City of Mequon

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262/236-2911
Fax: 262/242-9655

www.ci.mequon.wi.us

Office of the City Clerk

Board of Appeals
Wednesday, April 13, 2016; 6:00 PM
Christine Nuernberg Hall - Common Council Chambers

AGENDA

1. Call to Order, Roll Call

2. Approve meeting minutes of February 29, 2016

3. Hear evidence concerning; debate, deliberate and decide the request of:
   Applicant(s): Paul Rausch
   Owner: Paul Rausch
   Appeal: Requesting a variance from Section 58-237(g)(2) Mequon Code of Ordinances in order to increase the height of the garage beyond the required 15' limit at 11254 N. Solar Avenue.

4. Adjourn

Dated: April 1, 2016 **/s/ Rose Reitz, Chairman**

****

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2911, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2911, Monday through Friday, 8:00 AM– 4:30 PM

City of Mequon

draft

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Office of the City Clerk

BOARD OF APPEALS
Monday, February 29, 2016; 6:00 PM

Present: Chairman Reitz; Members Ashmore, Larson, Levin, Massey, Deputy Clerk Fochs; City Attorney Sajdak; City Inspector Rakow, Court Reporter Elaine Thies, Gramann Reporting; and interested public

Also Present: Appellant Jordan Weed, Owner Karen Forrer, Jesse Burg, of Burg Homes Designs

All parties appearing before the Board of Appeals were sworn.
A complete transcript of the proceedings can be made available upon request.

The meeting was called to order at 6:02 PM.

1. **Approve meeting minutes of February 4, 2016**
   Moved by Member Ashmore, seconded by Member Massey to approve the meeting minutes of February 4, 2016.

   The motion passed by roll call vote 3/0.
   Favor: Ashmore, Massey, Reitz
   Abstain: Larson, Levin

2. **Hear evidence concerning; debate, deliberate and decide the request of:**
   Applicant(s): Jordan Weed
   Owner: Karen Forrer
   Appeal: Requesting a variance from Section 58-234(i) Mequon Code of Ordinances to build a new garage with covered porch connecting to the existing home at 13220 N. Windsor Court.

   Inspector Rakow summarized the applicant's case. He indicated that the appellant is requesting a variance from the 100' setback in order to construct a detached garage. The applicant is requesting a 30' setback. The subject property is zoned R-1, which requires a 100' setback, whereas the properties directly north of subject property are zoned R-1B requiring a 50' setback.

   Appellant's representative, Mr. Burg explained that the lot in question is unique because it has two separate lots that could be called a front yard, resulting in three borders of right-of-way on the east, south and west. The existing buildings do not meet the setback requirements. He contends that the hardship is created by the lot. Windsor Court, he contends, is not the major thoroughfare and stated that they are maintaining a 100' setback on the other two sides of the property and believes the location of the proposed garage is in the side yard setback. The slabs from the old garage are still intact and there is also an existing well which building plans are designed around.

   When asked if the planned garage could be moved back Mr. Burg replied that the new garage was designed to attach to the house at the laundry room/mud room. If the garage was moved

back from the road then it would attach to the house at a different point and would require an entire home remodel. Likewise, it would be very difficult to put the proposed garage behind the house, closer to Wauwatosa Road. There would not be enough room, the connection to the home would not be desirable and the driveway would have to be located behind the house.

Member Ashmore reiterated that the hardship cannot be personal to the property owner. Appellant restated the hardship is created by the irregularity of the lot.

Massey questioned if the garage could be placed closer to the well. The appellant conceded that that could be possible but the setback requirements likely would still not be met. It would also make maneuvering in and out of the garage more difficult. The Board questioned if it would be possible to rebuild an existing garage.

In response to the Board's questions, Mr. Burg stated that some older and dying trees have already been removed, the gravel driveway and gravel area still exist, and there is a full circle driveway.

Moved by Member Levin, seconded by Member Ashmore to close the public hearing. The motion passed by voice acclamation 5/0.

The Board deliberated:

- It is important to be consistent with the application of the ordinances
- Proximity of the proposed garage to Wauwatosa Road is a concern
- The Board can sympathize with the inconvenience and additional expense to build in conformity
- Hardship must be based on conditions unique to the property rather than conditions personal to the property owner

Motion by Member Ashmore, seconded by Member Larson to deny the variance. The motion resulted in a roll call vote 5/0:
Favor: Members Ashmore, Larson, Levin, and Massey, Chairman Reitz
Oppose: None

3. Adjourn

Moved by Member Ashmore, seconded by Member Levin to adjourn the meeting at 6:34 PM. The motion passed 5/0 by voice acclamation.

Respectfully submitted,
CITY OF MEQUON BOARD OF APPEALS
Kathy Andrykowski, Administrative Secretary

BOARD OF APPEALS APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: PAUL RAUSCH Address: 11254 N. SOLAR AVE

City/zip: MEQUON WI 53097

Owner: PAUL RAUSCH Address: 11254 N. SOLAR AVE

City/zip: MEQUON WI 53097

Contact Person/Name: PAUL RAUSCH

Phone Number: 262-512-1530 Email: PFRAUSCH@WI.RR.COM

TO THE ZONING BOARD OF APPEALS:

The above hereby requests an appeal/variance in regard to Section No: 58-237 (g)(2) of the Mequon Code of Ordinances regarding:

11254 N. SOLAR AVE, MEQUON WI 53097
(street address or legal description)

in order to: ALLOW MY CAMPER/TRAILER TO BE HOUSED IN AN ENCLOSED PARKING STRUCTURE SO THAT I COMPLY WITH THE ORDER ISSUED ON FEBRUARY 10, 2015 (SEE ENCLOSED) ON SECTION 58-441 (11) c. HEIGHT NEEDS TO BE 18' 8".

APPLICANT MUST PROVIDE:

Application form (1 copy only)
$215 filing fee

10 copies each of the following documents (One for each Board Member)

1. Copy of denial letter *(Appeal must be made within 30 days of affecting decision)*
2. Letter explaining hardship or practical difficulty in complying with the ordinance requirement(s)
3. Detailed dimension drawing of/and indicating area where appeal/variance is requested
4. Elevation drawings if appropriate (4 views)

FOR OFFICE USE ONLY

Receiving Officer:	Reggie Rogers	Received Date:	3/8/16
Parcel #:	140 860 110 000	Hearing Date:	~~3/31~~ 4/13/16
Zoning District:	R-2B	Receipt #:	001739-0019
Alderman & District #:	Dale Mayr, District 3	Published:	3/31/16

c: Notice of scheduled hearing to DISTRICT ALDERPERSON, and
OWNER(S) OF RECORD as listed in the Office of the Assessor of all lands within 1320 feet of subject property (when hearing involves a proposed zoning district classification change or conditional use grant); copy of mailing list attached for case file/record (if applicable)

SUBSTANTIVE AND PROCEDURAL GUIDE TO VARIANCES FOR APPLICANTS TO THE BOARD OF APPEALS

I. CRITERIA FOR ISSUANCE OF VARIANCE:

To qualify for a variance, an applicant has the burden of proof to demonstrate at a public hearing before the Board of Appeals the following:

1. Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or the prior owners of the property. Further, economic loss or financial hardship does not justify a variance.

2. The variance will not create substantial detriment to the adjacent or neighboring property, and will not be contrary to the public interest or public safety.

The foregoing criteria are defined in the State Statutes and/or Mequon Ordinances and have been interpreted by the Courts. This guide is intended merely to assist applicants and not intended as a substitute for the criteria defined in the Statutes and ordinances as interpreted by the Courts. As noted above, the burden is upon the applicant, not the Board of Appeals or the City to present sufficient evidence to support the findings to be made by the Board of Appeals based upon the evidence presented at the public hearings.

II. DETERMINATION

In making its findings and determinations, the Board of Appeals may consider factors such as: characteristics of the property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks; existing and future use of property; useful life of improvements at issue; disability of an occupant; aesthetics; degree of non-compliance with the requirement allowed by the variance; proximity to and character of surrounding properties; zoning of the area in which property is located and neighboring areas; and the purpose and intent of the Zoning Code subsection imposing the requirements.

Any variance granted by the Board of Appeals may contain conditions that it deems necessary, including, but not limited to, conditions that:

1. Prescribe the duration of the variance to be:

   a. permanent, thereby remaining permanently with the property;
   b. a specified length of time; or,
   c. the time period during which the property is owned or occupied by a particular person;

2. Require the performance of additional actions related to the mitigation or enhancement of impacts resulting from the variance; or,

3. Prescribe a limitation on the action effectively authorized by the variance.

Paul Rausch
11254 N Solar Ave
Mequon, WI 53097
March 2, 2016

Dear Mequon Board of Appeals Members:

I am a long time member of or city, having relocated here in 1999, and I am writing this letter to explain the reasons why I need to apply for a variance to Section 58-237 (g) (2) which limits the height of my detached garage to 15'.

In 2013 I purchased a travel trailer camper that unknowingly exceeded the height limitations as set forth by section 58-441 (11) (C) of 10' and was issued an order to comply letter on February 10, 2015 which requires the camper to be housed in an enclosed parking structure or remove it from the property. In order to comply as quickly as possible, I rented an outside storage space in the Jackson area (as very few spaces are available in February), and while determining what action could be done, the camper was damaged by an act of nature and was repaired at a cost of nearly $9,000.00.

I currently have a garage that is large enough to enclose the camper without increasing the square footage, but need to install as 12' garage door on it to allow the camper into the structure. Installing the 12' door will require me to raise the roof to a total height of 18' 8". This allows for the 12' door, clearance for springs and opener (as recommended by door manufacturer) and the roof truss system.

I have checked with my neighbors and they are okay with the additional height and have briefly looked around the neighborhood and have spotted several detached garages/sheds that are clearly taller than 15'. I am not sure of the zoning for the other garages that I saw (see attached pictures for examples), but I do know that some were new, some older, some were on larger plots and some were on smaller plots so I do not think that I am asking for something that is out of the ordinary. All I know is that I need to house my camper in a safe environment and I am trying to comply with all regulations as indoor storage would cost almost three times my camper payment and would be out of the question.

Sincerely,

Paul Rausch

City of Mequon

11333 N. Cedarburg Rd 60W
Mequon, WI 53092-1930
Phone (262) 236-2921
Fax (262) 242-9655

www.ci.mequon.wi.us

INSPECTION DIVISION

February 10, 2016

Mr. Paul Rausch
11254 N. Solar Avenue
Mequon, WI 53097

Dear Mr. Rausch:

I am writing in regards to the property you own at 11254 N. Solar Avenue and your building permit application to re-construct a 20' x 35' 9" accessory structure. Your property is located in the R-2B zoning district and accessory structures are a permitted use and limited to a maximum height of 15'. The proposed plan shows the overall height of the garage exceeds the maximum height by 3'7". Based on this your permit application is denied.

If you believe my enforcement of the strict letter of the ordinance will cause you an unnecessary hardship, you may request a variance from the City of Mequon Board of Appeals.

Please remember the following information if you decide to request a variance:

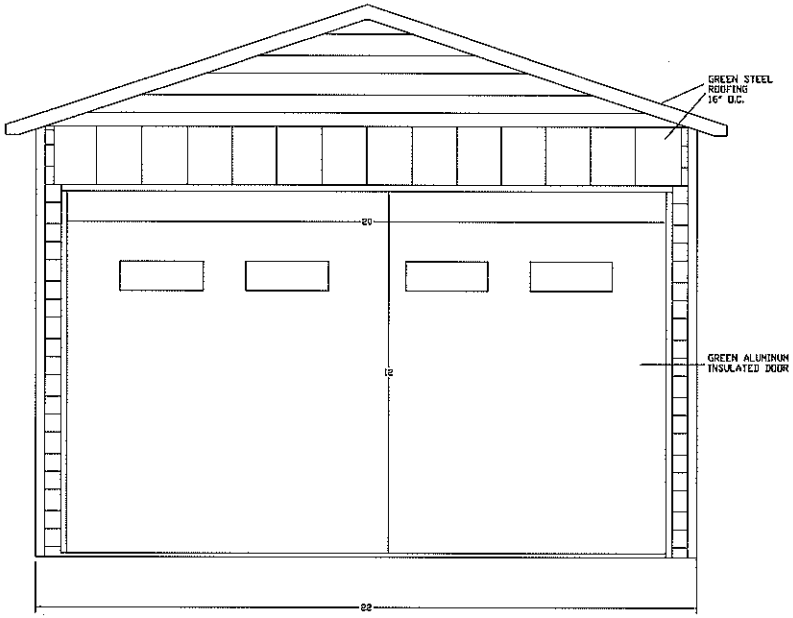
1. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
2. The hardship cannot be self-created.
3. The Board of Appeals is to evaluate the hardship in light of the purpose of the zoning restriction at issue.
4. A variance cannot be contrary to the public interest.
5. The property owner bears the burden of proving unnecessary hardship.

I have enclosed an application for the Board of Appeals which should be returned to the City Clerk with a check for $215.00.

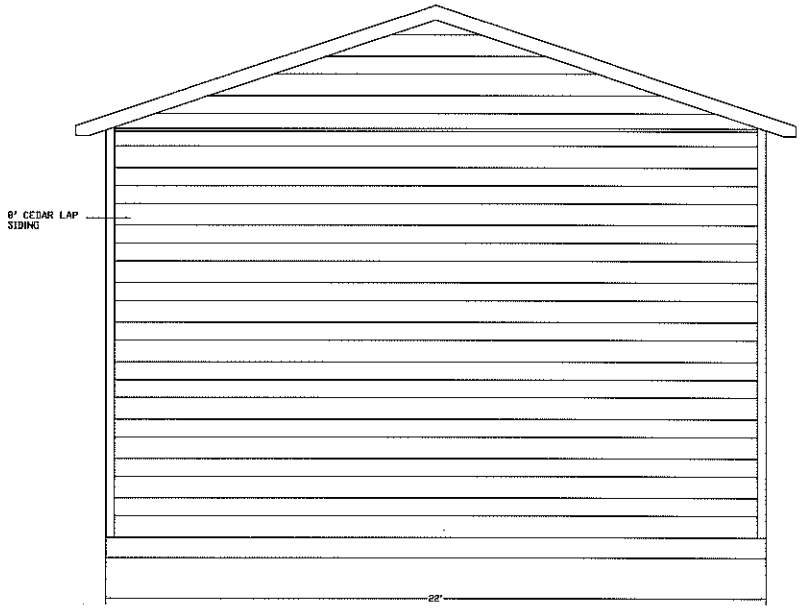
If you have any further questions, feel free to call me at 262-236-2904 during normal business hours.

Respectfully,

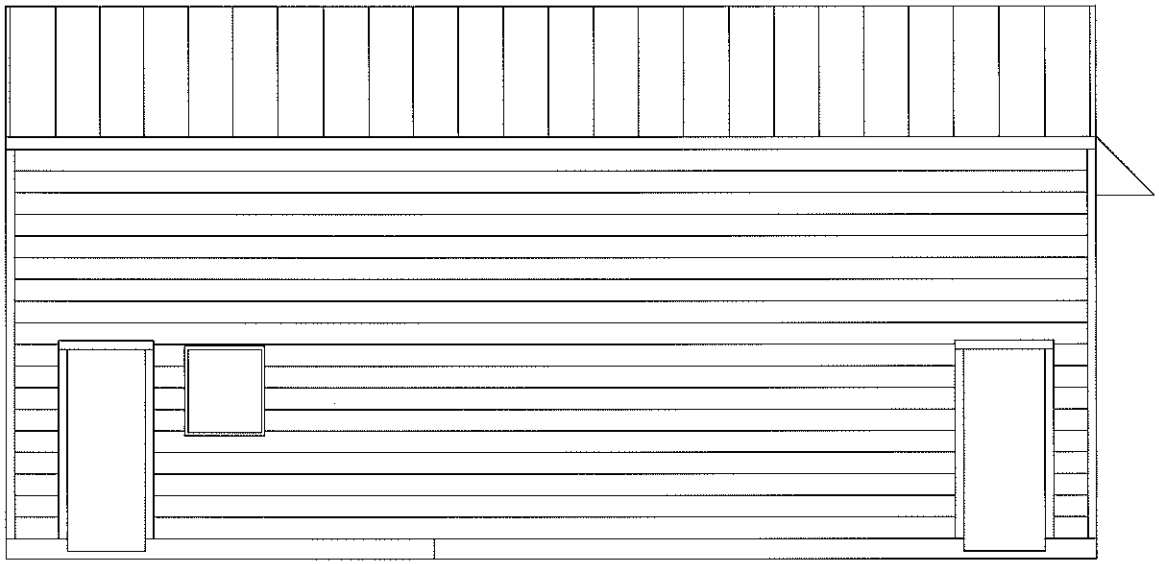
Jac Zader
Assistant Director of Community Development



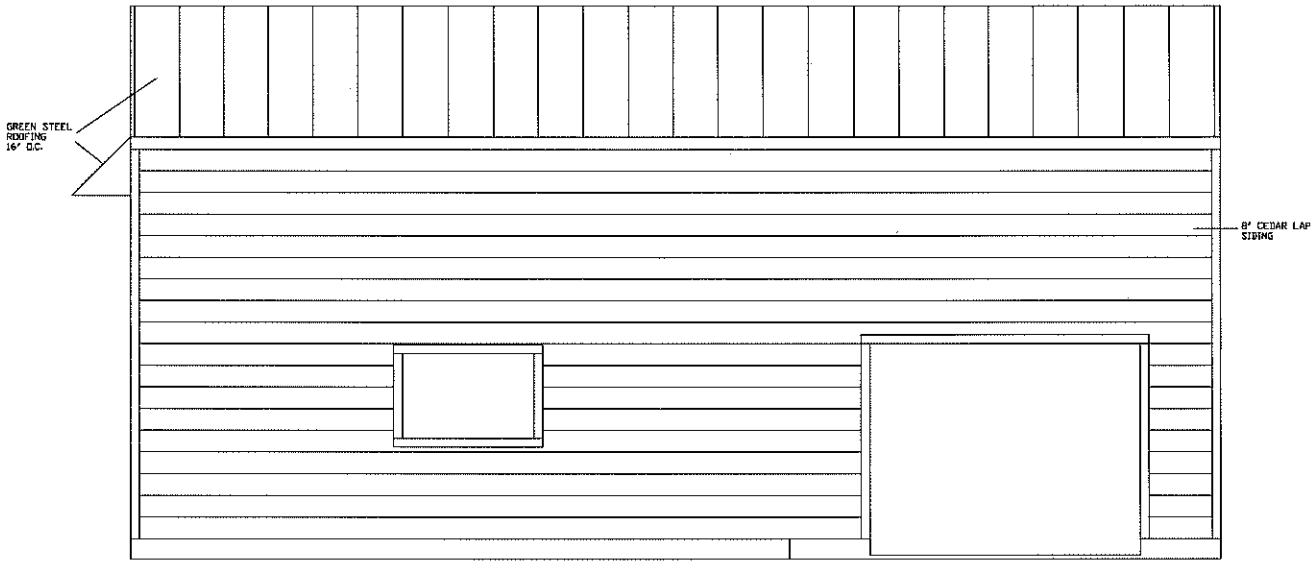
FRONT ELEVATION
SCALE: 1/4" = 1' 0"



REAR ELEVATION
SCALE: 1/4" = 1' 0"



LEFT ELEVATION
SCALE: 1/4" = 1' 0"



RIGHT ELEVATION
SCALE: 1/4" = 1' 0"

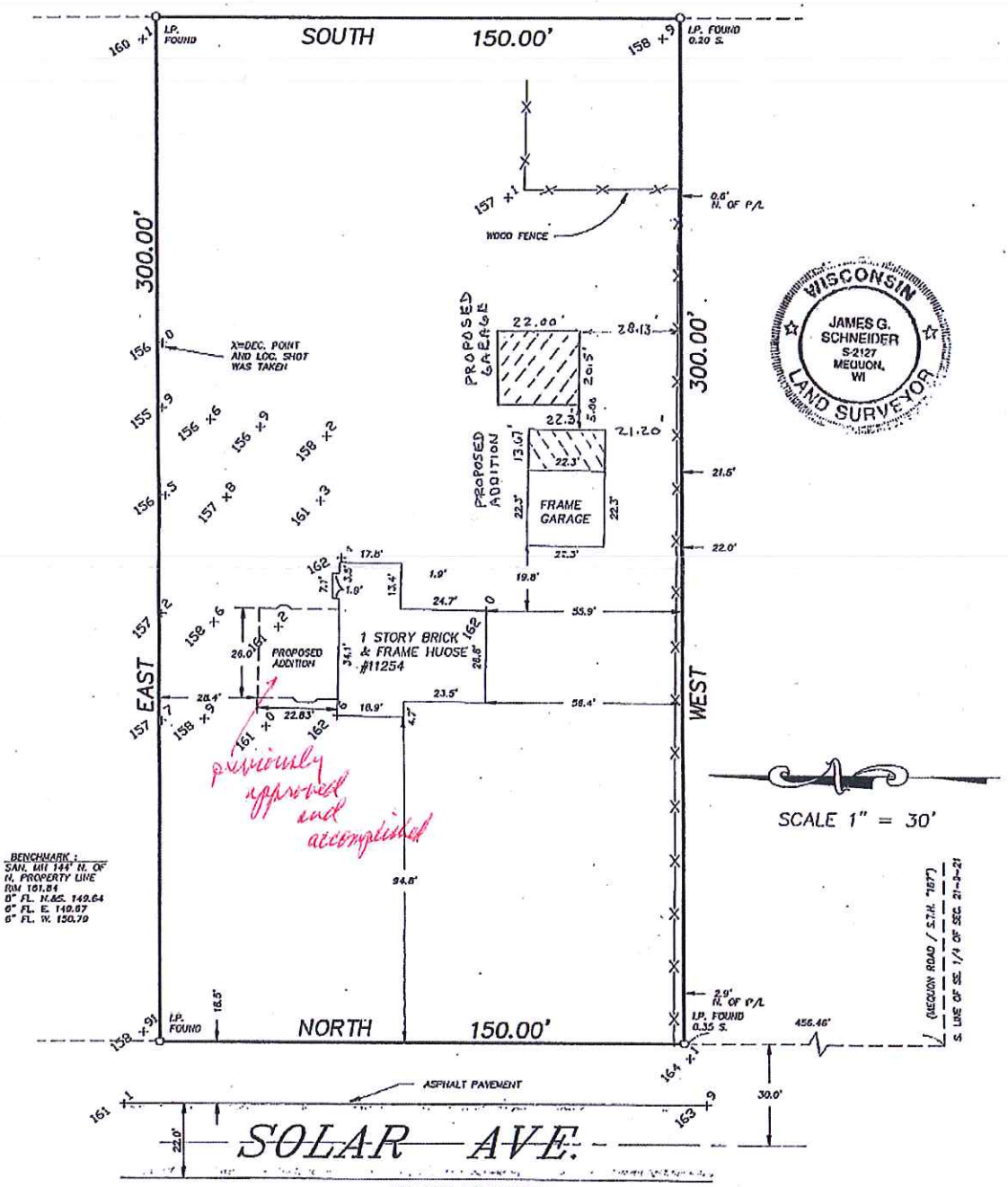
PLAT NO. MEQUON 2-14

NORTH SHORE ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
11431 N. Port Washington Road Mequon, Wisconsin 53092 (414) 241-9400
FAX 241-8160

PLAT OF SURVEY

Prepared For: Jerome Unger

Property Description: Lot 10, Block 1, SOLAR HEIGHTS PLAT NO. 1, located in the East one-half of the Southeast one-quarter and in the Southeast one-quarter of the Northeast one-quarter of Section 21, Town 9 North, Range 21 East, Town of Mequon, Ozaukee County, Wisconsin.



SURVEY CERTIFICATE

I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadways, and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

Dated at Mequon, Wisconsin this 6th day of July, 19 94

Recertified _____ Surveyor James G. Schneider

CITY OF MEQUON INSPECTION SERVICES

11333 N. Cedarburg Road
Mequon, WI 53092
P. (262) 242-3100 F. (262) 242-9655

ORDER TO CORRECT CONDITION OF PREMISES

PAUL RAUSCH
11254 N SOLAR AVE
MEQUON, WI. 53097

DATE: FEBRUARY 10, 2015

PROPERTY ID#: 140860110000

An inspection of the premises at the above address on FEBRUARY 10, 2015, revealed conditions that are in violation of the City of Mequon Code of Ordinances and/or Wisconsin Administrative Code.

Failure to correct the violations noted herein within the time set may subject you to prosecution and to penalties ranging from $50 to $500 per violation per day (plus court costs) in the manner provided in Section 1-7 of the City of Mequon Code of Ordinances.

Pursuant to Section 58-41, you may appeal an order, requirement, decision or determination made by the Zoning Enforcement Officer, which you believe to be an erroneous interpretation or application of the law. An appeal my be taken by the aggrieved person within 30 days of the order, requirement, decision or determination, by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal, and paying the prescribed fee.

1. **Violation:** Your property currently displays PARKING OF VEHICLES in violation of Section 58-441(11) D of the Mequon Code of Ordinances. The storage of vehicles are not in accordance with the following regulation:

Section 58-441(11)A – G States the following:
The unenclosed parking or storage of personal use automobiles, trucks and vans with an empty weight of not more than 10,000 pounds, total length of not more than 20 feet and overall height of not more than ten feet shall not be restricted in number unless, as determined by finding of City of Mequon department of community development and/or planning commission, the number of personal use automobiles, trucks and vans parked on an individual property is excessive, unusual or atypical with respect to the character of the surrounding neighborhood. If such finding occurs, the city may limit the number of unenclosed automobiles parked on a single property. Additionally, all personal use automobiles, trucks and vans shall be parked only on a driveway or paved surface and be owned by the residents or guests of the residents of the property upon which the vehicles are parked or stored.

(11)

Residential parking. The provisions of this subsection shall apply to the following vehicles: Automobiles, trucks, vans, snowmobiles, mopeds, boats, all-terrain vehicles, camping trailers, mobile homes, motor homes, pick-up campers, motor buses, road tractors, truck tractors, motorcycles, trailers, semi-trailers, panel trucks, dump trucks, road machinery, farm implements, riding lawn care/snow removal tractors, and other such engine driven devices or vehicles designed to be towed by a motor vehicle, collectively referred to herein as "vehicles" unless otherwise specifically stated.

CITY OF MEQUON INSPECTION SERVICES

11333 N. Cedarburg Road
Mequon, WI 53092
P. (262) 242-3100 F. (262) 242-9655

ORDER TO CORRECT CONDITION OF PREMISES

a.

The unenclosed parking or storage of unlicensed, unregistered, inoperable or junk vehicles is expressly prohibited within the City of Mequon.

b.

The unenclosed parking or storage of more than one licensed but non-operated vehicles is not permitted for longer than 180 consecutive days beyond which time the vehicles must either be enclosed in a garage or removed from the site.

c.

The unenclosed storage of not more than one snowmobile, moped, boat, all-terrain vehicle, camping trailer, mobile home, motor home, pick-up camper, trailer, panel truck, snow removal tractor or other similar device shall be permitted, provided such vehicle does not exceed 10,000 pounds empty weight or in the case of a trailer, boat, camping trailer, mobile home, panel truck or motor home a total length of 20 feet or an overall height of ten feet. Note: lawnmowers shall not be subject to this limitation. Storage of these vehicles shall at all times be closer to the principal residence than any adjoining lot line but never within 40 feet of an abutting right-of-way. Furthermore, such storage shall be restricted to vehicles owned by the resident of property upon which the vehicles are parked or stored.

d.

The unenclosed parking or storage of personal use automobiles, trucks and vans with an empty weight of not more than 10,000 pounds, total length of not more than 20 feet and overall height of not more than ten feet shall not be restricted in number unless, as determined by finding of City of Mequon department of community development and/or planning commission, the number of personal use automobiles, trucks and vans parked on an individual property is excessive, unusual or atypical with respect to the character of the surrounding neighborhood. If such finding occurs, the city may limit the number of unenclosed automobiles parked on a single property. Additionally, all personal use automobiles, trucks and vans shall be parked only on a driveway or paved surface and be owned by the residents or guests of the residents of the property upon which the vehicles are parked or stored.

e.

Unenclosed parking or storage of any vehicles not specifically identified or permitted in this subsection shall require specific approval by the director of community development and/or planning commission. Approval may be based on, among other things, evidence that appropriate screening is available or will be installed to mitigate the visual effect such parking or storage may have on the surrounding neighborhood.

f.

CITY OF MEQUON INSPECTION SERVICES

11333 N. Cedarburg Road
Mequon, WI 53092
P. (262) 242-3100 F. (262) 242-9655

ORDER TO CORRECT CONDITION OF PREMISES

The conditions set forth in this subsection shall not contravene any other ordinance of the city which can be construed as more restrictive than the terms set forth herein.

g.

Where applicable, definitions of the terms utilized in this subsection shall be in accordance with definitions listed in Wis. Stats. ch. 340.

Action Required:

PLEASE REMOVE ONE TRAILER FROM THE PROPERTY TO COMPLY WITH THE CITY OF MEQUON ORDINANCE. IF CAMPER IS OVER 20 FEET IT MUST BE REMOVED AND THE SMALL TRAILER CAN STAY.

Correction Deadline:

You are hereby ordered to correct this violation by FEBRUARY 27, 2015.
Questions, comments, or concerns regarding this order shall be directed to Enforcement Officer Scott Pinzer by calling (262) 236-2943. You may also wish to visit the City's web site at www.ci.mequon.wi.us for a look at the entire City of Mequon Code of Ordinances.

Bridgewater Drive East of Wauwatosa Road

Bridgewater Drive East of Wauwatosa Road

Wauwatosa Road South of Mequon Road

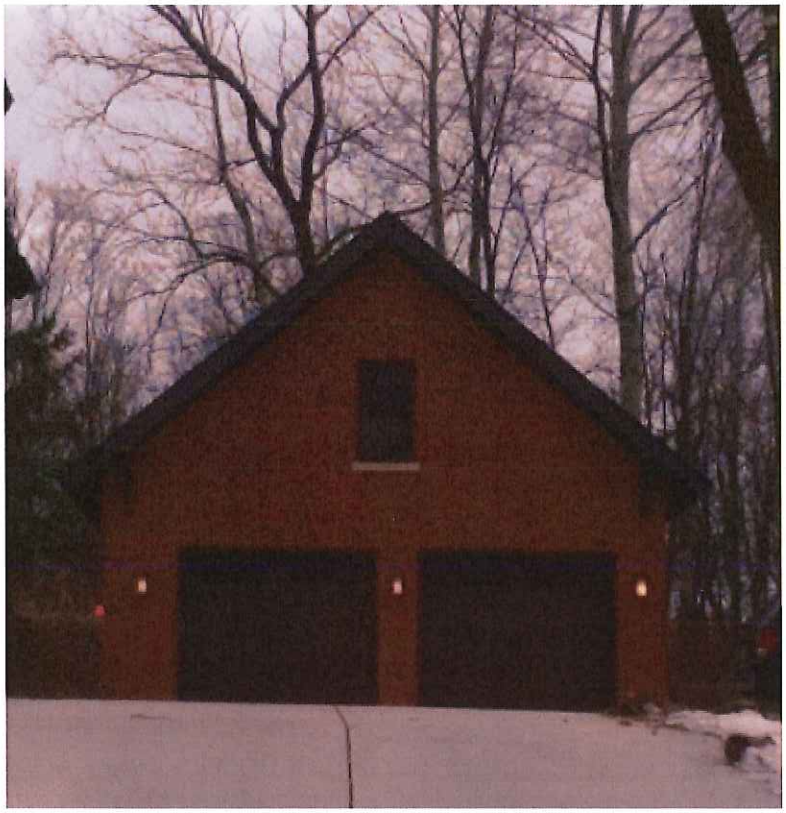
Wauwatosa Road South of Mequon Road

Donges Bay Road West of Wauwatosa Road

Wauwatosa Road North of Mequon Rd

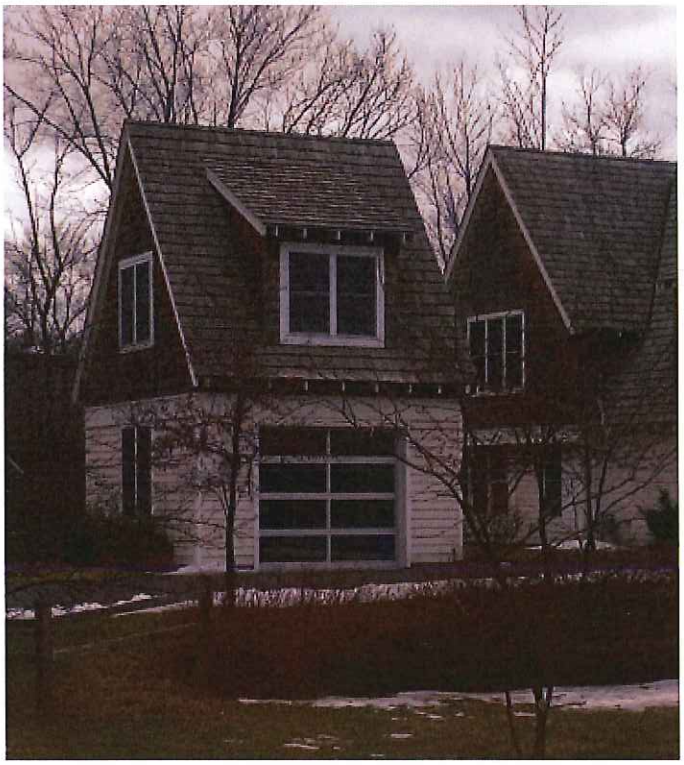
Mequon Road West of Granville Road (garage on right)

Freistadt Road East of Wauwatosa Road



Highland Road and Wauwatosa Road

Wauwatosa Road North of Freistadt Road (House on Right, Garage on Left)



Parkview Drive (West of Homestead H.S.)

Mequon Road West of Granville Road

Parkview Drive (West of Homestead H.S.)

CAMPING WORLD RV SALES - SAUKVILLE
800 E GREEN BAY AVENUE
SAUKVILLE WI
US
53080
262-355-4880

CUSTOMER WORK ORDER # 14805A

WO Date:	27 OCT 15	First Name:	PAUL
Tag#:	1478	Customer Name:	1862540 - RAUSCH, PAUL
Author:	KATHY.ROETHLE	Address:	11254 N SOLAR AVE
Stock No:		:	MEQUON, WI
Year:	2013	Postal/Zip:	53097
Manufacturer:	FOREST RIVER	Phone#(res):	(262) 512-1530
Brand:	TRACER AIR	Phone#(bus):	
Model:	240AIR	Cell Phone:	
Length:		ExtW Co:	
Serial#:	5ZT2TRNB5EB504830	ExtW No:	
Chassis#:	5ZT2TRNB5EB504830	Email:	
Miles/Hrs:	0	Promised Date:	22 DEC 15
Purchased Date:		Completed Date:	21 DEC 15
Warranty Date:		Invoice#:	G09222
Date In:	27 OCT 15	:	

****
Job # Description JOB INFORMATION
****

1	COMPLAINT:	DIAGNOSE AND ESTIMATE COLLISION DAMAGE
1	CAUSE:	Needed estimate
1	CORRECTION:	Completed
2	COMPLAINT:	TEMPORARILY REPAIR SEAL CRACKS AT ROOF TO PREVENT MORE DAMAGE
2	CAUSE:	Needed temporary sealing
2	CORRECTION:	Completed during estimate
3	COMPLAINT:	REPLACE ROOF TO FRONT PANEL JOINT TRIM
3	CAUSE:	Needs new finish trim
3	CORRECTION:	Roof repaired and new trim piece installed
4	COMPLAINT:	RESEAL ROOF SEAMS AT CAP
4	CAUSE:	Roof damaged
4	CORRECTION:	Repaired and rubber re installed with trim
5	COMPLAINT:	STRAIGHTEN INNER ROOF STRUCTURE FRAME
5	CAUSE:	Roof frame damaged
5	CORRECTION:	Disassembly for access
6	COMPLAINT:	REPAIR UNDER RUBBER AT ROOF
6	CAUSE:	Roof down
6	CORRECTION:	Porta powered up
7	COMPLAINT:	REPAIR FIBERGLASS CRACKS AND DAMAGE
7	CAUSE:	Fiberglass cracked
7	CORRECTION:	To be completed as paint operation
8	COMPLAINT:	PREP UPPER CAP AND BLEND WHITE AND CLEAR
8	CAUSE:	Repairs needed
8	CORRECTION:	Repaired , continue on supplement
9	REMOVE AND DISASSEMBLE CABINET OVER THE BED, REMOVE BRKEN STILE AND REPLACE WITH NEW STILE, REASSEMBLE CABINET FACE AND REASSEMBLE CABINET, INSTALL THE CABINET BACK OVER THE BED, REINSTALL CABINET	

Continued on page 2

Work Order : 14805A

	DOORS AND WIRE THE LIGHT BACK UP	
11	COMPLAINT:	INSTALL ODS FENDERSKIRT
11	CAUSE:	Needs
11	CORRECTION:	Installed
1-1	COMPLAINT:	SUPPLEMENT TO CLAIM #49691M54301---AFTER STARTING REPAIRS AND A THOROUGH CLEAN UP AS NECESSARY IT WAS NOTICED THAT TREE DAMAGE CONTINUED WELL INTO THE FRONT AND CENTER OF CAP---THESE ADDITIONAL REPAIRS WILL REQUIRE REPLACEMENT OF ALL DECALS AND FULL FRONT END PAINT AND CLEAR COAT
1-1	CAUSE:	Needed supplement
1-1	CORRECTION:	Supplement approved
2-1	COMPLAINT:	REMOVE EXISTING DECALS AND INSTALL NEW
2-1	CAUSE:	Decals removed to prep body
2-1	CORRECTION:	Waiting for parts otherwise ready
3-1	COMPLAINT:	ADDITIONAL FIBERGLASS REPAIRS---STRESS CRACKING
3-1	CAUSE:	Additional repairs authorized
3-1	CORRECTION:	Fiberglass completed
4-1	ADDITIONAL PAINT BEYOND BLENDING---FOR ACCESS TIMES INCLUDE R & R PROPANE AND BATTERY INCLUDING ALL MOUNTING	

Part No	Job#	Description PARTS	Qty	Price	Total
200776	3	PANEL	1.00	68.85	68.85
200778	3	TRIM	1.00	22.32	22.32
200777	9	HARDWARE, CATCH AND STRIK	2.00	0.96	1.92
200779	9	STILE	2.00	16.44	32.88
200775	11	FENDERSKIRT	1.00	45.20	45.20

Lab Code	Job#	Description LABOUR		Total
EST2000	1	DIAGNOSE AND ESTIMATE	BH	57.58
040006	2	TEMPORARILY REPAIR SEAL CRACKS	BH	129.00
ET	3	REPLACE ROOF TO FRONT	BH	258.00
101125A	4	ROOF SEAMS RESEAL	BH	193.50
15-01-2	5	STRAIGHTEN INNER ROOF	BH	774.00
R&R RUB	6	REPAIR UNDER RUBBER AT ROOF	BH	197.37
R&R RUB	6	REPAIR UNDER RUBBER AT ROOF	BH	447.63
13100	7	REPAIR FIBERGLASS CRACKS	BH	0.00
13100	7	REPAIR FIBERGLASS CRACKS	BH	682.41
13100	7	REPAIR FIBERGLASS CRACKS	BH	465.69
13100	7	REPAIR FIBERGLASS CRACKS	BH	141.90
2100613	8	PREP UPPER CAP AND BLEND	BH	0.00
2100613	8	PREP UPPER CAP AND BLEND	BH	321.21
2100613	8	PREP UPPER CAP AND BLEND	BH	368.94
2100613	8	PREP UPPER CAP AND BLEND	BH	439.88
2100613	8	PREP UPPER CAP AND BLEND	BH	241.23
2100613	8	PREP UPPER CAP AND BLEND	BH	370.23
2100613	8	PREP UPPER CAP AND BLEND	BH	0.00
2100613	8	PREP UPPER CAP AND BLEND	BH	0.00
2100613	8	PREP UPPER CAP AND BLEND	BH	0.00

Continued on page 3

Work Order : 14805A

3103803	9	REMOVE AND DISASSEMBLE CABINET	TG	903.00
22019B	11	FENDERSKIRT-REPLACE	BH	64.50
DIAG	1-1	DIAG	BH	0.00
SP08111	2-1	REMOVE EXISTING DECALS ADN INSTALL	BH	61.92
0131-10	3-1	ADDITIONAL FIBERGLASS REPAIRS	BH	347.01
0131-10	3-1	ADDITIONAL FIBERGLASS REPAIRS	BH	196.08
0131-10	3-1	ADDITIONAL FIBERGLASS REPAIRS	BH	488.91
FIBERGL	4-1	ADDITIONAL PAINT BEYOND BLENDING		0.00
FIBERGL	4-1	ADDITIONAL PAINT BEYOND BLENDING	BH	292.83
FIBERGL	4-1	ADDITIONAL PAINT BEYOND BLENDING	BH	549.54
FIBERGL	4-1	ADDITIONAL PAINT BEYOND BLENDING	BH	60.63

Excode	Job#	Description EXTRAS	Qty	Price	Total
FRT	3	STILE, PANEL, HARDWARE, TRIM, FENDERS	1.00	158.78	158.78
SSI2	8	BODY AND PAINT MATERIALS	1.00	35.00	35.00

Parts Total:	171.17
Labour Total:	8,052.99
Sublet Total:	0.00
Extras Total:	193.78
Tax Total:	471.43
Work Order Total:	8,889.37

DATE VEHICLE DROPPED OFF_____

DATE OF APPOINTMENT_____

REPAIR COMPLETION DATE_____

OWNER NOTIFIED OF COMPLETION @ TIME_____DATE_____

DATE RELEASED/COLLECTED _____

I/WE, THE UNDERSIGNED, ACKNOWLEDGE THE FOREGOING AS FACTUAL AND I/WE HEREBY ACKNOWLEDGE RECEIPT OF THE COMPLETED WORKORDER. I/WE HAVE INSPECTED MY/OUR VEHICLE AND HAVE EXAMINED THE WORK DONE. I/WE CONFIRM THAT THE REQUESTED WORK HAS BEEN COMPLETED TO MY/OUR SATISFACTION.

SIGNATURE OF OWNER _____

City of Mequon

11333 N. Cedarburg Rd 60W
Mequon, WI 53092-1930
Phone (262) 236.2903
Fax (262) 242.9655
www.ci.mequon.wi.us

Department of Community Development: Inspections Division

MEMORANDUM

To: Board of Appeals
From: Michael Rakow, Inspector
Date: March 22, 2016
Subject: Rausch Appeal for property located at 11254 N Solar Ave.

Background: The appellant is requesting a variance to exceed the 15 foot accessory structure height at 11254 N Solar Ave in order to re-construct a detached garage. Their proposed plan shows that the garage would exceed the maximum height by 3'-7". The increased size of the garage is to shelter their camper.

Currently, the existing garage was increased in height without obtaining the proper permits and a "Stop Work Order" has been issued.

Variance:
The appellant is requesting a variance to section 58-237 (g)(2) which regulates accessory structure height as follows:

> 58-237 (g)(2) *The height of accessory structures shall not exceed 15 feet.*

Per Section 58-41 of Chapter 58, City of Mequon Code of Ordinance, the Board of Appeals shall determine if such variance will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

According to ordinance 58-418(d) the structure may increase up to 25 feet in height if the garage is moved towards the center of the property.

> *58-418(d) Increase permitted. The maximum height of any structure may be increased up to ten feet if offset and setbacks are increased by one foot for each additional foot of structural height exceeding the standard district requirement.*

The variance request does not list or provide any practical difficulty or hardship that is unique to the property that would support granting the variance.

Accordingly, staff recommends the Board of Appeals deny the applicant's appeal.

Michael Rakow
Michael Rakow, Inspector
Department of Community Development: Inspections Division

Sec. 58-418. - Height regulations.

(a) *Maximum height.* No structure shall be erected or structurally altered to a height in excess of that specified in the structure's zoning district except as provided below in this section.

(b) *Determining height.* The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

(c) *Exceptions.* The following shall be excepted from the height regulations of all districts:

(1) Chimneys and flues.

(2) Accessory farm buildings, not to exceed 60 feet in height on lots of three acres or more in area.

(3) Electrical transmission and distribution facilities.

(4) Silos for agricultural purposes.

(5) Subject to the approval of the planning commission, cooling towers, elevator bulk heads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, and necessary mechanical appurtenances.

(6) Radio and television antennas. In no case, however, shall any radio or television antenna be erected or structurally altered to an overall height in excess of 25 feet or to a height in excess of five feet above the highest point on the roof of the principal structure located on the same property, whichever is greater. Furthermore, the overall height shall not exceed the distance measured in a straight line to the nearest property line.

(7) Television antennas intended for the common use of a subdivision, group project development, or multiple family development or for use in conjunction with a closed circuit television system serving a school, church, public utility facility, public administrative office, public service building or other similar type of facility shall be subject to the approval of the building inspector. Except as otherwise regulated herein, such television antennas shall not be erected or structurally altered to a height in excess of 35 feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.

(8) Radio towers and antennas, provided that such towers and antennas are intended for the use of appropriately licensed amateur radio operators or for use as part of a commercial of industrial enterprise being conducted on an appropriately zoned property, shall be subject to the approval of the building inspector. Except as otherwise regulated herein, such radio towers or antennas shall not be erected or structurally altered to a height in excess of 75 feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.

(d) *Increase permitted*. The maximum height of any structure may be increased up to ten feet if offset and setbacks are increased by one foot for each additional foot of structural height exceeding the standard district requirement.

(Code 1957, § 3.03(7); Ord. No. 2008-1238, § I, 4-8-2008)

Sec. 58-237. - R-2B suburban residential detached district.

(a) *Purpose.* The R-2B district is intended to provide for large lot single-family detached residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

(b) *Permitted uses.*

(1) Single-family detached dwellings.

(2) Agricultural uses shall be allowed subject to the following:

a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)(b.) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.

Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:

1. No more than four chickens per parcel shall be allowed.
2. Roosters are prohibited.
3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.
4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.
5. Enclosures shall not exceed 40 square feet and six feet in height.
6. Feed kept outside shall be kept in sealed containers so that it is rodent-proof.
7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.
8. Yards, enclosures, premises and animals shall be kept free of insect infestations.
9. No odor or noise nuisance shall be permitted.
10. An initial and annual permit fee is required.
11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.

b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.

c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall

not be permitted except as a conditional use.

d. Commercial fish hatcheries shall not be permitted except as a conditional use.

e. Commercial greenhouses shall not be permitted except as a conditional use.

f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)

(3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).

(c) *Permitted accessory uses.*

(1) Private garages, carports, and paved parking areas shall be allowed provided that no garage or carport shall be erected prior to the erection of the principal building to which it is accessory. Garages and storage structures shall conform to the following:

a. Except as otherwise specifically provided below, no more than one principal garage; either attached or detached, shall be permitted on a lot.

b. Any property having a residence without an attached garage shall be permitted one principal detached garage not to exceed 800 square feet in area.

c. Any property having a residence which was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side shall be permitted one principal detached garage not to exceed 675 square feet in area, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.

d. Any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area provided the parcel is not divisible under the current zoning classification. If the parcel is divisible under the current zoning classification, the structure shall not exceed one percent of the property's minimum lot size zoning requirement, whichever is less.

e. Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.

(2) Home occupations and professional offices which are clearly incidental to the principal residential use subject to the following:

a.

The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises and one additional person not a resident on the premises.

b. No article or service shall be sold or offered for sale on the premises.

c. The home occupation shall not normally generate customer or client traffic to the residential premises.

d. Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjoining residential properties.

e. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

f. The home occupation shall not include outside storage of materials or other operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat or glare which may create a nuisance or be otherwise with the surrounding residential area.

(3) Private outdoor recreational facilities normally accessory to a residential use.

(d) *Conditional uses.*

(1) Public and private schools, child day care.

(2) Churches and religious institutions.

(3) Commercial use of historically significant structures.

(4) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.

(5) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.

(6) Public or private outdoor recreational facilities.

(7) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.

(8) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.

(9) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

(e) *Lot size.* The minimum lot size shall have an area of not less than 1½ acres (65,340 square feet) with all or part of the lot being devoted to permitted residential use.

(f) *Dwelling standards.* Single-family dwellings within the R-2B district shall have a 1,400-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).

(g) *Building height.*

(1) The height of any dwelling unit shall not exceed 42 feet.

(2) The height of accessory structures shall not exceed 15 feet.

(h) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 175 feet.

(i) *Minimum building setback.* All structures within the R-2B district shall be set back from the ultimate road right-of-way as follows:

(1) Local streets, 50 feet.

(2) Expressways-freeways, 200 feet.

(3) Primary arterials, 100 feet.

(4) Secondary arterials, 80 feet.

(5) Local arterials, 70 feet.

(j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 25 feet to a side or rear lot line.

(k) *Lot coverage.* Not more than 15 percent of the lot may be covered by buildings or structures.

(Code 1957, § 3.07(4); Ord. No. 92-767, 8-4-1992; Ord. No. 96-878A, 6-11-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2001-1008, 3-13-2001; Ord. No. 2001-1017, § VIII, 5-8-2001; Ord. No. 2003-1066, § IV, 8-12-2003; Ord. No. 2005-1143, § 5, 9-13-2005; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2014-1417, § I, 4-8-2014; Ord. No. 2014-1430, § I(Att.), 10-14-2014; Ord. No. 2015-1445, § I (Att.), 4-14-2015)