

**MINUTES OF THE REGULAR BOARD OF
BUILDING AND ZONING APPEALS MEETING
Thursday, March 29, 2012**

Call to Order

Village Clerk-Treasurer Steven Braatz, Jr. called the meeting to order at 6:45 p.m.

Roll Call

Members Present: Sarah Szejn
Dave Mades
Adam Olson
Ken Johnson

Members Excused: Dan Klappa

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator
Tom Kay, 1st Alternate
Steven Braatz, Jr., Village Clerk-Treasurer

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

Motion by Szejn/Johnson to appoint Olson as Acting Chairperson carried unanimously.

Approval of Minutes

Motion by Szejn/Johnson to approve the October 27, 2011 meeting minutes as presented 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

Public Hearing was held on June 30, 2011. The actual variance would be 1.35'. An assessor's plat was created to fix the issue and has been recorded at Walworth County.

Moved by Szejn/Mades to Section 100-101(4)a.2. of the Municipal Code to Dave Tanner, Point Real Estate, 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. The reasons for granting the variance are:

- 1) Protects compatibility of the neighborhood and is the minimum that will afford relief.
- 2) Physical features unique to the parcel preclude owner from using property in manners similar to other properties within same zoning district.
- 3) Situation creating need for variance was not self-created. No actions or previous actions by owner created this hardship.
- 4) The variance restores equity and does not grant advantage to owner.

The conditions are:

- 1) The master plan submitted on 6/14/2011 shall be followed.
- 2) There is no timeframe for expiration on this particular variance.
- 3) There shall be no other exceptions made to the current building code at any time.
- 4) All applicable recordings shall be complete and all applicable invoices shall be paid prior to building permit issuance.

Motion carried unanimously.

Adjournment

Motion by Szejn/Mades to adjourn the meeting at 7:05 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

**MINUTES OF THE REGULAR BOARD OF
BUILDING AND ZONING APPEALS MEETING
Thursday, October 25, 2012**

Call to Order

Chairman Dan Klappa called the meeting to order at 6:38 p.m.

Roll Call

Members Present: Sarah Szejn
Ken Johnson
Dan Klappa

Members Excused: Dave Makes
Adam Olson

Also Present: Joe Hankovich, Supervisor of Inspections/Zoning Administrator
Robert Harley, Building Codes Official
Tom Kay, 1st Alternate
Steven Braatz, Jr., Village Clerk-Treasurer

1st Alternate Kay filled a vacant seat on the Board.

Approval of Minutes

Motion by Szejn/Johnson to approve the March 29, 2012 meeting minutes as presented carried unanimously.

Public Hearing

Request by Martin and Lynn Kern for Variances to Section 100-555, Street Yard Setback, of 10 feet, Section 100-103(4)c.1., Accessory Building, of 5 feet, and Section 100-103(4)a.1.(c) of 1,911 sq. ft. for the Property Located at 314 Main Street

Public Hearing opened at 6:40 p.m.

Martin Kern, owner of 314 Main St., and Jay Wall, architect, presented plans for the construction of a detached garage/barn at 314 Main St. The previous garage burnt down. The new building will be 864 square feet, smaller than the previous building which was 1,200 square feet, and 25 feet in height. The previous building was over the lot line into the right-of-way. The new building will be set on the line, aligning it with neighboring buildings. The second story will mainly be used for storage, and the back area of the lower level will have a workspace. All neighbors that were contacted were in favor of the garage.

No one appeared for or against. An email dated October 24, 2012, from Dorothea Anich, 417 Main St., to Clerk-Treasurer Braatz, was submitted in favor of the construction. Signatures in support were submitted by Gordon Gerick, 400 Main St., and Beth Dums, 315 S. Rochester St. Gerry Anich, 729 Bryant St., called Hankovich in support. Plan Commission forwarded a favorable approval.

Public Hearing closed at 7:10 p.m.

Hankovich explained that the house and original barn were built before local zoning. Building this garage legitimizes the use of the property. A garage set away from the property line would look out of place in comparison with the neighboring buildings. The construction of this garage versus the previous means more green space. The right-of-way was shifted around in the past.

Motion by Szejn/Johnson to grant a variance of 10 feet to Section 555, street yard setback, of the Municipal Code to Martin and Lynn Kern to allow the construction of a garage on the property known located at 314 Main Street with the following reasons and conditions carried unanimously:

The reasons for granting the variance are:

- 1) There are peculiar conditions: strict enforcement of the zoning code will create unnecessary hardship, the age of the home is before zoning, there was prior removal of land for roads, there are multiple zoning criteria, and right-of-ways were shifted around.
- 2) The construction of this garage will not alter the character of the neighborhood.
- 3) The variance restores equity and does not grant advantage to owner.
- 4) There was correspondence from multiple residents in favor and none were opposed.
- 5) There was unanimous approval by the Plan Commission stating the applicant does comply with the green space but it is in a different place, would match the area, and would actually increase the amount of green space.

The conditions are:

- 1) This structure shall not be used as a residence.
- 2) All applicable invoices shall be paid prior to building permit issuance.

Motion by Szejn/Kay to grant a variance of 5 feet to Section 100-103(4)c.1., Accessory building, of the Municipal Code to Martin and Lynn Kern to allow the construction of a garage on the property known located at 314 Main Street with the following reasons and conditions carried unanimously:

The reasons for granting the variance are:

- 1) There are peculiar conditions: strict enforcement of the zoning code will create unnecessary hardship, the age of the home is before zoning, there was prior removal of land for roads, there are multiple zoning criteria, and right-of-ways were shifted around.
- 2) The construction of this garage will not alter the character of the neighborhood.
- 3) The variance restores equity and does not grant advantage to owner.
- 4) There was correspondence from multiple residents in favor and none were opposed.
- 5) There was unanimous approval by the Plan Commission stating the applicant does comply with the green space but it is in a different place, would match the area, and would actually increase the amount of green space.

The conditions are:

- 1) This structure shall not be used as a residence.
- 2) All applicable invoices shall be paid prior to building permit issuance.
- 3) Razing of the existing building shall commence no later than 60 days from the approval of the variance.

- 4) Construction of the new building shall commence no later than eight months from the approval of the variance.

Motion by Szejn/Johnson to grant a variance of 1,594 square feet to Section 100-103(4)a.1.(c) of the Municipal Code to Martin and Lynn Kern to allow the construction of a garage on the property known located at 314 Main Street with the following reasons and conditions carried unanimously:

The reasons for granting the variance are:

- 1) There are peculiar conditions: strict enforcement of the zoning code will create unnecessary hardship, the age of the home is before zoning, there was prior removal of land for roads, there are multiple zoning criteria, and right-of-ways were shifted around.
- 2) The construction of this garage will not alter the character of the neighborhood.
- 3) The variance restores equity and does not grant advantage to owner.
- 4) There was correspondence from multiple residents in favor and none were opposed.
- 5) There was unanimous approval by the Plan Commission stating the applicant does comply with the green space but it is in a different place, would match the area, and would actually increase the amount of green space.

The conditions are:

- 1) This structure shall not be used as a residence.
- 2) All applicable invoices shall be paid prior to building permit issuance.
- 3) Razing of the existing building shall commence no later than 60 days from the approval of the variance.
- 4) Construction of the new building shall commence no later than eight months from the approval of the variance.

Adjournment

Motion by Szejn/Johnson to adjourn the meeting at 7:30 p.m. was carried unanimously.

Respectfully submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer