# Village of Mukwonago Notice of Meeting and Agenda

# BOARD OF ZONING & APPEALS MEETING Thursday, August 26, 2021

Time: **6:30 pm** 

Place: Mukwonago Municipal Building, 440 River Crest Court, Mukwonago, WI 53149

- 1. Call to Order
- 2. Roll Call

# 3. Approval of Minutes

3.1 Approval of July 20, 2021 Minutes.20210720 BoardofAppealsMinutesdraft.pdf

# 4. Public Hearings

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Plan Commission asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

4.1 Public Hearing to consider an application for variance of 14 feet to allow a proposed deck to be built in the rear yard decreasing the rear setback from 40 feet to 28.5 feet pursuant to Section 100-101(a)(4). requested by Bielinski Homes, Inc., applicant; 751 Prairie Hill Ave; Parcel MUKV 1960-123.

Public Hearing Notice ZBA - Variance - 751 Praire Hill - MUKV1960123.pdf

# 5. New Business

5.1 Consideration and possible action for variance of 14 feet to allow a proposed deck to be built in the rear yard decreasing the rear setback from 40 feet to 28.5 feet pursuant to Section 100-101 (a) (4) Bielinski Homes, Inc., applicant; 751 Prairie Hill Ave.; Parcel MUKV 1960-123.

Staff Report - ZBA - Variance - 751 Praire Hill - MUKV1960123.pdf

# 6. Adjourn

# Membership

Jack Dexter, Don Fischer, Dave Mades, Chris Tarr, Sarah Szejn, Advisory Member: Tim Rutenbeck

It is possible that a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note, upon reasonable notice, efforts will be made to accommodate the needs of

individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk's Office, (262) 363-6420.

# MINUTES OF THE REGULAR BOARD OF BUILDING AND ZONING APPEALS MEETING

Tuesday July 20, 2021

# Call to Order

Chairperson Tarr called the meeting to order at 6:30 p.m. located in the Side Conference Room of the Mukwonago Municipal Building, 440 River Crest Ct.

# Roll Call

Members Present: Chris Tarr

Dave Mades Don Fischer Jack Dexter

Members Excused: Sarah Szejn

Also present: John Fellows, Village Planner

Tim Rutenbeck, Supervisor of Building Inspections

Linda Gourdoux, Deputy Clerk/Treasurer

### Minutes

Motion by Mades/Dexter to approve the minutes from the Regular Board of Building and Zoning Appeals Meeting from May 27, 2021, carried

# **Public Hearing**

Public Hearing to consider an application for:

- 1. Variance 18.2 feet to allow a proposed pervious concrete drive to be 1.8 feet from the mapped wetland, pursuant to Section 100-283(f)(1)a of the Village of Mukwonago Municipal Code.
- 2. Variance 17.5 feet to allow proposed concrete pad to house a dumpster enclosure to be 2.5 feet from the mapped wetland, pursuant to Section 100-283(f)(1)a of the Village of Mukwonago Municipal Code.

Public Hearing opened at 6:31 pm

No public comments

Public hearing closed at 6.32 pm.

# **New Business**

Consideration and possible action for variance (1) 18.2 feet to allow a proposed pervious concrete drive to be 1.8 feet from the mapped wetland, pursuant to Section 100-283(f)(1)a of the Village of Mukwonago Municipal Code. Birchrock Properties LLC, applicant; 210 McDivitt Ln; Parcel MUKV 2012-215-002.

Fellows gave overview of project.

Motion by Fischer/Mades to Grant the Variance of 18.2 feet to allow a proposed building

Village of Mukwonago Waukesha and Walworth Counties, Wisconsin July 20, 2021 Board of Building and Zoning Appeals Minutes Page 2 of 2

pervious concrete drive to be 1.8 feet from the mapped wetland, Section 100-283 (f)(1) a. of the Village of Mukwonago Municipal Code, carried, with the following reasons for granting the variance:

- 1. Fire Department requested access to back side of the building for emergency access. Life Safety issues with senior residents.
- 2. No Use Variance, only Dimensional Variance.
- 3. Adjacent properties are not impaired.
- 4. Adjacent properties are not impaired.
- 5. No one spoke against.
- 6. No additional requirements due to run-off water or drainage issues.

Consideration and possible action for variance (2) 17.5 feet to allow a proposed concrete pad to house a dumpster enclosure to be 2.5 feet from the mapped wetland, pursuant to Section 100-283(f)(1)a of the Village of Mukwonago Municipal Code. Birchrock Properties LLC, applicant; 210 McDivitt Ln; Parcel MUKV 2012-215-002.

Fellows gave overview of project.

Motion by Fischer/Mades to Grant the Variance of 17.5feet to allow a proposed concrete pad to house a dumpster enclosure to be 2.5 feet from the mapped wetland, Section 100-283 (f) (1) a. of the Village of Mukwonago Municipal Code, carried, with the following reasons for granting the variance:

- 1. Life Safety issues with senior residents.
- 2. No Use Variance, only Dimensional Variance.
- 3. Adjacent properties are not impaired.
- 4. Adjacent properties are not impaired.
- 5. No one spoke against.
- 6. No additional requirements due to run-off water or drainage issues.

# Adjournment

Meeting adjourned at 6:46 p.m.

Respectfully submitted,

Linda Gourdoux Deputy Clerk/Treasurer

# NOTICE OF PUBLIC HEARING BEFORE THE VILLAGE OF MUKWONAGO BOARD OF BUILDING AND ZONING APPEALS TO CONSIDER AN APPLICATION FOR VARIANCE REQUESTED BY BIELINSKI HOMES, INC FOR THE PROPERTY LOCATED AT 751 PRAIRIE HILL AVENUE

Please take notice that there will be a public hearing before the Board of Building and Zoning Appeals of the Village of Mukwonago in the Board Room of the Village Hall, 440 River Crest Court, Mukwonago, Waukesha and Walworth Counties, on August 26, 2021, commencing at 6:30 p.m., to consider the following matter(s):

**PUBLIC HEARING:** Variance to Section 100-101 (a) (4) of the Municipal Code of the

Village of Mukwonago

**TAX KEY/ADDRESS:** MUKV1960123, 751 Prairie Hill Ave

LEGAL DESCRIPTION: LOT 123 & UNDIV INT IN OUTLOTS 2-5 FAIRWINDS PT SE1/4

SEC 22 & PT SW1/4 SEC 23 T5N R18E 0.413 AC R2879/258 &

DOC# 2565179

OWNER/APPLICANT: Bielinski Homes, Inc.

MATTER: Applicant seeks variance of 14 feet to allow a proposed deck to be

built in the rear yard decreasing the rear setback from 40 ft to 28.5 feet pursuant to Section **100-101** (a) (4) of the Village of Mukwonago

Municipal Code.

At this time all interested persons will be afforded a hearing. Written comments will be accepted up to the time of the hearing. Information regarding the above noticed hearing(s) may be obtained in the Clerk's Office. The meeting/public hearing may be held online via Zoom if so, information will be indicated on the meeting agenda. The proposal may be viewed at Village Hall, 440 River Crest Court, Mukwonago, WI during business hours, or by contacting the John Fellows, AICP, Village Planner at (262) 363-6420 x. 2111, or at planner @villageofmukwonago.com.

Diana Dykstra, Village Clerk

Pub: August 5, 2021 and August 12, 2021.



# **Zoning Board of Appeals**

August 26,2021 at 6:30pm Mukwonago, WI

# **Variance**

751 Prairie Hill Have Parcel Number: MUKV1960123

# **Case Summary**

# **Parcel Data**

Proposal: 1. Applicant seeks variance of 14 feet to allow a proposed

deck to be built in the rear yard decreasing the rear setback from 40 ft to 28.5 feet pursuant to Section <u>100-101 (a) (4)</u> of the Village of Mukwonago Municipal Code.

Applicant: Bielinski Homes, Inc

Request: Variance

# **Parcel Characteristics / Conditions**

Acreage: 0.413 AC Current Use: Vacant Lot

Proposed Use: Single Family Ranch Style House with Exposure

Reason for Request: New Construction with Deck

Land Use Classification: Medium Lot Single Family I – 15,000 SF

Zoning Classification: R-1 Single Family Community Residential District

Census Tract: 2039.01

### **Public Notice**

Public Notices have been published on 08-05-2021 and 08-12-2021, as well as mailed to properties within 250 feet of the subject parcel.

# Variance Request

# Background: Bielinski Homes, Inc is developing the Fairwinds

subdivisions. The developer is the owner and applicant for this requested variance, the development team designed the size and shape of the lot with their request for approval of the preliminary plat of the subdivision.

The developer has state that the exceptional or extraordinary circumstance or conditions that apply to their property and do not apply to the surrounding properties are: "The building pad created by the setbacks is very small; This is the only ranch floor plan that they we have that will fit on this lot. We do not want to build a two story on this lot as it will tower over the home that is completed at the rear lot to the south. The grades on their lot are also very challenging with 16' in garage change, limiting the orientate on of the home to the face north.

The developer stated that the hardship that would result if the variance is not grated is: "Without a variance, a deck will not fit within the building setbacks. The lot grades call for an 8' exposure. A second means of egress out of the home would not be achievable without a deck. There will also be no flat areas within the side or rear yards, so a deck is the only way to create usable space outdoors on this lot.

The applicant has stated that the variance would not have adverse effects on surrounding lands: "The home on lot 123 will still remain within the standard setbacks, and just the deck would extend into the rear yard. The deck will add visual appeal to the rear of the home by breaking up the siding lines and adding different texture and color. We want a 1 story home on this lot, as a 2-story home with the requirement 9' exposure would be excessively tall, standing over 30' taller than the home built on lot 124, which would be a disservice to the neighboring lots.

1. Applicant seeks variance decreasing the rear setback from 40 ft to 28.5 feet pursuant to Section 100-101 (a) (4) of the Village of Mukwonago Municipal Code.

# Request 1:

# **Ordinance**

The ordinance that that the variance is being requested is 100-101 R-1 Single Family Medium Lot Residential district sub paragraph (4) more specifically the rear lot setback of 40ft. which states:

# (4) Quantitative standards for development in R-1.

Category	Standard
Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet interior lot/120 feet corner lot
Maximum Building Coverage on Lot — Principal Building	25% of total lot size, not including any public right-of-way
Maximum Building Coverage on Lot — Accessory Building	5% of total lot size, not including any public right-of-way
Minimum Greenspace*	60% of total lot size, not including any public right-of-way
Minimum Building Setbacks**	Street Yard: 35 feet
	Interior Side Yard:
	a. One-story dwellings: 15 feet each side
	b. Other dwellings: 20 feet one side, 15 feet other side
	Rear Yard: 40 feet
Maximum Building Height, principal building	30 feet
Maximum Height, accessory building***	15 feet
Minimum Floor Area per Dwelling Unit	Total: 1,800 square feet
	1st floor of bi-level or 2-story: 1,200 square feet
	Each other floor of bi-level or 2-story: 600 square feet
NOTES:	
*	Land that is permanently or temporarily submerged by water shall only count toward this calculation at one-half of required land space (i.e., 200 square feet submerged = 100 square feet greenspace).
**	Under conditional use approval the Plan Commission and the Village Board may require increased setbacks to create additional buffers from neighboring properties.
***	Please see general standards for an accessory building elsewhere in this Chapter $\underline{\bf 100}.$

§ 100-808Findings.

[Ord. No. 700, § VI, 1-21-2003]

- (a) Except for conditional use permits, no variance to the provisions of this chapter shall be granted by the board of zoning and building appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and indicates such in the minutes of its proceedings:
  - (1) Preservation of intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.
  - (2) Exceptional circumstances: There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this chapter should be changed.
  - (3) Economic hardship and self-imposed hardship not grounds for variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
  - (4) Preservation of property rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
  - (5) **Absence of detriment:** No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
  - (6) Additional requirements: Additional requirements in the floodplain/shoreland-wetland zoning district shall be as set forth in Division 7 of Article II of this chapter.

### **Attachments**

1. Application



### LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map



Legend



EA-Easement\_Lin PL-DA PL-Extended\_Tie\_ PL-Meander\_Line

PL-Note PL-Tie PL-Tie Line

Railroad\_2K TaxParcel\_2K Waterbodies\_2K\_I

Waterlines\_2K\_La

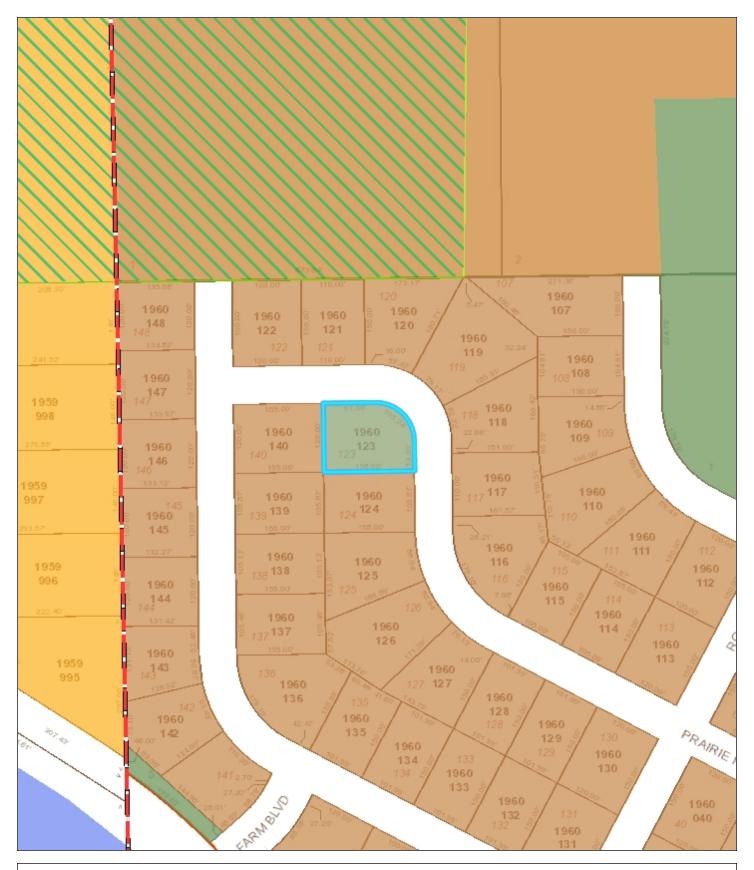
Notes: Aerial

145.83 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



Printed: 7/23/2021



# Village of Mukwonago GIS 751 Prairie Hill - Land Use

DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

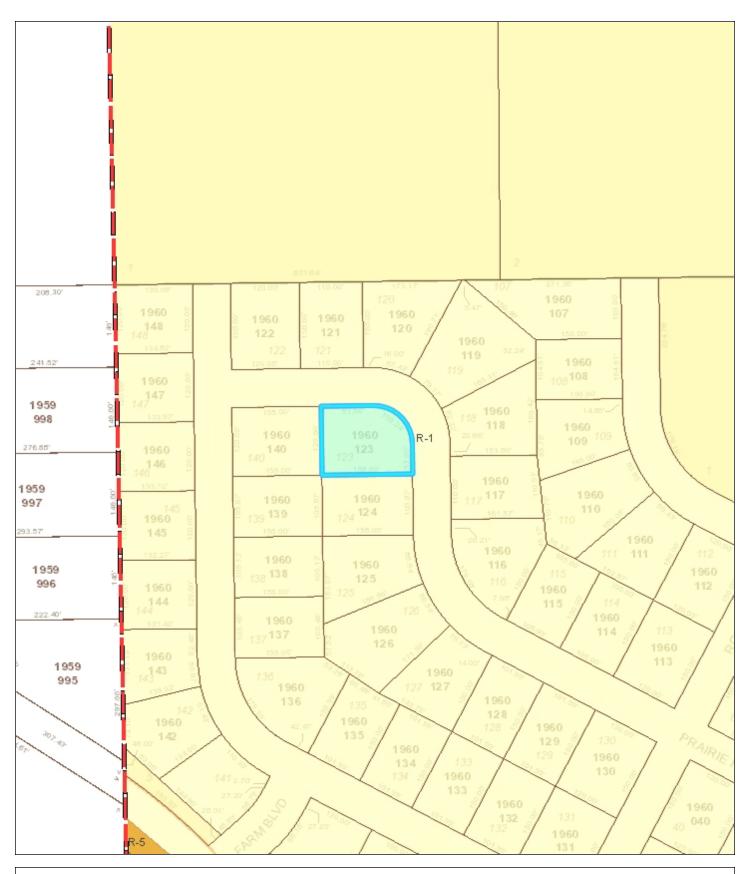
SCALE: 1" =



167'

VILLAGE OF MUKWONAGO 440 River Crest Court PO Box 206 Mukwonago, WI 53149 262-363-6420

Print Date: 8/9/2021



# Village of Mukwonago GIS Zoning

DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" =



167'

VILLAGE OF MUKWONAGO 440 River Crest Court PO Box 206 Mukwonago, WI 53149 262-363-6420

Print Date: 8/9/2021

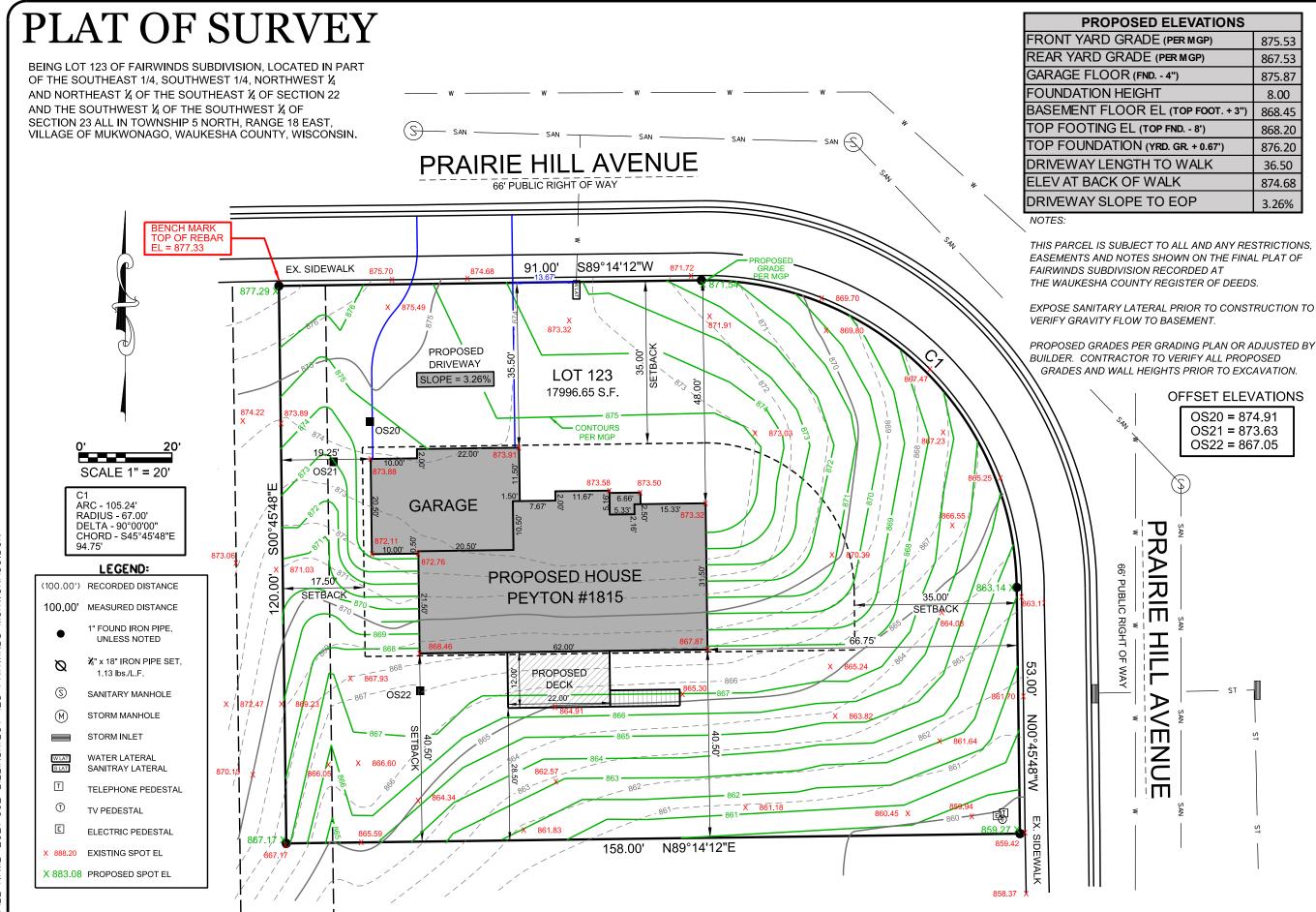


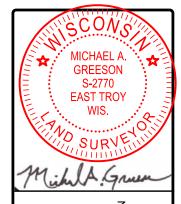












THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE TO WITHIN ONE (1) YEAR FROM DATE HERETO.

SURVEY MADE FOR: BIELINSKI HOMES, INC. 1830 MEADOW LANE PEWAUKEE, WI 53072 ITEM

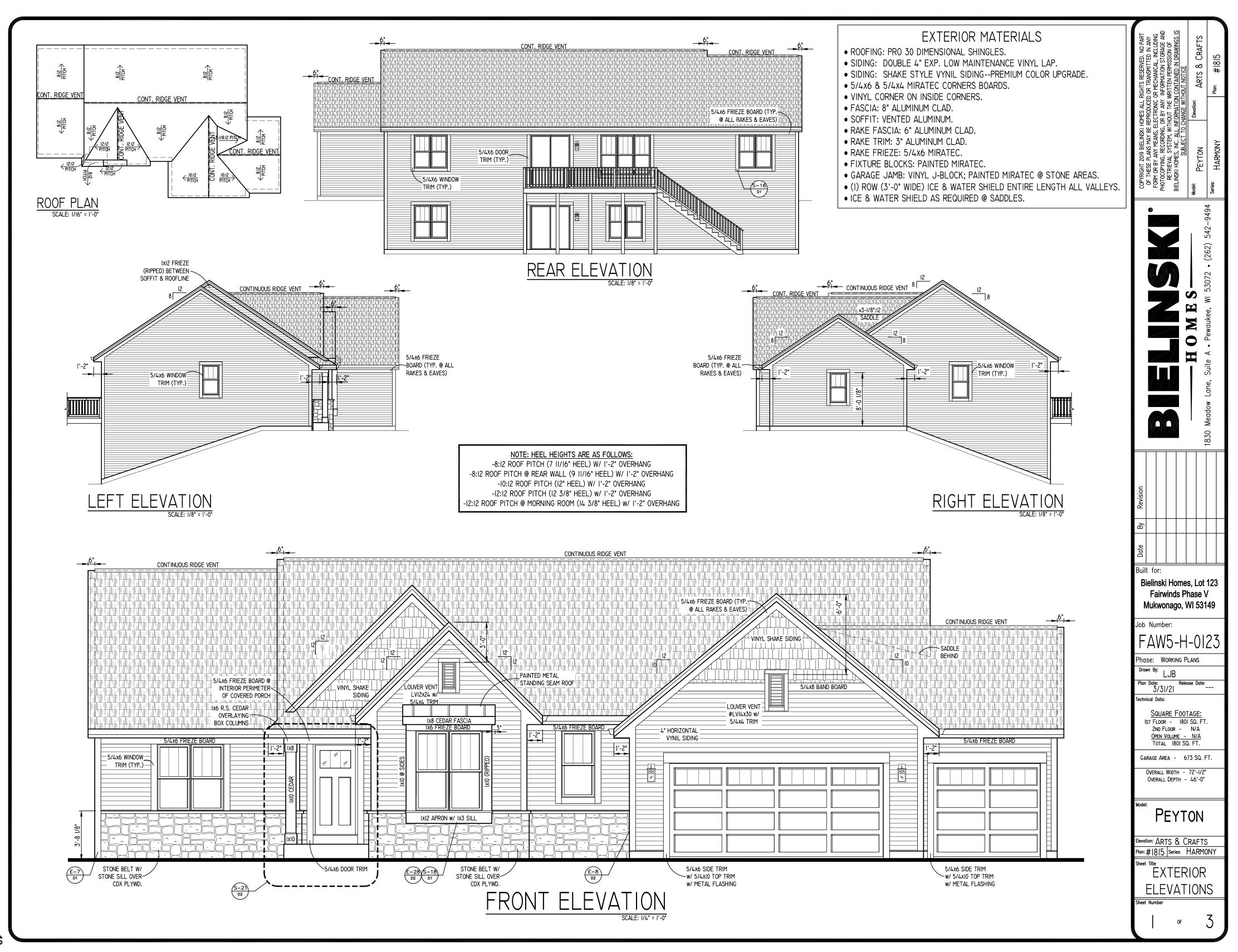
SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS (CHAPTER A-E 7) FOR THE STATE OF WISCONS AND HAS BEEN PREPARED UNDER MY DIRECTION AND CONTROL AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

04/15/2021 PRELIM SURVEY 05/19/2021 REV. CONTOURS 05/20/2021 PERMIT SURVEY

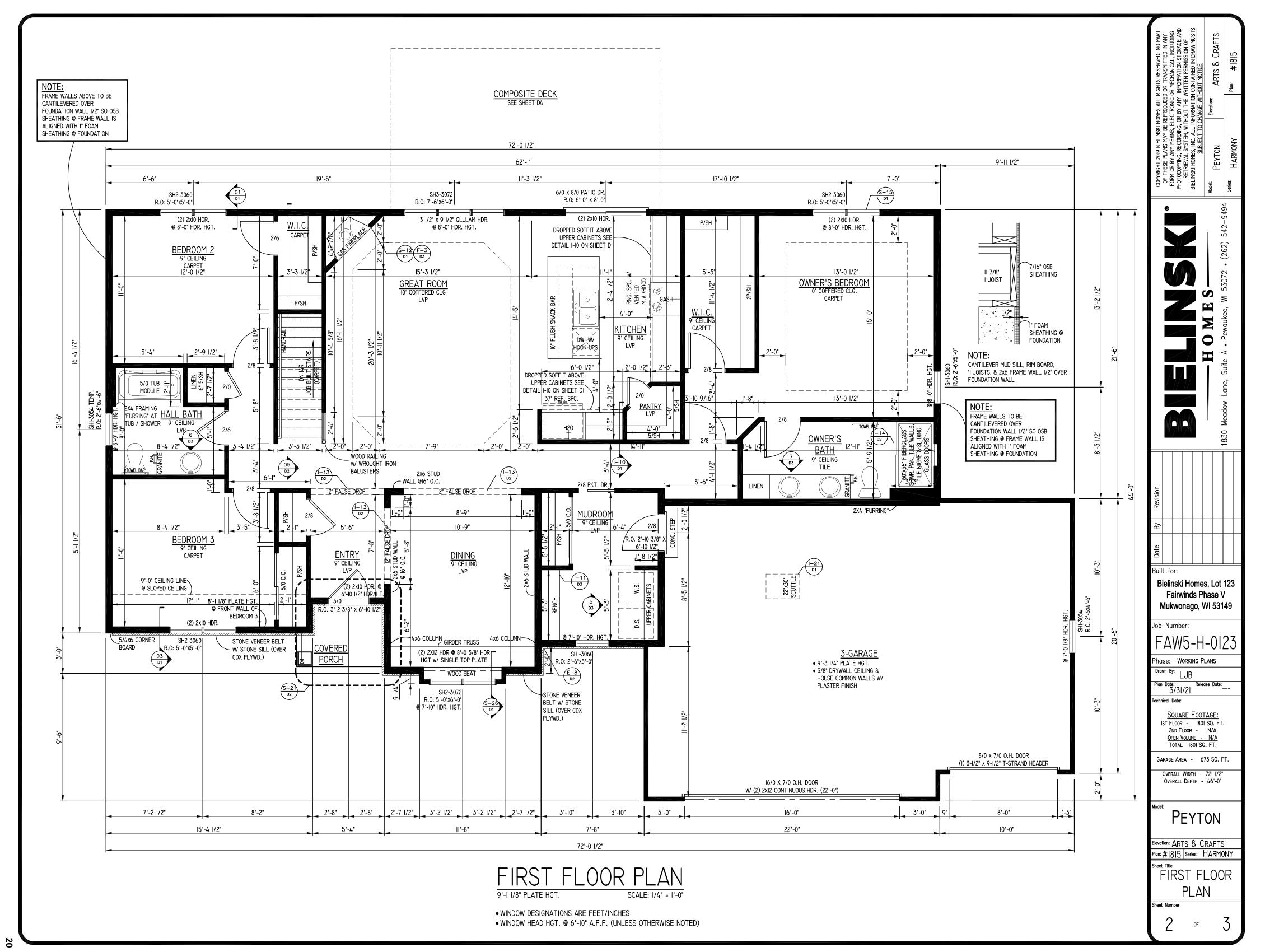
> 123 WOLF RUN - SUITE 4 MUKWONAGO, WI 53149 (262) 378-5097

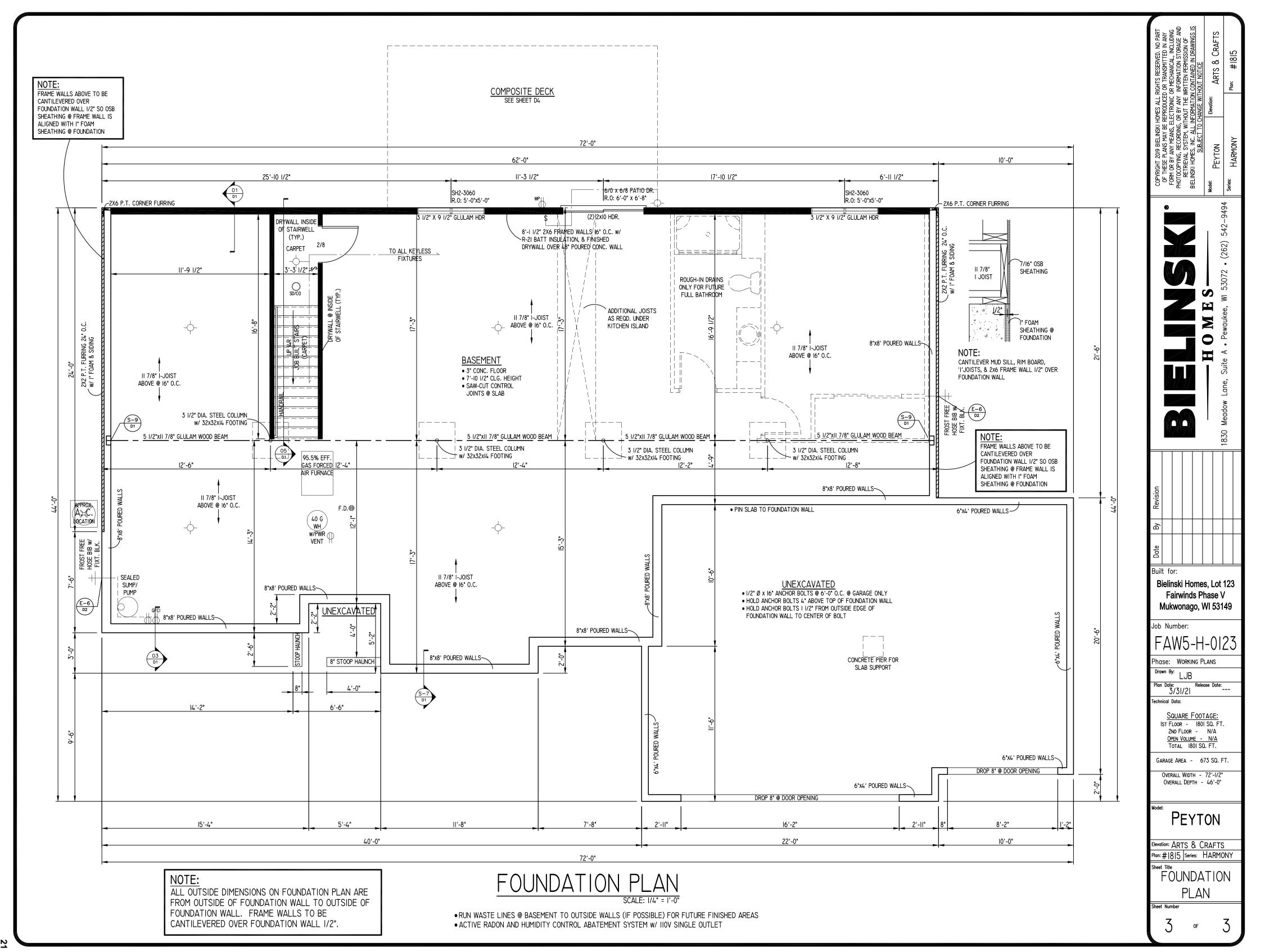
PLOT DATE: 05/20/2021

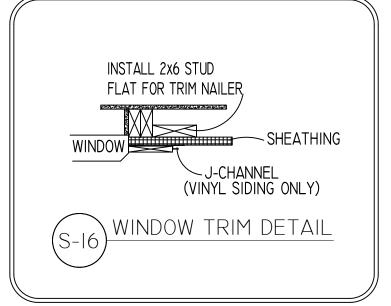
V2G JOB No. 2021-062

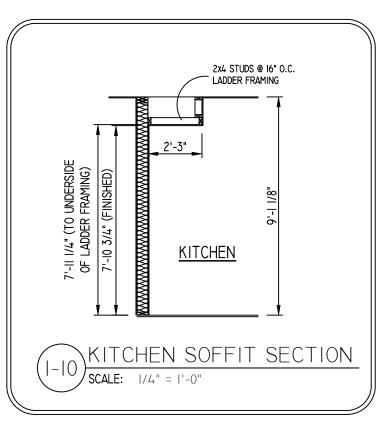


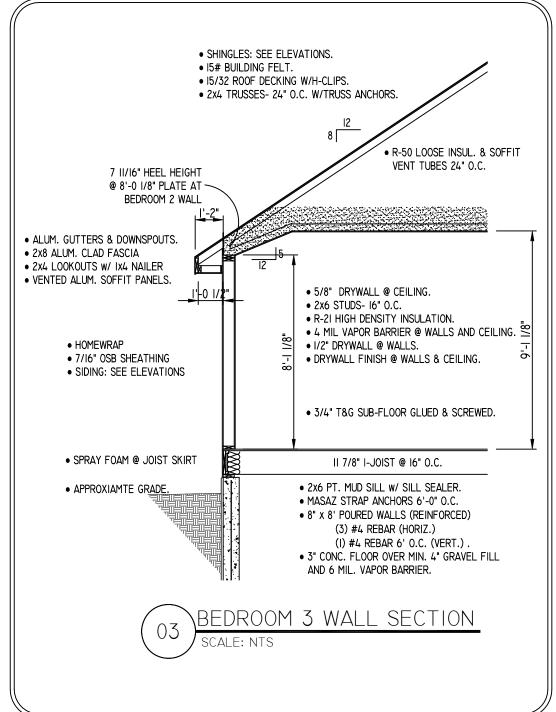
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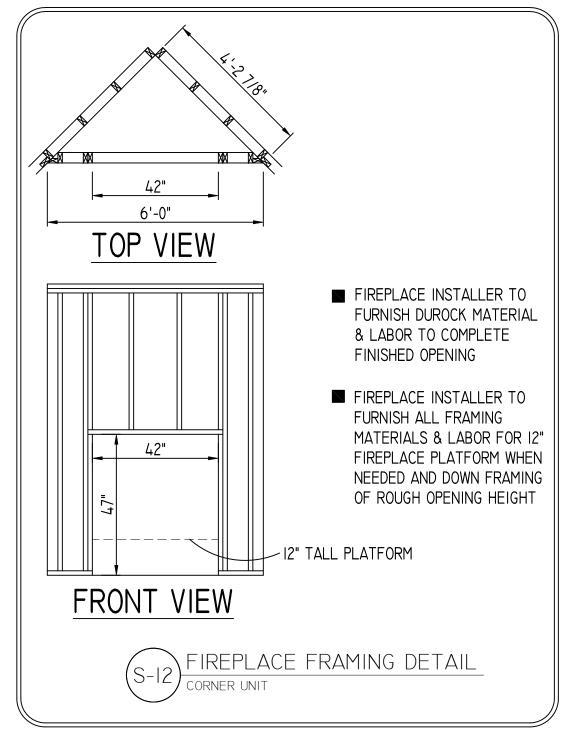


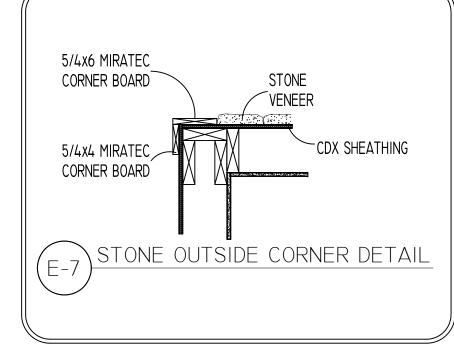


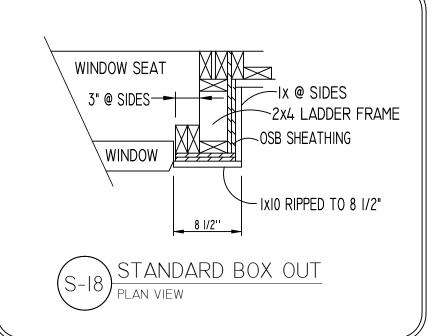


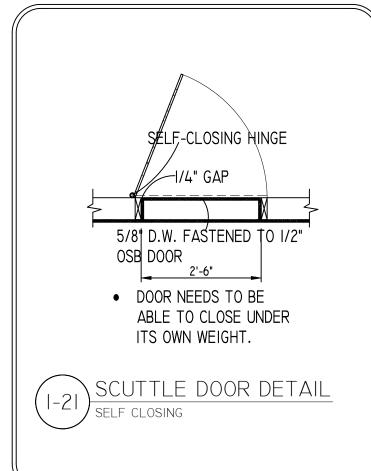


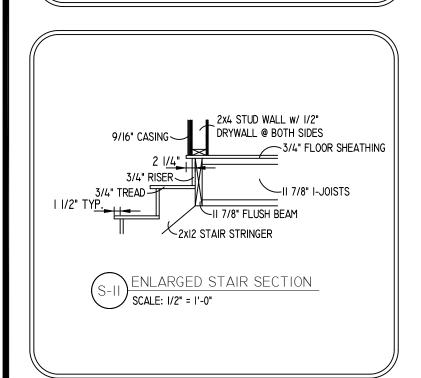


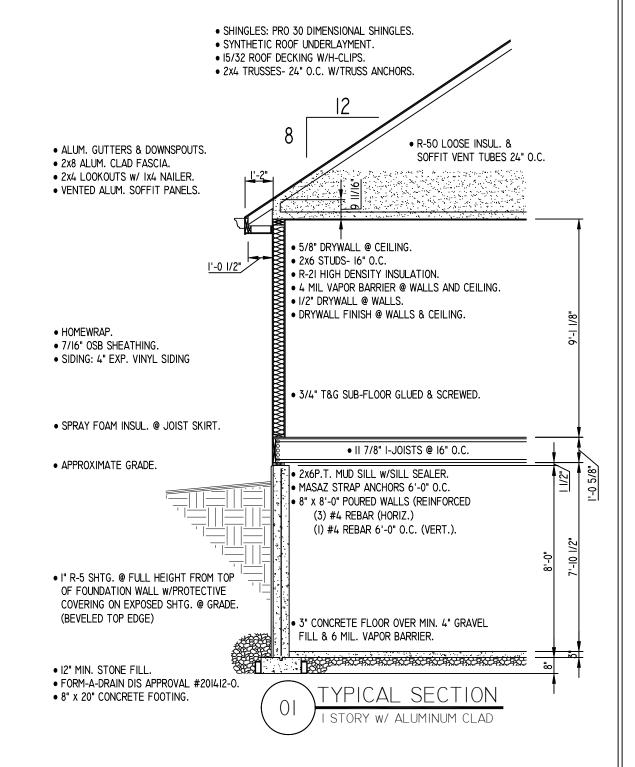


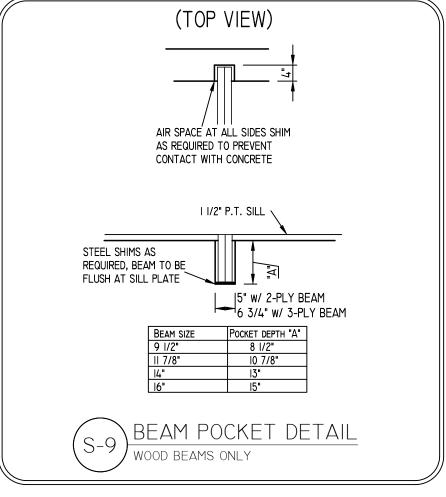


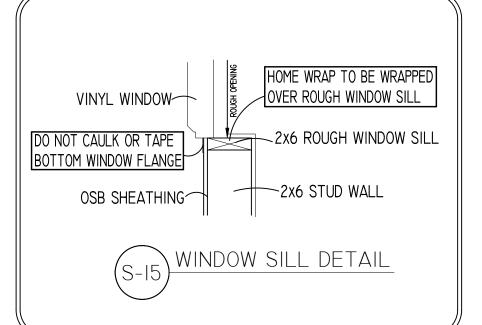


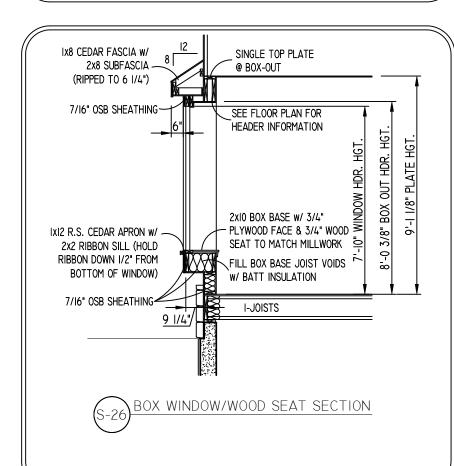




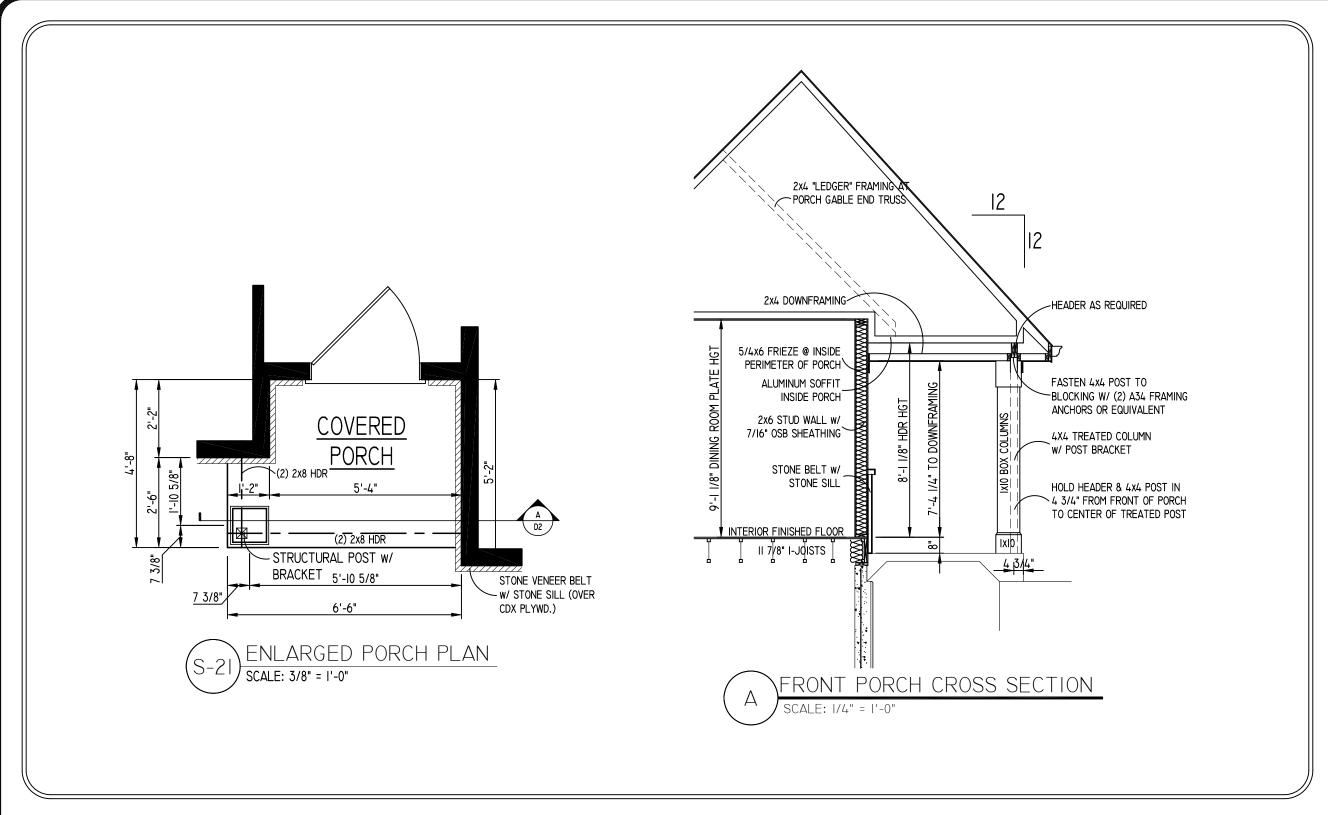


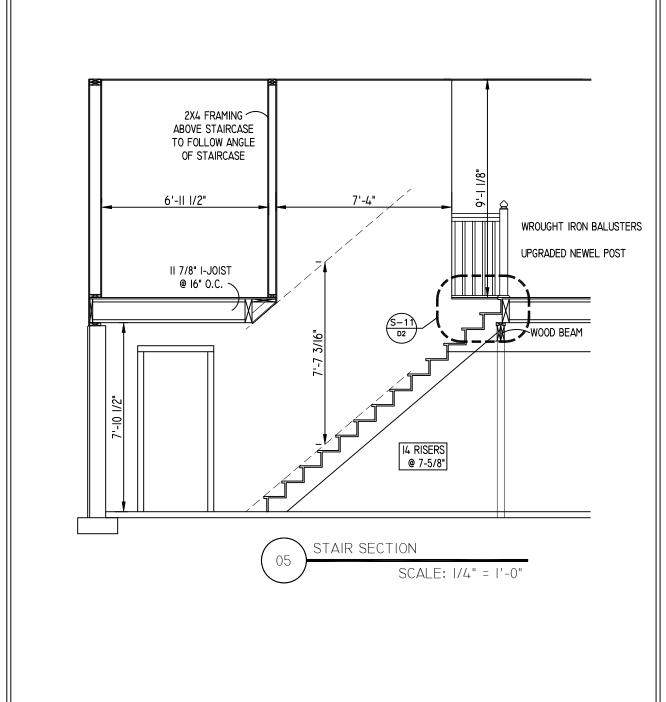


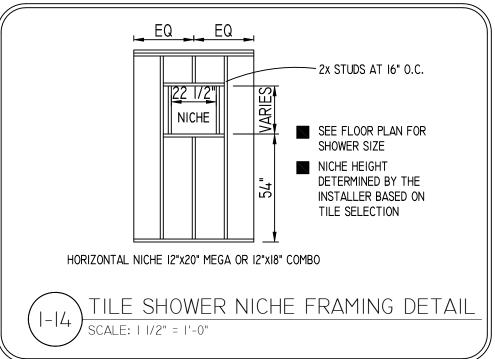


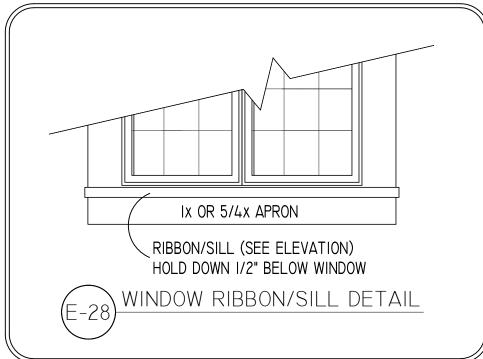


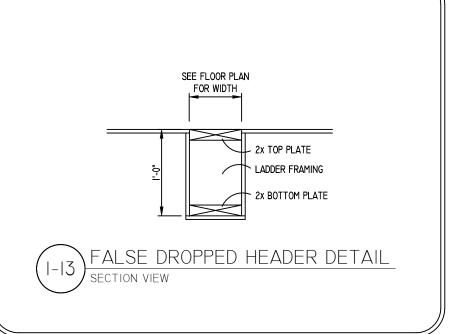


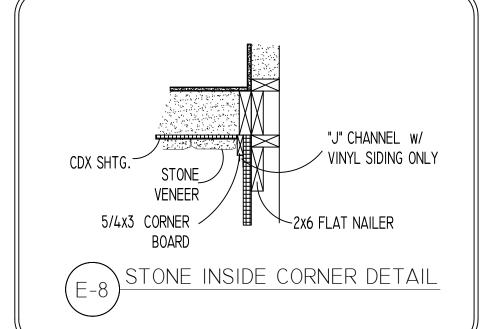


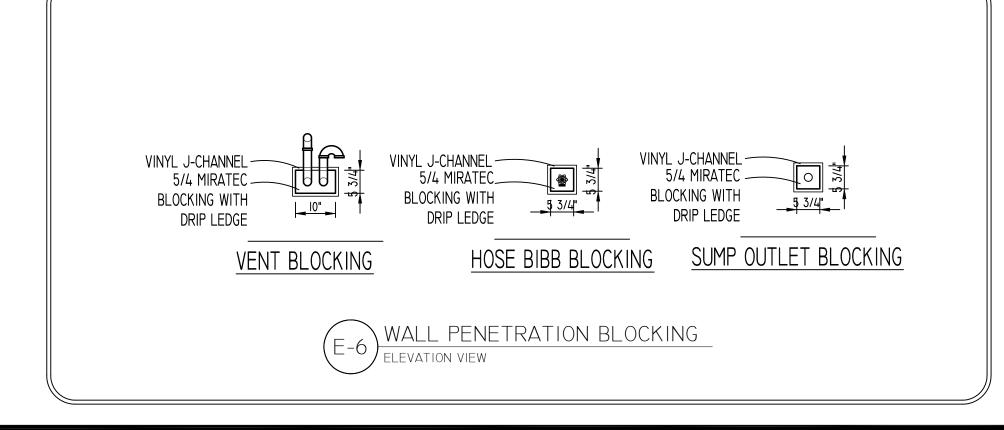


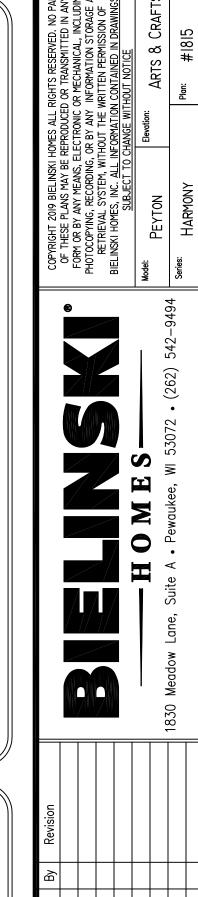


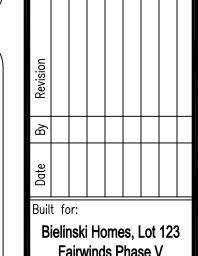












Fairwinds Phase V Mukwonago, WI 53149

Job Number: FAW5-H-0123

Phase: Working Plans Drawn By: LJB Plan Date: | 3/31/21

SQUARE FOOTAGE:
IST FLOOR - 1801 SQ. FT. 2ND FLOOR - N/A OPEN VOLUME - N/A
TOTAL 1801 SQ. FT.

echnical Data:

GARAGE AREA - 673 SQ. FT.

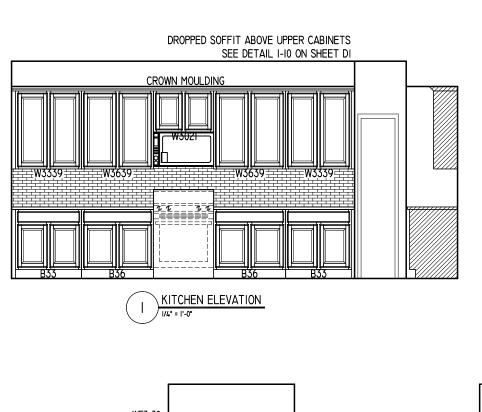
OVERALL WIDTH - 72'-I/2"

**PEYTON** 

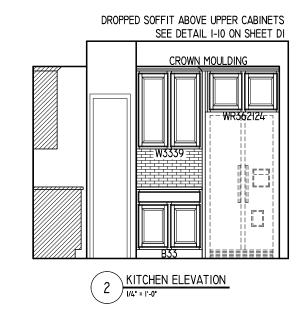
OVERALL DEPTH - 46'-0"

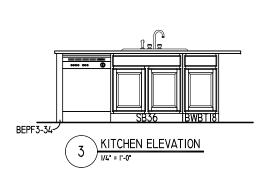
Elevation: ARTS & CRAFTS Plan: #1815 | Series: HARMONY

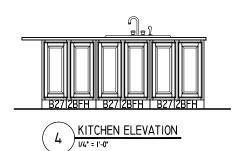
DETAILS

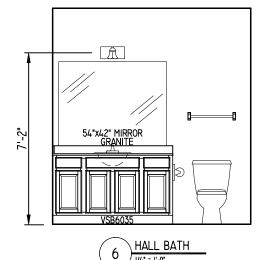


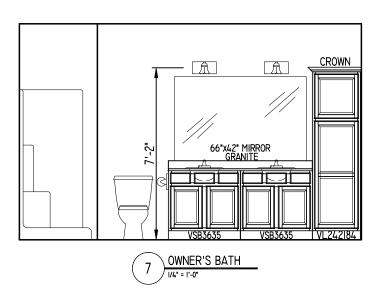
CROWN MOULDING

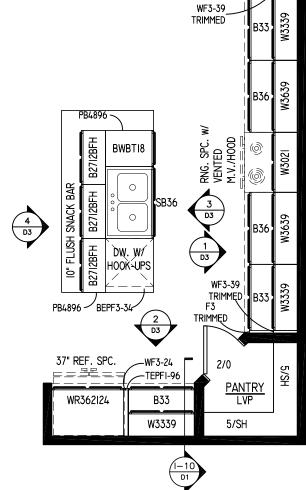










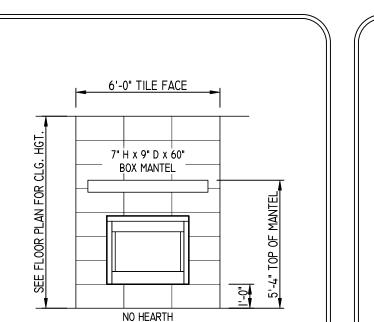


F3 TRIMMED \



- CROWN MOULDING @ KITCHEN
- GRANITE COUNTERTOPS @ KITCHEN
- CABINET UPGRADE THROUGHOUT KDC CABINETS
- DELUXE DRAWER CONSTRUCTION
- DECORATIVE END PANEL UPGRADE
- SOFT CLOSE CABINET DOOR HINGES

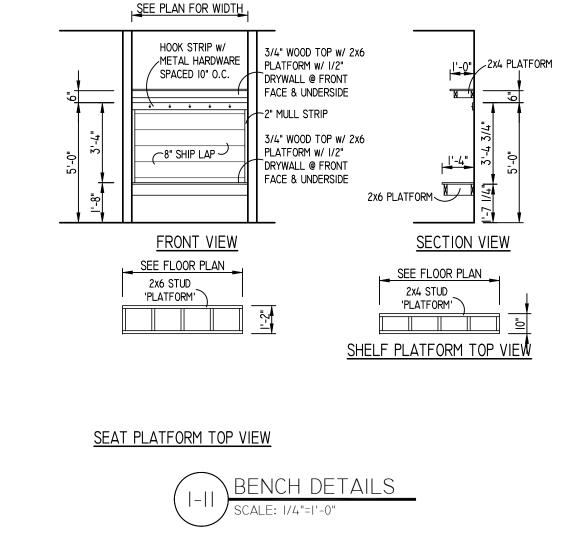
CERAMIC TILE BACKSPLASH @ KITCHEN



FIREPLACE DETAIL

DIRECT VENT GAS FIREPLACE

W/FANS SET ON 12" PLATFORM



# NOTES

I. Some notes may not pertain. It is the responsibility of the sub-contractor or vender to clarify WHICH NOTES DO NOT PERTAIN.

2. THESE NOTES ARE TO BE COMBINED WITH THE CONSTRUCTION WORK SHEET. IF THERE ARE VAGUE OR CONFLICTING INSTRUCTIONS, IT IS THE RESPONSIBILITY OF THE SUB-CONTRACTOR OR VENDER TO GET CLARIFICATION FROM OUR CONSTRUCTION DEPARTMENT.

3. FLOOR PLAN DIMENSIONS ARE OUT-TO-OUT OF STUD WALLS. 4. OUTSIDE FACE OF 2X6 WALL STUDS ARE TO BE FLUSH WITH OUTSIDE OF FOUNDATION WALL.

5. ALL EXTERIOR WALLS ARE 2X6, 16" O.C., CONSTRUCTION UNLESS NOTED AT WALL LOCATION OR DETAIL.

6. ALL WINDOW CALLOUTS ARE LISTED IN INCHES.

7. ALL EXTERIOR HEADERS ARE TO BE (2) 2X6'S UNLESS OTHERWISE NOTED ON THE FLOOR PLAN.

8. WINDOW HEADERS HEIGHTS ARE TO BE AS FOLLOWS; • 6'-8" FOR 8'-0" CEILINGS; UNLESS NOTED OTHERWISE

• 8'-0" FOR 9'-0" CEILINGS; UNLESS NOTED OTHERWISE 9. HOME WRAP TO BE INSTALLED ON THE ENTIRE EXTERIOR OF THE HOUSE INCLUDING GABLE ENDS. 10. GARAGE TO HAVE OSB SHEATHING @ ALL EXTERIOR WALLS & GABLES, DOUBLE SOLE PLATES W/ PRESSURE

TREATED BOTTOM PLATE, AND THE FLOOR TO BE 4" CONCRETE, SLOPED TOWARDS DOOR. II. ALL GABLE ENDS TO HAVE 1/2" OSB SHEATHING.

12. ICE & WATER SHIELD TO BE USED AT ALL SADDLES AND DORMERS.

13. 8" MAX @ ALL EXTERIOR STEPS.

# 14. ALL PLAN DIMENSIONS ARE ROUGH FRAMING DIMENSIONS

15. ALL INTERIOR WALLS ARE 2X4, 16" O.C., CONSTRUCTION UNLESS NOTED AT WALL LOCATION OR DETAIL. 16. ALL INTERIOR HEADERS ARE TO BE LADDER FRAME UNLESS OTHERWISE NOTED ON THE FLOOR PLAN.

17. PLUMBER TO VERIFY IF SEWER HOOK UP FOR SUMP PUMP IS REQUIRED. LOCATE CROCK FOR SEWER LATERAL.

DO NOT DRILL THROUGH ANY LOAD BEARING STUDS @ WINDOW HEADERS. USE ISLAND VENT AS NEEDED.

18. ALL 42" HIGH MIRRORS ARE TO BE SET ON BACKSPLASH.

19. STANDARD HEIGHTS:

26" A.F.F. TOILET PAPER HOLDERS TOWEL BARS 54" A.F.F.

30" TO 36" ABOVE NOSING HAND RAILS GUARD RAILS 40" A.F.F.

20. SOLID BLOCKING REQUIRED @ SHOWER DOORS ON TILED WALLS AND WITHIN 1'-0" OF EACH END OF HAND RAILS. 21. STAIRS

• MINIMUM HEADROOM FOR ALL STAIRS TO BE 6'-8" UNLESS OTHERWISE NOTED.

• 8" RISER HEIGHT MAX.

22. 20 MIN. FIRE RATED DOOR @ GARAGE COMMON WALL.

23. Garage common wall to be  $\frac{5}{8}$ " firecode drywall w/ a  $\frac{3}{4}$  hour fire rating.

24. ALL AREAS WITH VINYL FLOORING ARE TO BE FLUSH WITH ADJACENT WOOD OR CERAMIC FLOORS. 25. LOCATIONS OF HVAC, ELECTRICAL OUTLETS, LIGHTS & SWITCHES ARE APPROXIMATE; UNLESS NOTED OTHERWISE.

26. GFI OUTLETS @ WASHING MACHINE TO BE 38" A.F.F.

27. CEILING @ BASEMENT STAIR OPENINGS TO BE FLAT 6" ABOVE BOTTOM OF HEADER.

28. SCUTTLE DOORS TO BE SELF CLOSING W/ LATCH. 29. TEMPERED GLASS @ DOORS, SIDELIGHTS, TUB ENCLOSURES, STAIR LANDINGS & PANELS WITHIN 24" OF DOORS. Built for: Bielinski Homes, Lot 123

Fairwinds Phase V Mukwonago, WI 53149

Job Number:

Phase: Working Plans

Drawn By: LJB

Technical Data:

SQUARE FOOTAGE: IST FLOOR - 1801 SQ. FT. 2ND FLOOR - N/A OPEN VOLUME - N/A TOTAL 1801 SQ. FT.

GARAGE AREA - 673 SQ. FT.

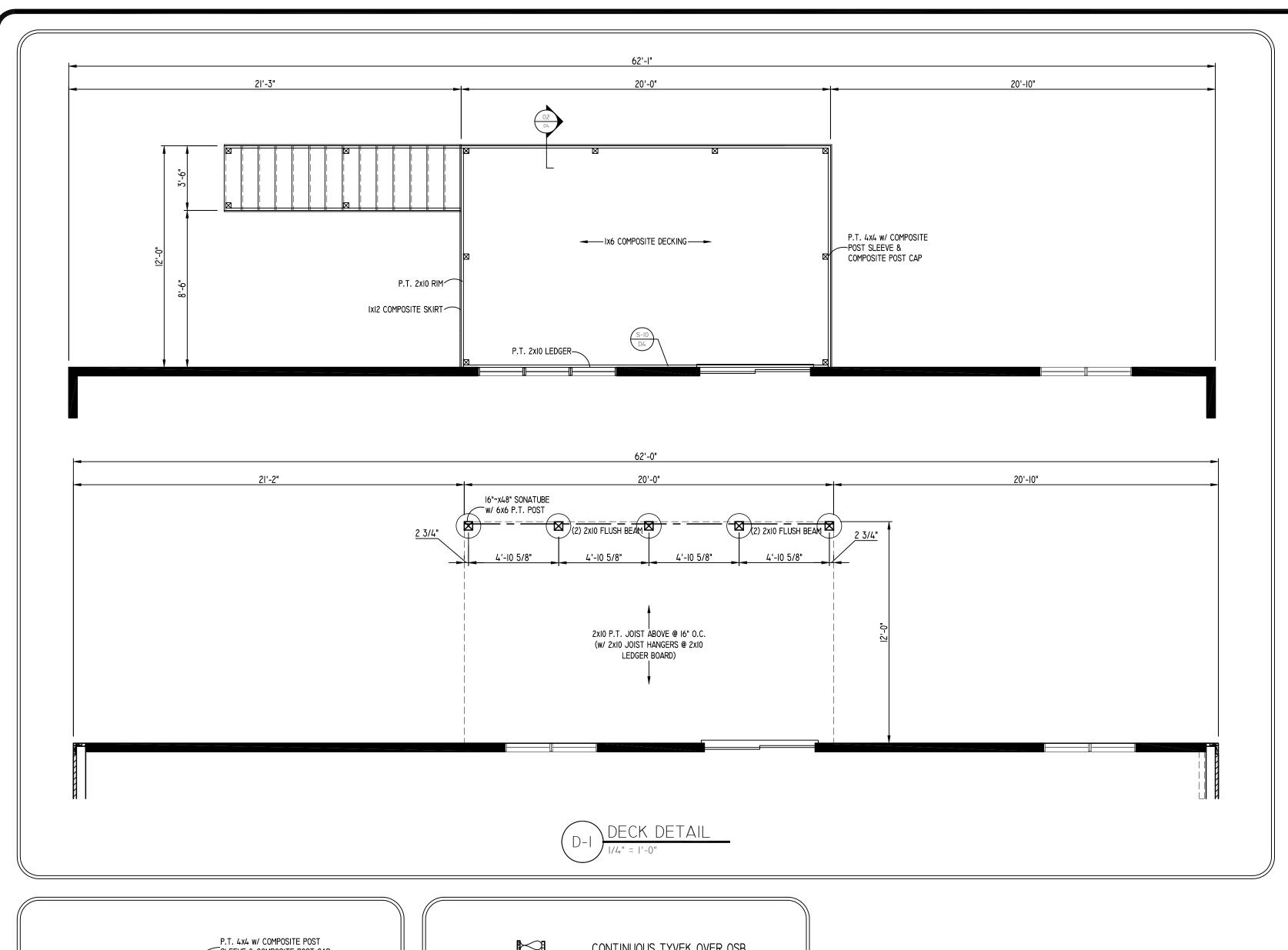
OVERALL WIDTH - 72'-1/2" OVERALL DEPTH - 46'-0"

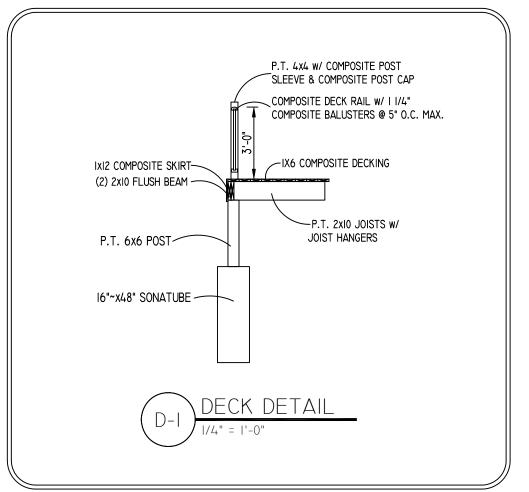
PEYTON

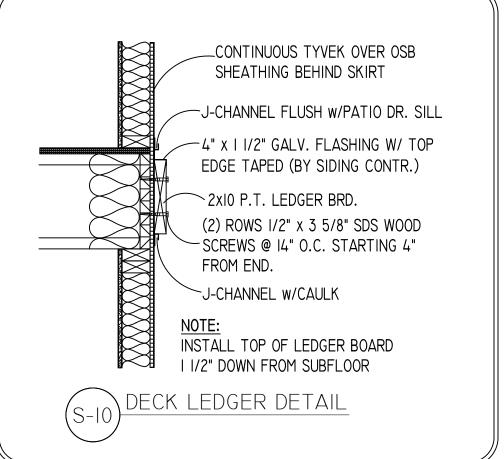
Elevation: ARTS & CRAFTS Plan: #1815 | Series: HARMONY

> INTERIOR ELEVATIONS

OF







0 Built for: Bielinski Homes, Lot 123 Fairwinds Phase V Mukwonago, WI 53149 Job Number: Phase: Working Plans Drawn By: LJB Plan Date: Release Date: ---Technical Data: SQUARE FOOTAGE:
IST FLOOR - 1801 SQ. FT.
2ND FLOOR - N/A
OPEN VOLUME - N/A
TOTAL 1801 SQ. FT. GARAGE AREA - 673 SQ. FT. OVERALL WIDTH - 72'-1/2" OVERALL DEPTH - 46'-0"

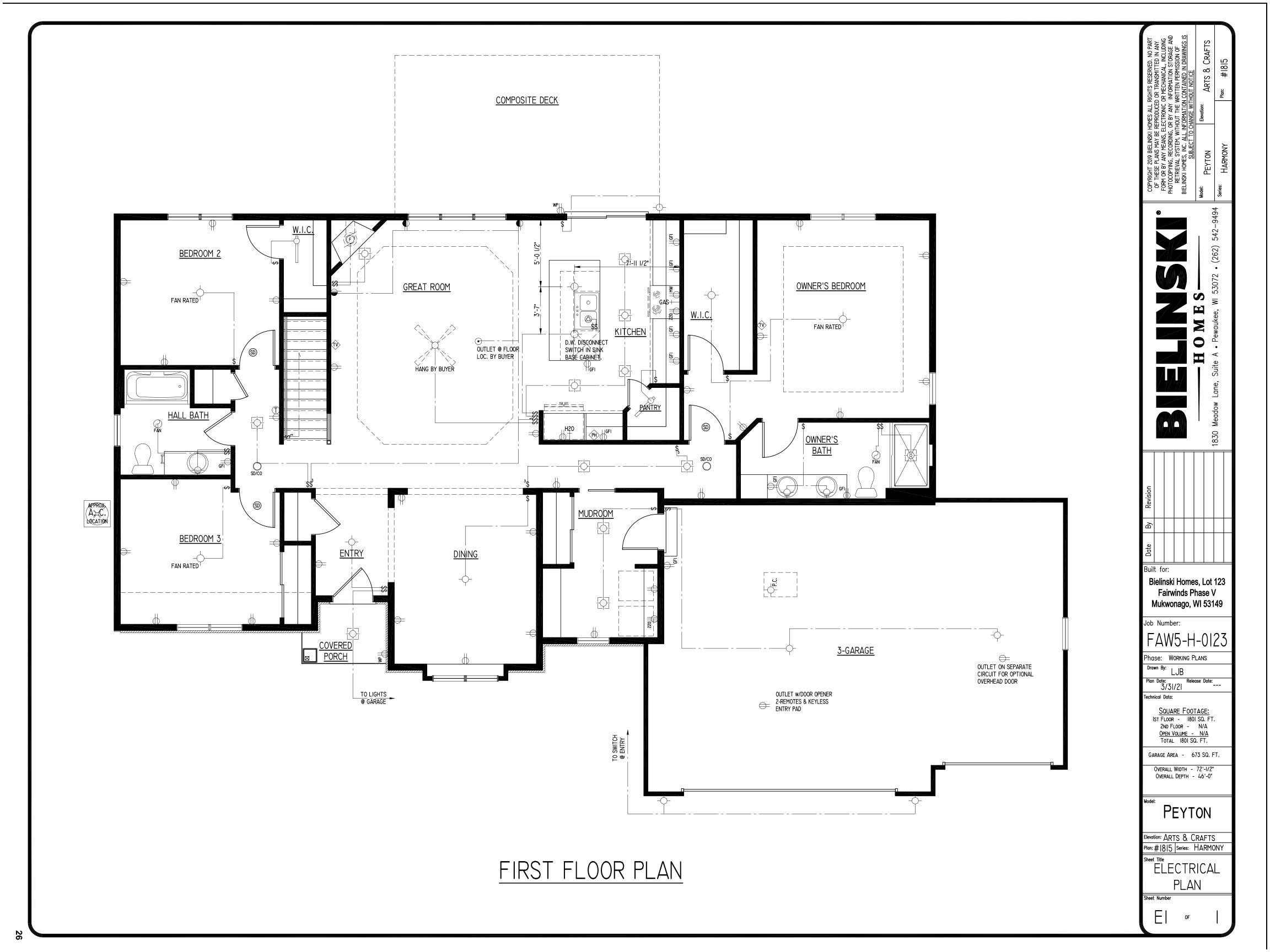
OF \_\_\_\_\_

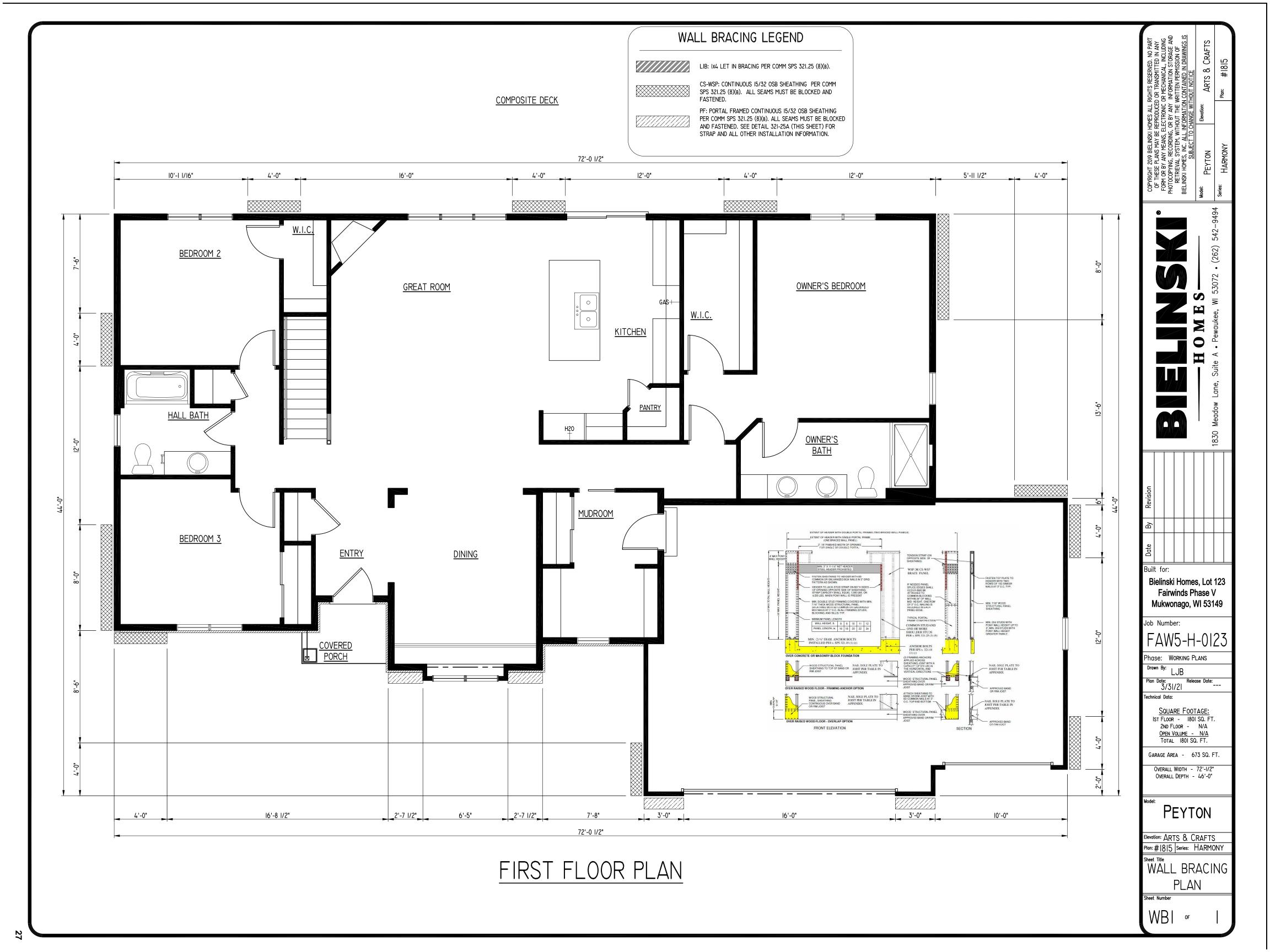
PEYTON

Elevation: ARTS & CRAFTS
Plan: #1815 | Series: HARMONY

DECK DETAILS

25





### Village of Mukwonago

440 River Crest Ct Mukwonago, WI 53149 Phone: (262) 363-6420 Fax: (262) 363-6425 www.villageofmukwonago.com

# VILLAGE OF MUKWONAGO REQUEST FOR VARIANCE APPLICATION

**Application Fee: \$450** 

Date Submitted:	
Jate Cubillities.	

# **CONTACTS**

# **Zoning and Planning Department**

Contact:

Phone: (262) 363-6420 ex 2111

Fax: (262) 363-6425

Email: planner@villageofmukwonago.com

# **GUIDELINES**

The undersigned petition is to consider a request, as stated herein, for the specified parcel(s) of land and will be reviewed by the Board of Zoning and Building Appeals of the Village of Mukwonago.

Requests for a variance require a public hearing. To ensure the public hearing will be properly advertised, the application must be submitted at least 30 days prior to the meeting in which the Board of Zoning and Building Appeals will hold the public hearing. The Board of Zoning and Building Appeals meets on the Thursday after the fourth Tuesday of each month at 6:30 p.m.

Materials listed on page 4 must be provided to the Village of Mukwonago in accordance with Village Municipal Code Chapter 100, Article XII and other pertinent sections of Village ordinances, WI Stats. 62.23, and as necessary to permit review that is consistent with proper planning practice. The Village will strive to accommodate reasonable requests for informal preliminary staff review, however the Village shall not place any items on the agenda for Board of Zoning and Building Appeals consideration until such time as the application is complete in accordance with all requirements specified on this and other attached application forms.

Mail completed applications to: Village Zoning Administrator

ATTN: Request for Variance

440 River Crest Ct Mukwonago, WI 53149 Village Clerk's Office

Deliver to: Village Clerk's O

440 River Crest Ct

Email to: planner evillageofmukwonago.com

Complete, accurate and specific information must be entered. Please Print.

# **APPLICANT INFORMATION (Full Legal Name)**

Name: Stacy Kusel			
Company: Bielinski Homes, Inc.			
Address: 1830 Meadow Lane, Suite A	City: <u>Pewaukee</u>	State: WI	Zip: <u>53072</u>
Daytime Phone: 262-574-4086	Fax: 262-542-2899		
F-Mail: skusel@hielinski.com			

APPLICANT IS REPRESENTED BY (Full Legal Name)			
Name: Stacy Kusel			
Company: Bielinski Homes, Inc.			
Address: 1830 Meadow Lane, Suite A	City: Pewaukee	State: WI	Zip: <u>53072</u>
Daytime Phone: <u>262-574-4086</u>	Fax: 262-542-2899		
E-Mail: skusel@bielinski.com			
ARCHITECT			
Name: Mike Doyle			
Company: Bielinski Homes, Inc.			
Address: 1830 Meadow Lane, Suite A	City: Pewaukee	State: WI	Zip: <u>53072</u>
Daytime Phone: <u>262-548-5392</u>	Fax:		
E-Mail: mdoyle@bielinski.com			
PROFESSIONAL ENGINEER			
Name: n/a			
Company:			
Address:	City:	State:	Zip:
Daytime Phone:	Fax:		
E-Mail:			
REGISTERED SURVEYOR			
Name: Michael A. Greeson			
Company: V2G Surveying, LLC			
Address: 123 Wolf Run, Suite 4	City: Mukwonago	State: WI	Zip: <u>53149</u>
Daytime Phone: 262-378-5097	Fax: 262-378-5096		
E-Mail: MikeG@V2G-surveying.com			
CONTRACTOR			
Name:			
Company: Bielinski Homes, Inc.			
Address: 1830 Meadow Lane, Suite A	City: Pewaukee	_ State: WI	Zip: <u>53072</u>
Daytime Phone: <u>262-574-4086</u>	Fax:		

E-Mail: skusel@bielinski.com

# PROPERTY AND PROJECT INFORMATION

Pre	sent Zoning: Tax Key No(s).: MUKV1960123
Add	dress/Location: 751 Prairie Hill Avenue – Lot 123 Fairwinds Neighborhood
A.	I/We request a variance for:
	Proposed home to be built per the survey submitted with the rear setback at 28.50' at the deck corner.
В.	The property is presently used as: Vacant Lot
C.	Name of Architect, Professional Engineer, or Contractor: <u>Bielinski Homes, Inc.</u>
D.	Project Timetable: Start Date: August, 2021 Completion Date: March, 2022
Ε.	All of the Proposed Use(s) of the property will be:
	Principal Use New Single Family Residence
	Secondary Use n/a
	Accessory Use n/a
F.	I/We represent that I/we have a vested interest in this property in the following manner:
	<b>⊠</b> Owner
	☐ Leasehold. Length of Lease:
	☐ Contractual. Nature of contract:
	☐ Other. Please explain

# PROCEDURAL CHECKLIST FOR VARIANCE REVIEW

This form is designed to be a guide for submitting a complete application for a conditional use.

If your application for a building permit is denied by the Inspection Department, you have the option to apply for a variance. Requesting a variance requires appearing before the Board of Zoning and Building Appeals and explaining why you should not be expected to comply with Village zoning regulations. You will be required to prove practical difficulty or unnecessary hardship. The fee to appear before the board is nonrefundable.

The Board of Zoning and Building Appeals (Board) is a group of five citizens appointed to listen to members of the public who want to appeal the rules of the Municipal Zoning Code (Chapter 100). The Board will receive a packet of information about your appeal in addition to listening to you and your neighbors' comments at a public meeting. Also, the Board may request assistance from other Village officers, departments, commissions, and boards in making its decision.

# Application Submittal Packet Requirements for Village and Applicant Use (Check off List)

- Completed application for building permit (separate application)
- Completed application form including the procedural checklist and justification of requested variance.
- Application fee: \$450
- Agreement for Reimbursable Services (separate application)

# Required site drawings and other information:

- Survey of the property
- Map/picture of the property
- ✓ ✓ Plan of operation/proposal
- Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property)
- Drainage plan On Swey
- Floor plan (¼" Scale)
- Elevations (front and sides) on Plan
- Electronic Submittals are required. Email (or CD ROM) with all plans and submittal materials in Adobe PDF to planner @villageofmukwonago.com.
- Any additional information as determined by Village staff.

# DO NOT MAIL ANY ADDITIONAL MATERIAL OR INFORMATION DIRECTLY TO OR CALL MEMBERS OF THE BOARD.

Save the additional material and information you have for the Board until the meeting, or you may mail it to staff prior to the meeting. Staff will enter your additional information and material into the public record and forward it to the Board.

After you apply for the variance and before the meeting occurs, notice of your request will be published in two editions of the Mukwonago Chief, and neighboring property owners within 300 feet of your property will receive notice of your appeal.

Also during this time, board members may choose to drive by or visit your property to gather information that may influence their decision regarding your requested variance.

# **VARIANCE STANDARDS**

Variances are not granted routinely. The application for a variance must clearly show the Board of Building and Zoning Appeals that the three Wisconsin State Statutory Standards that govern granting a variance will be met.

<u>Unnecessary Hardship</u>: A situation where, in the absence of a variance, an owner can make no feasible use of the property. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not which affects all parcel similarly. Generally, hardships arise because of some unique property limitation of a parcel or because the property was created before the passage of the zoning ordinance and is not economically suitable for a permitted use, or will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.

Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.

# TO THE ZONING BOARD OF APPEALS

Th	e petition of 751 Prairie Hill Avenue-Lot 123 Fairwinds respectfully shows:
1.	This petition is made pursuant to the ordinance of the Village of Mukwonago and pertaining to the functions, duties, and powers of the Board of Building and Zoning Appeals.
2.	The petitioner is appealing for:
	Rear yard setback variance
3.	Petitioner requests a variation as follows: Granting of variance for setbacks of 28.50' at the rear yard (with deck) vs 40' required setback.
	Petitioner has attached hereto a survey of the premises. Yes No  The present zoning classification of the described real estate is R-1 Single Family Residential
6.	The names of the owners of said property are as follows:
	Bielinski Homes, Inc.
7.	Petitioner further respectfully represents that to permit the variance aforesaid would not be contrary to the public interest, or in any way be detrimental to the neighborhood or the neighbors; that to refuse to permit such a variance would cause to the petitioner practical difficulty or unnecessary hardship; and that the use of the premises for the purposes herein prayed would do substantial justice, would be in keeping with the spirit of the Village of Mukwonago and the immediate neighborhood.
	ITEMS REQUIRED TO BE SUBMITTED (If not applicable, mark N/A)
<u> </u>	Survey of the property Map/picture of the property
<u> </u>	Plan of operation/proposal  Overview of the adjoining lots (including list of parcel identification numbers for all properties within 300 feet of the subject property)
_ _ _	Drainage plan Floor plan (¼" Scale) Elevations (front and sides)

setbacks:  New single family home with attached garage and deck. The home is 72' ½" in width by 46' 0" in dept		
The proposed setbacks are as follows: Front=35.00, Rear=28.50, Left=66.75, Right=17.50		
Describe the exceptional or extraordinary circumstances or conditions that apply to your		
property that do not apply to surrounding properties:		
building pad created by the setbacks is very small; This is the only ranch floor plan that we have that will fais lot. We do not want to build a two-story on this lot as it will tower over the home that is completed at the ar lot to the south. The grades on the lot are also very challenging with 16' in grade change, limiting the orientation of the home to face north.		
A second means of egress out of the home would not be achievable without a deck. There will also be flat areas within the side or rear yards, so a deck is the only way to create usable space outdoors on the lot.		
D. Describe how the variance would <u>not</u> have adverse affects on surrounding lands:		
The home on lot 123 will still remain within the standard setbacks, and just the deck would extend into the rear yard. The deck will add visual appeal to the rear of the home by breaking up the siding lines and adding different texture and color. We want a 1-story home on this lot, as a 2-story home with the requilibrium 8' exposure would be excessively tall, standing over 30' taller than the home built on lot 124, which would be a disservice to the neighboring lots.		
<b> </b>		

# **CERTIFICATION**

Applicant hereby certifies that:

- 1. All of the above statements and other information submitted as part of this application are true and correct to the best of his or her knowledge.
- 2. Affirms that no Village of Mukwonago elected or appointed official or employee has a proprietary interest in the above referenced property for which this applications being filed (except as stated below under "Exceptions").
- 3. None of the above referenced individuals has been promised or given any contract for consultation, planning or construction in relation to this project (except as stated below under "Exceptions").
- 4. Applicant has read and understands all information in this packet.

Applicant further understands the policies of the Village regarding change of zonings and property development. Conditions of the resolution regarding all approvals are strictly followed. Certificates of Occupancy are not given until all conditions of approval have been met

By the execution of this application, applicant hereby authorizes the Village of Mukwonago or its agents to enter upon the property during the hours of 7:00 am to 7:00 pm daily for the purpose of inspection. Applicant grants this authorization to enter even if this land has been posted against trespassing pursuant to Section 943.13 WI Stats.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature Property Owner  Signature Property Owner  Name & Title (PRINT)  7-19-2021  Date	Signiture - Applicant  Stay Kusel, Pre-Construction  Name & Tille (PHINT)  7/19/2021  Date
Signature - Property Owner	Signature – Applicant's Representative
Name & Title (PRINT)	Name & Title (PRINT)
Date	Date
	FOR OFFICE USE ONLY
Date Paid	Receipt #
Date(s) Notice Published	Date Notices Mailed
Public Hearing Date	Plan Commission Date(s)
Escrow Required?	Escrow Amount
Board of Zoning and Building Appeals Disposition	

# **VARIANCE SUMMARY**

Bielinski Homes

Re: 751 Prairie Hill Avenue (Lot 123-Fairwinds Neighborhood)

We are applying for a variance with the Village of Mukwonago for 751 Prairie Hill Avenue (Lot 123-Fairwinds).

We are requesting that we keep the home per the current location that was submitted per the plat of survey with the rear setback at 28.50' from the back corner of the deck as we do not have another ranch home plan that will fit on this lot that would accommodate the size of the lot with the 8' exposure. Also, building a two-story home on this lot would not be a good alternative as the home would tower over the home at 739 Prairie Hill Avenue (Lot 124) that is directly behind this lot.