed shall be two feet above the floodplain. Motion was carried unanimously.

7. Items From The Floor

A. Proposed Date of Next Meeting

Braatz notified the Board that, if needed, the next Board meeting will take place on November 30, 2010.

8. Adjournment

Motion by Olson/Mades to adjourn the meeting at 8:48 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.
Deputy Clerk