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
Tuesday, January 5, 2016; 6:00 PM
Christine Nuernberg Hall - Common Council Chambers

AGENDA

Call to Order, Roll Call

1. Approve meeting minutes of September 9, 2015

2. Hear evidence concerning; debate, deliberate and decide the request of:
   Applicant(s): Steve and Erin Sass
   Owner: Steve and Erin Sass
   Appeal: Requesting a variance from Section 58-239(j) Mequon Code of Ordinances to extend beyond the 20 foot offset in order to construct a garage addition at 2333 W. Hickory Lane

3. Adjourn

Dated: December 17, 2015 **/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
Wednesday, September 9, 2015; 6:00 PM
MINUTES

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

Also Present: Appellants Steve and Michelle Bersell, 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 July 16, 2015**
   Moved by Member Ashmore, seconded by Member Levin to approve the meeting minutes of July 16, 2015.

   The motion passed by voice acclamation 5/0.

2. **Hear evidence concerning; debate, deliberate and decide the request of:**
   Applicant(s): Steve & Michelle Bersell
   Owner: Steve & Michelle Bersell
   Appeal: Requesting a variance from Section 58-239(j) Mequon Code of Ordinances to reduce the side yard setback requirements from 15 feet to 10 feet along the north and south property lines in order to construct a single-family home at 10108 N. Sheridan Drive

   Inspector Rakow summarized the applicant's case. He indicated that staff would support granting a variance to the Bersells due to the hardship caused by the unique property and the new home would rectify the legal non-conforming structure.

   Chairman Reitz opened the public hearing at this time. The adjacent neighbors to the north and south both spoke in favor of the new home plan and encourage the Board to approve the variance.

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

   Appellant Bersell began by telling the Board he and his wife purchased the home 18 months ago. The existing home does not meet their needs, and the home designed for them would encroach into the side yard setback by five feet on each side. The new home would meet the 75' setback from the bluff. The current home is 35' from the bluff. Moving the home away from the bluff will benefit both neighbors by increasing their lake views.

Most, if not all, of the homes in this area do not meet the setback requirement. These homes were built prior to the zoning code creation, therefore are legal non-conforming.

Member Levin stated that this is an area variance. All the lots violate current zoning. He is in favor of granting the variance.

Member Massey stated the neighbors most impacted by the new home were in favor of the variance and it would improve their views. She is in favor of granting the variance.

Member Ashmore agrees and also has no problem in granting the variance.

Member Larson is in favor of the variance being granted.

Chairman Reitz questioned if any other issues would be created by allowing the home to encroach into the side yard setback? Director Tollefson indicated there is no violation of any other zoning restrictions and is not aware of any utility problems.

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

3. Adjourn

Moved by Member Ashmore, seconded by Member Levin to adjourn the meeting at 6:20 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: Steve & Erin Sass Address: 2333 W. Hickory Lane
City/zip: Mequon, WI 53092

Owner: Steve & Erin Sass Address: 2333 W. Hickory Lane
City/zip: Mequon, WI 53092

Contact Person/Name: Steve Sass

Phone Number: 414 350 1658 Email: ssass@vikingelectric.com

TO THE ZONING BOARD OF APPEALS:

The above hereby requests an appeal/variance in regard to Section No: 58-239
of the Mequon Code of Ordinances regarding:

2333 W. Hickory Lane Mequon, WI 53092
(street address or legal description)

in order to: Extend beyond 20' offset in order to build 3rd car 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)

RECEIVED
DEC 01 2015
MEQUON CITY CLERK

FOR OFFICE USE ONLY

Receiving Officer:	Reggie Rogers	Received Date:	12/1/15
Parcel #:	150 910 912 000	Hearing Date:	01/05/16
Zoning District:	R-4	Receipt #:	001648-0017
Alderman & District #:	Connie Pukaite, Dist #2	Published:	12/22/15

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)

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

November 23, 2015

Mr. Steve Sass
2333 W. Hickory Lane
Mequon, WI 53092

Dear Mr. Sass:

I am writing in regards to the building permit application for an attached garage at 2333 W. Hickory Lane. The addition that you are proposing is not in compliance with the 20' offset from the side lot line. Based on this information, a variance through the Board of Appeals is required. It is my understandings based on your submittal of a building permit for the garage addition you are requesting commencement of this process.

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

cc: City of Mequon City Clerks Office
Strachota Builders LLC

enclosure/kh

City of Mequon Board of Appeals:

We are requesting a variance to the standard 20' offset required by city ordinance in order to build a 3rd car garage on the West side of the current garage/house located at 2333 W. Hickory Lane.

Based on the survey conducted by Cornerstone Land Surveying on August 2nd, 2015, the West side of the house is 30.86' off the property line at its closest point. With a setback of 2' from the North side of the garage and a depth of 22', the proposed garage addition would be within 16.92' of the property line at its closest point. To stay within the allowed offset, the garage addition could only be 11.75' wide. We feel the extra 3.08' would make the garage much more functional.

The width of 14.83" was decided on in order for the garage addition to better match the look of the existing structure. There is currently 3' of brick between the west side of the existing garage door and the Northwest corner of the house. We would like to match that exposure with 3' of brick on each side of the new garage door (an opening just under 9'), for a total width of 14.83'. This is depicted on the front elevation drawing.

We also feel that the proposed addition is not contrary to the public interest given the fact the structures in both adjacent lots are within 20' of the property line.

- Lot 11 Block 9 is within 15'9" of the property line between Lot 11 Block 9 and my lot, Lot 12 Block 9.
- Lot 13 Block 9 is within 17'8" of the property line between Lot 13 Block 9 and my lot, Lot 12 Block 9.

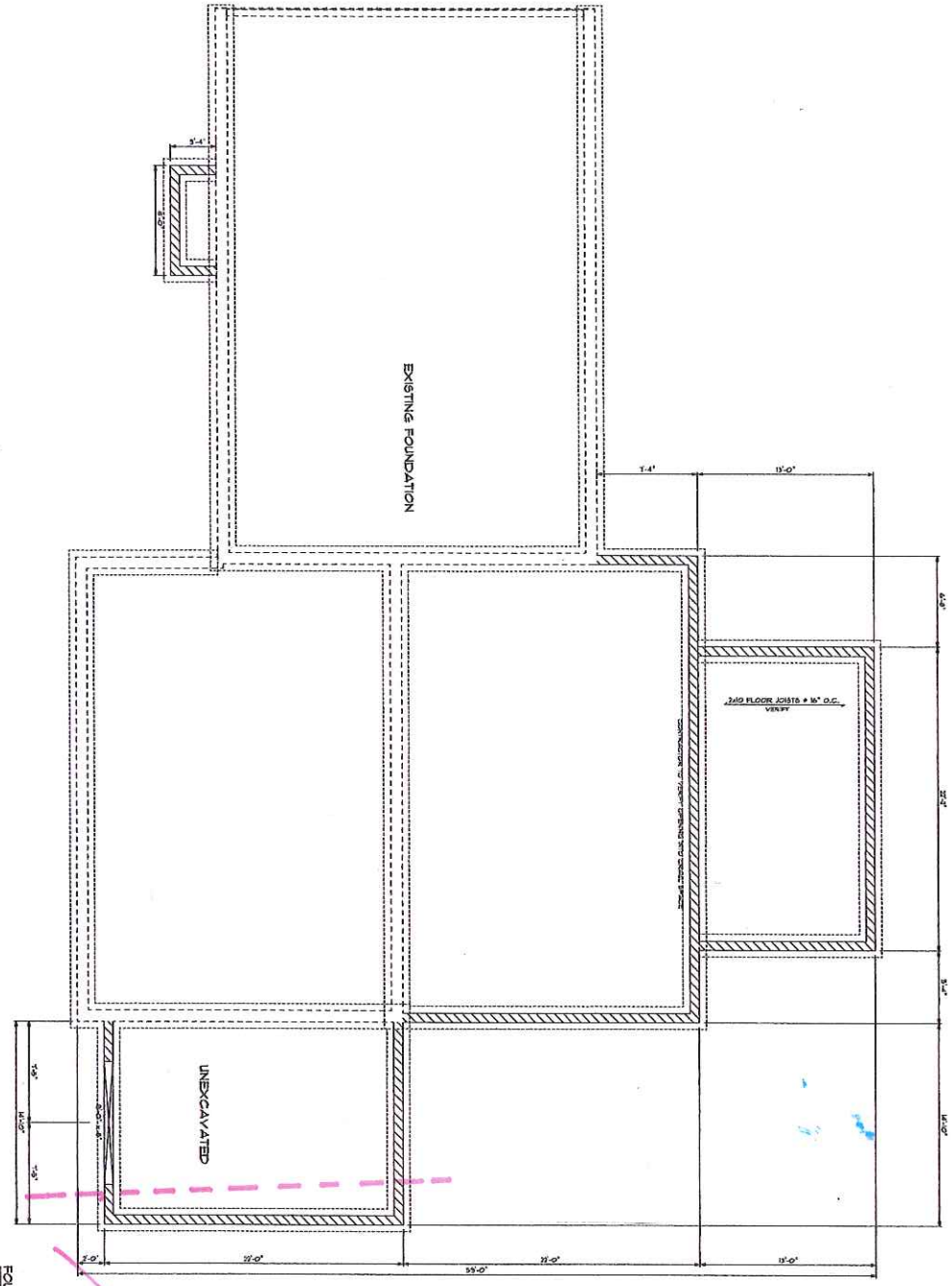
In addition, I have approached both neighbors about the proposed addition and both are in full favor of the proposed addition

I do ask that you consider a variance from the standard 20' offset based on the aforementioned information.

Respectfully,

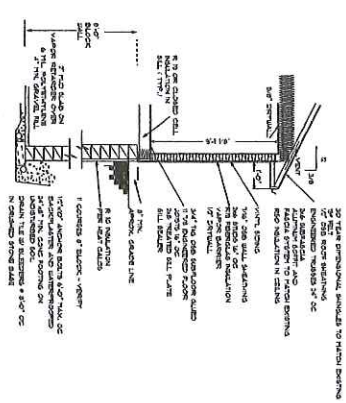
Steve and Erin Sass

Thursday, October 15, 2015 07:30 AM



FOUNDATION PLAN

Approximate location of 20' offset



SECTION A-A

SCALE 1/4" = 1'-0"

OWNER:

SASS ADDITION

2333 HICKORY LANE, MEQUON, WI

- PRELIMINARY PLAN -
NOT FOR CONSTRUCTION

ZUERN BUILDING PRODUCTS

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

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

Cornerstone Land Surveying, LLC

Plat of Survey

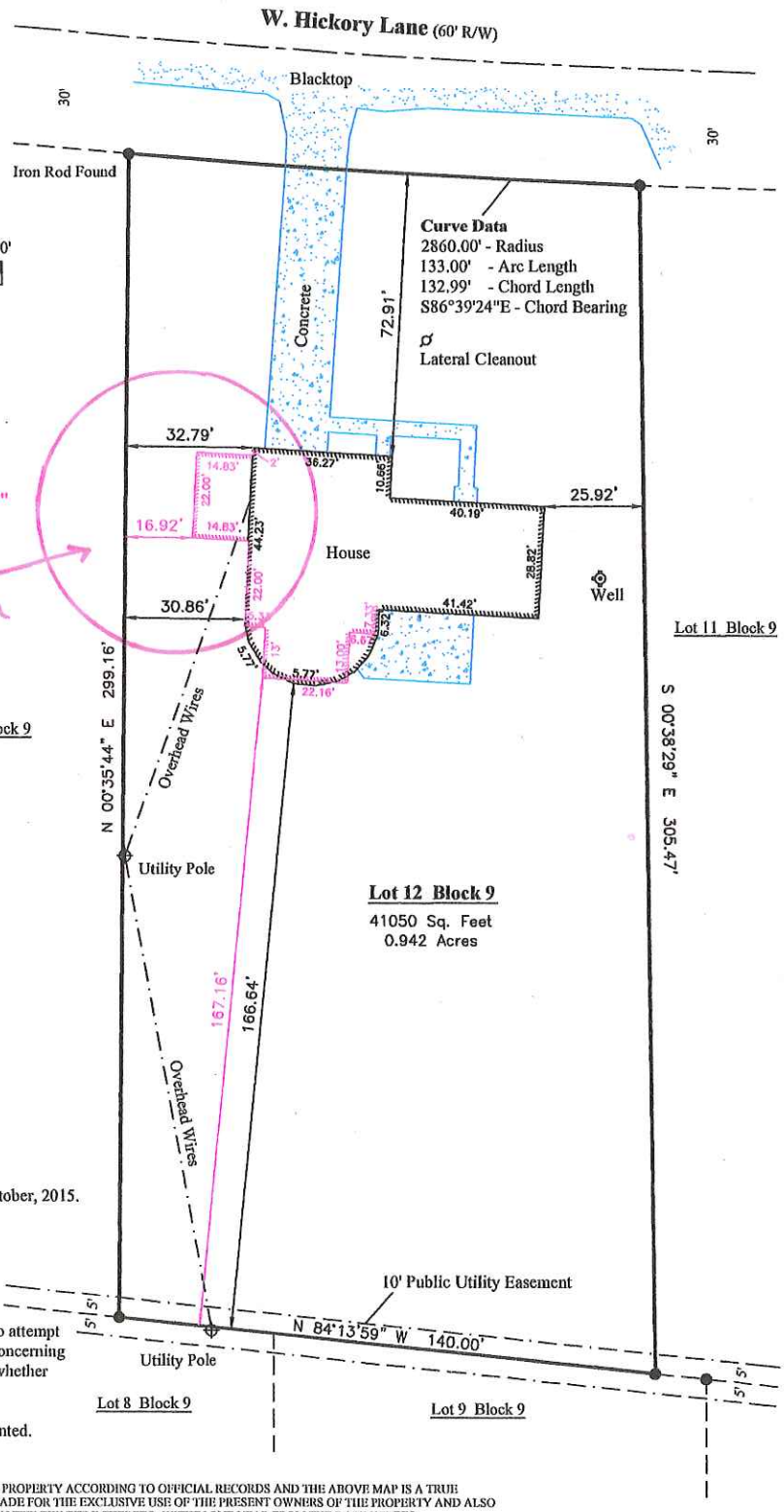
Description:
All of Lot 12 Block 9 Ozaukee County Club Estates No. 2, Being a Subdivision of a part of the Northwest ¼, the Northeast ¼, and the Southwest ¼ of the Southwest ¼ of Section 19, and part of the Southwest ¼ of the Northwest ¼ of Section 19, Township 9 North, Range 22 East, Village of Mequon, Ozaukee County, Wisconsin.

Surveyor:
Richard Simon
5080 Fairy Chasm
West Bend, WI 53095
(262) 424-5630

Address:
2333 W. Hickory Ln.
Mequon, WI 53092

Legend:
● Denotes Iron Pipe Found

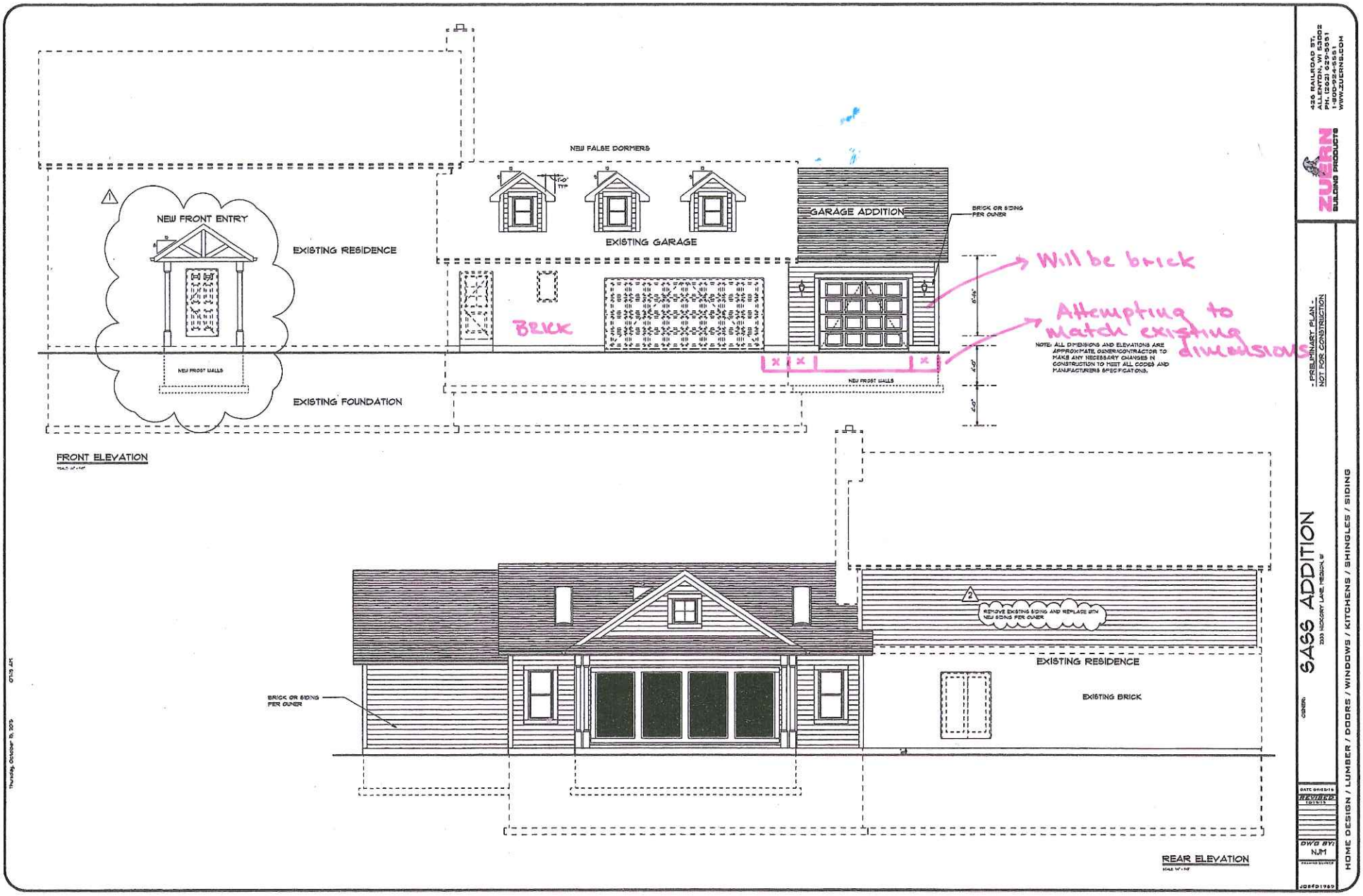
Scale 1"= 30'
0' 30' 60'

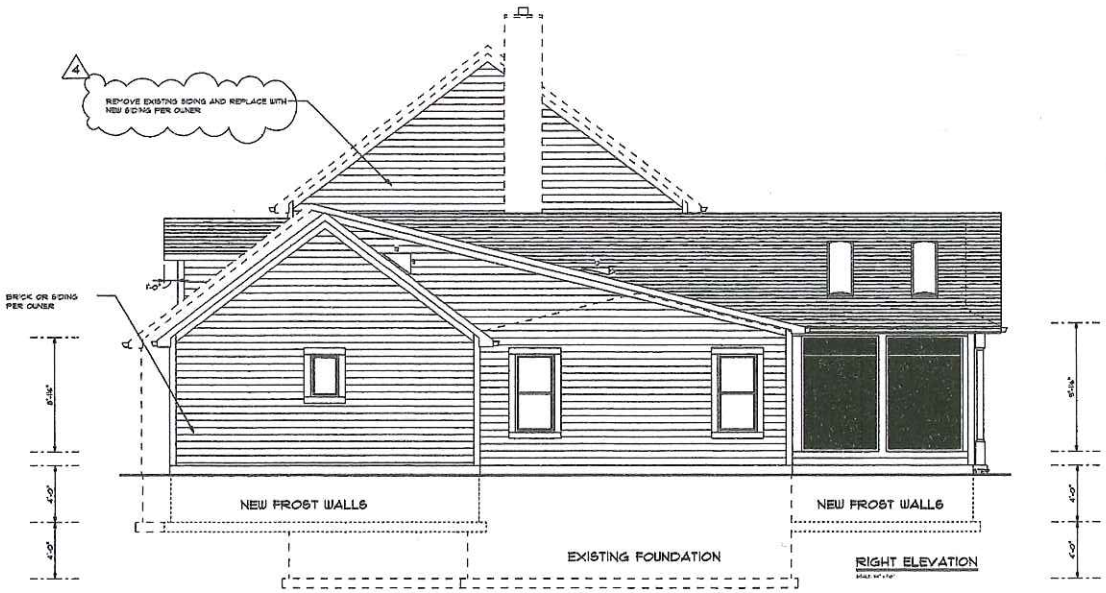


Survey For: Steve & Erin Sass
Dated this 2nd day of August, 2015.
Proposed Addition this 21st day of October, 2015.

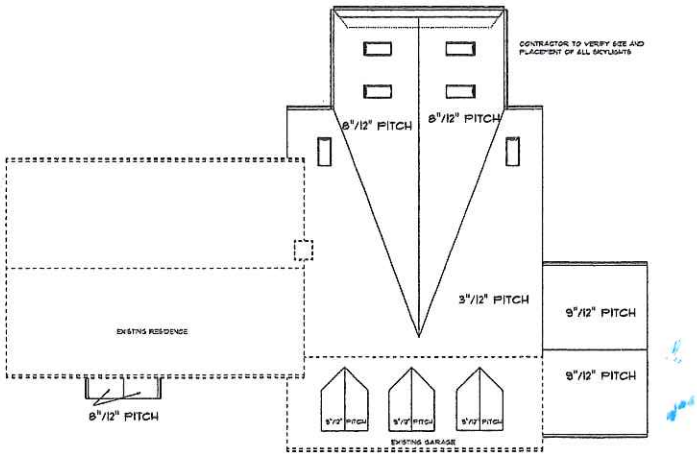
Notes:
1) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
2) No Title Policy furnished therefore completeness of easements is not warranted.

STATE OF WISCONSIN) SS.
COUNTY OF WASHINGTON)
"I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO OFFICIAL RECORDS AND THE ABOVE MAP IS A TRUE REPRESENTATION THEROF. 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 YEAR FROM THE DATE HERETO.

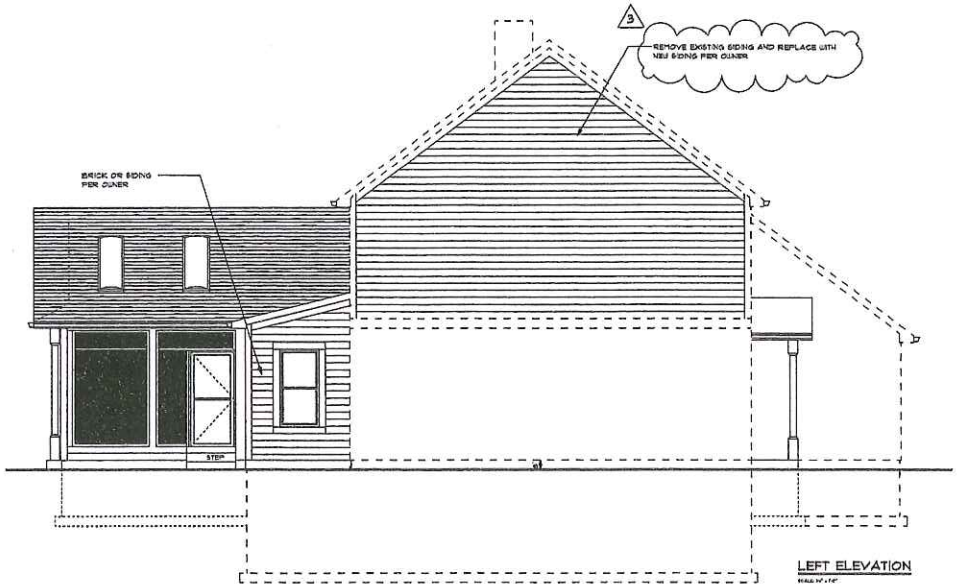

NEW FALSE DORMERS
NEW FRONT ENTRY
EXISTING RESIDENCE
EXISTING GARAGE
GARAGE ADDITION
BRICK OR SIDING PER OWNER
BRICK
NEW FROST WALLS
EXISTING FOUNDATION
FRONT ELEVATION
Will be brick
Attempting to match existing dimensions
NOTE: ALL DIMENSIONS AND ELEVATIONS ARE APPROXIMATE. OWNER/CONTRACTOR TO MAKE ANY NECESSARY CHANGES IN CONSTRUCTION TO MEET ALL CODES AND MANUFACTURERS SPECIFICATIONS.
REMOVE EXISTING SIDING AND REPLACE WITH NEW SIDING PER OWNER
EXISTING RESIDENCE
EXISTING BRICK
BRICK OR SIDING PER OWNER
REAR ELEVATION
ZUERN BUILDING PRODUCTS
426 RAILROAD ST.
ALLENTON, WI 53002
PH. (262) 629-5551
1-800-924-5551
WWW.ZUERNS.COM
- PRELIMINARY PLAN -
NOT FOR CONSTRUCTION
OWNER:
SASS ADDITION
2333 HICKORY LANE, MEQUON, WI
DATE 09/25/15
REVISED 10/15/15
DWG BY: NJM
HOME DESIGN / LUMBER / DOORS / WINDOWS / KITCHENS / SHINGLES / SIDING



RIGHT ELEVATION



ROOF PLAN



LEFT ELEVATION

Thursday, October 15, 2015 09:45 AM

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

- PRELIMINARY PLAN -
NOT FOR CONSTRUCTION

OWNER:

SASS ADDITION

2333 HICKORY LANE, MEQUON, WI

DATE 09-22-15
REVISED
DWG BY: NJM

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

Sec. 58-239. - R-4 suburban residential detached district.

(a) *Purpose.* The R-4 district is intended to provide for medium sized lot single-family detached residential development within the area designated on the land use plan map as "urban service area." The district regulations are designed to accommodate moderately large homes in a manner which efficiently utilizes potential public water and 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 due to 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) 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 of section 58-238 regarding, among other things, effective screening from public view with all season vegetation.

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

(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) 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 three-fourths acre (32,670 square feet) with all or part of the lot being devoted to permitted residential use.

(f) *Dwelling standards.* Single-family dwellings within the R-4 district shall have a 1,600 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 130 feet.

(i) *Minimum building setback.* All structures within the R-4 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 20 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(6); 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, § X, 5-8-2001; Ord. No. 2003-1066, § VI, 8-12-2003; Ord. No. 2005-1132, § IV, 3-8-2005; Ord. No. 2005-1143, § 7, 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)

City of Mequon

11333 N. Cedarburg Rd 60W
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Department of Community Development: Inspections Division

MEMORANDUM

To: Board of Appeals
From: Martin Schoenknecht , Inspector
Date: December15th, 2015
Subject: Sass Appeal for property located at 2333 W. Hickory La.

Background: The appellant is requesting a variance for the 20 foot side yard offset at 2333 W Hickory Lane in order to construct a garage addition. The current dwelling is approximately 32 feet from the property line which would allow for an addition of no greater than 12 feet in width. The applicant states that the extra 3 feet gained by the granting of the variance would result in a much more functional garage.

Variance:
The appellant is requesting a variance to section 58-239 (j) which regulates building offsets as follows:

> 58-239 (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line.

Per Section 58-41 of Chapter 58, Zoning Code, 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. The lot area and width of the parcel are conforming to the R-4 zoning district standards. Accordingly, staff recommends the Board of Appeals deny the applicant's appeal.

Martin Schoenknecht
Martin Schoenknecht, Inspector
Department of Community Development: Inspections Division