



BOARD OF APPEALS
Thursday, July 16, 2015; 6:00 PM
MINUTES

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

Also Present: Appellant Sid Terry

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 6:00 PM.

Chairman Reitz acknowledged and thanked former Board members Mary Jo Knauf and Mark Gierl for their service to this Board and introduced new Member Massey.

1. Approve meeting minutes of March 3, 2015

Moved by Member Ashmore, seconded by Member Levin to approve the meeting minutes of March 3, 2015.

The motion passed by voice acclamation 5/0.

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

Applicant(s): Sid terry

Owner: Sid Terry

Appeal: Requesting a variance from Uniform Dwelling Code Section 30.40 Mequon Code of Ordinances that requires construction of a fence surrounding an in-ground pool at 11648 N. Granville Road

Inspector Rakow summarized that a fence is required for public safety reasons, the appellant has not proved a hardship and therefore staff is recommending denial of his request.

Appellant Mr. Terry summarized this history of the pool's construction starting in 2008, his extensive landscaping and how he came to appear before the Board. He outlined the reasons why the appeal was made: 1) the mechanical cover, as a safety feature, is unbreakable, key locked, and takes 28 seconds to open or close; 2) he would like to maintain the unobstructed views in his backyard.

Member Ashmore questioned the gap in time between the initial permit/construction of the pool (2008) and the current action to appeal. Director Tollefson indicated that staff was called to the subject property to follow up on a permit for a current remodeling project. City procedures require researching the history of a property and whether there are any open issues related to any previous or historic permits prior to going out to the site. Staff discovered an open permit for the pool and when the City Inspector went to the remodeling inspection he followed through on the open permit which was a final inspection of an in-

ground pool. The burden to call for the final inspection on any project is placed on the individual who pulled the permit. Staff indicated that the conditions for the final approval for the pool permit had not been completed. The appellant confirmed that he did not comply with the City's requirement of having a final inspection prior to using the pool. The Board questioned the appellant about the perceived obstructed view, pool cover mechanics, original design plans, fence options to provide safety yet be aesthetically pleasing. It was clarified that the Uniform Dwelling Code Section 30.40 pertains to all in-ground and above ground pools of certain dimensions. Code also does not address these special mechanical safety covers.

Moved by Member Ashmore, seconded by Member Levin 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.
- Has the appellant demonstrated a hardship unique to the property?
- Would the fence create an obstructed view?
- The owner was aware of the conditions of the conditional permit in 2008 concerning a fence.
- The burden to call the City to schedule a final inspection falls to the resident.
- Uniform Dwelling Council has established minimum standards and we are bound to enforce the codes as they exist.
- Are there unique physical limitations of this property which would preclude a fence from being installed according to Code and as indicted on the submitted plan?
- Would the appellant need to re apply for a permit if they choose to install a fence different from the original permit?

Moved by Member Ashmore, seconded by Member Levin to deny the variance.

The motion resulted in a roll call vote 5/0:

Favor: Ashmore, Larson, Levin, Massey, Reitz

Oppose: None

3. Adjourn

Moved by Member Ashmore, seconded by Member Levin to adjourn the meeting at 6:38 PM.

The motion passed by voice acclamation.

Respectfully submitted,

CITY OF MEQUON BOARD OF APPEALS

Kathy Andrykowski, Administrative Secretary

Approved 09-09-15