

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
Approved 06-14-16