

Memo



To: Board of Appeals
From: Ethan Sowl, Assistant Village Manager/Zoning & Planning Administrator
Date: August 21, 2025
Re: Review of Agenda Items for Tuesday, August 28, 2025

Public Hearing 1. Discussion and possible action on a variance request from §335-19F(1) to allow for an engawa with a street right-of-way setback of 46.93 feet from Bluemound Road for the property located at 560 Rosedale Drive

Dorothy and James Nowack, the property owners at 560 Rosedale Drive, are requesting a variance from the required street right-of-way setback on Bluemound Road for the installation of an engawa (a 3' deep wood walk way).

The subject property is existing legal nonconforming and is located in the Rs-2 Single-Family Residential District. §335-18F outlines the following regarding requirements for yards:

Yards (principal and/or accessory structures).

- (1) There shall be a minimum building setback of 50 feet from each abutting street right-of-way.*
- (2) There shall be a side yard setback on each side of any principal or accessory structure not less than 20 feet in width.*
- (3) There shall be a rear yard setback of not less than 25 feet.*

The proposed engawa would encroach 3.07' into the Bluemound Road street right-of-way (46.93').

Please view the enclosed plat of survey and plan set. The elevations of the proposed engawa are represented on pages 4-7 of the plan set.

As an aside, this project was previously approved by the Building Board contingent upon approval of the variance application and a special exception. This project also requires a special exception be granted by the Plan Commission for the proposed pergola encroaching 4.65' into the north side yard (15.35'). The existing home is already existing legal nonconforming on this side (15') and since the pergola would not increase the nonconformity, it does not require a variance.

Public Hearing 2. Discussion and possible action on a variance request from §335-19H to allow for the property located at 1610 Fairhaven Blvd to exceed the maximum impervious surfacing percentage allowed within the Rs-3 Single-Family Residential District

Lynne and Jeff Kmet, the property owners at 1610 Fairhaven Blvd, are requesting a variance from the maximum impervious surface coverage limit of 30% for properties in the Rs-3 Single-Family Residential District to accommodate the installation of a new screen porch.

§335-19H outlines the following requirements for maximum impervious surface coverage of a lot in the Rs-3 District:

Maximum impervious surface: 30% of lot area.

The subject property is existing nonconforming as it pertains to impervious surface coverage at 33.4%. The proposed screen porch addition would be placed on an existing slab, therefore, not increasing the degree of nonconformity with the 30% impervious surface coverage limit. Denial of this variance request would not force the property owners to attain compliance with the 30% coverage limit, as has been previous precedent of the Village. However, certain future improvements to the property would demand compliance.

Please view the enclosed plat of survey/site plan and plan set. The elevations of the proposed screen porch are represented on pages 3-5 of the plan set.