



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
Approved 04-13-16