

## AGENDA Zoning Board of Appeals February 27, 2024 6:00 p.m.

#### Village Hall, 235 Hickory Street, Pewaukee, WI 53072

- 1. <u>Call to Order and Roll Call</u>
- 2. <u>Approval of Minutes</u> a. July 24, 2023
- 3. <u>Public Hearing</u>
  - a. Request of property owners/applicants Donald and Monica Krenzien, to construct a new singlefamily home with 648 sq. ft. of living area on the first floor where Section 40.206 provides that the minimum required first floor living area shall be no less than 1,000 sq. ft. Their .18+/- acre property, located at 516 Spring St., is zoned R-5 Single-Family Residential District.
- 4. <u>New Business</u>
  - a. Request of property owners/applicants Donald and Monica Krenzien, to construct a new single-family home with 648 sq. ft. of living area on the first floor where Section 40.206 provides that the minimum required first floor living area shall be no less than 1,000 sq. ft. Their .18+/- acre property, located at 516 Spring St., is zoned R-5 Single-Family Residential District.
  - b. Discussion and Possible Action to Set a Future Meeting Date (if needed).
- 5. Adjournment

<u>All interested parties please note</u>: 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 affect 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: February 16, 2024 Casandra Smith – Village Clerk

### VILLAGE OF PEWAUKEE ZONING BOARD OF APPEALS July 24, 2023

#### 1. Call to Order and Roll Call

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

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

E. Hill nominated E. Krasovich to Act as the Chairperson for the July 24, 2023, Zoning Board of Appeals meeting. E. Hill moved, seconded by P. Evert to approve E. Krasovich as the acting Chair for the July 24th, 2023, Zoning Board of Appeals Meeting.

#### Motion carried 5-0.

Roll Call was taken with the following present: Theresa Opie, Eric Krasovich, Paul Evert, Kelly Berriman, Alternate E. Hill, and Alternate Patricia Stonger; Doug Joers was excused. Alternate Patricia Stonger remained at the meeting but was not a participating member.

Also Present: Village Attorney, Matt Gralinski and Village Clerk, Casandra Smith.

2. <u>Approval of Minutes</u> – November 28, 2022

P. Evert moved, seconded by K. Berriman to approve the minutes of the November 28, 2022, meeting as presented.

Motion carried 4-0-1; E. Hill abstained.

#### 3. Public Hearing

a. On the request of property owner/applicant Michael Lederer to replace his existing deck with a new and larger deck that will be offset 9 feet from the rear lot line. Section 40.210(2) of the Village Code provides that a 25-foot offset to the rear lot line is required. This .32+/- acre property, located at 549 River Bend Court, is zoned R-5(Single-Family Residential District.

E. Krasovich opened the public hearing at approximately 6:04 p.m.

Attorney Gralinski read the standards from the Village Code and in summary, he indicated that the commission must provide evidence to show that the following criteria are met in order to grant the proposed variance:

- Determine if the property is/has a unique condition;
- Due to the unique property condition, would enforcement of the ordinance provisions will cause undue hardship;
- The variance is not contrary to the public interest

<u>Michael & Mary Ellen Lederer – Applicants/Owners for 549 River Bend Ct</u> – Mr. and Mrs. Lederer were sworn in by Attorney Gralinski.

Michael presented his proposal to enlarge his deck as the current deck is in disrepair and they would like to make it wider for ease of use. The previous owner was granted a variance for the current deck. Mr. Lederer stated that the West side offset would be 12' and 16' off the property line due to underground lines that run

where the original offset of 9' and 15'. He explained that the original deck steps are not within current code standards and because she is disabled, she has a hard time using the steps as they are right now. They are wanting to put railings on the steps and have steps within code and within ADA standards. The property is unique, and the house is on an angle on the property, they would like to replace the deck to make it look more presentable and build it within current standards.

Attorney Gralinski asked Mr. Lederer to confirm that he is looking for less of a variance and Mr. Lederer responded yes, the offset of the rear lot lone would be 12' not 9'.

E. Krasovich asked if the reason for the larger deck is aesthetic, Mr. Lederer stated he would like a bigger deck for family gatherings.

E. Krasovich stated that if a new neighbor moved in they may not be comfortable with the decreased offsets.

P. Evert inquired on the new staircase and the elevation slope. Mr. Lederer stated that there is no slope where the stairs will be. Mrs. Lederer stated the yard slopes on the lot line on the West side and it is flat where the stairs are proposed.

T. Opie questioned if there is an ADA/Health concern that the deck needs to be bigger or if it is due to safety. Mr. Lederer stated no, he would like to fix the current state of the deck and would like to make it bigger. Mrs. Lederer stated they would like to improve the deck and add a railing.

E. Hill stated that in his opinion the homeowner would still be able to improve the deck without making it bigger. He cautioned about the precedence this would create if approved.

P. Evert stated that all neighbors may agree now but in future years that may not be true.

**Randy Boehm @ 1307 Chesterwood Lane** – Mr. Boehm has been at his residence for about 40 years. When Bielinski built houses in this neighborhood they put a house there knowing that the owner would opt to build a deck. He stated he has no issue with a larger deck being built next store, it is not a hindrance for him. He believes the current deck is a safety issue because only for two people can utilize the deck.

Attorney Gralinski noted for the record the following documents have been submitted by the applicant:

- Staff report dated 7/24/2023 with 2 GIS Maps
- Application for the Zoning Board of Appeals dated 6/9/2023
- Applicant Letter to the Zoning Board of Appeals dated 6/9/2023
- City of Pewaukee Building Inspector Letter dated 6/9/2023
- Architectural Control Board Minutes Dated 4/18/2001

- Building Permit Application and Associated Building Documents from 2001
- Surveys from 5/1/97
- Hand Drawn Sketches of the Proposal
- Step Detail to WI Admin Code
- Pictures of the Current Deck and Proposed expansion

Rather than a 9' offset the applicant is changing to a 12' offset due to underground wires per Digger's Hotline Determination.

E. Krasovich closed the Public Hearing at approximately 6:33 p.m.

#### 4. New Business

a. On the request of property owner/applicant Michael Lederer to replace his existing deck with a new and larger deck that will be offset 9 feet from the rear lot line. Section 40.210(2) of the

# Village Code provides that a 25-foot offset to the rear lot line is required. This .32+/- acre property, located at 549 River Bend Court, is zoned R-5(Single-Family Residential District).

T. Opie expressed that the issue is the way the house was built on the property, it should have been built so that the owner could utilize their entire property.

E. Krasovich stated the way the house is set on the property line is the unique condition and the hardship.

P. Evert stated the south side will be 12' offset and the other side 16.9'.

T. Opie doesn't believe that the offset proposed would cause harm to the public. If this came before the ZBA again she would have to look at each case separately. That is why this situation is unique.

E. Hill stated that he reviewed the overall plans in this subdivision and there are several properties that have unique property layouts. If approved there is no way to go back and reverse the determination/approval. He expressed his disinterest in approving the application.

Attorney Gralinski explained that each application must be looked at on a case-by-case basis. There is some degree of precedence set and the focus is on the applicant before you and the merits being made here tonight.

E. Hill believes that the applicant can rectify the deck stairs concerns at its current size.

P. Evert agreed with E. Hill.

E. Hill moved, seconded by P. Evert, to Deny the Application Request of Property Owner/Applicant, Michael Lederer to Replace his Existing Deck with a New and Larger Deck that will be Offset 12 feet from the Rear Lot Line.

Motion carried 3-2; T. Opie and E. Krasovich Voted Nay.

#### 5. Adjournment

P. Evert moved, seconded by T. Opie, to adjourn the July 24, 2022, Zoning Board of Appeals meeting. Motion carried 5-0.

#### The meeting adjourned at approximately 6:51 p.m.

Respectfully Submitted,

Casandra Smith Village Clerk

#### PLANNING/ZONING REPORT

To: Village of Pewaukee Board of Zoning Appeals <u>General Information:</u> Agenda Item: <b>3.a./4.a.</b>	By: Mary Censky Date Prepared: February 27, 2024
Applicant/Property Owner:	Don and Monica Krenzien
Requested Action:	Variance approval to construct a new single- family home with 648 sq. ft. of living area on the first floor where Section 40.206 provides that the minimum required first floor living area shall be no less than 1,000 sq. ft.
Existing Zoning:	R-5 Single-Family Residential District
Surrounding Zoning/Land Use:	North: R-5 Single-Family Residential South: R-5 Single-Family Residential East: R-5 Single-Family Residential West: R-5 Single-Family Residential
Existing Master Plan Classification:	Single-Family Residential
Location:	516 Spring Street
Lot Size:	.20 +/- acres (i.e., 8,762 +/- square feet)

#### **Discussion:**

Section 40.206 of the Village Code reads:

"Dwelling standards.

Single-family dwellings within the R-5 district shall have a 1,200 square foot minimum living area measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes). Minimum area on the first floor is 1,000 square feet".

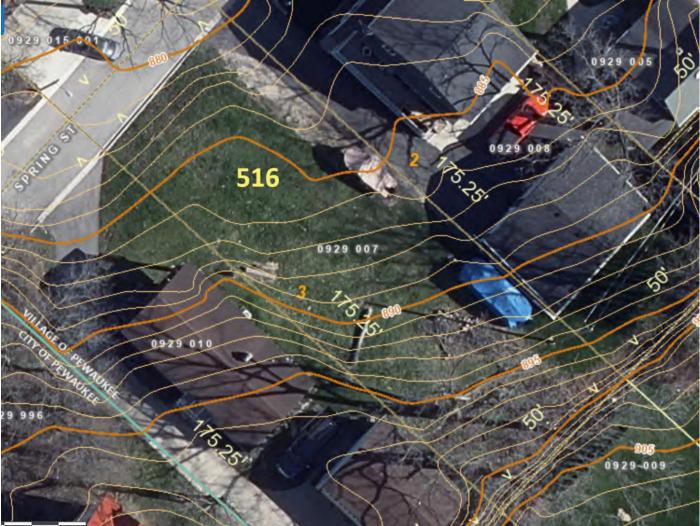
At 1,560 total square feet in area, the proposed home would meet/exceed the *overall* dwelling size requirement, but with just 648 sq. ft. on the first floor, it would not comply with the 1,000 sq. ft. minimum specified in the Code (see above).

At ~8,762 sq. ft. in area, and ~50 ft. in width, this existing, vacant lot is classified as legal nonconforming because the current Code requirements as to minimum lot size and minimum lot width in this R-5 Single Family Residential Zoning District are 10,500 sq. ft., and 70 ft., respectively.



Waukesha County GIS Map-Aerial View

This lot has a substantial grade, rising up more than 15 feet over the 175-foot lot depth from the street to the rear lot line.



Waukesha County GIS Map- Aerial View with topography

Don and Monica Krenzien 516 Spring St Pewaukee, WI 53072 Djk152000@yahoo.com 414-469-7255 December 15, 2023

Subject: Request for Variance Due to 1st Floor Size Requirement

Dear Zoning Board of Appeals,

We are writing to respectfully request a variance from the requirement that the 1st floor of a residential property must be at least 1000 square feet. The property in question, located at 516 Spring Street, that has compelling circumstances that warrant consideration for this variance.

We would like to bring to your attention several factors that contribute to the challenge of meeting the 1000 square feet requirement on the 1st floor:

Lot Size and Yard Space: At 50 feet wide and 175 deep (approximately .2 acres) 516 Spring Street does not conform to the R5 residential district requirement of not less than .24 acres<sup>1</sup> and a minimum lot width of 70 feet<sup>2</sup>. The size of the lot is significantly smaller than the average residential lot in our area. This limited lot space leaves minimal room for construction while adhering to setback requirements and ensuring adequate open yard space.

Slope of the Lot: The property has a pronounced slope, which poses difficulties in designing and constructing a larger 1st floor while maintaining structural integrity and minimizing excessive grading that might impact the landscape, water shed and erosion of surrounding properties. The property has a 20-foot elevation gain from the front of the lot the back of the property and a considerable slope going from left to right.

Proper Water Drainage: Ensuring proper water drainage is crucial for maintaining the structural integrity of the property and preventing potential flooding issues. The unique topography and slope of the lot require careful consideration and planning, which could limit the space available for a larger 1st floor.

Comparative Analysis: Several neighboring properties within the immediate vicinity have homes with 1st floor sizes that do not meet the 1000 square feet requirement as well as single story homes not meeting the 1,200 square feet requirement. Granting a variance in this case would be consistent with precedent set by neighboring properties and would not create an undue disparity within the neighborhood.

<sup>&</sup>lt;sup>1</sup> Sec 40.205-Lot size

<sup>&</sup>lt;sup>2</sup> Sec 40.208-Minimum average lot width

Considering these factors, I believe that granting a variance for the 1st floor size and setback requirements are both reasonable and justifiable. The proposed home design considers the constraints imposed by the lot size, slope, water shed, drainage considerations, and the existing character of the neighborhood. Despite the challenges, every effort has been made to optimize the use of available space while maintaining the aesthetic and functional qualities expected of a residential property.

We are kindly requesting an opportunity to present this case before the Board of Zoning Appeals to provide further context and address any questions or concerns that may arise. I am confident that the proposed variance aligns with the spirit of the zoning regulations and would not adversely impact the surrounding community.

We included letters from neighbors to show support from the community to approve the variance request.

As a Nurse and Police Officer we look forward to being valued members to the Village of Pewaukee.

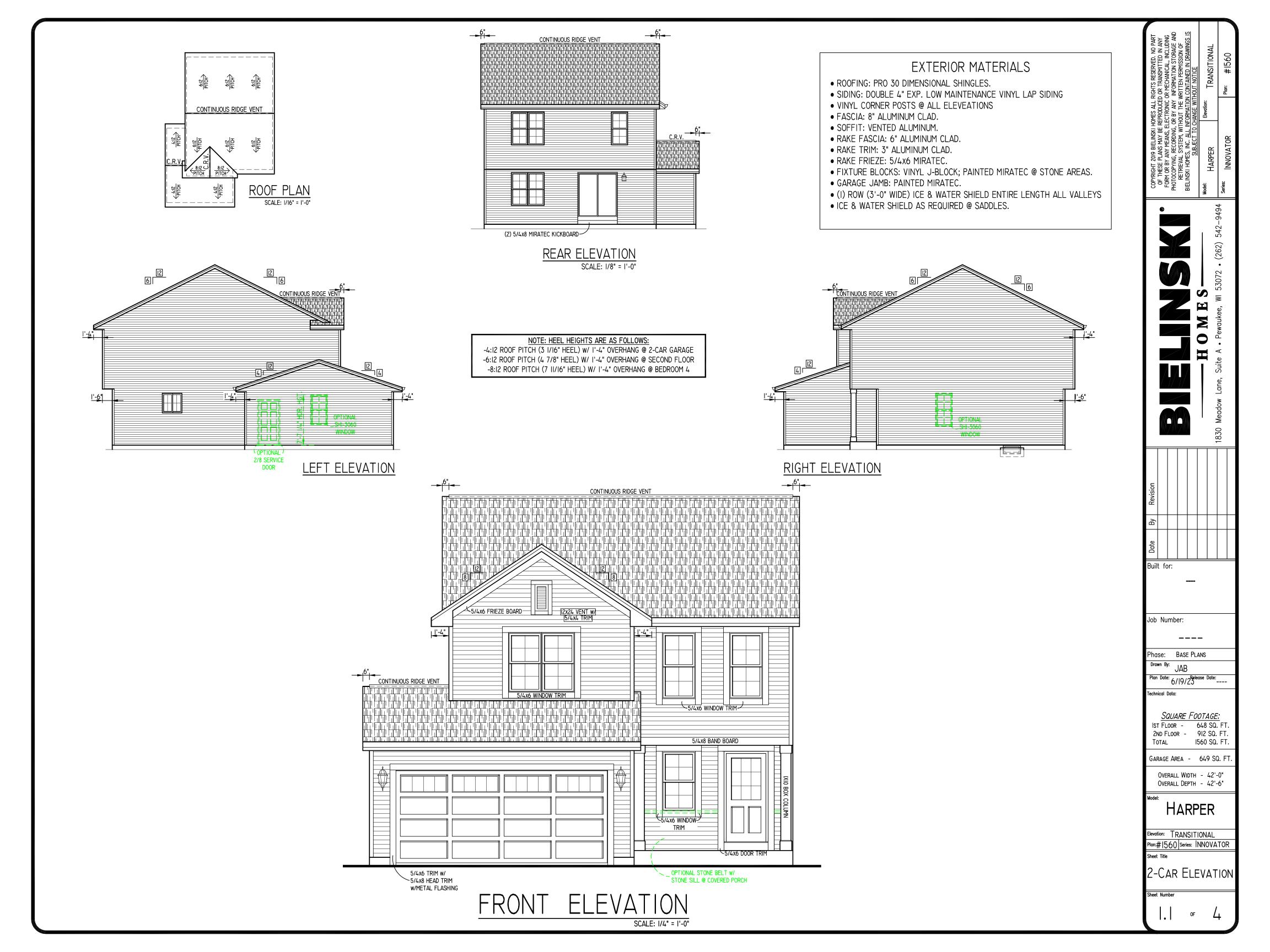
Thank you for your time and consideration of this matter. I look forward to the opportunity to discuss this appeal further. Please do not hesitate to contact me at 414-469-7255 or <u>djk152000@yahoo.com</u> if you require any additional information.

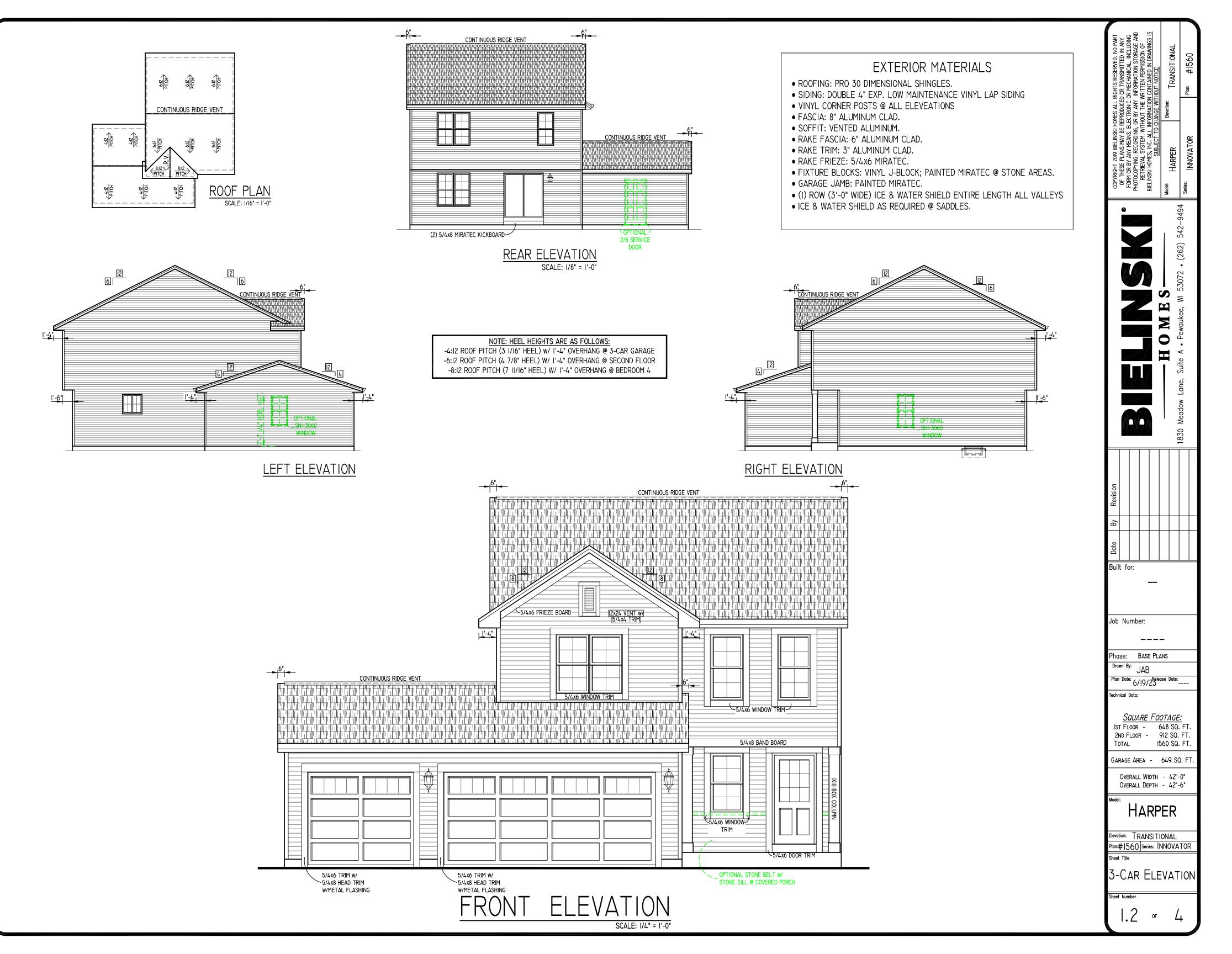
Sincerely,

Don and Monica Krenzien







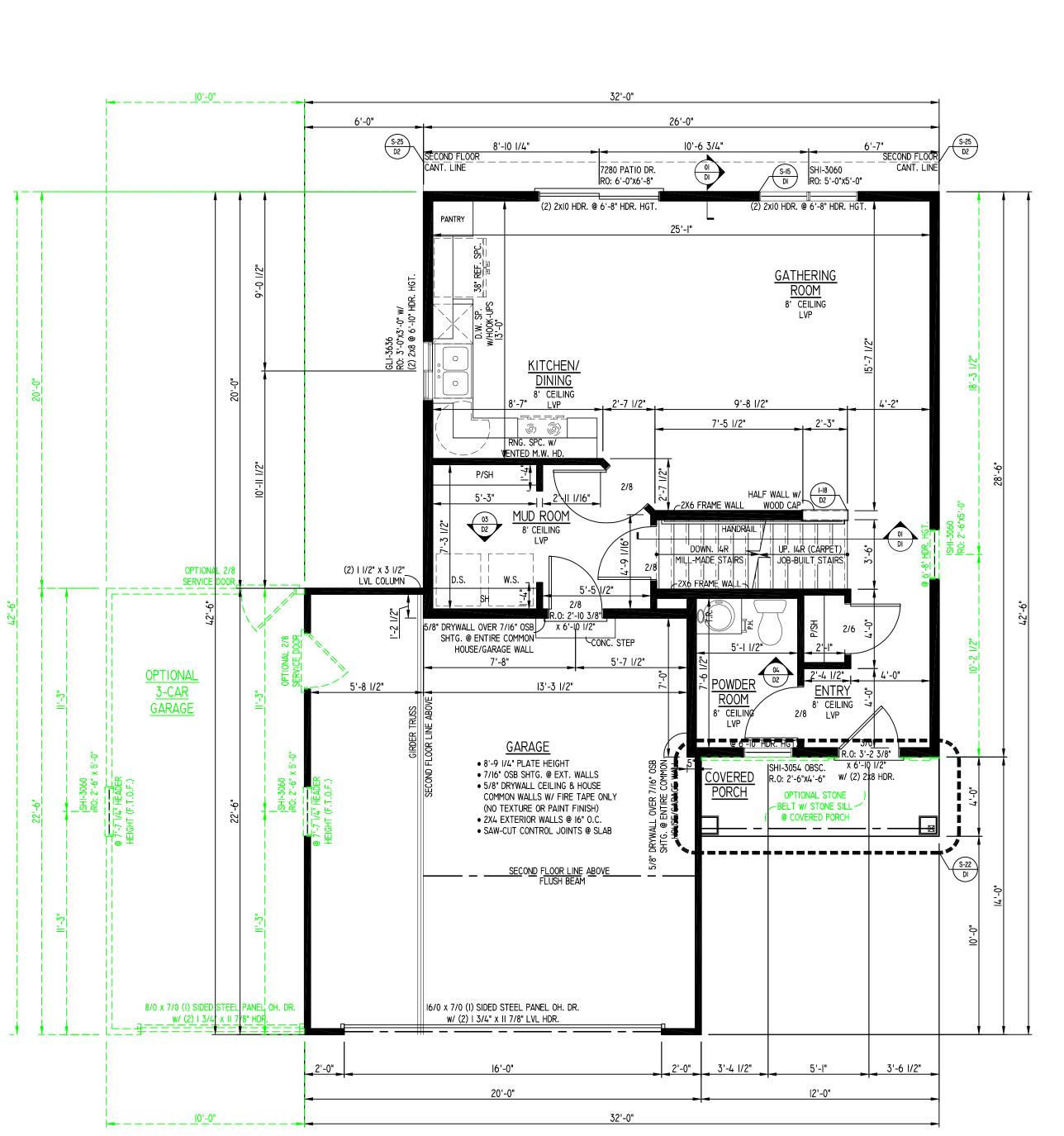


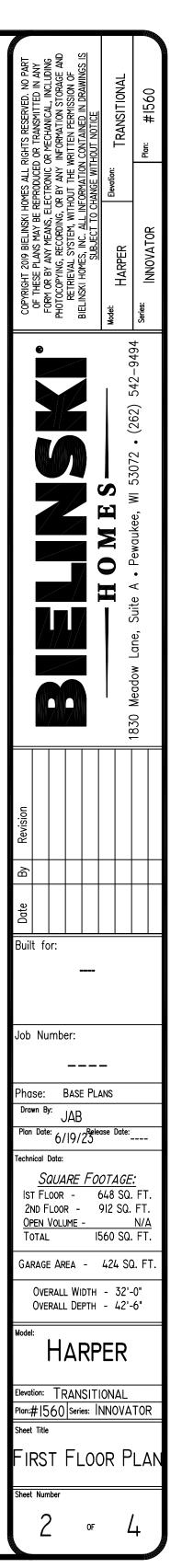
• ALL VERTICAL SEAMS IN EXTERIOR WALL SHEATHING TO INCLUDE 1/8" GAP FOR EXPANSION PURPOSES, PER APA RECOMMENDATIONS • ALL SEAMS IN ROOF SHEATHING TO INCLUDE 1/8" GAP FOR EXPANSION PURPOSES, PER APA RECOMMENDATIONS

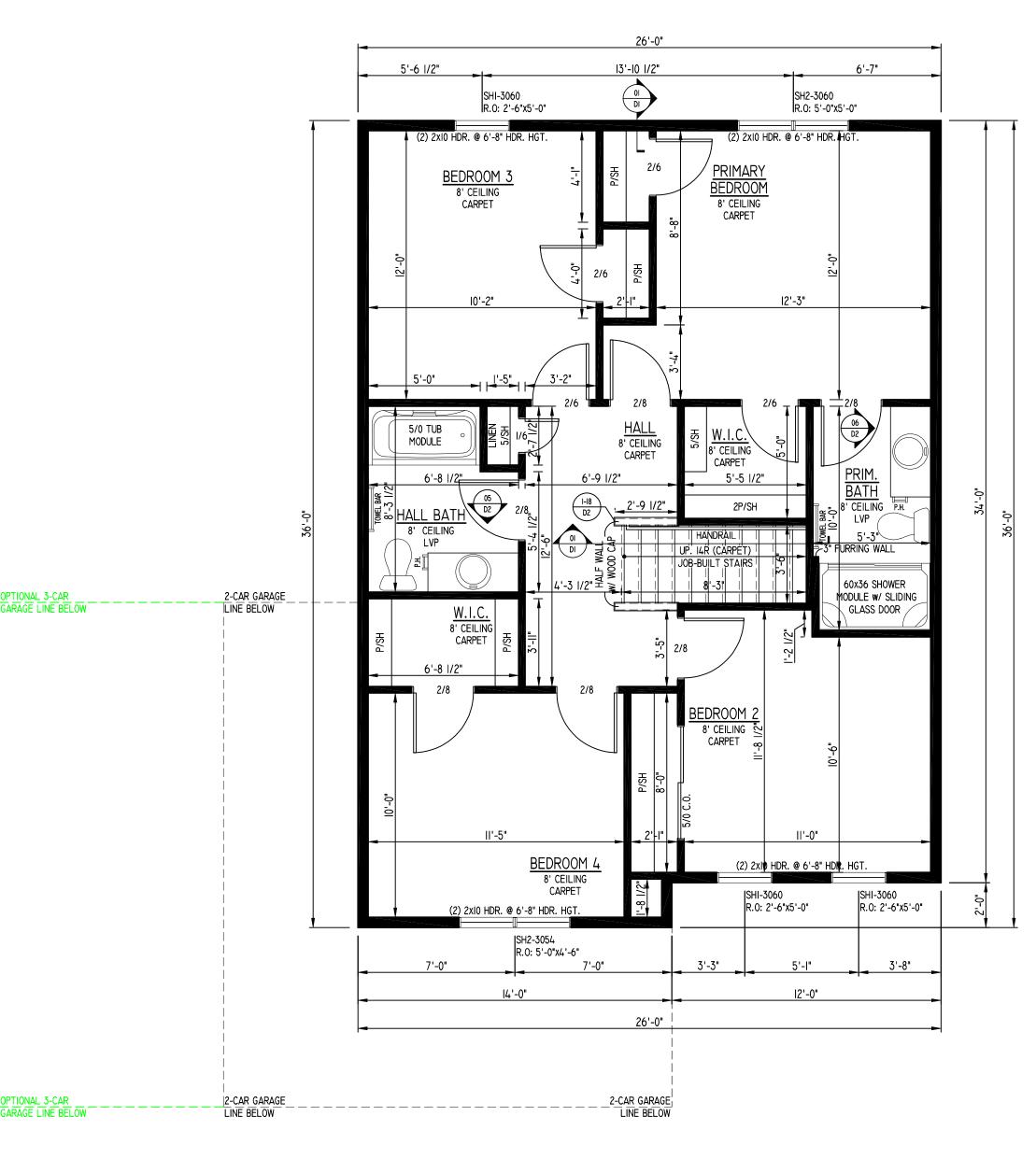
• WINDOW DESIGNATIONS ARE IN INCHES • WINDOW HEAD HGT. @ 6'-8" A.F.F. ON THIS FLOOR UNLESS OTHERWISE NOTED

SCALE: 1/4" = 1'-0" 8'-I I/8" PLATE HEIGHT









SECOND FLOOR PLAN 8'-I I/8" PLATE HGT.

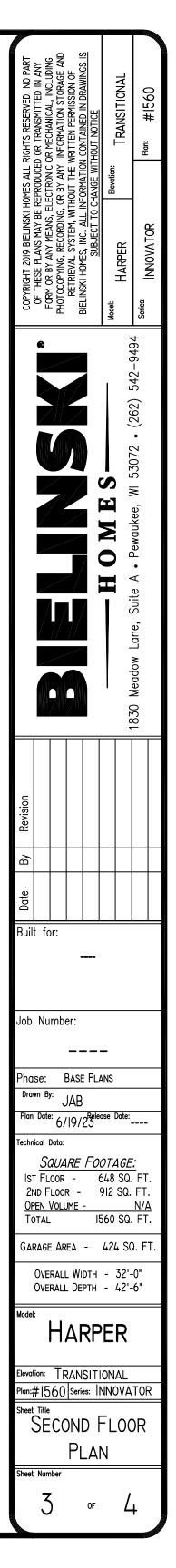
• WINDOW DESIGNATIONS ARE IN INCHES

• WINDOW HEAD HGT. @ 6'-10" A.F.F. ON THIS FLOOR UNLESS OTHERWISE NOTED

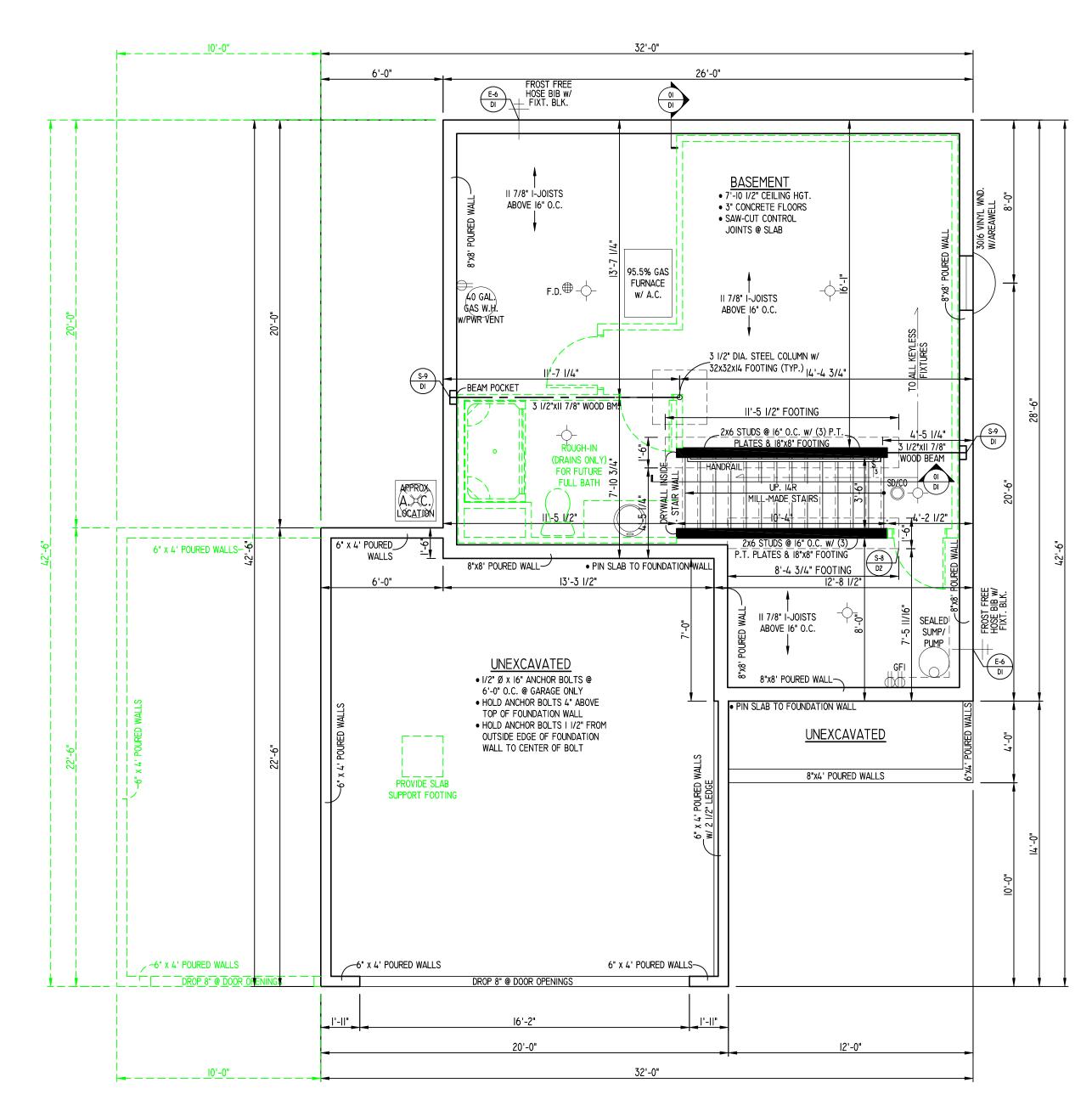
• ALL VERTICAL SEAMS IN EXTERIOR WALL SHEATHING TO INCLUDE 1/8" GAP FOR EXPANSION PURPOSES, PER APA RECOMMENDATIONS

• ALL SEAMS IN ROOF SHEATHING TO INCLUDE I/8" GAP FOR EXPANSION PURPOSES, PER APA RECOMMENDATIONS



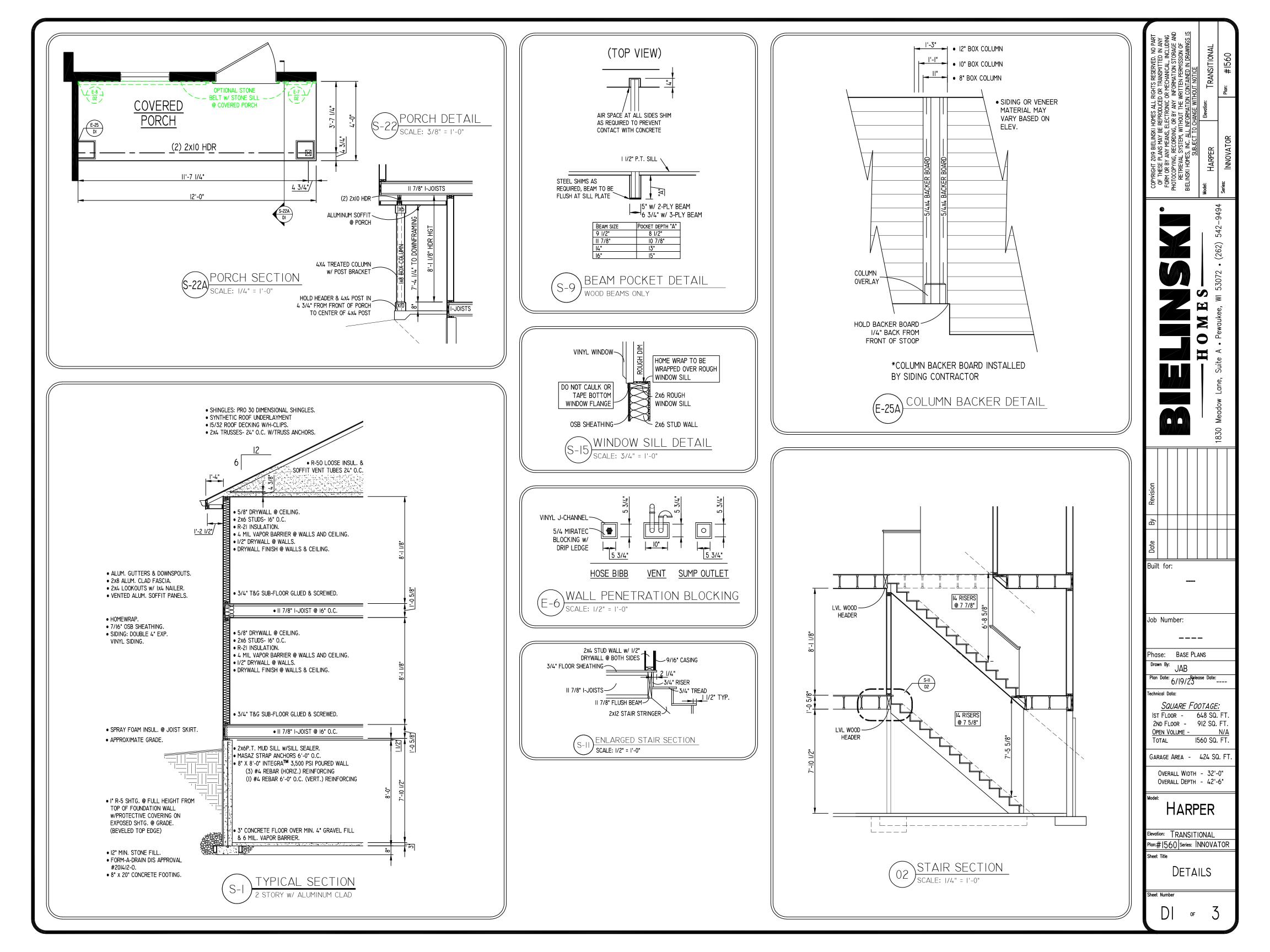


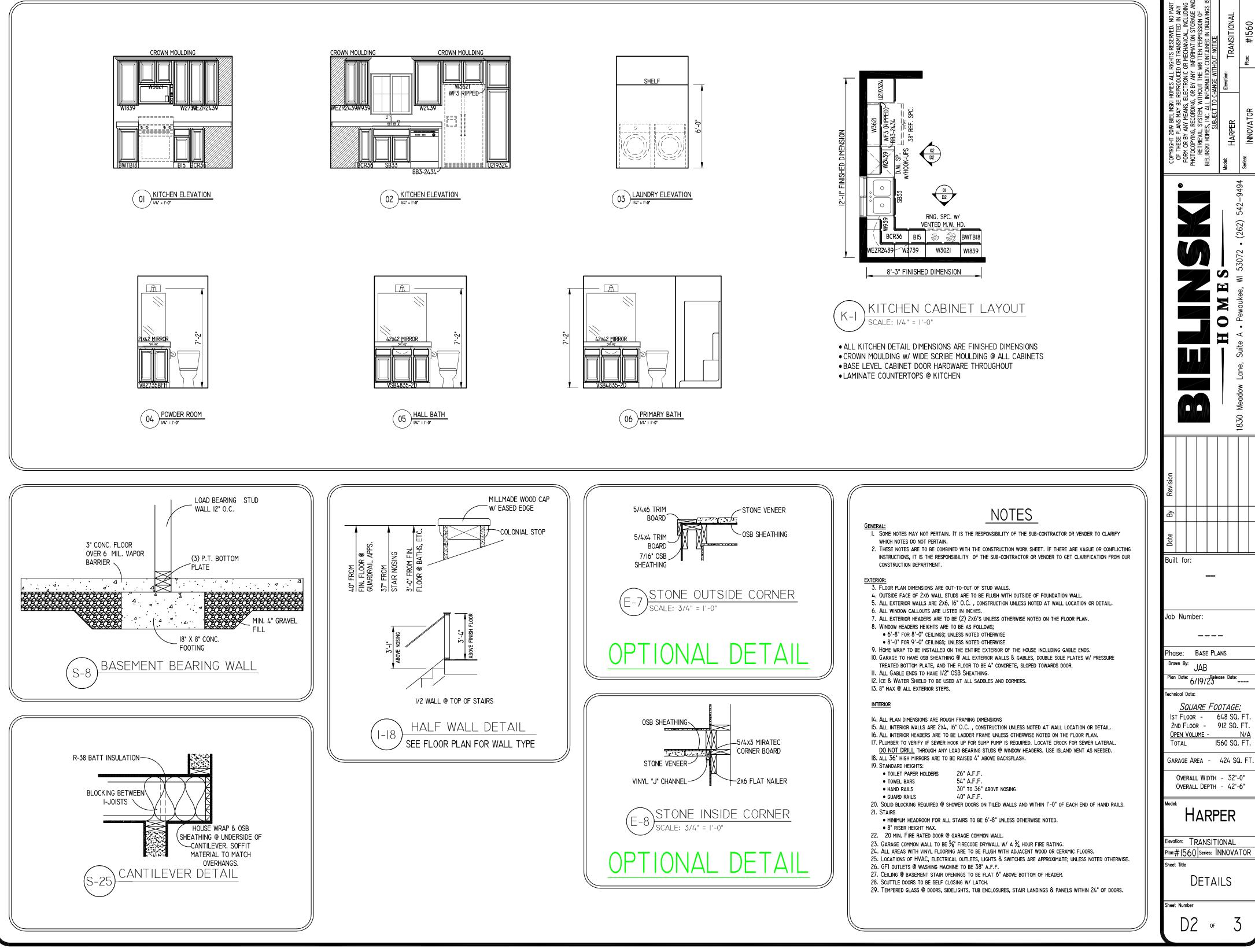
FOUNDATION PLAN

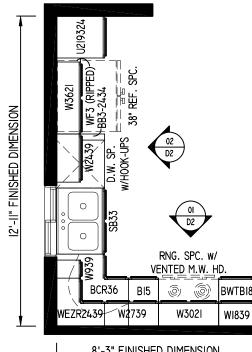




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COPYRIGHT 2019 BIELINSKI HOMES ALL RIGHTS RESERVED. NO PART OF THESE PLANS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND			Retrieval system, without the written Permission of Bielinski Homes, Inc. <u>All Information Contained in Drawings is</u> Subject to change without notice		Model: Eleva	Model: HARPER		Series: INNOVATOR	
B30 Meadow Lane, Suite A • Pewaukee, WI 53072 • (262) 542-9494									
Revision									
Date By									
ے Buil	t fc	or:							
	 Job Number: 								
Drav	Phase: BASE PLANS Drawn By: JAB Plan Data: Palagan Data:								
Plan Date: 6/19/25 Technical Data: <u>SAUARE FOOTAGE:</u> IST FLOOR - 648 SQ. FT. 2ND FLOOR - 912 SQ. FT. <u>OPEN VOLUME - N/A</u> TOTAL 1560 SQ. FT. GARAGE AREA - 424 SQ. FT.									
OVERALL WIDTH - 32'-0" OVERALL DEPTH - 42'-6" Model:									
Elevation: TRANSITIONAL Plan:#1560 Series: INNOVATOR									
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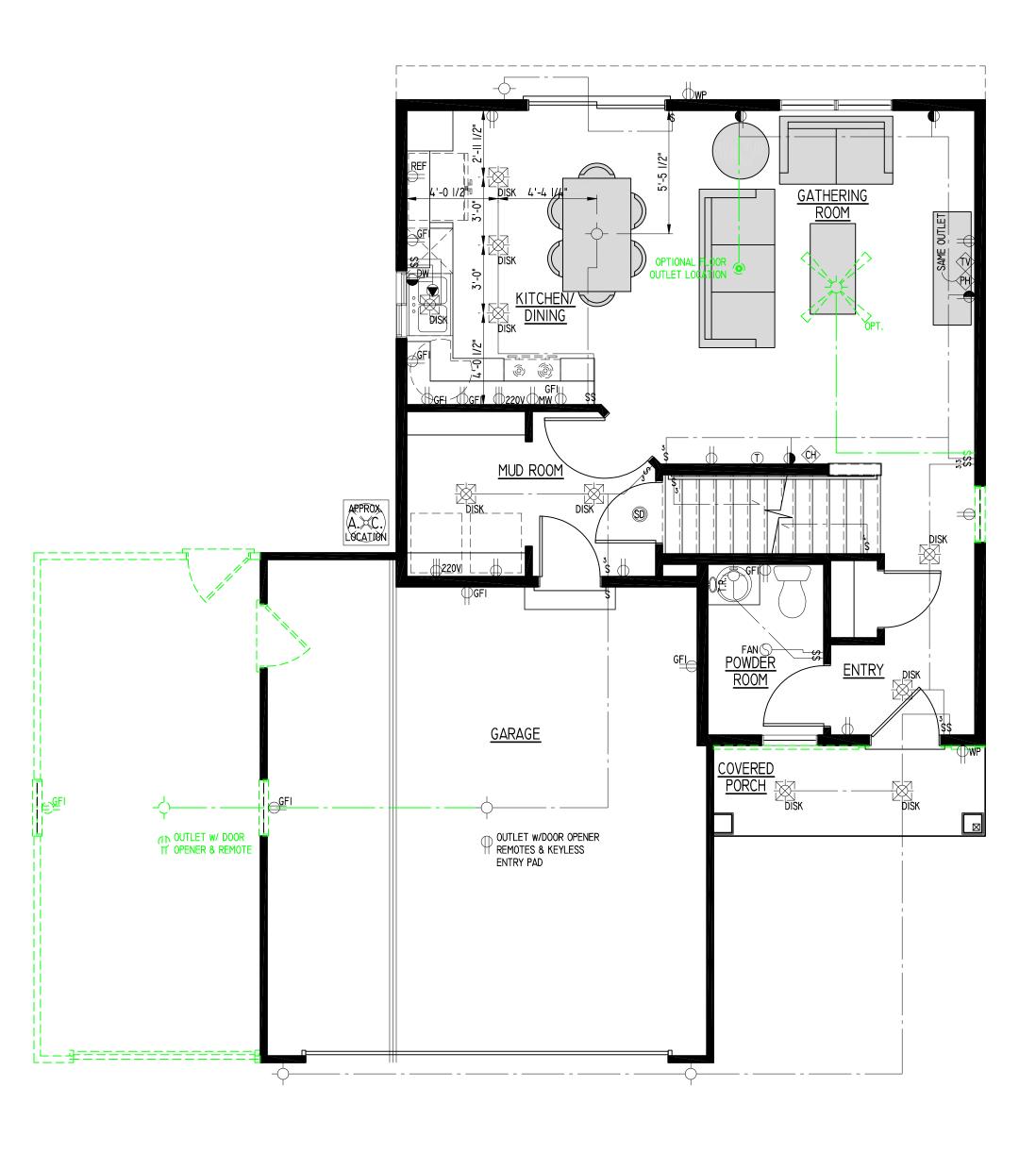
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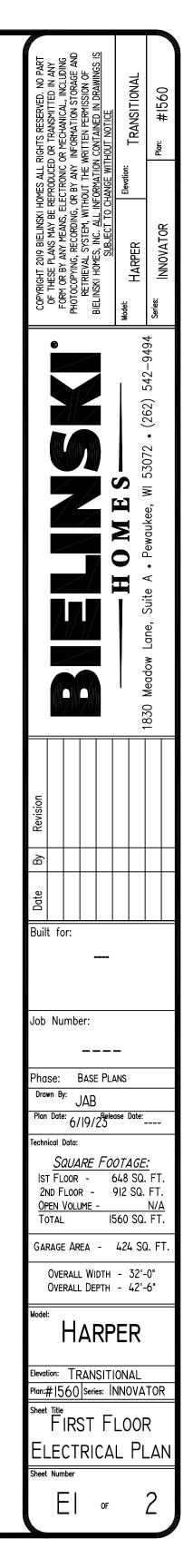
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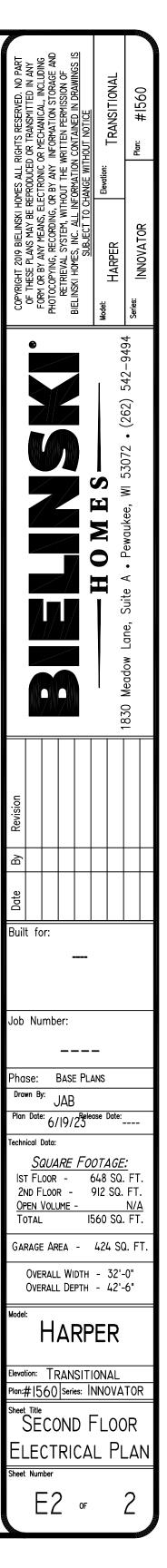


FIRST FLOOR PLAN





# SECOND FLOOR PLAN







Building Services Department W240 N3065 Pewaukee Road Pewaukee, Wisconsin 53072 Phone (262) 691-9107 Fax (262) 691-6039



Dear Don Krenzien,

The proposed house at 516 Spring St does not meet the minimum square footage for the first floor per the Village's interpretation of the Village's code of ordinance section 40.206.

This permit application is denied, and you will need to obtain a variance to move forward with this project.

Regards, Mary Strankowski

Plan Reviewer & Building/HVAC Inspector City of Pewaukee <u>strankowski@pewaukee.wi.us</u> 262-691-9107

# PLAT OF SURVEY

THAT PART OF LOT "B" IN BLOCK 2 IN D.M. FLANAGAN'S SUBDIVISION OF SECTION 17 AND THE SOUTHEAST 1/2 OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 19 EAST, BOUNDED AND DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF LOT 3, SAID BLOCK 2; THENCE N43°00'00"E ALONG THE EASTERLY LINE OF SAID LOT 3, 50.00' TO THE NORTHEASTERLY CORNER OF SAID LOT 3; THENCE S47°32'00"E PARALLEL WITH MAPLE AVENUE, 175.25' TO A FOUND IRON PIPE, THENCE S43°00'00"W, 50.00' TO A FOUND IRON PIPE; THENCE N47°32'00"W PARALLEL WITH MAPLE AVENUE, 175.25' TO A FOUND IRON ROD MARKING THE POINT OF COMMENCEMENT.

SUBJECT TO A RIGHT OF WAY OVER, UPON AND ALONG THE NORTHWESTERLY 30' OF SAID DESCRIBED TRACT.

ALSO A RIGHT OF WAY OVER A STRIP OF LAND 30' IN WIDTH EASTERLY AND ADJOINING LOTS 1 AND 2 IN SAID BLOCK 2.

ALSO A RIGHT OF WAY OVER A STRIP OF LAND 30' IN WIDTH EASTERLY AND ADJOINING LOT 4 IN SAID BLOCK 2 AND ALONG A STRIP OF LAND 15' IN WIDTH ALONG THE SOUTHWESTERLY BOUNDARY OF SAID SUBDIVISION FROM PROSPECT AVENUE TO SAID RIGHT OF WAY ADJOINING LOT 4. (RECORDED UNDER DOCUMENT No. 4454003 WAUKESHA REGISTER OF DEEDS OFFICE)

### LEGEND:

(100.00')	RECORDED DISTANCE
100.00'	MEASURED DISTANCE
•	1" FOUND IRON PIPE, UNLESS NOTED
Ø	¾" x 18" IRON PIPE SET, 1.13 lbs./L.F.
$\square$	WELL
ST	STORM MANHOLE

STORM MANHOLE

SANITARY MANHOLE

LIGHT POLE

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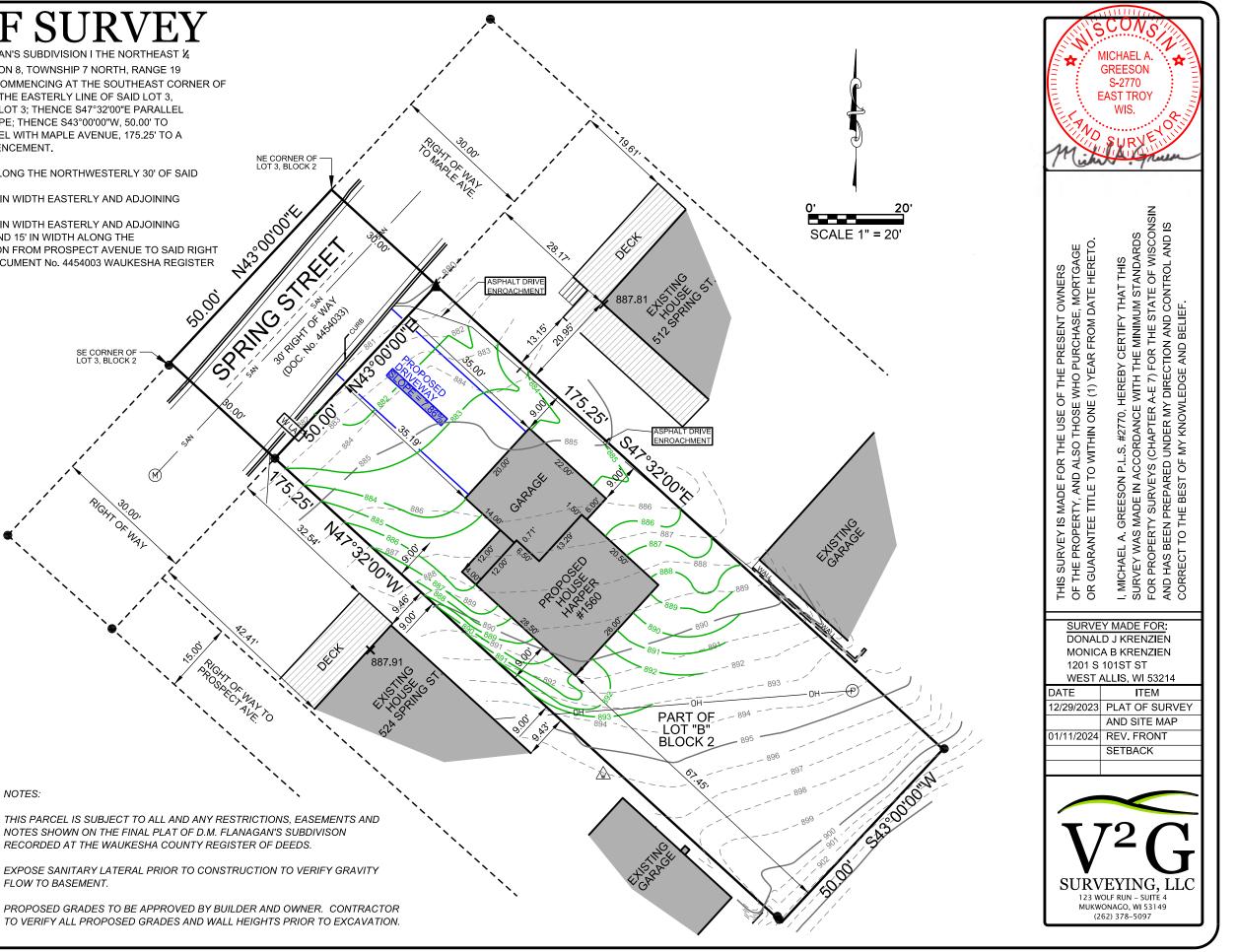
ELECTRIC TRANSFORMER

(E)ELECTRIC PEDESTAL

**TELEPHONE PEDESTAL** 

CABLE TV PEDESTAL

PROPOSED ELEVATIONS				
YARD GRADE	884.00			
REAR YARD GRADE	892.00			
GARAGE FLOOR AT GAR. DOOR	884.00			
GARAGE FLOOR AT HOUSE	884.33			
FOUNDATION HEIGHT	8.00			
BASEMENT FLOOR EL	884.92			
TOP FOOTING EL	884.67			
TOP FOUNDATION	892.67			
DRIVEWAY LENGTH TO WALK	38.17			
ELEV AT BACK OF CURB	881.00			
DRIVEWAY SLOPE TO BACK CURB	7.86%			



PEWAUKEE ŝ SPRING SURVEY KRENZIEN 2023-171 NAME: FILE

Subject: Request for Variance Approval - Property Size Adjustment

Dear Neighbors,

I wanted to reach out to you regarding a matter concerning our property at 516 Spring Street and seek your input on a variance request.

As you may be aware, we are in the beginning stages of building a single-family home that involves a variance for a minimum square foot of 1,000 for the first floor. When the house is completed, it will overall be over 2,200 square feet, 4 bedrooms and 4 bathrooms with an attached garage.

Before proceeding with the formal application for the variance. Your opinion is important to us, I understand that changes to the neighborhood can be a sensitive topic, and I want to assure you that maintaining neighborhood integrity and consistency is a top priority.

Thank you for taking the time to read this letter, and we look forward to contributing positively to the overall atmosphere of our neighborhood.

Best regards,

Don and Monica Krenzien

414-469-7255

19 <u>1</u> <u>1</u> 511 PARKAV: 2 ATTEMPTS, NO RESPONSE LUKE A. KOPP 524 Spring St: 512 Sprwilgy 516 Park Av:

522 Park Av: 2 ATTEMPTS No RESPONSE