



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, May 25, 2016; 6:00 PM
Christine Nuernberg Hall - Common Council Chambers

AGENDA

1. Call to Order, Roll Call
2. Approve meeting minutes of April 26, 2016
3. Hear evidence concerning; debate, deliberate and decide the request of:
 - Applicant(s): Mark L. McGraw
 - Owner: Mark L. McGraw
 - Appeal: Requesting a variance from Section 58-234 (c)(1)(d) Mequon Code of Ordinances in order to erect a detached garage at 1220 W. Bonniwell Road.
4. Adjourn

Dated: May 13, 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



draft

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Office of the City Clerk

BOARD OF APPEALS
Tuesday, April 26, 2016; 6:00 PM

Present: Chairman Reitz; Members Ashmore, Levin, Massey, Stern, Deputy Clerk Fochs; City Attorney Sajdak; City Inspector Schoenknecht Court Reporter C. Kovac, Gramann Reporting; and interested public

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 April 13, 2016

Moved by Member Levin, seconded by Member Ashmore to approve the meeting minutes of April 13, 2016, with a minor correction.

The motion passed by roll call vote 4/0.

Favor: Members Ashmore, Larson, Reitz, Stern

Abstain: Member Massey

2. Hear evidence concerning; debate, deliberate and decide the request of:

Applicant(s): Phillip and Elizabeth Weir

Owner: Phillip and Elizabeth Weir

Appeal: Requesting a variance from the Planned Unit Development (PUD) Ordinance setback standards approved for the Hickory Hollow neighborhood in order to construct an addition to the existing home at 140 W. Boundary Road.

Inspector Schoenknecht summarized the applicant's case. He indicated that the appellant is requesting a variance to exceed the 15 foot offset in order to build a family room addition. The proposed plan shows the addition would have a 13.58 foot offset. He stated that he did not inspect the property.

The appellant Mr. Weir explained that the total variance is approximately 4.5 square feet. The lot in question is unique because it is pie shaped, wider at the frontage road and narrower in the rear. The architecture is consistent with the interior and exterior styles. The appellant clarified that the original house was razed and they rebuilt a house off the street in 2006, pushing it towards the corner in question. The slab was permitted, poured and inspected separately in 2007.

City staff does not dispute at this time the existence of any permit besides the original house construction. Further research is needed to locate the permit for the slab.

City staff clarified that the driveway is beyond the permitted 3 feet of the lot line and that a concrete slab may not need a permit if it is for a patio. The appellant stated that the permit for the slab was identified as potentially for a three season room and it has footings. Appellant stated the hardship is created by the irregularity of the lot.

Moved by Member Levin, seconded by Member Massey to receive into evidence Exhibit A, a Google satellite map of the subject property.

The motion was approved by voice acclamation 5/0.

Member Ashmore questioned if the proposed addition could be designed so that it conforms to the code, effectively making the addition smaller than the slab. Inspector Schoenknecht stated that it would have to be carefully engineered to ensure that the weight of the walls and roof are supported by the slab and footings. It may be possible to cut the slab and put footings in the correct location. However, an addition set back on the slab would not be architecturally consistent with the home.

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

The Board deliberated:

- Area variance is broader than a use variance
- The subject lot is irregular in shape
- The variance is only 17 inches
- Variance cannot be self-created and the property owner bears the burden of proving unnecessary hardship
- There is an alternative way to build an addition, though it is not preferred
- Practical difficulty unique to the property has been provided

Motion by Member Levin, seconded by Member Stern to approve the variance. The motion passed by roll call vote 4/1:

Favor: Members Levin, Massey, Stern, Chairman Reitz

Oppose: Member Ashmore

3. Adjourn

Moved by Member Levin, seconded by Member Stern to adjourn the meeting at 6:35 PM.

The motion passed by voice acclamation 5/0.

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

BOARD OF APPEALS APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: MARK L. McGraw Address: 1220 W. BONNIEWELL RD.
City/zip: MEQUON, WI 53097

Owner: SAME Address: _____
City/zip: _____

Contact Person/Name: SAME OR Brian Strachota, Owner of Strachota Builders
Phone Number: 262 366 2041 Email: N/A

TO THE ZONING BOARD OF APPEALS:

The above hereby requests an appeal/variance in regard to Section No: 58-234(c)(1)d
of the Mequon Code of Ordinances regarding:

1220 W. BONNIEWELL RD.

(street address or legal description)

in order to: ERECT A DETACHED GARAGE

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: <u>Reggie Boyer</u>	Received Date: <u>4/26/16</u>
Parcel #: <u>150051100200</u>	Hearing Date: <u>MAY 25, 2016</u>
Zoning District: <u>R1/C1</u>	Receipt #: <u>001783-0027</u>
Alderman & District #: <u>MARK GIERL, DISTRICT 5</u>	Published: <u>5/12/16</u>

- 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)

Hearing deadline June 5

**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.

MARCH 25, 2016

CITY OF MEDQUON
ZONING / PLANNING COMMISSION

SUBJECT : GARAGE JUSTIFICATION

NOTE : GARAGE WILL NOT BE ATTACHED TO HOUSE

ADDRESS : 1220 W. BONNIEWELL RD.
MEDQUON, WI 53097

PROPOSED LOCATION OF GARAGE :

- 125' SETBACK FROM NORTH SHOULDER OF BONNIEWELL RD.
- 150' SETBACK FROM EAST SHOULDER OF FORT WASHINGTON RD.

CURRENT SITUATION : REFERENCE ENCLOSED PROPERTY SURVEY

- (1) SINGLE CAR GARAGE - ORIGINALLY CONSTRUCTED FOR THE JEFFERSON / BARTEL ONE ROOM SCHOOL HOUSE
SET BACK FROM NORTH SHOULDER OF BONNIEWELL RD - 23 FEET
- (1) STORAGE SHED - ORIGINALLY CONSTRUCTED FOR JEFFERSON / BARTEL ONE ROOM SCHOOL HOUSE FOR WOOD STORAGE
- (1) ROUND STRUCTURE - USED AS CHILD PLAYHOUSE & NOW STORAGE

REQUEST FOR CONSIDERATION :

APPROVAL OF 3 CAR GARAGE DESIGNED TO COMPLEMENT THE EXISTING STRUCTURES (HOUSE, GARAGE, STORAGE SHED) AS WELL AS THE SURROUNDING PROPERTY.
GARAGE DOORS WILL FACE EAST... BACK OF GARAGE WILL FACE WEST.

IF NEW GARAGE IS APPROVED & CONSTRUCTED, THE ROUND PLAYHOUSE / STORAGE STRUCTURE WILL BE REMOVED.

NOTE : END RESULT, IF APPROVED IS THAT THE TOTAL NUMBER OF DETACHED STRUCTURES REMAIN THE SAME AS THE CURRENT SITUATION - THREE (3)

"HARDSHIP" RATIONALE FOR NEW GARAGE APPROVAL :

- SETBACK OF THE EXISTING GARAGE IS A MEASURABLE TWENTY-THREE (23) FEET OFF OF BONNIEWELL RD NORTH SHOULDER - TWO (2) FEET OFF OF THE PROPERTY LINE.
- EXISTING GARAGE SETBACK DOES NOT ALLOW THE PROPOSED GARAGE TO BE ATTACHED
- CITY OF MEDFORD DECISIONS (TWO SEPARATE DECISIONS) ALLOWED LANDSCAPE BUSINESSES TO OPERATE ON THIS "DEAD END" SECTION OF BONNIEWELL ROAD. THIS HAS RESULTED IN THE AREA AROUND THE EXISTING GARAGE TO BECOME UNSAFE DUE TO THE TYPE OF VEHICULAR TRAFFIC AS WELL AS THE INCREASED VOLUME OF TRAFFIC
- ORIGINAL SCHOOL HOUSE WOOD SHED SHOULD BE PRESERVED FOR ITS HISTORIC SIGNIFICANCE.

"HARDSHIP" DISCUSSION :

I HAVE RECENTLY RETIRED & MY INTERESTS INCLUDE MY GRANDCHILDREN & VINTAGE AUTOMOBILES. I NOW HAVE TIME TO HELP MY SON & HIS WIFE WITH THE CARE OF THEIR FAMILY AS WELL AS WORK ON MY CARS. A NEW GARAGE IN THE PROPOSED LOCATION WOULD ALLOW THE GRANDCHILDREN TO PLAY 125 FEET OFF OF BONNIEWELL ROAD. WORK ON AUTOMOBILES WOULD ALSO OCCUR AT A MUCH SAFER DISTANCE FROM BONNIEWELL RD.

I HAVE COME CLOSE TO BEING HIT BY "LANDSCAPE TRAFFIC" WHILE WORKING &/OR LOADING MY VEHICLES AROUND THE EXISTING GARAGE. LANDSCAPE DRIVERS HAVE YELLED AT ME & HAVE HONKED VEHICLE HORNS TO ALERT ME & PROTECT ME AS THEY PASSED BY WHILE I WAS WORKING AROUND THE GARAGE.

THE ADDITIONAL TRAFFIC FROM THE LANDSCAPE COMPANIES CONSIST OF PASSENGER VEHICLES, TRUCKS, TRUCKS WITH TRAILERS HAULING HEAVY EQUIPMENT, SEMI-TRAILER TRUCKS, UPS/FED EX DELIVERY TRUCKS & PARTS DELIVERY VEHICLES. ALL SPEED BY THE EXISTING GARAGE & PROPERTY & WHAT TRAVELS EAST MUST EVENTUALLY ALSO TRAVEL WEST.

JUST 20 VEHICLE PASSES (10 PER BUSINESS) RESULTS IN 40 VEHICLE PASSES AS THE ROAD IS A DEAD END ... THERE IS NO OTHER OUTLET.

NOTE: ACTUAL VEHICLE PASSES ARE MUCH HIGHER THAN THE ABOVE EXAMPLE.

CHILDREN PLAYING & NOW MYSELF WORKING MORE OFTEN AROUND THE EXISTING GARAGE OR NEAR THAT SPACE ARE DANGEROUSLY CLOSE TO WHAT HAS BECOME A VERY BUSY STREET. THE NEW GARAGE WOULD HAVE AN UPPER LEVEL THAT WILL PROVIDE PLAY SPACE FOR MY GRANDCHILDREN THAT THE ROUND PLAYHOUSE ONCE PROVIDED FOR MY SON.

CONCLUSION :

PLEASE CONSIDER THE "HARDSHIPS" (UNINTENDED CONSEQUENCES?) THAT THE CITY OF MEDFORD DECISIONS HAVE INFLECTED ON A RESIDENT THAT HAS CONTRIBUTED TO THE AREA FOR 35 PLUS YEARS.

THESE BUSINESSES HAVE NEGATIVELY IMPACTED A RESIDENTIAL PROPERTY, INCREASED TRAFFIC COUNT PASSES THE PROPERTY, INTRODUCED HEAVY TRUCK TRAFFIC ON A ONE TENTH MILE SECTION OF ROAD & INCREASE THE POTENTIAL FOR THEFT IN THE AREA.

I AM NOT ASKING FOR THE REMOVAL OF THE LANDSCAPE COMPANIES (I WOULD ALSO NOT OBJECT IF THEY LEFT OR MOVED), BUT I AM ASKING FOR A REASONABLE SOLUTION TO THE NEGATIVE CHANGES THEY HAVE MADE TO MY PROPERTY. THESE CHANGES HAVE BEEN FORCED ON ME. I DID NOT ASK FOR, NOR DID I CREATE THIS SITUATION.

THE REQUEST TO CONSTRUCT THE NEW GARAGE IS MY ATTEMPT TO COEXIST WITH THE CURRENT SET OF CIRCUMSTANCES IN A REASONABLE MANNER.

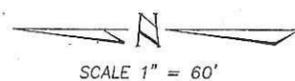
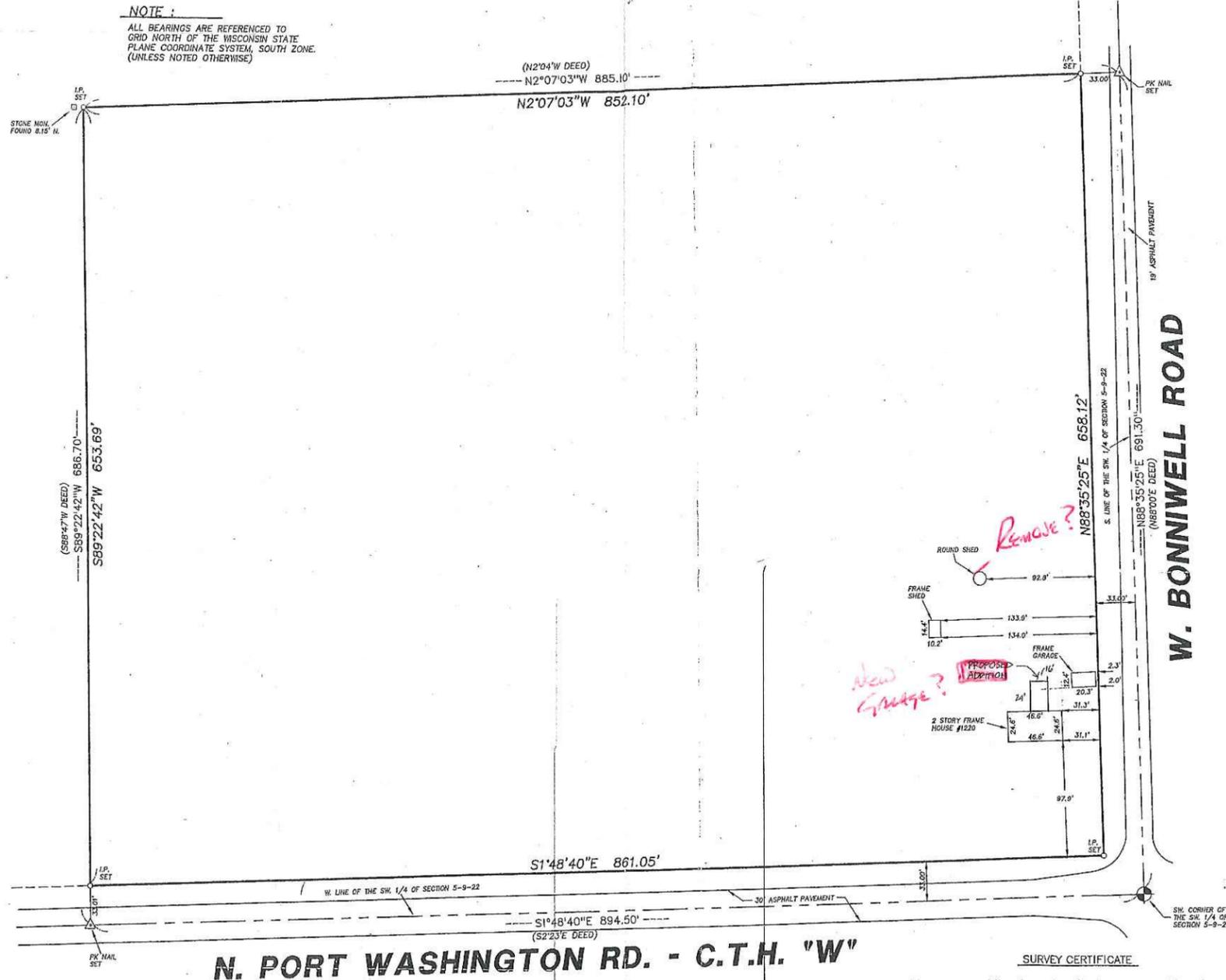
THANK YOU FOR YOUR TIME & CONSIDERATION IN THIS MATTER.

Mark L. McGraw

NOTE: BECAUSE THESE BUSINESSES ALSO DO SNOW PLOWING, THE TRAFFIC ON BENNINGWELL RD, PAST MY HOUSE, CAN BE 24/7 - 365 - WEEKENDS & HOLIDAYS ARE NO EXCEPTION.

NOTE: I Am in the practice of parking one of my vehicles on Bonniwell just east of the existing garage during the landscape season as a visual reminder to the drivers that some one is living on the road. They have to drive around the parked vehicle which also serves as some protection between their vehicle & me when I am out in that space.

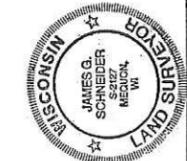
3\SURVEYS\LS-1382.dwg Tue May 08 07:46:23 2001



LEGAL DESCRIPTION :
Commencing at the Southwest corner of Section 5, Township 9 North, Range 22 East, thence North 88°00' East along the South Section line of said Section 5, 691.3 feet to a point, thence North 2°04' West, 885.1 feet to a point, thence South 88°47' West, 686.7 feet to a point, thence South 2°23' East along West Section line of said Section 5, 894.5 feet to the place of commencement, in the City of Mequon, Ozaukee County, State of 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.
Date 5-07-2001
James G. Schneider
Surveyor - S-2127

THIS IS AN ORIGINAL PRINT ONLY IF STAMPED IN RED



SURVEY
FOR
MARK MCGRAW

NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
14433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337



ATED MAY 7, 2001

MARK MCGRAW
1220 W. BONNIWELL RD.
CITY OF MEQUON
OZAUKEE COUNTY, WISC.

PLAT NO. LS-1362

WISCONSIN

MEQUON

GENERAL NOTES:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THE PLANS AND CHECKING THEM FOR ACCURACY, THE OWNER/CONTRACTORS FOR THIS PROJECT MUST CHECK AND VERIFY ALL DETAILS, FIELD CONDITIONS AND DIMENSIONS AND BE RESPONSIBLE FOR SAME. OWNER/CONTRACTORS SHALL BE RESPONSIBLE FOR INSURING ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.

ALL STRUCTURAL NOTATIONS ARE FOR REFERENCE ONLY AND ARE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY ALL STRUCTURAL ENGINEERING TO MEET ALL STATE AND LOCAL CODES AND IS APPROVED BY THE STATE INSPECTOR AND STRUCTURAL ENGINEER.

ALL EXTERIOR DIMENSIONS ARE TO FACE OF MASONRY OR SHEATHING, EXCEPT WHEN RIDGID INSULATION IS USED, DIMENSION WILL BE TO FACE OF STUD.

ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD.

WINDOW SIZES ARE FOR REFERENCE ONLY. OWNER/CONTRACTOR TO VERIFY MANUFACTURER AND SIZE TO MEET ALL CODE REQUIREMENTS INCLUDING EGRESS, LIGHT AND VENTILATION.

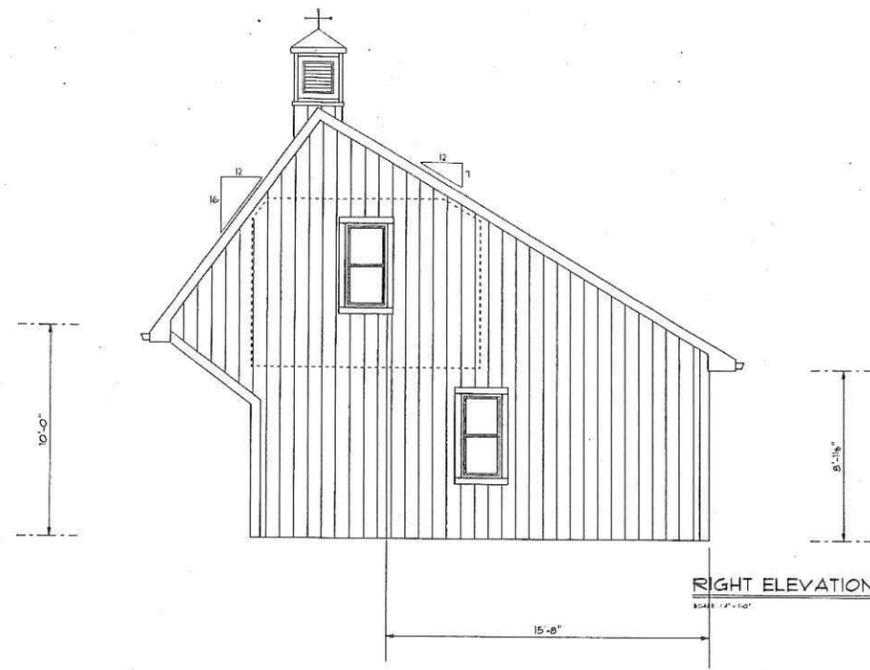
THESE PLANS AND DESIGN ARE COPYRIGHT PROTECTED AND MAY NOT BE USED WITHOUT WRITTEN CONSENT OF ZUERN BUILDING PRODUCTS.

426 RAILROAD ST.
ALLENTON, WI 53002
PH. (262) 629-5551
1-800-924-5551
WWW.ZUERN.COM

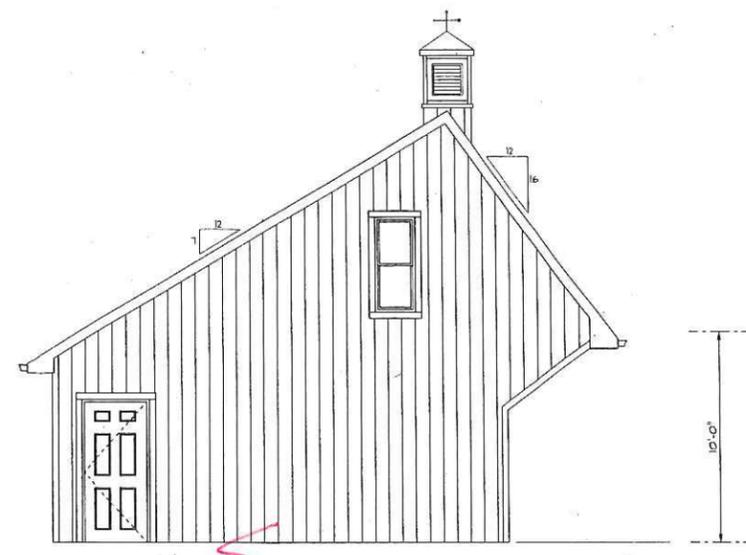


CARRIAGE GARAGE
HOME DESIGN / LUMBER / DOORS / WINDOWS / KITCHENS / SHINGLES / SIDING

DATE: 11/19/15
REVISED
DWG'G BY: NJM
1 OF 1
JOB# 01824

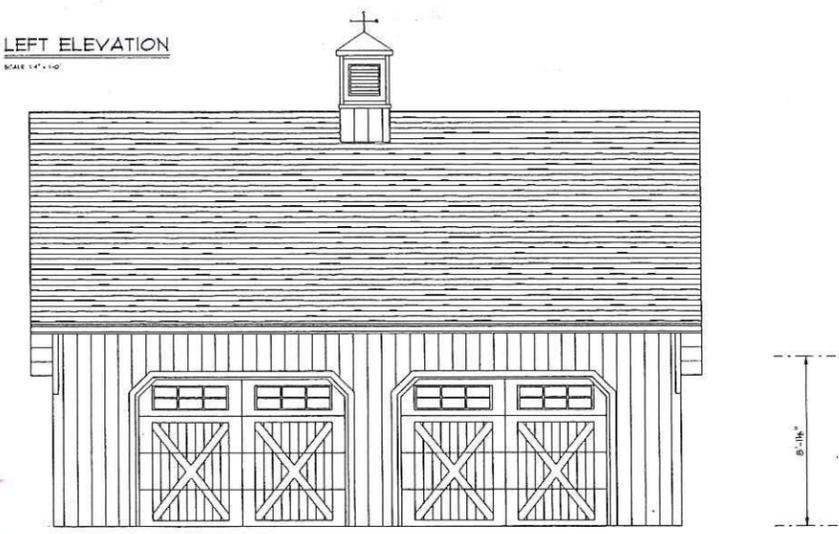


RIGHT ELEVATION
SCALE 1/4" = 1'-0"



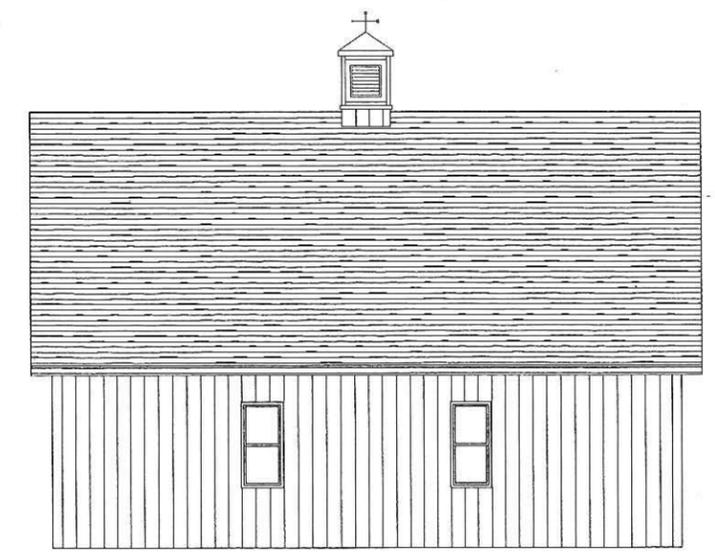
LEFT ELEVATION
SCALE 1/4" = 1'-0"

Extension will match existing house

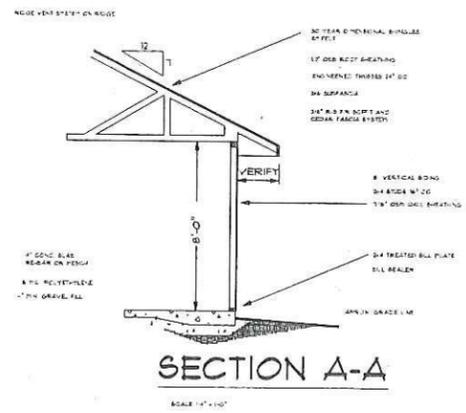


FRONT ELEVATION
SCALE 1/4" = 1'-0"

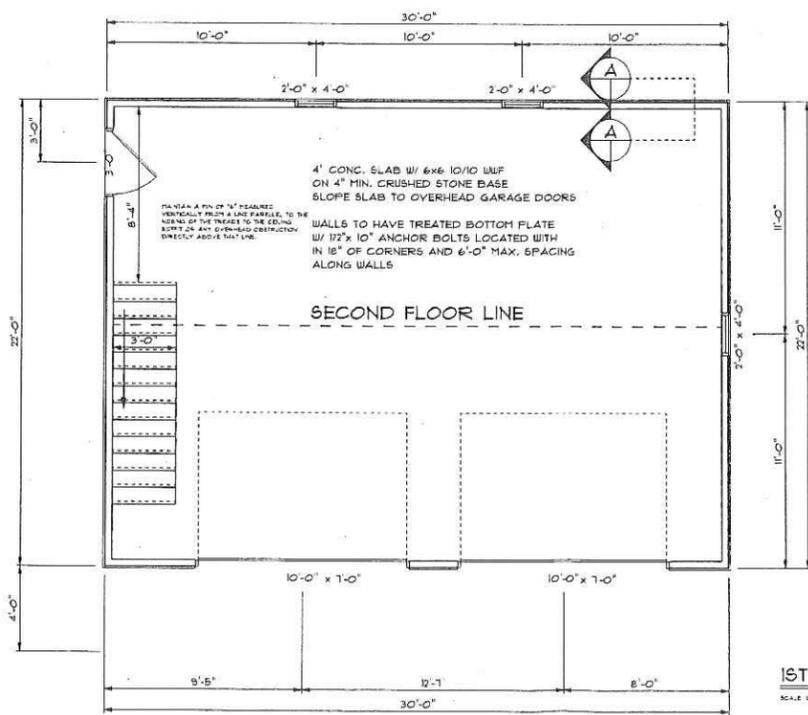
3 Garage Doors - NOT 2



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



SECTION A-A
SCALE 1/4" = 1'-0"



1ST FLOOR PLAN
SCALE 1/4" = 1'-0"

Thursday, January 29, 2015 8:14 AM



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

www.ci.mequon.wi.us

INSPECTION DIVISION

April 20, 2016

Mr. Mark McGraw
1220 W. Bonniwell Road
Mequon, WI 53097

Dear Mr. McGraw:

I am writing in regards to the property you own at 1220 W. Bonniwell Road and your building permit application to construct a 26' x 30' accessory structure. Your property is located in the R-1/C-1 zoning district and accessory structures are a permitted use but limited per section 58-234(c)(1)d which states "Any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area or one percent of the property's minimum lot size zoning requirement, whichever is less."

According to our records, three accessory structures currently exist on the premise which is in excess of the current code requirement.

As we discussed, 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



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: May 11, 2016
Subject: McGraw Appeal for property located at 1220 W Bonniwell Rd.

Background: The appellant is requesting a variance to construct a 26' X 30' accessory structure. This property currently exceeds the allotted structures per code.

Variance:

The appellant is requesting a variance to section 58-234(c)(1)d which regulates permitted accessory structures as follows:

58-234(c)(1)d: Any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area or one percent of the property's minimum lot size zoning requirement, whichever is less.

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.

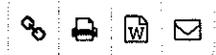
The variance request does not list or provide any practical difficulty or hardship that is unique to the property that would support granting the variance.

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

Michael Rakow

Michael Rakow, Inspector
Department of Community Development: Inspections Division

DIVISION 3. - RESIDENTIAL DISTRICTS



Sec. 58-234. - R-1 rural residential detached district.



(a) *Purpose.* The R-1 district is intended to provide for large lot single-family detached residential development in rural areas that are not served by public water or sewerage facilities and that are not yet appropriate for development at higher densities. This district shall generally be located within the area designated on the land use plan map as "rural service area."

(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 or one percent of the property's minimum lot size zoning requirement, whichever is less.

- e. Properties whose principal use is agricultural shall not be restricted in the number or size of detached storage structures permitted on the property.
 - f. 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 incompatible with the surrounding residential area.
- (3) Private outdoor recreational facilities normally accessory to a residential use.
- (d) *Conditional uses.*
- (1) Public or private outdoor recreational facilities.
 - (2) Public and private schools, child day care.
 - (3) Churches and religious institutions.
 - (4) Public administrative offices and service buildings.
 - (5) Private lodges and clubs.
 - (6) Commercial use of historically significant structures.
 - (7) Country inns (i.e. bed and breakfast facilities) and country restaurants.
 - (8) 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.

- (9) Guesthouse subject to, among other things, a 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.
 - (10) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (11) Wholesale greenhouses, wholesale nurseries, wineries, and landscape contracting businesses.
 - (12) Commercial fish hatcheries.
 - (13) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.
 - (14) Microbreweries.
 - (15) 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 a net area of not less than five acres.
- (f) *Dwelling standards.* Single-family dwellings within the R-1 district shall have a 1,800-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.
 - (3) The height of farm structures shall not exceed 60 feet.
- (h) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 300 feet.
- (i) *Minimum building setback.* No building or structure, hereafter erected, shall be placed closer than 100 feet to the ultimate right-of-way line of any public street, road, or highway upon which the subject property abuts.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 30 feet to a side or rear lot line. Buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line.
- (k) *Lot coverage.* Not more than five percent of the lot may be covered by buildings or structures.

(Code 1957, § 3.07(1); 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, § V, 5-8-2001; Ord. No. 2003-1066, § I, 8-12-2003; Ord. No. 2005-1132, § I, 3-8-2005; Ord. No. 2005-1143, § 2, 9-13-2005; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2012-1391, § I, 1-8-2013; Ord. No. 2013-1396, § I[Att.], 4-9-2013; Ord. No. 2014-1417, § I, 4-8-2014; Ord. No. 2014-1430, § I(Att.), 10-14-2014)