

## AGENDA

**City of Whitewater, Board of Zoning Appeals  
On June 14, 2012  
7:00 p.m., Community Room  
Whitewater Municipal Building  
Whitewater WI**

1. Call to order and roll call.
2. Election of Chairperson and Vice Chairperson.
3. Secretary presents the cases to be heard:

The purpose of this hearing is to consider a request for two variances for the property located at 510 W. Walworth Ave. for Matt Kuehl and Bob Freiermuth (Land & Water Investments).

- a. To allow a proposed addition to extend the current non-conforming front yard structure setback. Variance requested: A 15 foot 9.5 inch variance to the front yard setback requirement of 30 feet. (19.21.060)
  - b. To allow an expansion of an approved side yard parking area for two extra stalls – total of 12 stalls in the side yard parking area. (19.51.080 (C))
4. Testimony of appellant (after being sworn in).
  5. Testimony of Zoning Administrator.
  6. Objections in writing or in person.
  7. Questions, rebuttals as necessary.
  8. Adjourn to closed session, under WIS Stats. 19.85(1)(a) "deliberating concerning a case which was the subject of the quasi-judicial hearing before the board, NOT TO RECONVENE.
  9. Notification of decision in writing to appellant, news media, etc. will follow.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting.



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

www.whitewater-wi.gov  
Telephone: (262) 473-0540

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To: City of Whitewater Board of Zoning Appeals  
From: Latisha Birkeland, Neighborhood Services Manager / City Planner  
Date: June 8, 2012  
Re: Request two variances for the property located at 510 W. Walworth Ave. for Matt Kuehl and Bob Freiermuth ( Land & Water Investments)

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### Summary of Request

**Location:** 510 W. Walworth Ave

**Current Land Use:** Two family unit (previously 3-unit structure)

**Current Zoning:** R-3 Multi-Family Residential

#### Description

In 1999 the Plan Commission approved an addition to square up the southwest side to the northwest side of this structure and add a 2-story addition. They also approved 10-stall side yard parking lot. This building remained a triplex after the addition with one unit on the upper level and two units on the lower level. Each unit was rented to four tenants, for a total occupancy of 12 tenants in the building.

In 2011, the downstairs unit was converted from two four (4) bedroom units into one (1) five (5)-bedroom unit.

On May 14, 2012, the Plan and Architectural Review Commission approved the conditional use permit for Land and Water Investments to expand the two unit building into a three unit building with 15 bedrooms, 5 bedrooms in each unit. The approval for this is subject to conditions recommended by staff and an approval from the Board of Zoning Appeals for two variances.

#### **The proposed variances requested:**

- 1) To allow a proposed addition to extend the current non-conforming front yard structure setback. Variance requested: A 15 foot 9.5 inch variance to the front yard setback of 30 feet. (19.21.060) for the proposed structure addition of 35 feet.
- 2) To allow an expansion of an approved side yard parking area for two extra stalls total of 12 stalls in the side yard parking area. (19.51.080 C)

#### **Building Dimensions and Yard Requirements**

The existing structure has a front yard setback of 14' 2.5" from the property line on West Walworth Ave.; the requirement is 30 feet. The proposed wrap-a-round porch addition will meet the current setback at 14'

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2.5". The proposed addition will be setback at 23' 8" from the property line. The setback on South Franklin has exceeded the City Code requirement.

The applicant has proposed to increase the side yard parking lot stalls from 10 to 12 to accommodate the additional parking. Three parking stalls will also be added in the rear yard of this property, but these rear parking stalls do not need a variance.

**Analysis of Proposed Project**

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist:

Standard	Evaluation	Comments
<b>Findings prerequisite to grant a variance (see section 19.72.080 of zoning ordinance)</b>		
The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;	Yes	The structure is currently in the required front setback. Any proposed addition in the front would need a variance.
The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification	Yes	Correct
The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner	Yes	The applicant states this addition improves the overall neighborhood appearance by creating a more attractive building.
The hardship is not one that is self-created	Yes	The structure is already within the setback and has been allowed to have an addition and alterations that have met the same setback line.
The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods	Yes	This project will improve the site aesthetically. Buffers will be added to protect the neighbors from additional nuisances.

Standard	Evaluation	Comments
The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district	Yes	The use is appropriate for the district
No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.	NA	This property is not in a flood plain

PUBLISH TWO TIMES IN WHITEWATER REGISTER  
ON MAY 24, 2012 AND MAY 31, 2012

NOTICE OF ZONING HEARING

TO ALL CONCERNED:

A public hearing will be held by the Board of Zoning Appeals of the City of Whitewater on June 14, 2012 at 7:00 p.m. in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, Whitewater, Wisconsin.

The purpose of this hearing is to consider a request for two variances for the property located at 510 W. Walworth Ave. for Matt Kuehl and Bob Freiermuth (Land & Water Investments). The following variances requested:

- 1) To allow a proposed addition to extend the current non-conforming front yard structure setback. Variance requested: A 15 foot 9.5 inch variance to the front yard setback requirement of 30 feet. (19.21.060)
- 2) To allow an expansion of an approved side yard parking area for two extra stalls – total of 12 stalls in the side yard parking area. (19.51.080 C)

This notice is being mailed to owners of record within 300 feet of the property in question, to the City Planner and the Plan Commission in accordance with Section 19 of the Code of Ordinances. THE PROPOSAL FILED BY THE OWNER IS NOW OPEN TO PUBLIC INSPECTION AT THE OFFICE OF THE CITY PLANNER DURING NORMAL BUSINESS HOURS (Monday – Friday 8:00 a.m. to 5:00 p.m.)

BOARD OF ZONING APPEALS

By: Nancy Stanford  
Secretary

Dated: May 21, 2012

**NOTICE:** The Board of Zoning Appeal meetings are scheduled on the 4<sup>th</sup> Thursday of the month. All complete plans must be in by 9:00 a.m. Monday prior to the 1<sup>st</sup> Thursday of the month. If not, the item will be placed on the next available Board of Zoning Appeals meeting.

CITY OF WHITEWATER  
BOARD OF ZONING APPEALS APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$200.00 fee. Filed on 5-30-12.
2. Class 2 Notice published in Official Newspaper on 5-24-12 and 5-31-12. The last publication to be at least 10 days prior to the meeting.
3. Notices of the Public Hearing mailed to property owners within 300 feet of the property involved in the application on 5-25-12.
4. Board of Zoning Appeals holds the PUBLIC HEARING on 6-14-12. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Board of Zoning Appeals will deliberate and render its decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.72 of the City of Whitewater Municipal Code of Ordinances, entitled BOARD OF ZONING APPEALS, for more information on the application.

DLK ENTERPRISES INC  
141 W. WHITEWATER ST  
PO BOX 239  
WHITEWATER WI, 53190

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426 S. FRANKLIN ST  
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30464 BIRCH ACRES RD  
CUSHING MN, 56443

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304 E GRANT ST  
WHITEWATER WI, 53190

SHARON KEHOE  
RODNEY G DEMPICH  
JULIE A DEMPICH  
511 W HARPER ST  
WHITEWATER WI, 53190-4200

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JUAN M GOMEZ  
MARIA J GOMEZ  
467 W. ANN ST  
WHITEWATER WI, 53190

KAREN SINGER  
477 W ANN ST  
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WDSC 460 WEST ANN LLC  
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WISCONSIN DAIRY SUPPLY CO  
PO BOX 239  
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ANNE E FLEMMING-COBURN  
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STATE OF WISCONSIN  
DEPT OF TRANSPORTATION  
MADISON WI, 53702

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DEPT OF TRANSPORTATION  
MADISON WI, 53702~~

LAWRENCE L ZIMMERMAN  
SHIRLEE J ZIMMERMAN  
226 WOOD ST  
WHITEWATER WI, 53190

**TO:                   THOSE REQUESTING A VARIANCE OF ZONING  
                          REQUIREMENTS**

**FROM:                THE BOARD OF ZONING APPEALS**

**THINGS YOU WILL HAVE TO PROVE TO BE GRANTED A VARIANCE**

The Board of Zoning Appeals has the power *“to hear and grant applications for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the ordinance shall be observed and the public safety, welfare and justice secured.”* USE VARIANCES WILL NOT BE GRANTED.

**Findings prerequisite to granting of a variance**

**No variance to the provisions of this title shall be granted by the Board unless it finds beyond a reasonable doubt that ALL of the following facts and conditions exist, and so indicates in the minutes of its proceedings:**

- A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a practical hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;**
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;**
- C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;**
- D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

Please consider the above items in presenting your oral testimony, for a lack of such testimony may result in denial of the variance.

***All questions in the application must be answered.***

CITY OF WHITEWATER  
APPLICATION FOR VARIANCE

IDENTIFICATION AND INFORMATION ON APPLICANT(S)

Applicant's Name: Land + Water Investments, LLC Matt Kneff + Bob Freiermuth

Applicant's Mailing Address 503 Center Street, Lake Anna, WI 53147

Owner of Property Site as of date of application, according to current property tax records: \_\_\_\_\_  
Land + Water Investments, LLC

Street Address of Property (if vacant land, describe in detail the property location): \_\_\_\_\_  
510 Walnut Street, White Water, WI

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name \_\_\_\_\_ Firm \_\_\_\_\_

Office Address \_\_\_\_\_

Contractor Streb Construction

EXISTING AND PROPOSED USES

Current Principal Use: Residential

Accessory or Secondary Uses: N/A

Proposed Use (Describe need for Variance): Residential - Maintaining existing setbacks on new addition

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you.  
\_\_\_\_\_ Yes  No

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed.  
\_\_\_\_\_  
\_\_\_\_\_

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

PLOT PLAN

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and it's relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: RS

No. of Occupants Proposed to be Accomodated: 3-5 No. of Employees, if applicable: \_\_\_\_\_

Section of the City of Whitewater Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: \_\_\_\_\_

**STANDARDS**

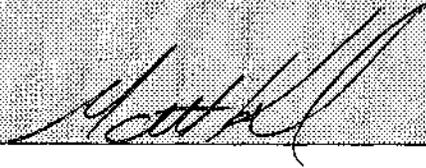
The following are Standards that the City of Whitewater Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards:

STANDARD	APPLICANT'S EXPLANATION
A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out	The current building sits within the set back area and would be in violation w/o a variance.
B. The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification	Correct
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.	The variance would be needed to bring the current building into compliance regardless of the proposed addition.
D. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.	Correct

**CONDITIONS**

The City of Whitewater Zoning Ordinance authorizes the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind & supply ALL pertinent information.

Signature of Applicant



Date

5/30/12

**APPLICATION FEES**

(to be completed by City)

*Fee for Variance application - \$200.00*

Date fee received by City 5-30-12

Receipt # 6.009843

Received by: J. Wegner

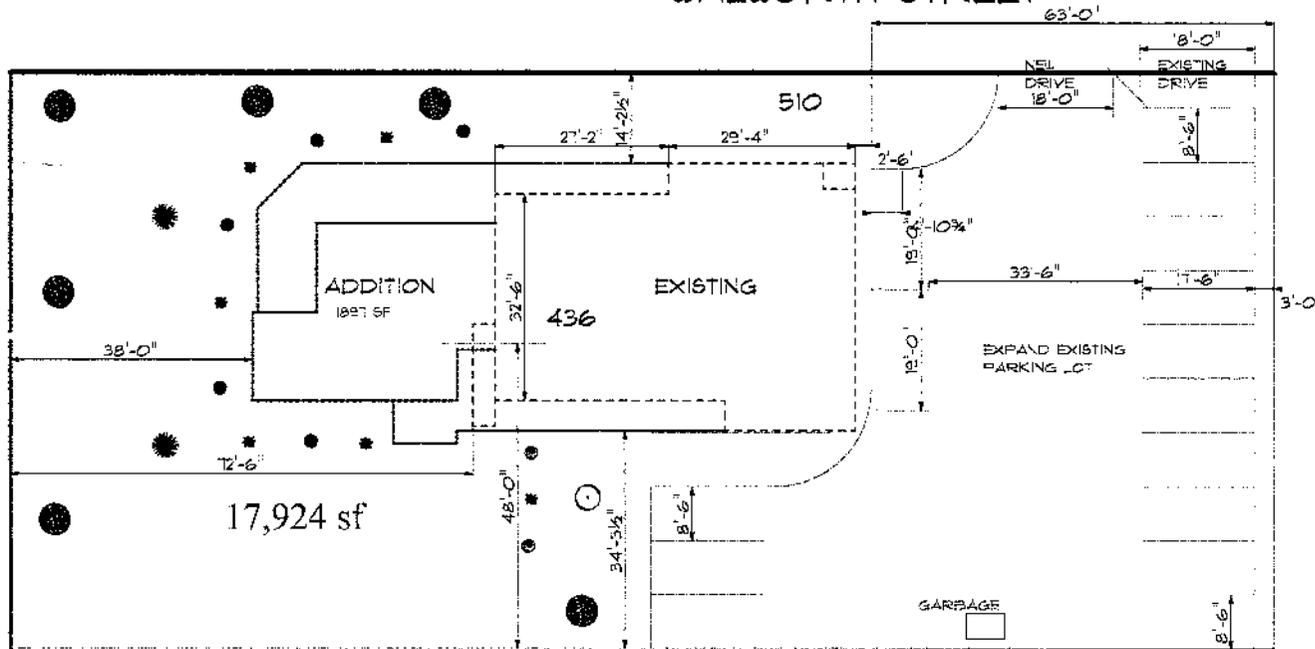
Date Notice sent to owners of record: 5-25-12 By J. Wegner

Date(s) published in Whitewater Register: 5-24 + 5-31-12

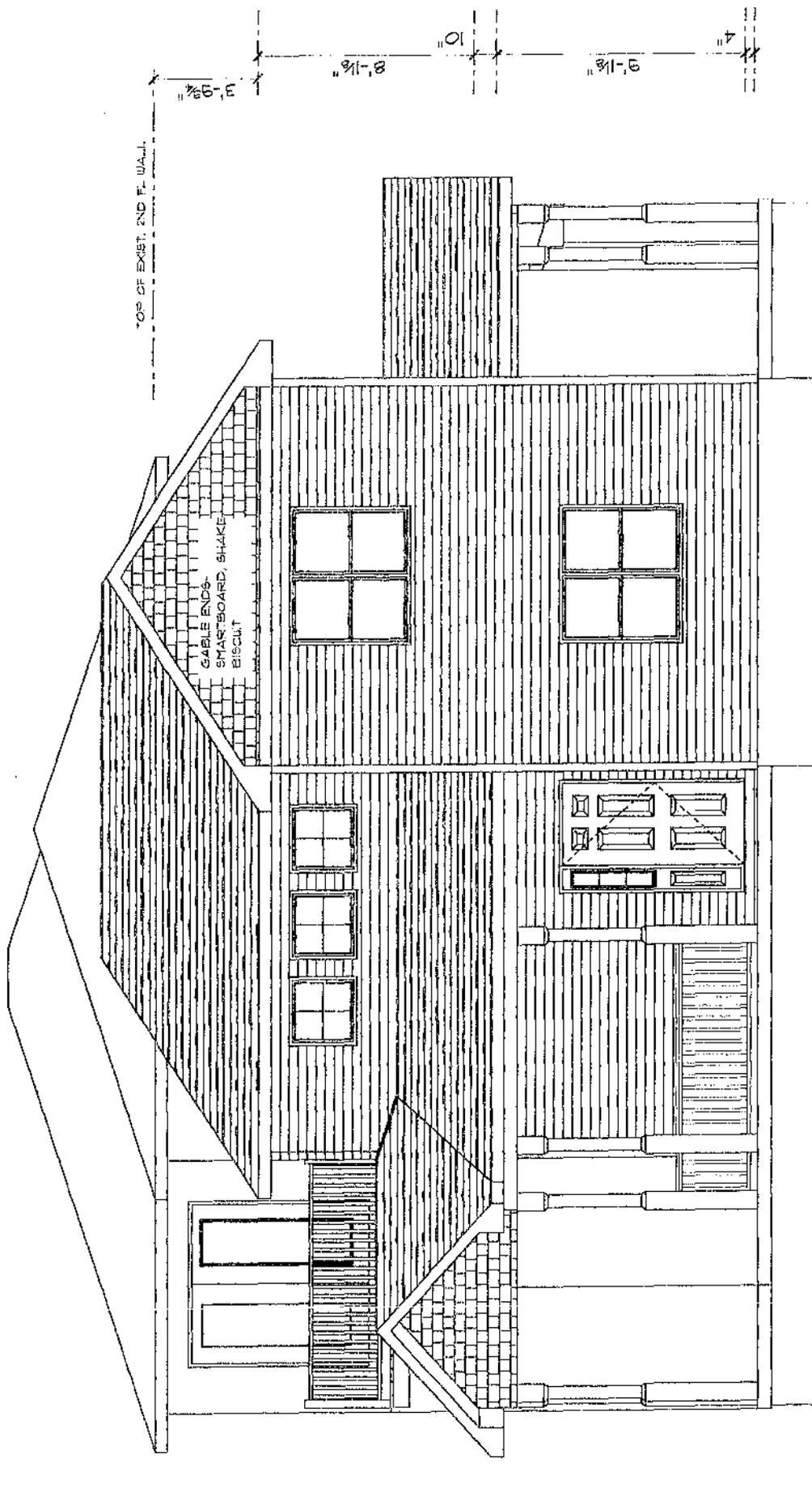
Date set for Hearing before Board of Zoning Appeals: 6-14-12

FRANKLIN STREET

WALWORTH STREET



graphic scale in feet



TOP OF EXIST. 2ND F. WALL.

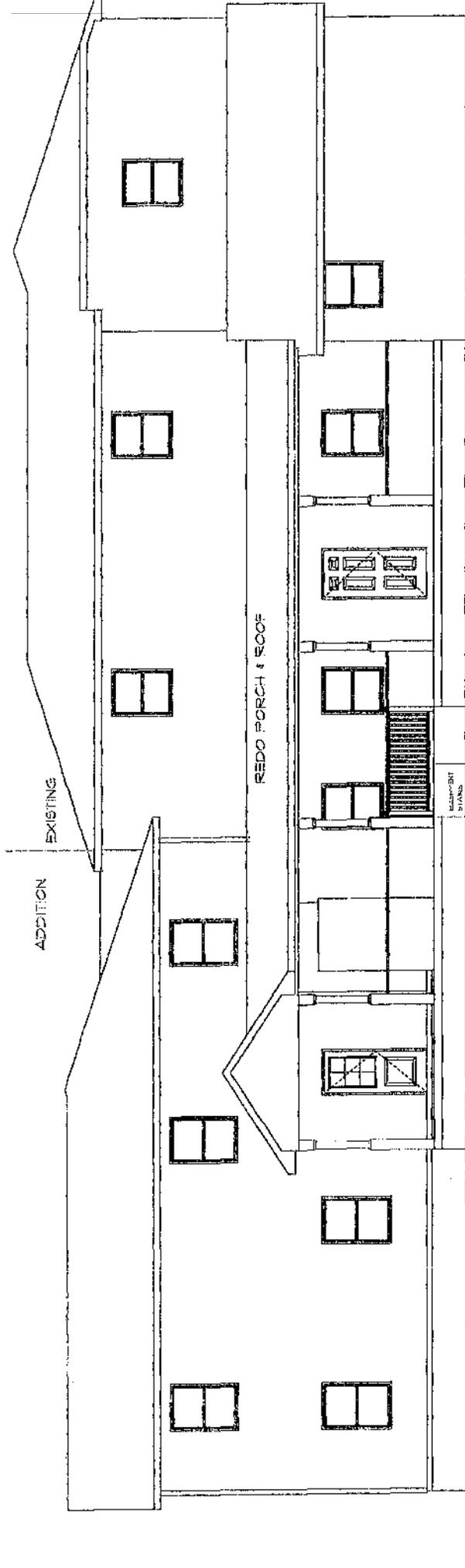
GABLE ENDS  
SMARTBOARD, SHAKE  
BISCUIT

EXISTING WALL HEIGHTS

ADDITION WALL HEIGHTS

FRANKLIN STREET ELEVATION





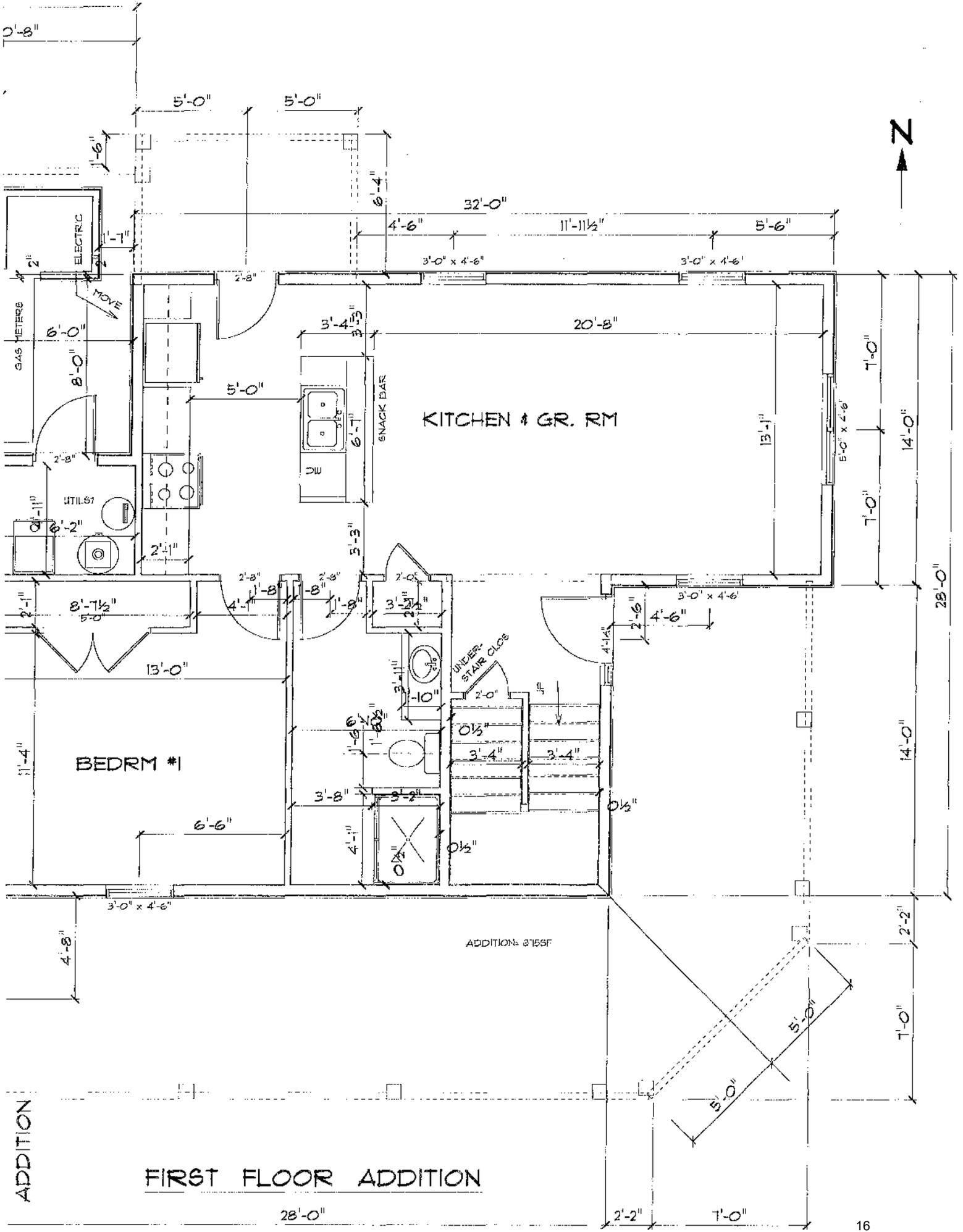
ADDITION

EXISTING

REDO PORCH & ROOF

BASEMENT  
PLANS

NORTH ELEVATION



FIRST FLOOR ADDITION



Plan Commission Packet Information  
for the Meeting of May 14, 2012.



Neighborhood Services Department  
Planning, Zoning, Code Enforcement, GIS  
and Building Inspections

www.whitewater-wi.gov  
Telephone: (262) 473-0540

To: City of Whitewater Plan and Architectural Review Commission  
From: Latisha Birkeland, Neighborhood Services Manager / City Planner  
Date: May 14<sup>th</sup>, 2012  
Re: Request a conditional use permit for the conversion of a duplex into a 3-unit apartment at 510 W. Walworth Ave.

**Summary of Request**

**Requested Approvals:** The applicant, Land and Water Investments, is requesting a conditional use permit to convert an existing two unit structure into three units - resulting in more dwelling units.

**Location:** 510 W. Walworth Ave

**Current Land Use:** Two family unit (previously 3-unit structure)

**Proposed Use:** 3-unit structure

**Current Zoning:** R-3 Multi-Family Residential

**Proposed Zoning:** (no change proposed)

**Comprehensive Plan's Future Land Use Designation:** Higher Density Residential

**Surrounding Zoning and Land Use:** North, South and West: R-3 Multi-Family Residential;

Land Use- Residential

East: B-3 Highway Commercial and Light Industrial,

Land Use – Residential

**Description of Use**

Originally this structure was a triplex with one unit on the upper level and two units on the lower level. Each unit was rented to four tenants, for a total occupancy of 12 tenants in the building. The downstairs unit was converted from two – four (4) bedroom units into one five (5)-bedroom unit in 2011. This proposal would expand the two unit building into a three unit building with a total of 15 bedrooms, 5 bedrooms in each unit.

**Building Dimensions and Yard Requirements**

For purposes of determining yard requirements, the front yard shall be the yard where the main door of the principal structure faces the street addressed (19.09.170). Because this structure has two units, there are two addresses. 436 S. Franklin and 510 W. Walworth Ave. The front yard of this structure will be 510. W. Walworth Ave.

If S. Franklin Street were to be considered the front yard, the width of 90 feet would not satisfy the minimum width requirement of 100 feet. The lot width on West Walworth Ave. is 198.00 feet, which well

exceeds the requirement. Using W. Walworth Ave as the front yard establishes the current parking lot as a side yard parking lot, where parking of more than five (5) vehicles would not be allowed.

Whichever way front or side yards are determined, one or more items will not meet the code requirements. However, this established structure has been this way and by approving or denying this CUP application will not change where the parking is now.

The existing structure has a front yard setback of 14' 2.5" from the property line on West Walworth Ave.; the requirement is 30 feet. This is a legal non-conforming structure. The City Attorney, Wally McDonell, and I have discussed this addition and adding on to this structure is allowed as long as the extension or enlargement will not increase the nonconforming dimensions (19.60.020).

The proposed wraparound porch addition will meet the current setback at 14' 2 1/2". The proposed addition will be setback at 23' 8" from the property line. The setback on South Franklin has exceeded the City Code requirement.

The total square footage of the lot is 17,924, which also exceeds the lot area requirement of 15,000 square feet.

The proposed addition will increase the structure by 1,897 square feet. This addition will be shorter than the current structure. The maximum height for multi-family buildings in the R-3 Zoning Districts is 45 feet or four stories. The colors and materials used for this building are attached.

The open space requirement of 1,050 square feet (350 square feet x 3 units) has been met by the applicant providing a total of square feet of open space along the east and north east side of the structure.

### **Parking and Ingress / Egress**

Multi-family units that have three or more bedrooms are required to have four (4) stalls for each dwelling unit. For three total dwelling units this project requires 12 parking stalls. The applicant has provided 15 total stalls to accommodate all 15 tenants. Parking lot expansions under 20 additional spaces are not required to install curbs.

The driveway width shall be no greater than 24 feet off Walworth Ave. The proposed parking stalls meet the Zoning Code requirement for interior parking spaces to be eight and one-half feet wide and not less than 150 square feet for interior parking stalls.

The applicant has asked to have the parking lot be built to the line on the north side. The parking lot needs to maintain at least three (3) feet from the abutting property. Currently the applicant owns the abutting property. An agreement will be required to be filed with the County. This record would run with the land if the property changes owners.

The dumpster location will be at the north side of the parking lot. The applicant indicated that the dumpster would be screened by fencing. Any approval of this CUP shall include a dumpster enclosure.

### **Landscaping**

The landscaping requirement for this project only includes the proposed addition in the calculation. The proposed trees and bushes exceed the minimum standards. The location of the flowering crabapple tree in the southeast corner will need to be adjusted, as it is located in the vision triangle. Please see plan for more details on the plantings. The plan was submitted to the City Forester, Chuck Nass, for review and no comments were received.

No additional lighting is proposed on the site. Sidewalks are currently established on Franklin Street and Walworth Ave.

The total paved area for this site is 6,490 square feet.

**Utilities**

There will be no changes to the utilities or service provided to the structure.

**Recommendation on Conditional Use Permit**

Staff review and general approvals have been given from Greg Noll, Building Inspector. Pending comments received at the public hearing, I recommend the Plan and Architectural Review Commission approve the conditional use permit for Land and Water Investments three unit multi-family building subject to the following conditions:

1. All approved landscaping shall be installed no later than six months from date of Certificate of Occupancy.
2. The applicant shall comply with all required building codes. State approved plans must be received prior to the issuance of a building permit.
3. Establish the parking lot in accordance with the submitted plans and City Code. This includes grading and surfacing of the lot to be dust-free and properly drained per City requirements. Hard surface shall be required for all multifamily residential uses. No later than August 1<sup>st</sup>, 2013.
4. Fencing to be installed surrounding the parking lot and dumpster to comply with the City Code. Fencing around the parking lot shall screen neighboring properties from light pollution. Wood privacy or other known types of fencing to prevent this shall be required.
5. An agreement shall be filed with the County allowing parking to the lot line between 426 S. Franklin Street and 510 W. Walworth Ave.
6. Driveway width shall not exceed 24 feet at the curb to the sidewalk.

**Analysis of Proposed Project**

Standard	Evaluation	Comments
<b>Conditional Use Permit Standards (see section 19.66.050 of zoning ordinance)</b>		
The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.	Yes	This project will improve the site aesthetically. Buffers will be added to protect the neighbors from additional nuisances.
Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	All items have been provided unless otherwise noted.

Standard	Evaluation	Comments
The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance [or through a variance].	No	Legal non-conforming setback relating to the front setback. This legal non-conforming matter will not be expanded to make it more non-conforming.
The conditional use conforms to the purpose and intent of the city master [comprehensive] plan.	Yes	The Comprehensive Plan identifies the site as an area for Higher Density Residential, which is what the applicant is proposing.
The conditional use and structures are consistent with sound planning and zoning principles.	Yes	Project is consistent with the purpose, character and intent of higher density residential and the R-3 Zoning District.



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

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Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Whitewater Municipal Building, Community Room, located at 312 W. Whitewater Street on the 14th day of May, 2012 at 6:00 p.m. to hold a public hearing for the consideration of a conditional use permit for the conversion of a duplex into a 3-unit apartments at 510 W. Walworth Ave. for Matt Kuehl & Bob Freiermuth (Land & Water Investments).

The proposal is on file in the Planning and Zoning Office at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Latisha Birkeland, Neighborhood Services Manager/City Planner

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MICHAEL W PIEPER JR  
BRIANNA L BEALS  
528 S. FRANKLIN ST  
WHITEWATER WI, 53190

STATE OF WISCONSIN  
DEPT OF TRANSPORTATION  
MADISON WI, 53702

~~STATE OF WISCONSIN  
DEPT OF TRANSPORTATION  
MADISON WI, 53702~~

LAWRENCE L ZIMMERMAN  
SHIRLEE J ZIMMERMAN  
226 WOOD ST  
WHITEWATER WI, 53190



Neighborhood Services Department  
Planning, Zoning, GIS, Code Enforcement  
and Building Inspections

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
(262) 473-0143

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## CONDITIONAL USE PERMIT APPLICATION

Address of Property: 570 Walnut St.

Owner's Name: Land + Water Investments LLC

Applicant's Name: Matt Koehl + Bob Friermuth C104105

Mailing Address: 503 Center St Lake Geneva, WI 53147

Phone #: 262-745-6603 Email: koehl.law@sboglobe.net

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): \_\_\_\_\_

### Existing and Proposed Uses:

Current Use of Property: Triplex Residential

Zoning District: R3

Proposed Use: Triplex Residential

**NOTICE:** The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

### Conditions

*The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.*

## APPLICATION REQUIREMENTS

### THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
  2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
  3. All buildings and structures: location, height, materials and building elevations.
  4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting -- both on poles and on buildings. Photometric plans may be required.
  5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
  6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
  7. Access: pedestrian, vehicular, service. Points of ingress and egress.
  8. Loading: location, dimensions, number of spaces, internal circulation.
  9. Landscaping: including location, size and type of all proposed planting materials.
  10. Floor plans: of all proposed buildings and structures, including square footage.
  11. Signage: location, height, dimensions, color, materials, lighting and copy area.
  12. Grading /drainage plan of the proposed site.
  13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
  14. Outdoor storage, where permitted in the district: type, location, height of screening devices.
- \*\*Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

## STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	<i>The proposed use will not impact neighboring uses.</i>
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	<i>All will be provided for. See Narrative</i>
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	<i>Yes</i>
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	<i>Yes</i>

\*\*Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: *Matthew*

Date: *4/16/12*

Printed: *Matthew*

**TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT**

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on \_\_\_\_\_, Received by: \_\_\_\_\_ Receipt #: \_\_\_\_\_
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on \_\_\_\_\_.
- 3) Notices of the Public Hearing mailed to property owners on \_\_\_\_\_.
- 4) Plan Commission holds the PUBLIC HEARING on \_\_\_\_\_. Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

**ACTION TAKEN:**

Condition Use Permit: Granted \_\_\_\_\_ Not Granted \_\_\_\_\_ By the Plan and Architectural Review Commission

**CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:**

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\_\_\_\_\_  
Signature of Plan Commission Chairperson

\_\_\_\_\_  
Date

**Tips for Minimizing Your Development Review Costs: A Guide for**

## **Applicants**

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

### **Meet with Neighborhoods Services Department before submitting an application**

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

### **Submit a complete and thorough application**

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

### **For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans**

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

## **For simpler projects, submit thorough, legible, and accurate plans**

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

## **Submit your application well in advance of the Plan and Architectural Review Commission meeting**

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

## **For more complex projects, submit your project for conceptual review**

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally

6

submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

## **Hold a neighborhood meeting for larger and potentially more controversial Projects**

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

## **Typical City Planning Consultant Development Review Costs**

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
<b>Minor Site/Building Plan</b> (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
<b>Major Site/Building Plan</b> (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
<b>Conditional Use Permit with no Site Plan Review</b> (e.g., home occupation, sale of liquor request, substitution of use in existing building)	Up to \$600
<b>Rezoning</b>	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & STP application submitted at same time	\$2,100 to \$12,000
<b>Land Division</b>	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
<b>Annexation</b>	\$200 to \$400

\*\*Note: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

# Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

## Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant: Leland + Vredefort Investments LLC

Applicant's Mailing Address: 5013 Center St  
Lake Geneva, WI 53147

Applicant's Phone Number: 202-745-6603

Applicant's Email Address: lve@lviinvestments.com

Project Information:

Name/Description of Development: 510 Walworth Street Addition

Address of Development Site: 510 Walworth Street

Tax Key Number(s) of Site: \_\_\_\_\_

Property Owner Information (if different from applicant):

Name of Property Owner: Same as above

Property Owner's Mailing Address: Same as above

**Section B: Applicant/Property Owner Cost Obligations**

----- To be filled out by the Neighborhood Services Department -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ \_\_\_\_\_
- B. Expected Planning Consultant Review Cost .....\$ \_\_\_\_\_
- C. Total Cost Expected of Applicant (A+B) .....\$ \_\_\_\_\_
- D. 25% of Total Cost, Due at Time of Application.....\$ \_\_\_\_\_

E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

**Section C: Agreement Execution**

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

  
\_\_\_\_\_  
Signature of Applicant/Petitioner

\_\_\_\_\_  
Signature of Property Owner (if different)

*Matt Kiehl - Owner*  
\_\_\_\_\_  
Printed Name of Applicant/Petitioner

\_\_\_\_\_  
Printed Name of Property Owner (if different)

*4/19/12*  
\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

## NARRATIVE

### CONDITIONAL USE PERMIT

#### 510 WALWORTH EXPANSTION PROJECT

The proposed project involves the property located at 510 Walworth Street, which is on the corner of Walworth and Franklin Streets. This property has historically been a triplex with one unit on the upper level and two units on the lower level. Each unit was rented to four tenants, for a total occupancy of 12 tenants in the building.

Since purchasing the property, we had consistently been dis-satisfied with both the look and rentability of the property. The two lower units were too small to fit 4 tenants, which invariably led to maintenance issues with the property. This led to a property that was unkempt and in constant need of maintenance.

In 2011, we began a two-part plan to modernize the subject property. The first step of the plan was to combine the two lower units into one larger, five bedroom unit – thus downsizing by three tenants. To partially off-set the loss of this revenue, we were able to add one bedroom to the upstairs unit. The result of this phase of the project was to vastly improve the quality of the interior of the building and reduce the occupancy by two tenants.

The next step of our plan is to return the building to a triplex by building a five bedroom addition on the Franklin Street side of the building. The result of the project will be a much more attractive building that will improve the overall appearance of the neighborhood. This project will improve the exterior of the building to match the improved interior of the building.

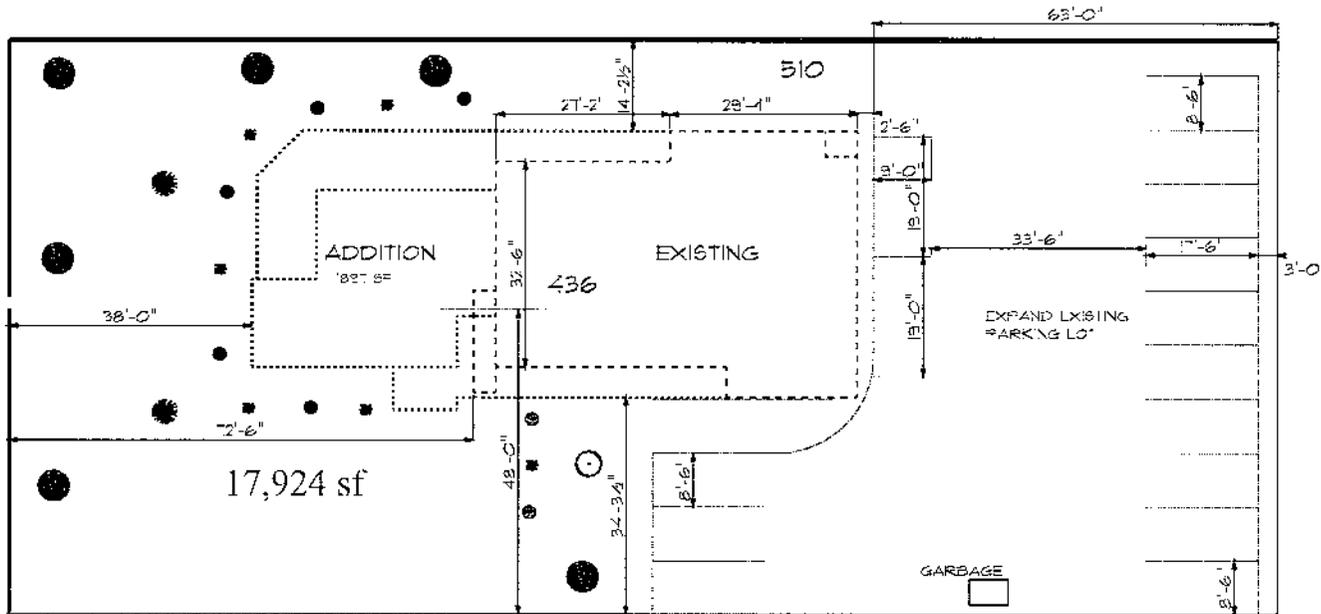
The plan will be for a 2000 square foot, two story, five bedroom addition facing the Franklin Street side of the lot. To give the exterior character, the addition will have a wrap-around porch connecting the existing lower unit with the new addition and a rear porch also connecting the new addition to the existing lower unit. An upper porch will be added to the existing upper unit. The color scheme will be French gray with white trim on the porches, windows, and facia. The roof will have gray shingles. The landscape plan is depicted in the drawing(s) included with this narrative. Our primary intent is to include landscaping that compliments the improved design of the building by providing a picturesque lot, while allowing the building to remain the center of attention. The parking plan is also depicted in the drawings. We have redesigned the existing parking lot to accommodate five (5) additional spaces by expanding the existing lot.

The purpose of this project is to be the final step in the process of modernizing and improving the character of the subject building. The end result, including the already completed projects, will be to increase the occupancy from 12 to 15, while changing the building from an older, unattractive structure to a building that will be a centerpiece and attractive focal point for the entire block.

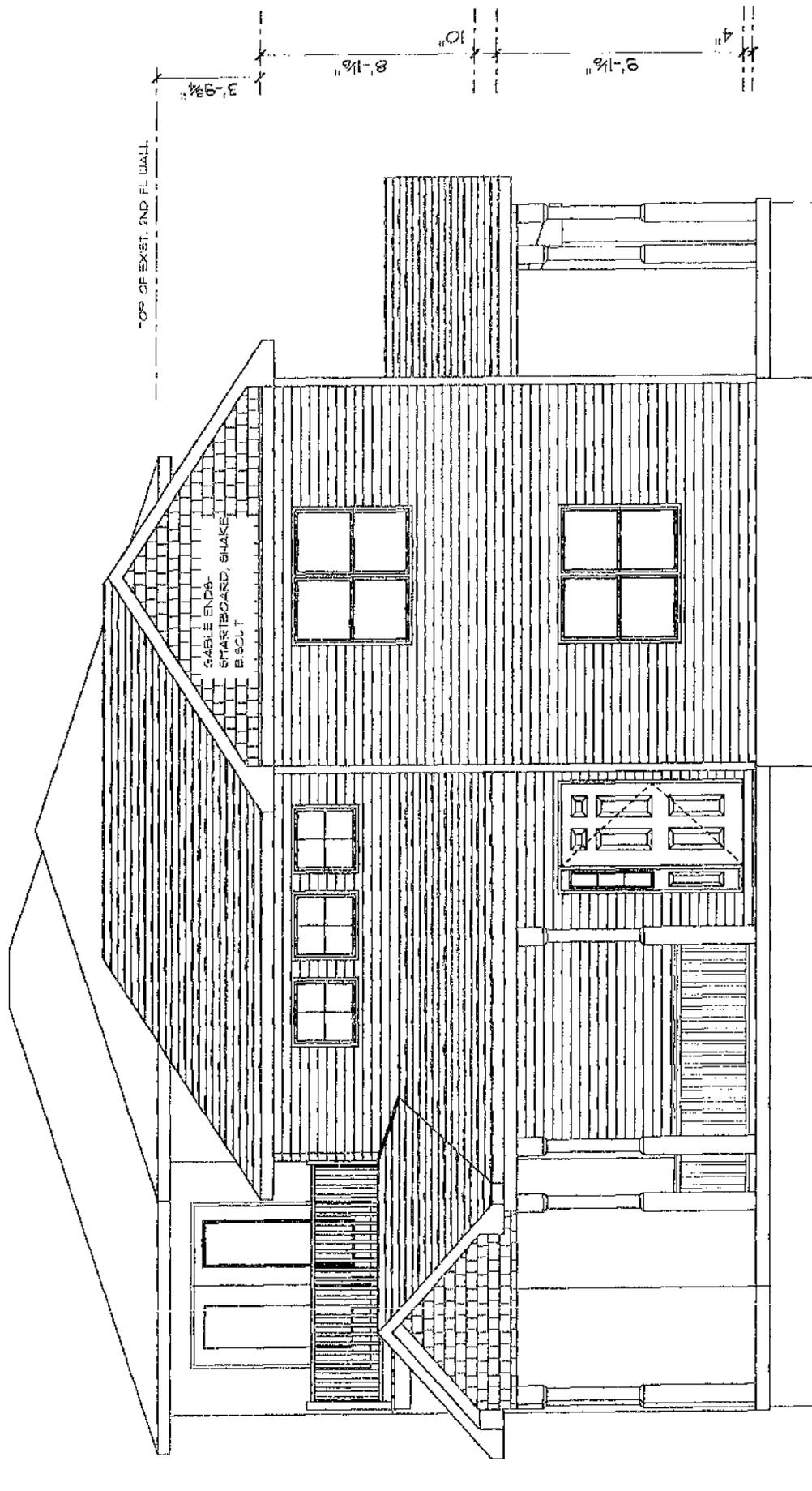


FRANKLIN STREET

WALWORTH STREET



graphic scale in feet



TOP OF EXIST. 2ND FL. WALL

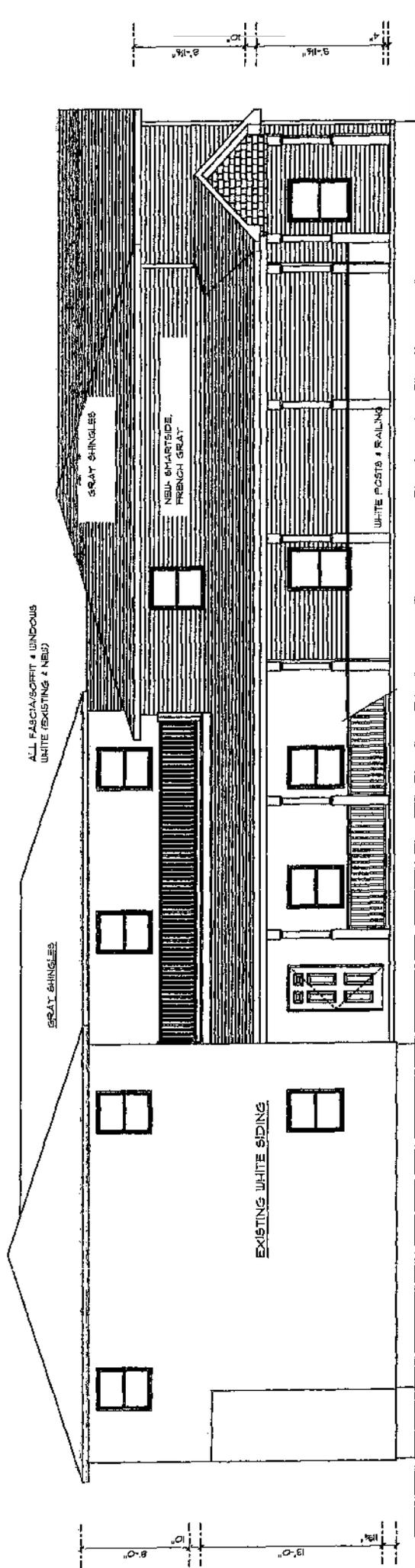
GABLE END -  
SHAKESIDE, SHAKESIDE,  
SHAKESIDE

EXISTING WALL HEIGHTS

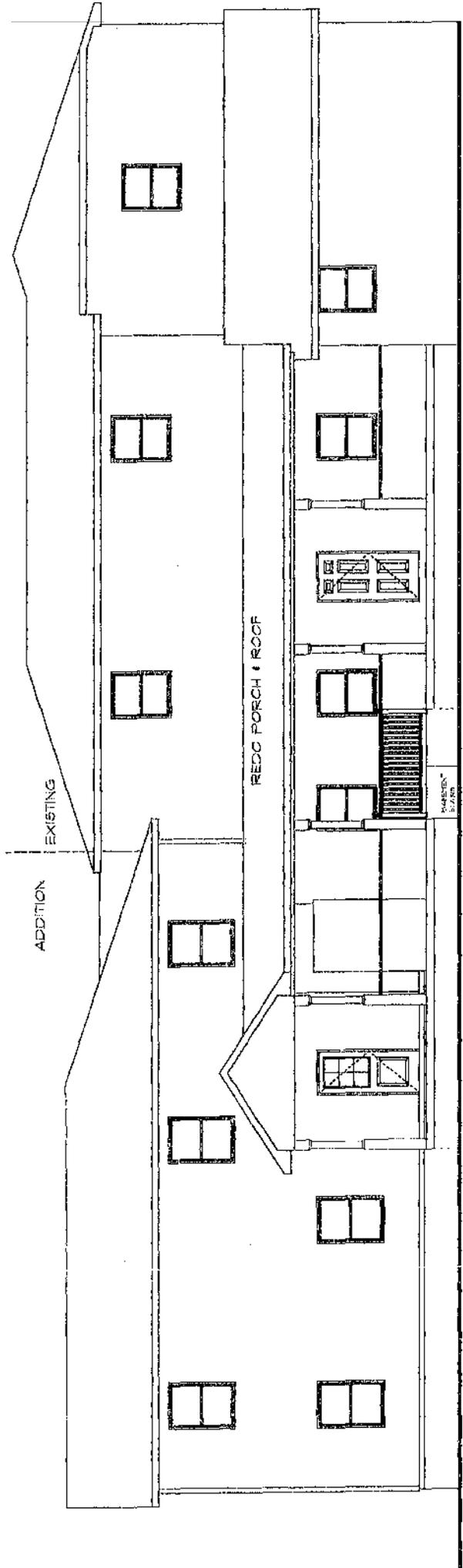
ADDITION WALL HEIGHTS



FRANKLIN STREET ELEVATION

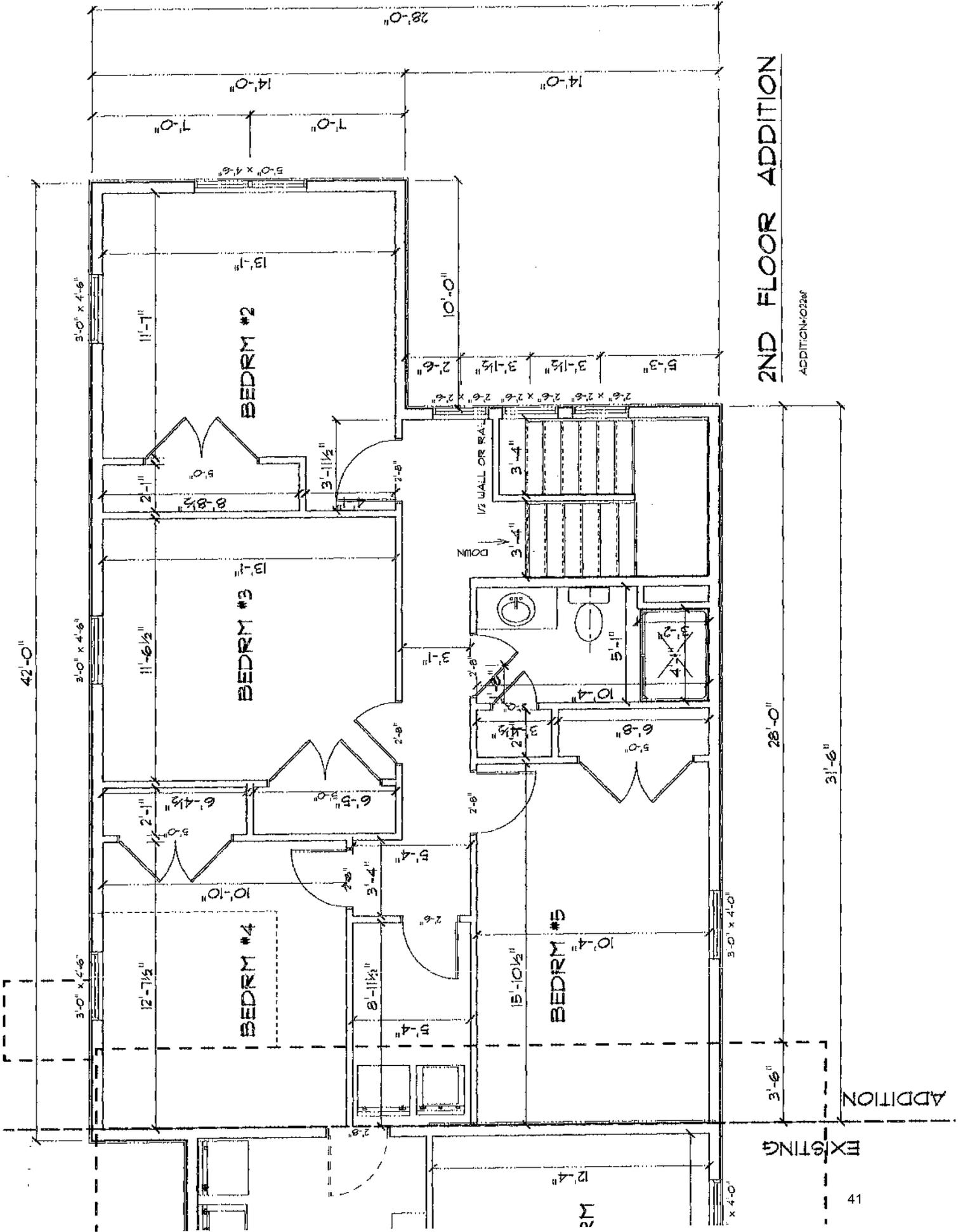


WALWORTH STREET ELEVATION



NORTH ELEVATION





2ND FLOOR ADDITION

ADDITION-022a

EXISTING  
ADDITION