



**Zoning Board of Appeals
Monday, November 28, 2022
6:00 p.m.**

Village Hall, 235 Hickory Street, Pewaukee, WI 53072

1. Call to Order and Roll Call
2. Approval of Minutes
 - a. July 22, 2021
3. Public Hearing
 - a. To consider a Request of Ben Mohns Jr. to construct an attached deck feature onto the south wall of the existing principal building at this site, which deck feature addition will result in a building setback between 33.31 feet and 33.74 feet from the ultimate road right-of-way line of Bluemound Road (CTH “JJ”), where the Code calls for a minimum 35-foot setback. This .9+/- acre property, located at 357 Morris Street, is zoned R-M Multi-Family Residential.
4. New Business
 - a. Discussion and Possible Action to consider a Request of Ben Mohns Jr. to construct an attached deck feature onto the south wall of the existing principal building at this site, which deck feature addition will result in a building setback between 33.31 feet and 33.74 feet from the ultimate road right-of-way line of Bluemound Road (CTH “JJ”), where the Code calls for a minimum 35-foot setback. This .9+/- acre property, located at 357 Morris Street, is zoned R-M Multi-Family Residential.
 - b. Discussion and Possible Action to Determine Future Meeting Date (if needed).
5. Adjournment

All interested parties please note: Section 40.137 of the Village Code states “The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation therefrom. The grounds of every such determination shall be stated.”

Note: Notice is hereby given that a quorum of a Village Committee and/or Commission may be present at the Zoning Board of Appeals meeting, and if so, this meeting shall be considered an informational meeting of that Committee or Commission and no formal action of that Committee or Commission shall occur. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

Dated: November 18, 2022
Casandra Smith – Village Clerk



7/22/2021 Zoning Board of Appeals Meeting

Meeting Minutes

VILLAGE OF PEWAUKEE ZONING BOARD OF APPEALS MINUTES JULY 22, 2021

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT - DRAFT

1. Call to Order and Roll Call

Clerk Smith called the meeting to order at approximately 6:00 p.m.

Roll Call was taken with the following present: Kristine Tawil, Paul Evert, Douglas Joers, Leah Wank and Patricia Stonger. Susan Seagrist and Theresa Opie were excused.

Also Present: Matt Gralinski, Village Attorney; Tim Barbeau, Contracted Village Engineer; and Cassie Smith, Village Clerk.

Clerk Smith asked the board for recommendations for acting as chairperson.

Kristine Tawil offered to Act as the Chairperson for the June 22, 2021, Zoning Board of Appeals meeting.

Tawil moved, seconded by Joers to approve Kristine Tawil as the Acting Chair for the June 22, 2021 Zoning Board of Appeals Meeting.

Motion carried 5-0.

a. May 6, 2021

Evert moved, seconded by Wank to approve the May 6, 2021 minutes of the Zoning Board of Appeals meeting with the following changes:

~Remove duplicate member Susan Seagrist

~Change the start time of the meeting to 6:00 p.m.

Motion carried 5-0.

3. Public Hearing

a. To consider a Request of Jon Howe and Gregory Howe as applicants and property owners, to construct a new 468 square foot (13' x 36') garage addition onto the east wall of the existing residential building located at 762 W. Wisconsin Avenue, which addition (like the existing residence) will be located within the designated (FF) Flood Fringe District. In contrast to the Code standard of no allowance of modification or addition of nonconforming structures in the Flood Fringe district.

Attorney Gralinski swore in John Howe and Joseph Zimmer.

John Howe @ 762 W. Wisconsin Ave - Mr. Howe stated he has been working with Architect Joseph Zimmer to place an attached garage on his property.

Joshua Zimmer @ 415 S Wells St, #105, Lake Geneva - Mr. Zimmer stated that he learned through his own research that the property was in a floodplain fringe district and non-conforming property. Zimmer stated that placing a garage is not putting any human lives in danger and that the structure will be storing items as provided in the code. The proposed garage will be located on the east wall of the house and it will not be supported by the existing residence. Zimmer explained that the property would have been permitted to have a garage if it was not located in the floodplain fringe and the only way they could comply now would be to raze the existing structure and re-build

within the current code guidelines. The proposed garage will not affect the public interest or increase flooding concerns. In response to P.Evert's question, the drainage pitch from the house to the garage is 4 inches.

Village Attorney, Matt Gralinski confirmed that the documents submitted for the record were:

- a) Application for Zoning Board of Appeals
- b) Applicant write-up labeled the summary of proposed garage addition at 762 W. Wisconsin Ave
- c) Elevation Certificate dated 11/5/2014
- d) Architectural Drawings dated 6/4/2021

K. Tawil closed the public hearing at 6:32 p.m.

4. New Business

a. Discussion and Possible Action to consider a Request of Jon Howe and Gregory Howe as applicants and property owners, to construct a new 468 square foot (13' x 36') garage addition onto the east wall of the existing residential building located at 762 W. Wisconsin Avenue, which addition (like the existing residence) will be located within the designated (FF) Flood Fringe District. In contrast to the Code standard of no allowance of modification or addition of nonconforming structures in the Flood Fringe district.

Engineer Barbeau stated that Mr. Zimmer's presentation did a good job presenting what is being asked of the Zoning Board of Appeals. In the floodplain fringe, there is a provision to allow a variance for additions but they must go before the Zoning Board of Appeals with the request. The floor of the new structure cannot be below the flood elevation of 860; their garage will be at 861.37. The proposal does not endanger human lives, and the applicant indicates storage will be at least 2' off the floor and he is not worried about the garage being flooded and he referenced that other structures have been allowed to be in the floodplain fringe. Barbeau responded to P. Stonger, the structure proposed will not cause someone else's building to be flooded.

Attorney Gralinski stated that the Zoning Board of Appeals must provide evidence to show that the following criteria is met to grant the variance:

1. Enforcement of the ordinance provisions will cause an unnecessary hardship
2. The hardship is due to the adoption of the floodplain ordinance and the unique property conditions not common to adjacent lots.
3. The variance is not contrary to the public interest.
4. The variance is consistent with the purpose of the floodplain ordinance.

Evert moved, seconded by Tawil to approve the variance request for 762 W. Wisconsin Ave as requested due to the following conditions:

- 1) The Hardship was the ability in providing security and safety from inclement weather.**
- 2) The unique characteristic was that this property exists in the floodplain fringe district which requires the Zoning Board of Appeals to approve new construction.**
- 3) No adverse comments were made about the application from residents and the request is consistent with the surrounding area.**
- 4) This variance is consistent with the floodplain fringe ordinance as the proposed building will not adversely impact the property.**

Motion carried 5-0.

b. Discussion and Possible Action to Determine Future Meeting Date (if needed).

Not needed.

5. Adjournment

Evert moved, seconded by Stonger to adjourn the July 22, 2021, Regular Zoning Board of Appeals meeting at approximately 6:58 p.m.

Motion carried 5-0.

Respectfully Submitted,

Casandra Smith
Village Clerk

STAFF REPORT

To: Village of Pewaukee Board of Zoning Appeals

By: Mary Censky

Date Prepared: November 28, 2022

General Information:

Agenda Item: **4.a.**

Applicant:

Ben Mohns

Property Owner:

Ben and Nancy Mohns

Requested Action:

Variance approval to construct an attached deck feature onto the south wall of the existing principal building at this site, which deck feature addition will result in a building setback between 33.31 feet and 33.74 feet from the ultimate road right-of-way line of Bluemound Road (CTH “JJ”), where the Code calls for a minimum 35-foot setback.

Existing Zoning:

R-M Multi-Family Residential

Surrounding Zoning/Land Use:

North: R-M Multi-Family Residential
South: City of Pewaukee
East: P-1 Park and Recreation
West: Hwy. 16

Existing Master Plan Classification:

Multi-Family Residential

Location:

357 Morris Street

Lot Size:

.9024 +/- acres

Discussion:

The applicant did recently receive architectural plan amendment approval from the Village Planning Commission to construct outdoor deck features to serve 8 of the 10 dwelling units this building. These deck features are to be constructed along the exterior building walls and arrive at each unit directly in front of the existing patio doors that each unit already has. Previously, there has been an ornamental, architectural metal barrier outside of each patio door set.

The decks proposed to serve the other two units in the (i.e., located in the south center of the building) were conditionally approved by the Planning Commission, essentially as follows:

In the event final survey detail reveals that the proposed new deck structure will not comply with the required setback, then the applicant must secure a variance for this digression from the Board of Zoning Appeals before being permitted to proceed with that element of the project. If no variance is granted, then it follows that the decks must meet the required setbacks/offsets.

Based on the final survey detail (see copy in packet), the deck feature proposed to serve the two units in the south center of the building would encroach upon the minimum required 35-foot setback from Bluemound Road (CTH "JJ"). More specifically, the applicant proposes that the setback would be 33.31-feet and 33.74-feet at the southwest and southeast corners of the proposed deck respectively.

It has been noted by the applicant that the proposed new decks will provide enhanced fire safety/rescue opportunity to the units - the second-floor units in particular. It has also been noted by the applicant that there are still old footings in the ground, located at/below grade, from a handicapped access rampway that has since been removed, but which was located in almost the same place as this proposed deck – and that those footings/the former rampway did also encroach upon the setback.

Benjamin Mohns
2285 Hammock Hill Lane
Brookfield, WI 53045

October 19, 2022

Village of Pewaukee
Zoning appeals board members

RE: Setback variance request, 357 Morris Street

I am requesting a variance from code 40.231 regarding 35' set back from the right of way. In this case refers to the South side of this building which abuts Highway JJ.

The scope of the project is to add jump platforms, or decks, to the exterior of an existing building for safety, architectural enhancement, and for the use of prospective tenants.

There are 5 two story decks proposed, 3 of which are 5'0 and do not require a variance and have been approved by the plan commission. The fourth deck size has been reduced to 4.40' in order to comply with the setback. The fifth set of decks would require a variance in order to be built at 4.40 feet. There are patio doors existing at these locations the decks would be built. The patio doors have been there since 1985.

While the use of the property is established, not having the variance would preclude the fifth set of decks from being constructed, thereby denying the tenants of the additional safety of having a secondary means of egress. Architecturally the building would appear off balance.

Without a variance the 5th set of decks in the Southwest corner could not be built.

I don't know if the property was created prior to the zoning ordinance or not, but in researching the village files on this property, previous permission had been granted to encroach on this setback 12" more than this request.

I have submitted a copy of one plan that was approved with a deck extending 5'6" and running 35' along the South side of the structure. The existing deck was removed this year during this remodel process prior to obtaining the survey showing the encroachment.

Our proposed deck is 64 S.F. compared to the previously approved structure of 175 S.F.

As shown on the survey, the lot tapers towards the West decreasing the width, which is the main reason for needing the variance. If this would be a rectangular parcel the variance would not be required as the setback would be the same as the Southeastern decks.

The South lot line is common with Hwy JJ and if granted will not harm the public interest. In fact, there is currently a fence, (I believe owned by WISDOT) which is 3.37' to the South of this lot line.

Nearby property owners I have met have expressed their gratitude for the work being done on this property.

The public interest at large will not be harmed if this variance is granted.

In summary, please note the following:

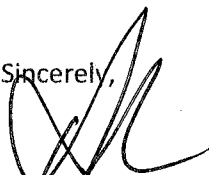
1. As is shown on the Aerial photo (page T1.0) Hwy JJ East of Hwy 16 is only as long as the buildings Southerly lot line. It is bordered on the West by Hwy 16 and bordered on the East by Morris Street, which shows to have ample set back from the right away. So, the variance would not affect any other adjacent parcels but rather city, county and state byways, which the only variance needed would be against Hwy JJ.
2. Proposed deck size has been reduced from the others in order to minimize the encroachment as much as possible.
3. The village has approved previous structures at this building which had more encroachment than this request.
4. The footing from the previous approvals are still in place.
5. In talking with Fire Chief Bierce about this 6 months ago, he mentioned his support of the decks for fire safety egress.
6. If approved, this variance would not negatively impact the public at large, the village, or the neighboring properties or occupants.

However, if approved, the variance will allow:

1. Improvement of fire egress
2. Architectural continuity
3. Complete the use of the two units affected by this variance requested.

Thank you for your time and consideration.

Sincerely,



Benjamin Mohns



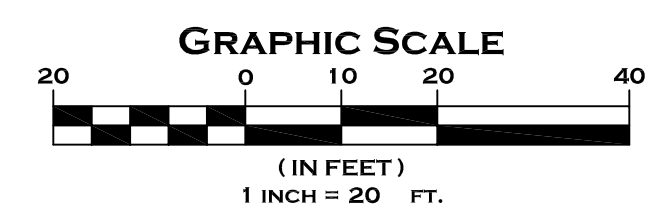
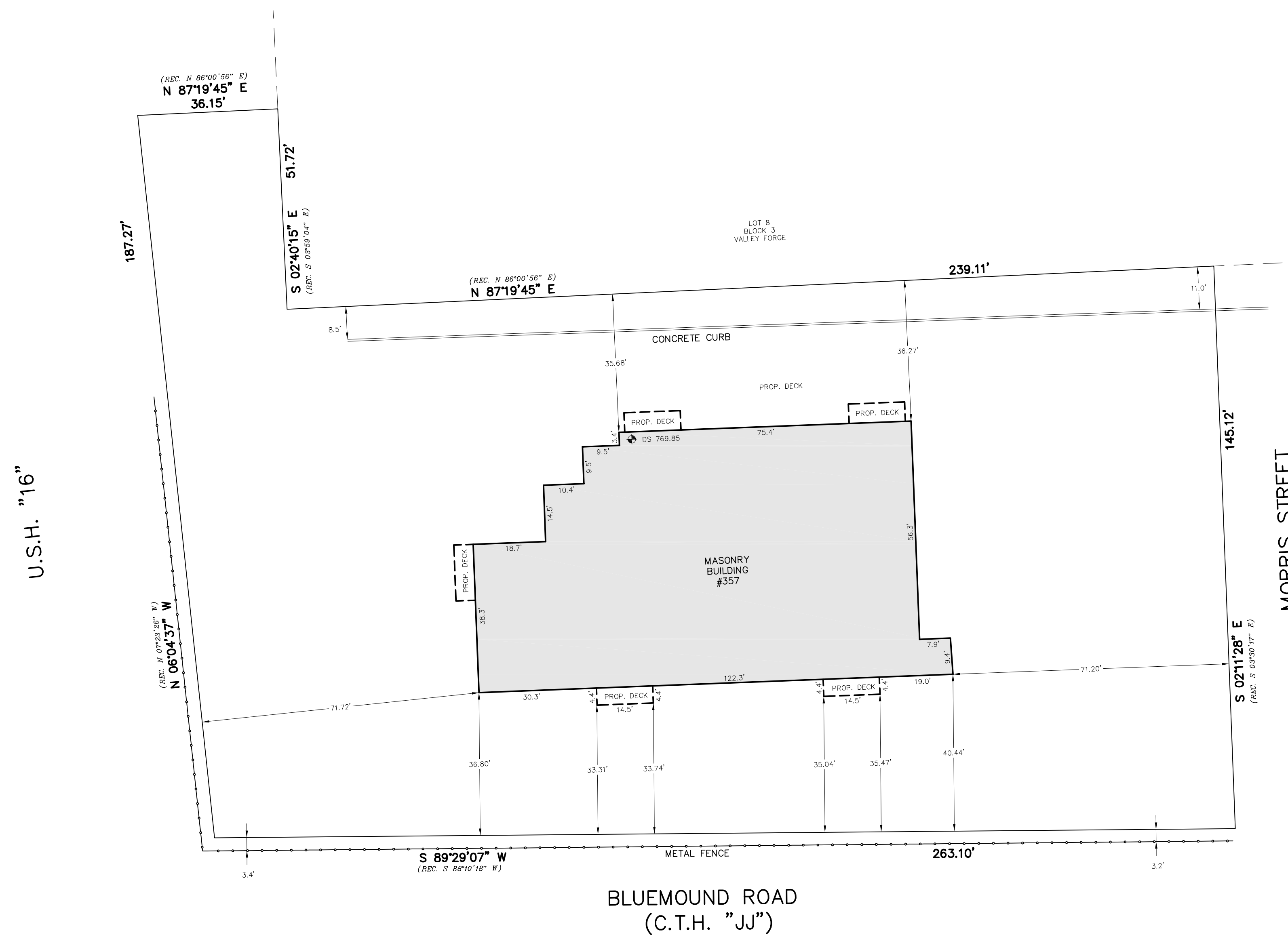
CAPITOL SURVEY ENTERPRISES
 220 REGENCY CT. STE. 210
 BROOKFIELD, WI 53045
 PH: (262) 786-6600
 FAX: (414) 786-6608
 WWW.CAPITOLSURVEY.COM



LEGAL DESCRIPTION:

ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 16, TOWN 7 NORTH, RANGE 19 EAST, VILLAGE OF PEWAUKEE, COUNTY OF WAUKESHA, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF VALLEY FORGE, A SUBDIVISION OF PART OF SAID NORTHEAST 1/4 OF SECTION 16; THENCE NORTH 86° 00' 56" EAST ALONG THE SOUTH LINE OF OUTLOT 1, BLOCK 3 OF VALLEY FORGE, 92.70 FEET TO THE PLACE OF BEGINNING, SAID POINT LYING ON THE EAST LINE OF U.S.H. "16"; THENCE NORTH 88° 00' 56" EAST ALONG THE SOUTH LINE OF OUTLOT 1, 36.15 FEET; THENCE SOUTH 3° 59' 04" EAST ALONG THE WEST LINE OF LOT 8, BLOCK 3 OF VALLEY FORGE, 51.72 FEET; THENCE NORTH 86° 00' 56" EAST ALONG THE SOUTH LINE OF LOT 8, 239.11 FEET TO A POINT ON THE WEST LINE OF MORRIS STREET; THENCE SOUTH 3° 30' 17" EAST ALONG THE WEST LINE OF MORRIS STREET 145.12 FEET TO A POINT ON THE NORTH LINE OF C.T.H. "JJ"; THENCE SOUTH 88° 10' 18" WEST ALONG THE NORTH LINE OF C.T.H. "JJ" 263.10 FEET TO A POINT ON THE EAST LINE U.S.H. "16"; THENCE NORTH 7° 23' 26" WEST ALONG THE EAST LINE OF U.S.H. "16", 187.27 FEET TO THE PLACE OF BEGINNING.

CONTAINING 39,274 SQUARE FEET



PROPERTY EXHIBIT

FOR

BEN MOHNS
 357 MORRIS STREET
 PEWAUKEE, WI

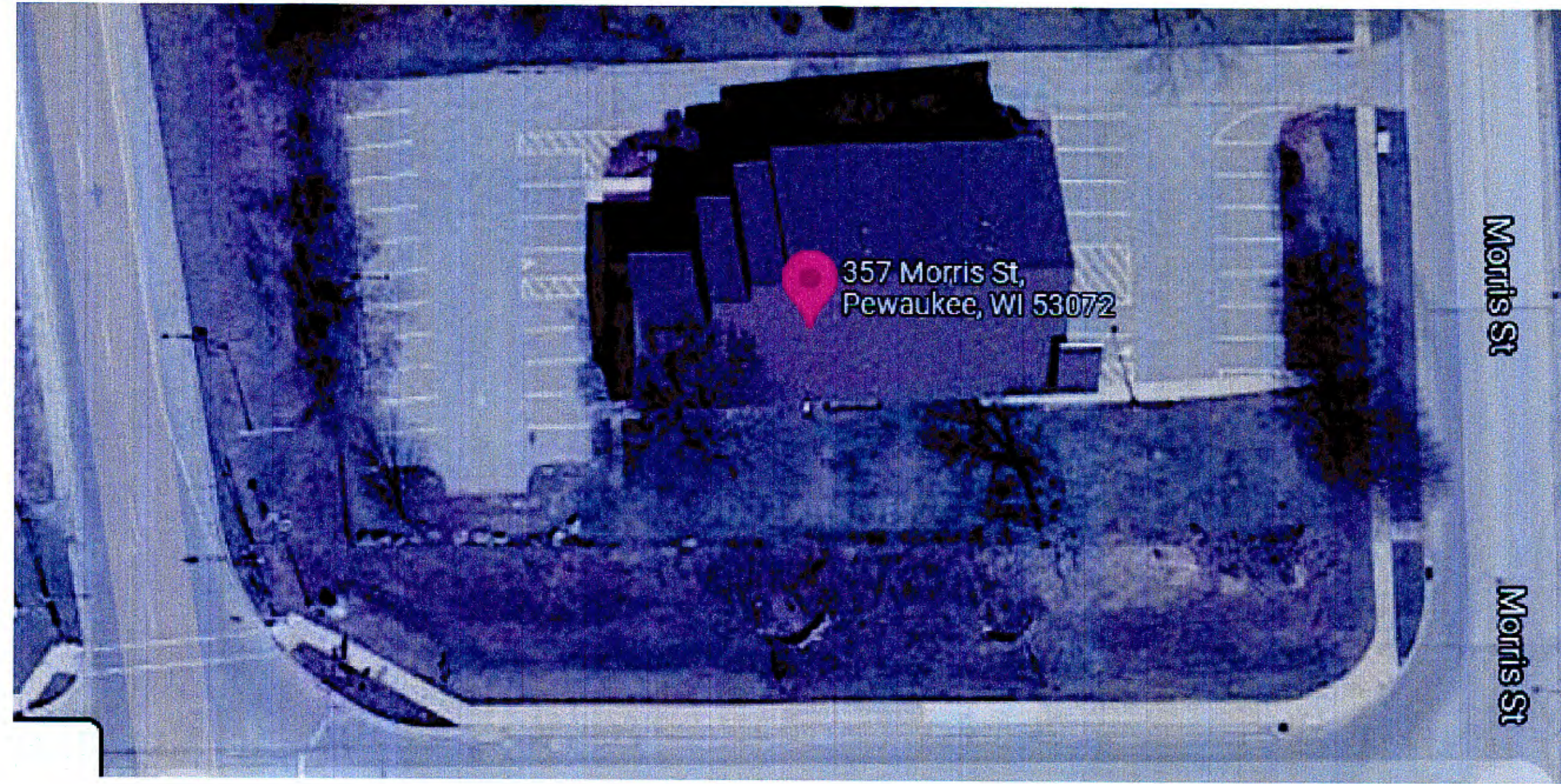
DRAWN BY:	NJF	DATE:	NOV. 11, 2022
CHECKED BY:	NJF	DRAWING No.	EX - PRL - 1
CSE Job No.:	22 - 080	SHEET	1 OF 1



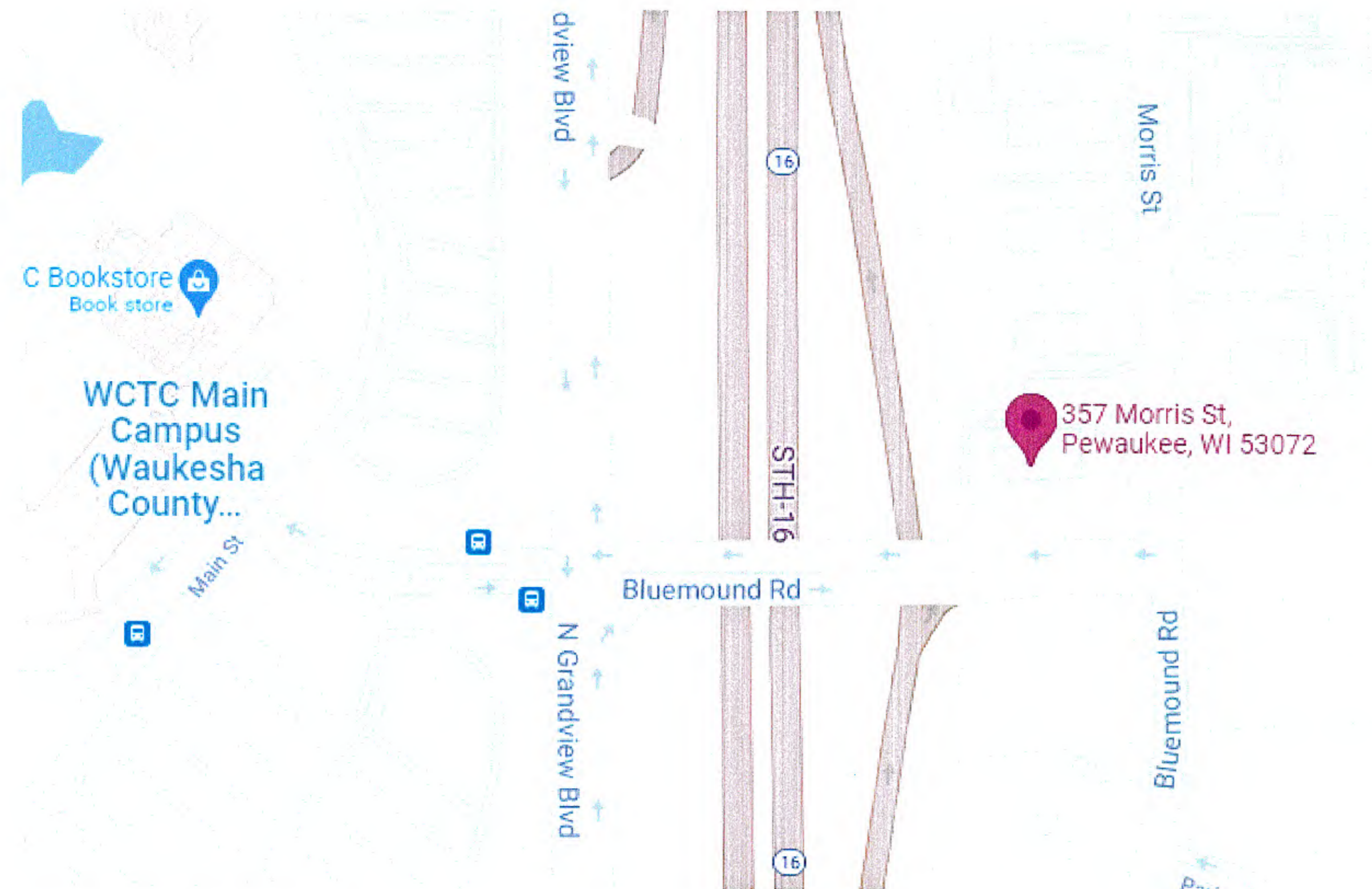
MORRIS STREET APARTMENTS - RENOVATION

**357 MORRIS STREET
PEWAUKEE, WISCONSIN**

**OWNER:
BEN AND NANCY MOHNS
2285 HAMMOCK HILL LANE
BROOKFIELD, WI 53045
(414)378-7977**



SITE MAP
NO SCALE



VICINITY MAP
NO SCALE

DEVELOPMENT INFORMATION

PARKING:

PARKING REQUIRED: 2 SPACES PER UNIT = 20 REQUIRED
PARKING PROVIDED: 28 EXTERIOR SPACES
16 INTERIOR SPACES
48 TOTAL SPACES

BUILDING:

AREA
LOWER LEVEL (PARKING): 7027 S.F.
FIRST LEVEL: 7027 S.F.
SECOND LEVEL: 7027 S.F.
TOTAL AREA: 21081 S.F.

TRASH:

TRASH STORAGE
PROPOSED IN UPPER LEVEL PARKING

UNITS

FIRST LEVEL: 5 UNITS (2 BR)
SECOND LEVEL: 5 UNITS (2 BR)
10 UNITS (2 BR)

RESIDENTIAL R-2 TYPE VB
FULLY SPRINKLERED
DECKS TO BE SPRINKLERED PER CODE

SHEET INDEX:

T1.0 SITE PLAN / TITLE SHEET

S.I.O SURVEY

A1.1 FLOOR PLAN (FIRST LEVEL)
A1.2 FLOOR PLAN (SECOND LEVEL)
A2.0 EXTERIOR ELEVATIONS & SECTIONS
A2.1 EXTERIOR ELEVATIONS & SECTIONS

N30 W22377 GREEN RD., SUITE B
WAUKESHA, WI 53186
PHONE: 262-522-6585 FAX: 262-522-6584

IN COLLABORATION WITH:
LONG DRAFTING & DESIGN SERVICES
4979 N. 55TH STREET
MILWAUKEE, WI 53218
PHONE: 414-243-9988
EMAIL: LONGDRAFTING@YAHOO.COM

**MOHNS
INC**
BUILDING ON QUALITY SINCE 1978

*GENERAL CONTRACTORS
*SPACE PLANNING
*CONSTRUCTION MANAGERS

MORRIS STREET APARTMENTS
RENOVATIONS

357 MORRIS STREET
PEWAUKEE, WI 53072

DATE: 02/21/22

TITLE SHEET

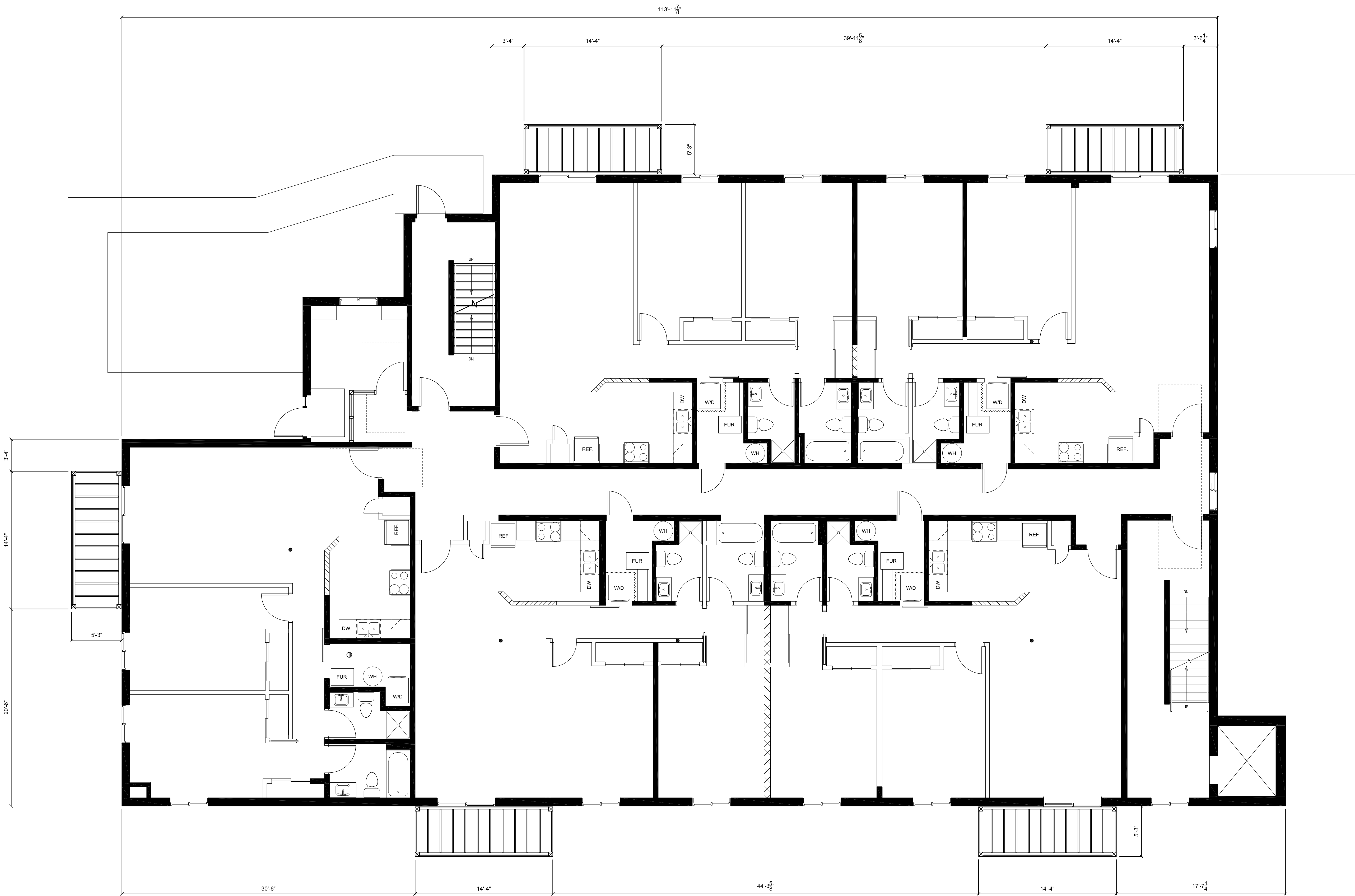
DRAWN BY: ADL
APPROVED BY: BCM

JOB NUMBER: 5463

REV:

SHEET NUMBER:

T1.0



FLOOR PLAN - LEVEL 01

SCALE: 3/16" = 1'-0"

NOTES:

1. AT BUILDING SECURE DOUBLE 2x10 THRU SLEEVE IN BRICK BOTH FLOORS TO SKIRT OR PRECAST - 5/8" LAG BOLTS 4 AREAS 9" LONG; USE 1" SPACER FROM BRICK.
2. ALL FASTENERS EXCEPT TIMBERLOKS TO BE GALVANIZED.

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MORRIS STREET APARTMENTS
 RENOVATIONS
 357 MORRIS STREET
 PEWAUKEE, WI 53072

DATE: 02/21/22

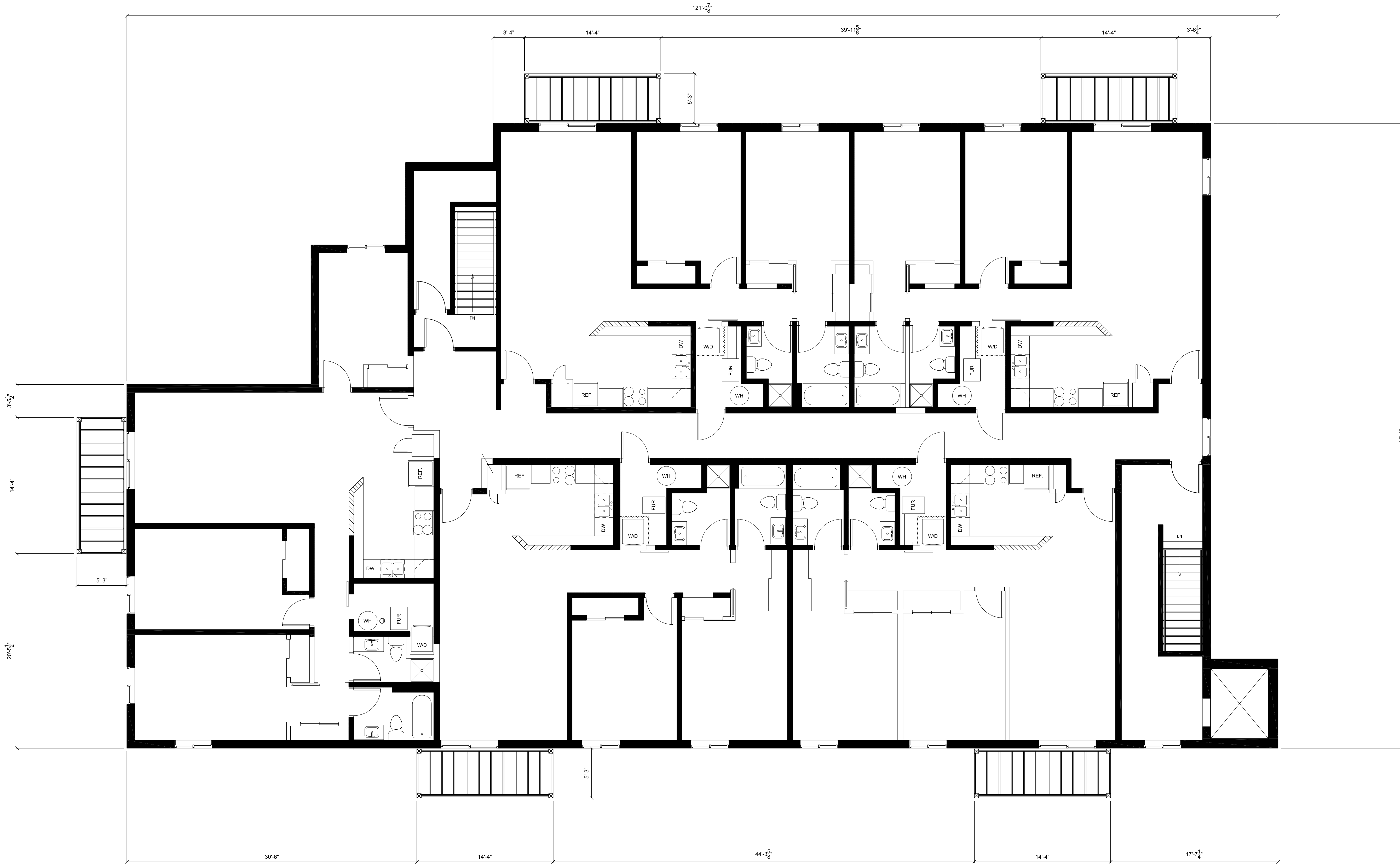
FLOOR PLAN -
 LEVEL 01

DRAWN BY: ADL
 APPROVED BY: BCM

JOB NUMBER: 5463

REV:
 SHEET NUMBER:

A1.1



FLOOR PLAN - LEVEL 02

SCALE: 3/16" = 1'-0"

**MORRIS STREET APARTMENTS
RENOVATIONS**

**357 MORRIS STREET
PEWAUKEE, WI 53072**

DATE: 02/21/22

FLOOR PLAN -
LEVEL 02

DRAWN BY: ADL

APPROVED BY: BCM

JOB NUMBER: 3463

REV:

SHEET NUMBER:

A1.2

**MOHNS
DRAFTING**

BUILDING ON QUALITY SINCE 1978

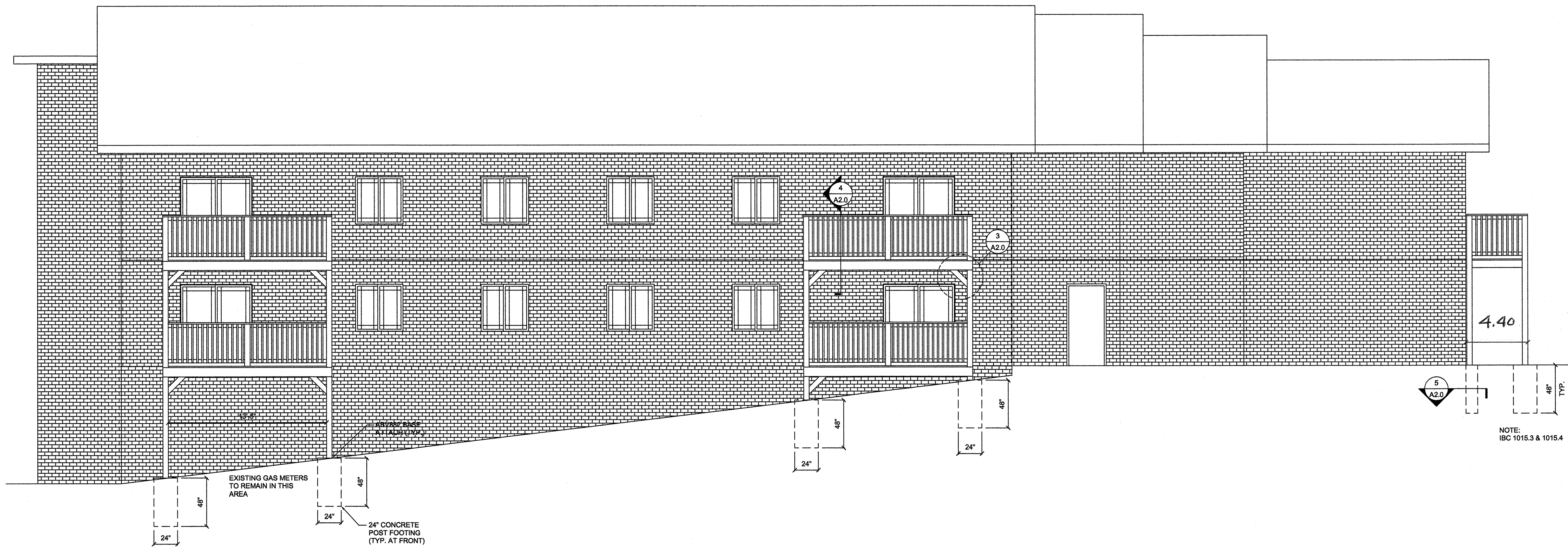
* GENERAL CONTRACTORS

* SPACE PLANNING

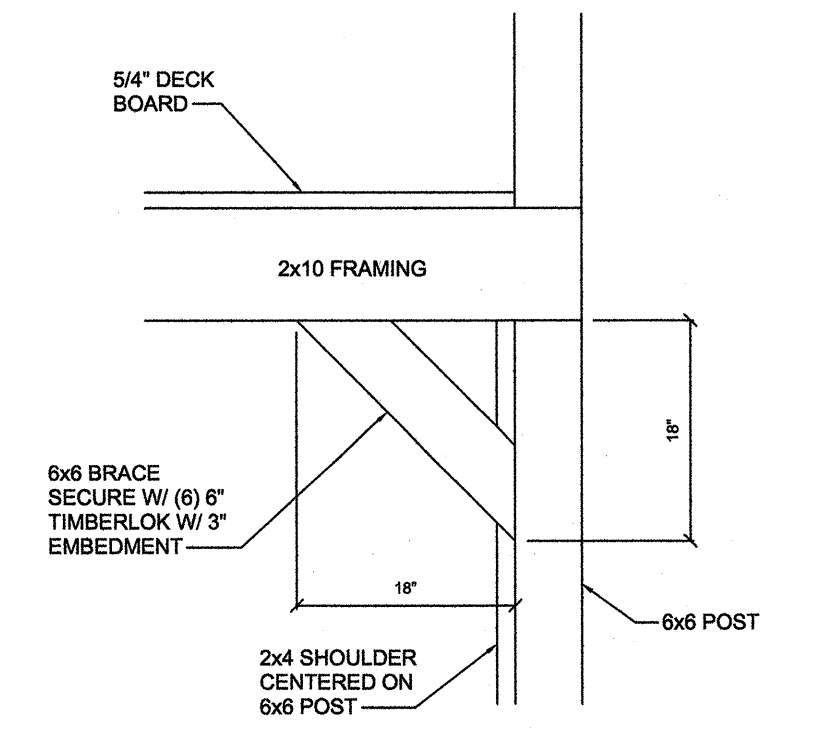
* CONSTRUCTION MANAGERS

N30 W22377 GREEN RD., SUITE B
WAUKESHA, WI 53186
PHONE: 262-522-6585 FAX: 262-522-6584

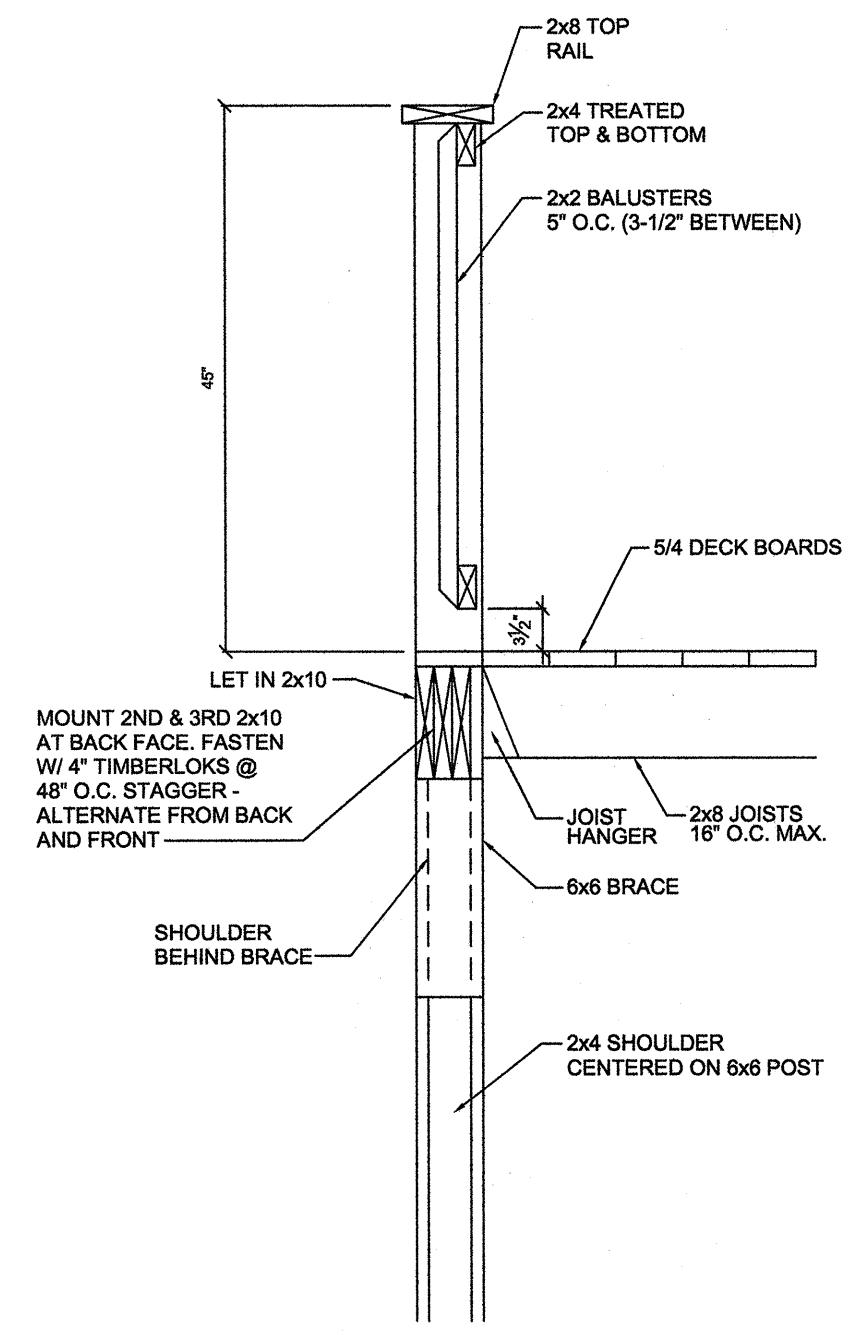
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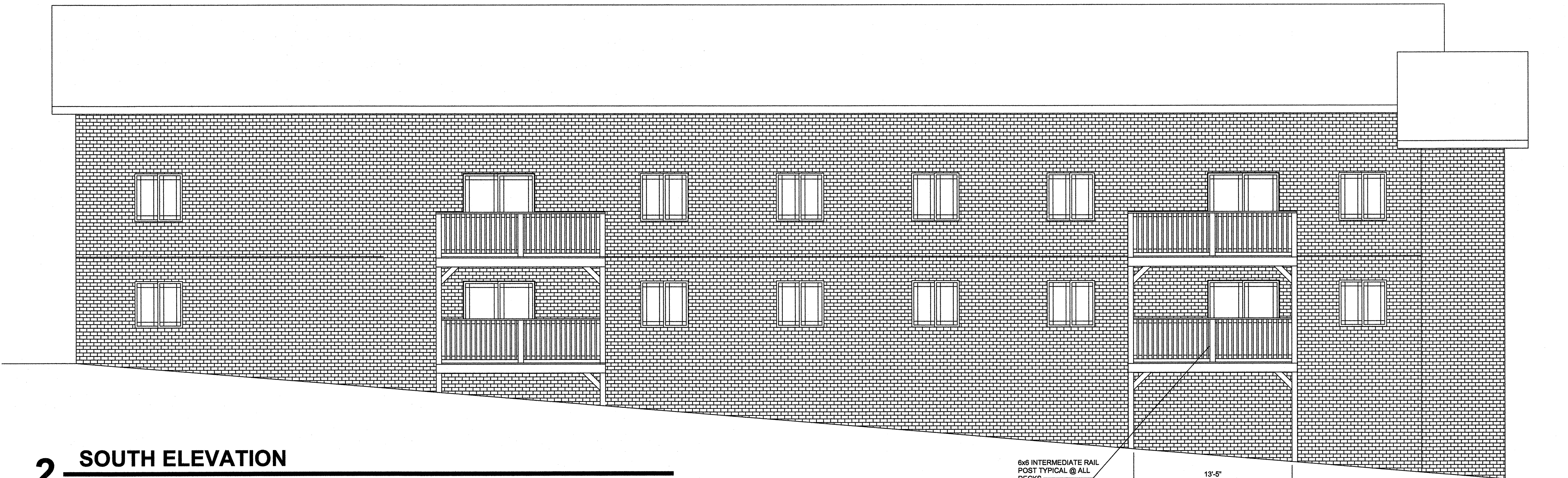
1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



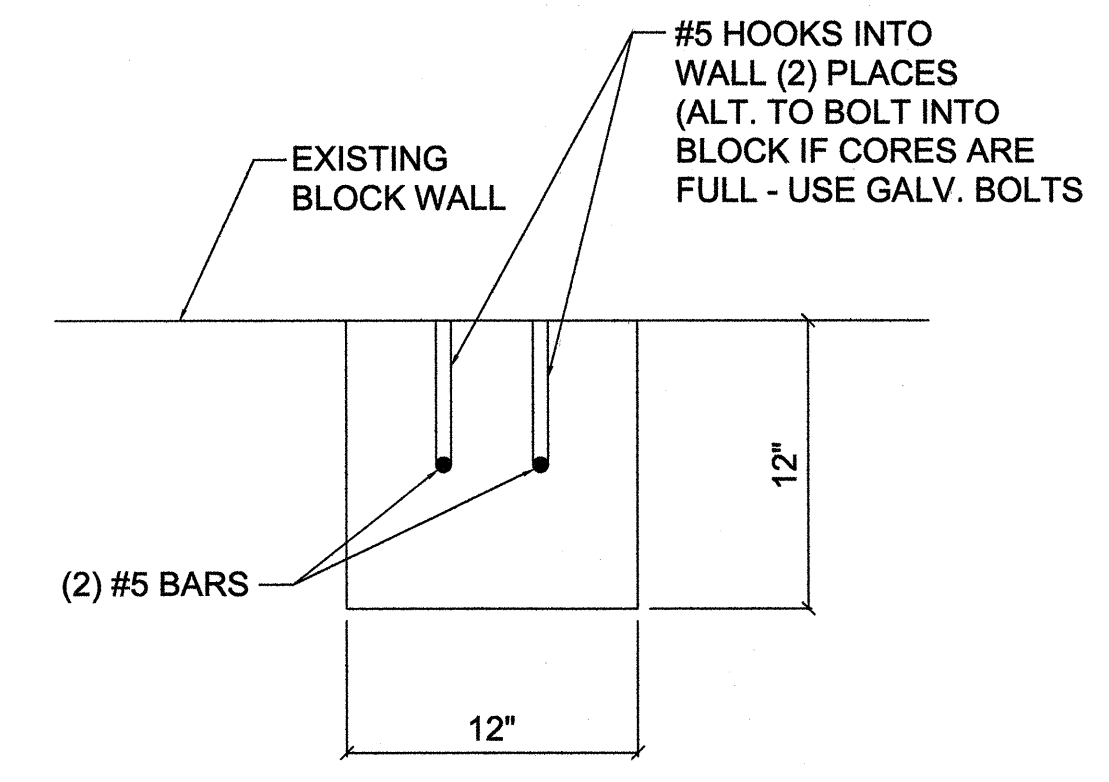
3 BRACE DETAIL
SCALE: 3/4" = 1'-0"



4 SECTION
SCALE: 3/4" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



5 SECTION - PLAN VIEW BACK OF FOOTING
SCALE: 1-1/2" = 1'-0"

- NOTES:**
1. AT BUILDING, SECURE DOUBLE 2x10 THRU SLEEVE IN BRICK (BOTH FLOORS) TO SKIRT OR PRE-CAST W/ 5/8" LAG BOLTS - 4 AREAS 9" LONG. USE 1" SPACER FROM BRICK.
 2. ALL FASTENERS EXCEPT TIMBERLOCK TO BE GALVANIZED.
 3. ALL LUMBER TO BE TREATED. (BROWN IF AVAILABLE)
 4. 6x6 INTERMEDIATE RAIL SUPPORTS TO WITHSTAND 50LBS PER LINEAL FOOT PER IBC 1607.8

MOHNS ENGINEERING
BUILDING ON QUALITY SINCE 1978
*GENERAL CONTRACTORS
*SPACE PLANNING
*CONSTRUCTION MANAGERS

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MORRIS STREET APARTMENTS RENOVATIONS
357 MORRIS STREET
PEWAUKEE, WI 53072

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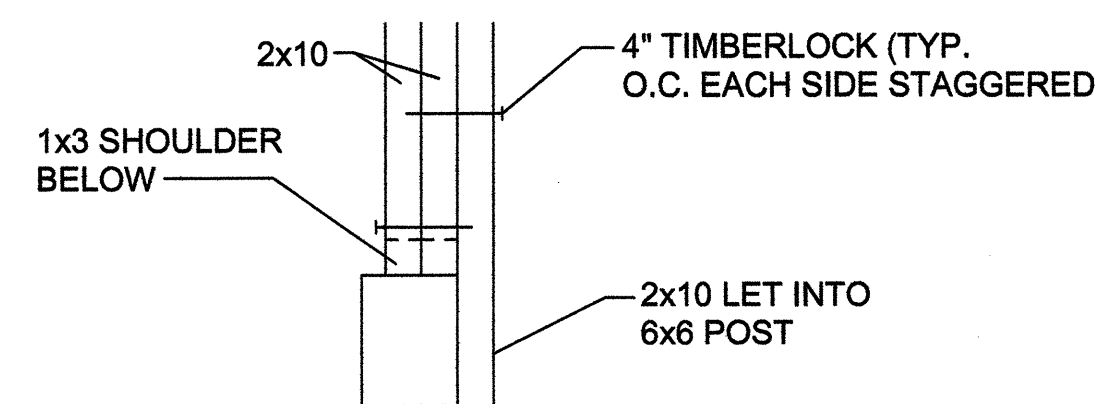
EXTERIOR ELEVATIONS

DRAWN BY:	ADL
APPROVED BY:	BCM
JOB NUMBER:	3463
REV:	
SHEET NUMBER:	

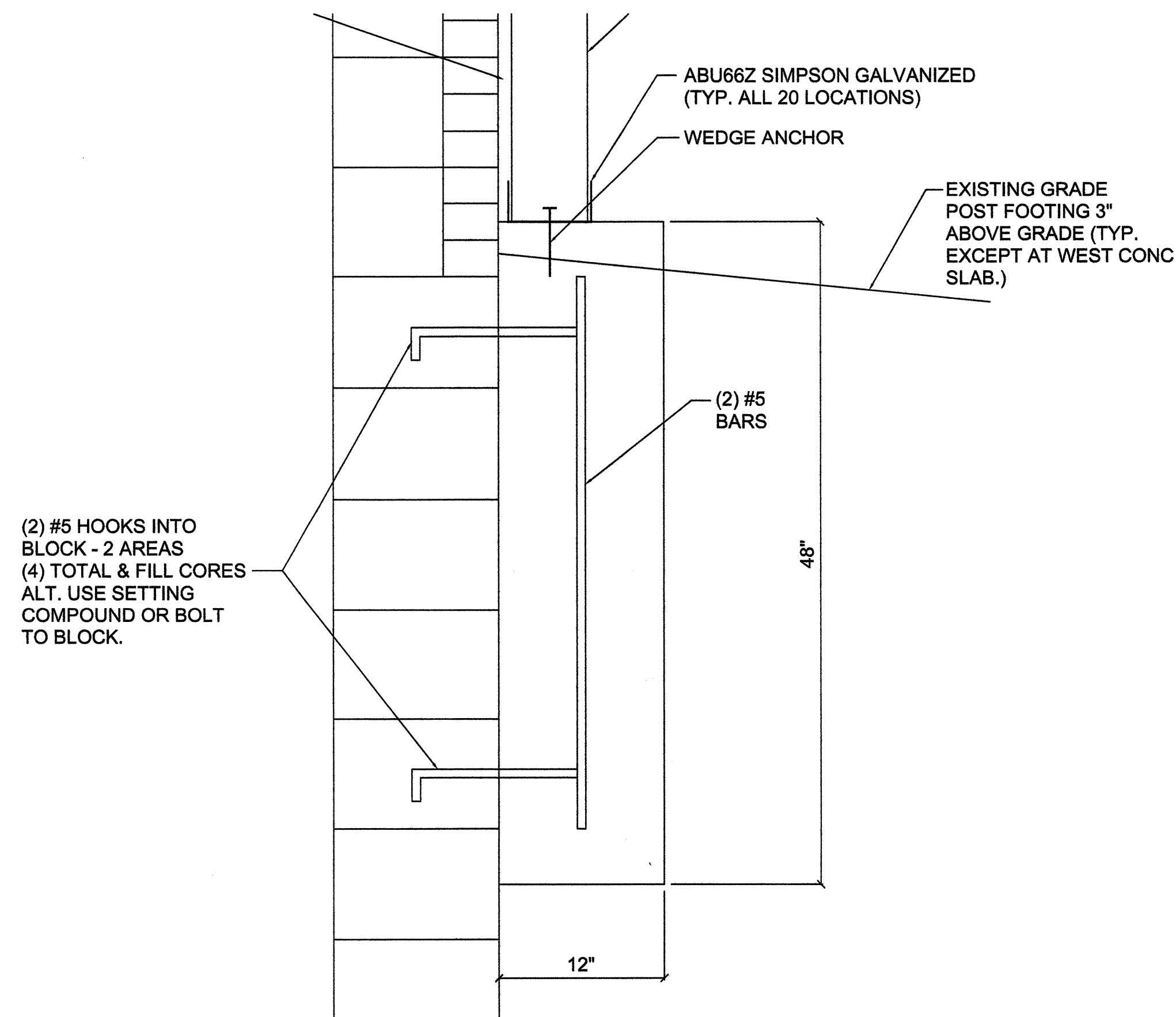
A2.0



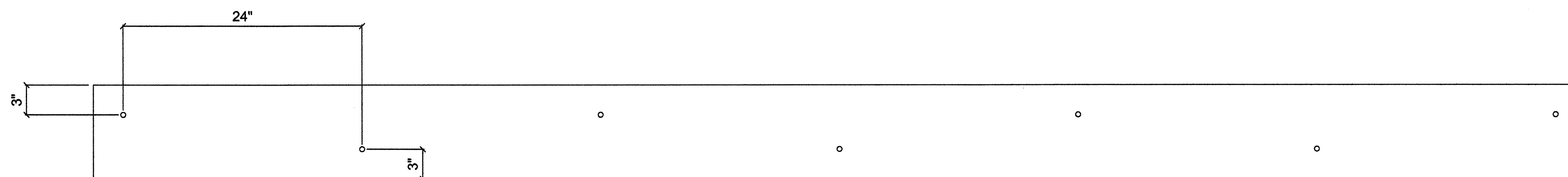
1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



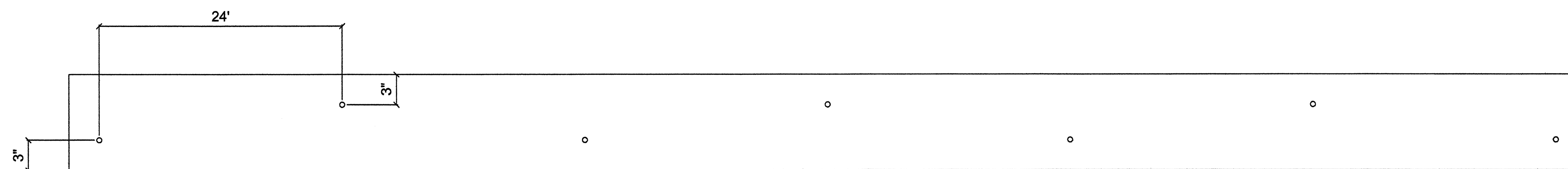
3 SECTION AT POST
SCALE: 1-1/2" = 1'-0"



2 SECTION
SCALE: 1-1/2" = 1'-0"



TIMBERLOCK PATTERN FRONT



TIMBERLOCK PATTERN REAR

N30 W22377 GREEN RD., SUITE B
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MORRIS STREET APARTMENTS
RENOVATIONS

357 MORRIS STREET
PEWAUKEE, WI 53072

DATE: 02/21/22

EXTERIOR
ELEVATION

DRAWN BY: ADL
APPROVED BY: BCM

JOB NUMBER: 3463

REV:

SHEET NUMBER:

A2.1