

**MINUTES OF THE REGULAR BOARD OF  
BUILDING AND ZONING APPEALS MEETING  
Thursday, January 27, 2011**

**1. Call to Order**

Chairman Dan Klappa called the regular meeting to order at 7:35 p.m.

**2. Roll Call**

Members Present: Sarah Szejn  
Dave Makes  
Adam Olson  
Dan Klappa

Members Excused: Terry Kelly

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

1<sup>st</sup> 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 October 28, 2010 Regular Meeting**

Motion by Szejn/Makes to approve the minutes for the October 28, 2010 regular meeting as corrected was carried unanimously.

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

**A. Appeal #1: Request for Conditional Use Permit Pursuant to Section 100-251 to Allow the Renovation of the Existing Library Building and the Construction of an Addition to the Existing Building – 300 Washington Ave. – Mukwonago Community Library**

**1) Public Hearing**

Public Hearing opened at 7:37 p.m.

Nick Weber, Library Director for the Mukwonago Community Library, presented plans for an expansion of the Library for the property located at 300 Washington Ave. The current library was built in 1996, and is approximately 12,200 square feet. At that time, the State recommended 21,000 square feet. The State now recommends 26,000-32,000 square feet for a community our size. The building will be approximately 27,000 square after the expansion is added. The proposed expansion will meet all of the zoning and building codes. The design meets the community's wants and needs, and it will look very much like the current library. People did not want the park to be built on with regard to the expansion. The new building will be adaptable and accessible with respect to technology. Hankovich confirmed that the current plan took care of all the original zoning issues. He stated that there is a sewer main just to the west that cuts through the property, which would be very costly to move the main. That kept the expansion to the east side of the property. Johnson asked about the parking and if it would be one-way traffic

through the parking lot. Weber stated that it will not be one-way traffic. No one appeared to speak for or against the proposal.

Public hearing closed at 7:56 p.m.

## **2) Consideration**

Motion was made by Szejn/Mades to grant the expansion to the original conditional use permit to Mukwonago Community Library pursuant to Section 100-251 to allow the construction of an expansion to the existing building located at 300 Washington Ave. The reasons for granting the conditional use permit are: 1) The building is an appropriate and desirable location because it is within existing P-1 zoned property and will remain at the same location as the current library, 2) The plan is consistent with the State's recommendation of 26,000-32,000 square feet for a the size of a library in a community of this size, 3) There will be no park space taken away, 4) There will no change in the hours of operation, and 5) There were no objections. The condition is: 1) All construction shall remain to the east of the sewer easement known as Market Street. Motion was carried unanimously.

## **6. Items From The Floor**

Braatz notified the Board that a new ordinance was adopted to authorize the Plan Commission to review and approve conditional use permits. Braatz also mentioned that Board member Kelly notified him that he will be resigning from the Board in the coming months, effectively moving Johnson to be a regular member, and Kay to 1<sup>st</sup> alternate. If any member knows of someone who is interested in being a Board of Building and Zoning Appeals member, they should let him know.

## **7. Adjournment**

Motion by Johnson/Mades to adjourn the meeting at 8:03 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

**MINUTES OF THE REGULAR BOARD OF  
BUILDING AND ZONING APPEALS MEETING  
Thursday, February 24, 2011**

**1. Call to Order**

Chairman Dan Klappa called the regular meeting to order at 7:37 p.m.

**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, 1<sup>st</sup> Alternate  
Tom Kay, 2<sup>nd</sup> Alternate

1<sup>st</sup> Alternate Johnson and 2<sup>nd</sup> Alternate Kay filled the vacant seats on the Board.

**3. Statement of Public Notice**

The meeting was posted and noticed according to law.

**4. Approval of Minutes for January 27, 2011 Regular Meeting**

Motion by Szejn/Mades to approve the minutes for the January 27, 2011 regular meeting as presented carried unanimously.

**5. Appeals**

**A. Appeal #1: Request for Home Occupation Conditional Use Permit Pursuant to Section 100-21 to Allow the Operation of a Commercial Website Business in the Residential Property Located at 1219 Riverton Dr. – R. Richard McNally**

**1) Public Hearing**

Public Hearing opened at 7:40 p.m.

R. Richard McNally presented plans to operate a commercial website business in his home located at 1219 Riverton Dr. He will use his recreation room as the work space. The room is 320 square feet. There will be no other employees. Part of the garage will be used for storage. There will be no vehicle traffic other than an occasionally truck delivering publications. The business involves hosting the website gijournals.com. Most of the storage will be archived copies of the publications. No one appeared to speak for or against the proposal.

Public hearing closed at 7:50 p.m.

**2) Consideration**

Motion was made by Szejn/Johnson to grant a home occupation conditional use permit to R. Richard McNally pursuant to Section 100-21 to allow the operation of a

business on the residential property located at 1219 Riverton Dr. The reasons for granting the conditional use permit are: 1) The use requested for the residential dwelling for the home occupation or professional home office is clearly incidental and subordinate to its residential use, 2) The home occupation will involve using household equipment, 3) No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and 4) There were no objections. The conditions are: 1) The business operation is limited to the residential dwelling and garage and shall not be located in or conducted in any accessory structure, 2) No person other than those outlined in plan of operation submitted to the Board and dated January 21, 2011 shall be employed or engaged in such home occupation or professional home office; with any meetings of said employees to be held offsite, 3) The home occupation shall use only household equipment and no stock in trade shall be kept on premise, 4) There shall be no outside storage, 5) There shall be no exterior signage, 6) The conditional use permit shall only be issued to R. Richard McNally, 7) The addition of any employees shall be limited to the letter dated January 21, 2011, 9) The dwelling shall not be a meeting place for any employees, and 9) There shall be no semi-trailers visiting the home due to the business. Motion carried unanimously.

**B. Appeal #2: Request for Conditional Use Permit Pursuant to Section 100-157 to Allow the Use of the Existing Building Located at 1012 Main St. as a Temporary Location for the Mukwonago Community Library – Nick Weber, Mukwonago Community Library**

**1) Public Hearing**

Public Hearing opened at 7:55 p.m.

Nick Weber, Library Director for the Mukwonago Community Library, presented plans for the temporary relocation of the Mukwonago Community Library Services to the property located at 1012 Main St. The relocation is due to the construction of a addition to the permanent location at 300 Washington Ave. The target date for the move is March 23, 2011. They will be working with Village staff for any minor electrical upgrades. There is plenty of parking with any overflow parking to be on CTH ES. Sue Ciechanowski, W274S8420 Beaver Tr., Library Board Member – Spoke in favor of the temporary location for the library.

Public hearing closed at 8:15 p.m.

**2) Consideration**

Motion was made by Szejn/Mades to grant a conditional use permit to Mukwonago Community Library pursuant to Section 100-157 to allow the use of the existing building located at 1012 Main St. as a temporary location for the Mukwonago Community Library. The reasons for granting the conditional use permit are: 1) The operation is temporary in nature, and 2) There were no objections. The conditions are: 1) The Plan of Operation dated January 21, 2011 shall be followed with the exception of the time period being amended to March 1, 2011 to March 1, 2012, and 2) There may be minor modifications to the Plan of Operation with the approval of the Village Zoning Administrator. Motion was carried unanimously.

**6. Items From The Floor**

Klappa would like to change the times of future meetings. Item will be on the next agenda.

**7. Adjournment**

Motion by Johnson/Mades to adjourn the meeting at 8:25 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, June 30, 2011**

**Call to Order**

Deputy Clerk Steven Braatz, Jr. called the meeting to order at 7:40 p.m.

**Roll Call**

Members Present: Sarah Szejn  
Dave Mades  
Adam Olson

Members Excused: Ken Johnson  
Dan Klappa

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator  
Shawn Reilly, Village Attorney  
Tom Kay, 1<sup>st</sup> Alternate

1<sup>st</sup> Alternate Kay filled the vacant seat on the Board.

**Statement of Public Notice**

The meeting was posted and noticed according to law.

Motion by Szejn/Mades to appoint Olson as acting chairperson carried unanimously.

**Approval of Minutes for February 24, 2011 Regular Meeting**

Motion by Szejn/Mades to approve the minutes for the February 24, 2011 regular meeting as presented carried unanimously.

**Public Hearing**

**Request for Variance to Section 100-101(4)a.2. of the Municipal Code to Allow the Construction of a Single-Family Residence on the Property Known as #OR1 00069 and Located at Lot 69 in The Orchards of Mukwonago – Dave Tanner, Point Real Estate**

Public Hearing opened at 7:44 p.m.

Dan Bednar, Yaggy Colby Associates, Inc., represented Dave Tanner from Point Real Estate. Regees I, LLC is the owner of the property and was not present. Bednar explained there was an error in the piping when the lots were staked, causing Lot 69 to be shorted 1.42 feet. There was a buyer for the property that backed out due to this issue. The lots along Orchard View Lane were platted properly, but the pipe was set incorrectly. There are houses on both sides of this lot. Hankovich asked where the 1.42 feet went. Bednar responded it was added to Lot 65. Reilly explained the answer to correct the situation would be to move the pipes. He explained that the plots are still 100 feet; the pipes are just in the wrong place. He suggested the Board ask the developer to provide the setback distances of the existing homes from Lots 65-70.

Dan Houk, representing Dan and Alison Schmechel, 1333 Orchard Ci. – The Schmechels own Lot 68, next door to this lot. There is a house on the property. The house is very

close to the setback. Asked what would happen to their property? Hankovich responded there is no answer until we know the setback distances that will be affected, which is the reason why we will ask the developer for that data.

Public hearing closed at 8:02 p.m.

**Consideration of Variance to Section 100-101(4)a.2. of the Municipal Code to Allow the Construction of a Single-Family Residence on the Property Known as #OR1 00069 and Located at Lot 69 in The Orchards of Mukwonago – Dave Tanner, Point Real Estate**

Motion was made by Szejn/Mades to postpone the matter to the next regular meeting. The Clerk's Office shall send a letter to the developer requesting information on the monument locations and the setbacks of those lots with existing homes from Lots 65-70. Kay asked if there would be any impact to the utilities. Hankovich answered no, but the sideyard setbacks may create different non-compliance issues. Reilly re-iterated the land is all there, just the monuments are in the wrong place. Motion carried unanimously.

**New Business**

**Possible Change in Time of Future Meetings**

The Board agreed to change the time of future meetings to 6:30 p.m. The Clerk's Office will verify this agreement with Chairperson Klappa.

**Adjournment**

Motion by Mades/Szejn to adjourn the meeting at 8:15 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, July 28, 2011**

**Call to Order**

Chairperson Dan Klappa called the meeting to order at 6:32 p.m.

**Roll Call**

Members Present: Sarah Szejn  
Dave Mades  
Adam Olson  
Dan Klappa

Members Excused: Ken Johnson

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator  
Tom Kay, 1<sup>st</sup> Alternate

1<sup>st</sup> Alternate Kay filled the vacant seat on the Board.

**Statement of Public Notice**

The meeting was posted and noticed according to law.

**Approval of Minutes for June 30, 2011 Regular Meeting**

Motion by Szejn/Olson to approve the minutes for the June 30, 2011 regular meeting as presented carried unanimously.

**Public Hearing**

**Request for Variance to Section 100-403 of the Municipal Code to Allow the Use of 80 Parking Stalls for the Property Located at 1012 Main St.-Destiny Christian Center**

Jay Campbell (church elder) and Dan Scherstad (senior pastor) represented Destiny Christian Center. A conditional use was granted by Planning Commission on 7/18/2011 and the Commission recommended the variance for the use of the 80 parking stalls. Mr. Campbell and Mr. Scherstad stated that they want to limit occupancy for the church to 240 people, and possibly buy land to increase parking in the future. Their average attendance is 115 total people. They also stated that there is lower attendance during the holidays. There were no comments from the public.

**Consideration of Variance to Section 100-403 of the Municipal Code to Allow the Use of 80 Parking Stalls for the Property Located at 1012 Main St.-Destiny Christian Center.**

Moved by Szejn and seconded by Olson to grant the Variance for the use of 80 parking stalls for the property located at 1012 Main St. The reasons for granting the variance are: 1) Due to current site constraints, it is not possible to provide sufficient parking to meet the requirements outlined in ordinance for changes in occupancy or use at this time. The applicants have demonstrated a good faith effort to do so.

The conditions are: 1) Make sure the master plan submitted on 6/14/2011 is followed. 2) Maximum occupancy is 240 persons based on the 3 persons per parking stall in the Village



code. If additional land is purchased and developed for parking, the occupancy load can be increased by 3 persons per stall following the present ordinance.

Motion carried unanimously.

### **Unfinished Business**

#### **Consideration of Variance to Section 100-101(4)a.2. of the Municipal Code to Allow the Construction of a Single-Family Residence on the Property Known as #OR1 00069 and Located at Lot 69 in The Orchards of Mukwonago – Dave Tanner, Point Real Estate**

Keith Kindred, Yaggy Colby Associates, Inc., represented Dave Tanner from Point Real Estate. Norman & Jo Anne Seagers, owners of Lot 69 in The Orchards of Mukwonago, were also present. Attorney Shawn Reilly was not present. Chairperson Klappa was concerned if this is more of a legal issue. Supervisor of Zoning & Inspections Hankovich stated that the village attorney and the surveyor need to get together to work out issue and then come back to the Board of Building and Zoning Appeals for a variance. Chairperson Klappa adjourned at 7:12 p.m for a 20 minute break to call Attorney Reilly, seconded by Olson. Chairperson Klappa called to meeting back in session at 7:34 p.m. Acting Clerk Millard was not able to contact Attorney Reilly during the break. At that time, Chairperson Klappa moved to table the consideration of the variance until the village attorney and the surveyor come back to this board with a recommendation.

### **Adjournment**

Motion by Szejn/Mades to adjourn the meeting at 7:36 p.m. was carried unanimously.

Respectfully submitted,

Cathy Millard  
Acting Clerk

**MINUTES OF THE REGULAR BOARD OF  
BUILDING AND ZONING APPEALS MEETING  
Thursday, October 27, 2011**

**Call to Order**

Chairperson Dan Klappa called the meeting to order at 7:30 p.m. Members present: Sarah Szejn, and Dan Mades. Absent and excused: Terry Kelly and Kenneth Johnson, was. Also present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator, Paul Moderacki, Administrator/Clerk-Treasurer and Keith Kindred, of Yaggy-Colby.

**Approval of Minutes**

Motion by Szejn/Mades to approve the July 28, 2011 meeting minutes was unanimously approved.

**Unfinished Business**

**Consideration of a variance to Section 100-101(4) a.2. of the Village Zoning Code to allow construction of a Single-family residence on Lot 69 of the Orchards Subdivision (OR-100069) by Dave Tanner, Point Real Estate.**

Moderacki explained a surveyor's error when the property monuments for Lot 69 were established had resulted in a width of 98.5 feet, 1.5 feet less than the required 100-foot minimum width for lots in the Orchards Subdivision.

He said the mistake apparently occurred on Lot 65, to the north, and did not affect the intervening lots (Nos. 66, 67 or 68), which are all 100-feet wide, or the lots south of Lot 69.

He said he had discussed the matter with Shawn Reilly, Village Attorney, and a representative of the WI Department of Administration (DOA), and were in agreement the least disruptive, most efficient and economical solution was for the Village to authorize creation of an Assessor's Plat (AP) for the affected lots. The AP, involving Lots 65-69, will show the actual locations of the monuments for each of the lots.

Moderacki said the Village Board had authorized Yaggy-Colby, as the representative of the owners of Lot 69 to prepare the AP. He said the owner of Lot 69 had agreed to pay for the AP costs, including DOA fees, review by Village consultants and Yaggy-Colby costs.

Moderacki said once the AP was approved by the DOA, the Plan Commission and the Village Board, a variance would still be required for Lot 69, to permit a home to be constructed. He said the matter was before the Board at the meeting to update them about the proposed solution and to achieve an informal consensus that the Board would be willing to grant the requested variance for Lot 69.

Mr. Kindred said AP method was superior to the other methods of correcting the problem, e.g. a replat or multiple certified survey maps (CSMs) would require the approval of the owners of all the affected lots, including mortgage owners. He said the AP was legally necessary to ensure current owners would have clear title and accurate surveys for resale.

Following the remarks, the Board agreed by consensus that it would be in favor of granting a variance as the existing hardship was not created by the property owners, but by the developer's field surveyors.

**Items from the floor** – none

**Adjournment**

There being no further matters to come before the Board of Building and Zoning Appeals, Szejn/ Mades moved to adjourn the meeting. Klappa adjourned the meeting at 7:02 p.m.

Paul J. Moderacki  
Village Administrator/Clerk-Treasurer