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, April 26, 2016; 6:00 PM
Christine Nuernberg Hall - Common Council Chambers

AGENDA

1. Call to Order, Roll Call

2. Approve meeting minutes of April 13, 2016

3. 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.

4. Adjourn

Dated: April 15, 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

City of Mequon

draft

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Office of the City Clerk

BOARD OF APPEALS
Wednesday, April 13, 2016; 6:00 PM

Present: Chairman Reitz; Members Ashmore, Levin, Clancy, Deputy Clerk Fochs; City Inspector Rakow, Court Reporter Rodriguez, 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 6:03 PM.

1. **Approve meeting minutes of February 4, 2016**
   Moved by Member Ashmore, seconded by Member Levin to approve the meeting minutes of February 29, 2016.

   The motion passed by voice acclamation 4/0.

2. **Hear evidence concerning; debate, deliberate and decide the request of:**
   Applicant(s): Paul Rausch
   Owner: Paul Rausch
   Appeal: Requesting a variance from Section 58-237(g)(2) Mequon Code of Ordinances in order to increase the height of the garage beyond the required 15' limit at 11254 N. Solar Avenue.

   Inspector Rakow summarized the applicant's case. He indicated that the appellant is requesting a variance from the 15 foot height limitation for accessory structures. The appellant's garage exceeds that limit by 3'7". The addition to the existing garage had no work permits and a stop order was issued in spring 2015. Mr. Rakow stated that if the garage was moved closer to the center of the property the appellant could build as high as 25 feet.

   Mr. Rausch explained that he was notified by the City that his travel trailer camper was too large to be out in the open on his property. It should be parked in an enclosed garage. His garage was large enough to park the camper, however, it was not tall enough. Construction on the garage started April 2015, however, no work has been done since mid-summer 2015. His original plans were just to repair the roof on the garage, which needed no building permit. He quickly learned that the repair job would be more extensive and framing changes and trusses were required to make the garage functional. The garage still needs trim and siding to complete the job. The original goal was to comply with the non-compliant letter. His camper is now parked in an enclosed structure off site. There are no objections by the neighbors to his taller garage.

   It was noted by the appellant that many homes in his neighborhood have detached garages seemingly over the 15 foot limit. However, the specific zoning for those properties is not known.

City Staff explained that for each foot the structure would be moved into the lot, said structure could be built one foot higher.

Chairman Reitz questioned if other storage facilities were researched, Mr. Rausch explained that the fees are very high and none are located close to Mequon.

Moved by Member Levin, seconded by Member Ashmore to close the public hearing.

The motion passed by roll call vote 4/0.
Favor: Members Ashmore, Levin, Clancy, Chairman Reitz
Opposed: None

The Board deliberated:

- The existing garage pre-existed so the hardship was not created by the appellant in terms of the location of the garage
- The 3' 7" variance is minor and is consistent with other buildings in the neighborhood.
- It is important to be consistent with the application of the ordinances
- 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
- Options exist to become compliant

Motion by Member Clancy, seconded by Member Levin to approve the variance.

The motion resulted in a roll call vote 4/0:
Favor: Members Levin, Clancy
Oppose: Members Ashmore, Chairman Reitz

The motion to approve failed.

3. Adjourn

Moved by Member Ashmore, seconded by Member Clancy to adjourn the meeting at 6:33. PM. The motion passed 4/0 by voice acclamation.

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

BOARD OF APPEALS APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: PHILLIP & ELIZABETH WEIR Address: 140 W. BOUNDARY RD
City/zip: MEQUON, WI 53092

Owner: PHILLIP & ELIZABETH WEIR Address: 140 W. BOUNDARY RD.
City/zip: MEQUON, WI 53092

Contact Person/Name: ELIZABETH WEIR

Phone Number: 262-389-9196 Email: lizweir13@gmail.com

TO THE ZONING BOARD OF APPEALS:

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

140 W. BOUNDARY ROAD
(street address or legal description)

in order to: CONSTRUCT A SINGLE STORY ADDITION TO OUR RESIDENCE WITH A 13.58 FT. SIDE YARD SET BACK.

APPLICANT MUST PROVIDE:
Application form (1 copy only)
$215 filing fee

RECEIVED
MAR 21 2016
MEQUON CITY CLERK

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:	Carole Fox	Received Date:	3-21-16
Parcel #:	15 070000 2000	Hearing Date:	4/26/16
Zoning District:	R-3/PUD	Receipt #:	001753-0006
Alderman & District #:	Ald Nerbun, District 7	Published:	4/14/16

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)

G:\Board of Appeals\FORM_Application_03-10.doc

Deadline April 30

City of Mequon

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Mequon, WI 53092-1930
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Fax (262) 242-9655

www.ci.mequon.wi.us

INSPECTION DIVISION

March 11, 2016

Phillip & Elizabeth Weir
140 W. Boundary Road
Mequon, WI 53092

Dear Mr. & Mrs. Weir:

I am writing in regards to the building permit application for a sunroom addition at 140 W. Boundary Road. The proposed sunroom does not comply with the 15' setback from the side lot line. Based on this information, a variance through the Board of Appeals is required. It is my understanding based on your submittal of a building permit for the sunroom 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
Hometown Building

enclosure/kh

March 19th, 2016

To: Mequon Board of Appeals

We are applying for a variance in regards to the side yard setback for our Residence at 140 Boundary Road. We have an existing foundation and slab on the northeast corner of our home which we propose to build a family room addition within that area. This slab was poured, inspected and permitted in 2006, see attached.

The irregular shape of our property makes it difficult to maintain the 15' setback and have the addition fit best architecturally with our home. The foundation has a setback of 13.58 feet at its closet point in relation to our east side lot line. With the angle of the lot line within 2' of the corner the addition would meet the 15' requirement.

We have discussed with our neighbor Dr. & Mrs. Harold Jacobsohn of 132 West Boundary Road. The Jacobsohn's have no reservations about the position of the proposed room. See attached letter. We believe that the addition will not infringe on the neighbors use or enjoyment of their side property.

Thank you for your consideration,

Philip and Elizabeth Weir

140 West Boundary Road

Mequon, WI 53092

March 19, 2016

To: Mequon City Board of Appeals,

We are providing this letter concerning the Variance request by our neighbors Philip and Elizabeth Weir of 140 West Boundary Road. We reside at 132 West Boundary Road, the property directly adjacent to the Weir's property.

The Weir's have shared the detail of this situation. We understand they are requesting a variance of approximately 4.5 SQ FT on the Northeast corner of their proposed addition. This Northeast corner runs approximately 2 ¼ ft. North to South and 1 7/8 ft. East to West on the existing slab the Weir's had permitted to build on several years ago in preparation for this addition.

The Variance will result in a setback of 13.58 FT at its shortest point between our lot line and the corner of the addition. This is the shortest distance of the setback and there setback reaches 15ft just 2 ¼ ft. to the South.

We do not believe this will create substantial detriment to our adjacent property or pose any risk to our adjacent property.

We have reviewed and signed the included plan to demonstrate our understanding of the dimensions described for this Variance.

Sincerely,

Dr & Mrs. Harold Jacobsohn 3/19/16

Date: March 19th, 2016

Dr. & Mrs. Harold Jacobsohn

132 West Boundary Rd

Mequon, WI 53092

M.S.S. / MORTGAGE SURVEY SERVICE

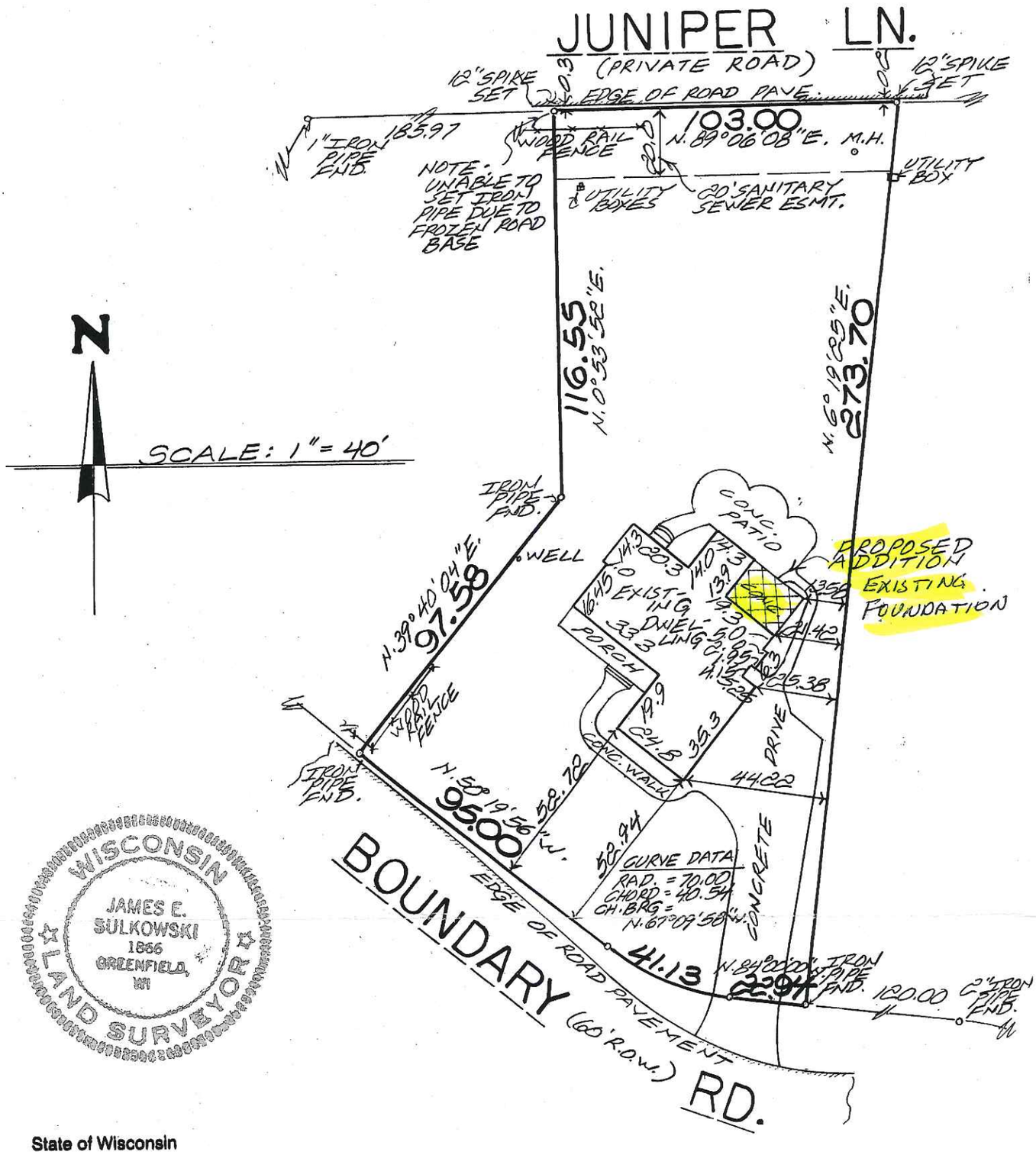
6617 West Coldspring Road Greenfield, Wisconsin 53220 (414) 327-4400

Prepared For Hometown Building

Location of Property 140 Boundary Road Mequon, WI

Description of Property

Lot 2 of HICKORY HOLLOW, being a Subdivision of part of the Southeast 1/4 of Section 32, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, State of Wisconsin.



State of Wisconsin

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 structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owner of the property, and also those who purchase, mortgage, or guarantee the title thereto within (1) year from date hereof.

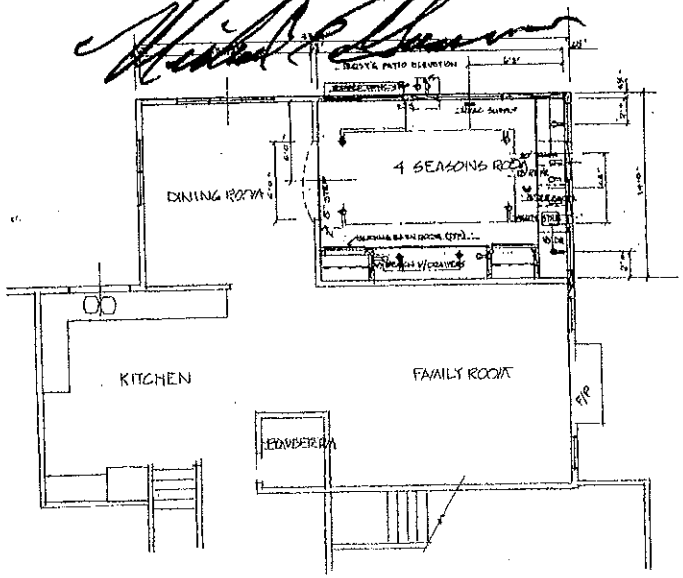
Dated at Greenfield, WI, this 19th day of February 20 16

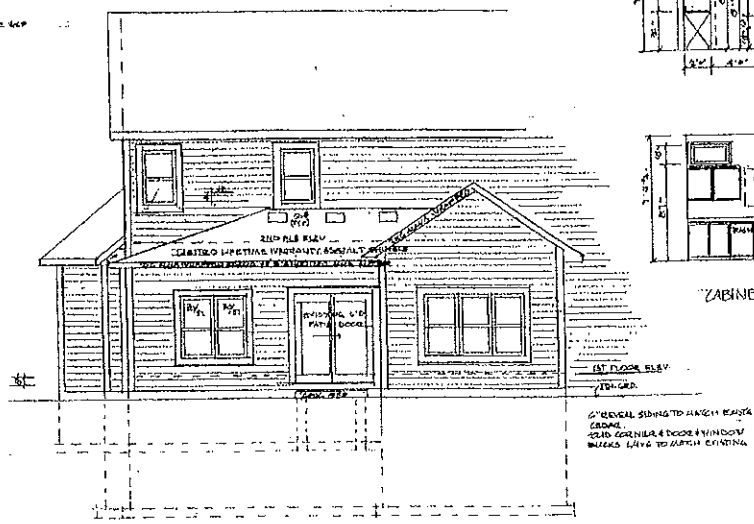
NOTE: All property corners will not be located, verified and/or reset (per Section A-E7.01 Wisconsin Administrative Code) unless specifically requested.

Registered Land Surveyor

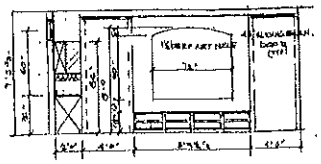
Approved by Architectural Committee Hickory Hollow 1/9/16

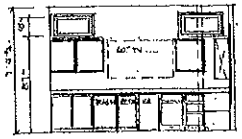
Robert A. Howard



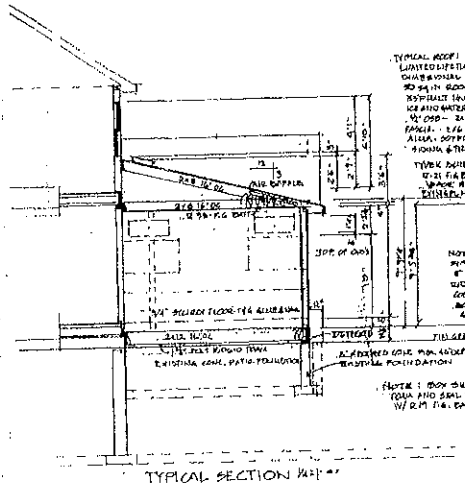


NORTH ELEVATION

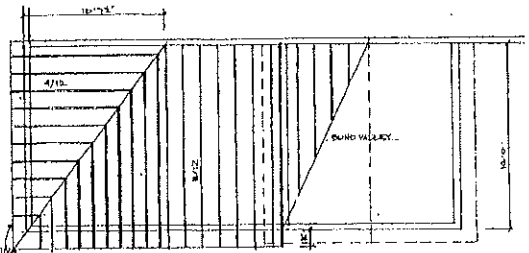




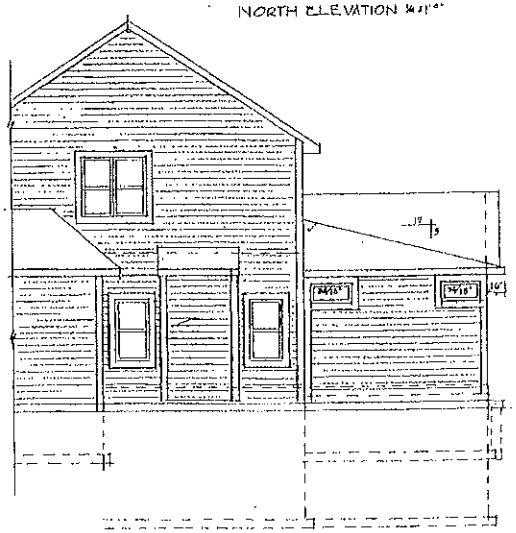
CABINET ELEVATIONS



TYPICAL SECTION



ROOF FRAMING PLAN



EAST ELEVATION

City of Mequon

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Fax (262) 242.9655
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Department of Community Development: Inspections Division

MEMORANDUM

To: Board of Appeals
From: Michael Rakow, Inspector
Date: April 13, 2016
Subject: Weir Appeal for property located at 140 W Boundary Rd.

Background: The appellant is requesting a variance to exceed the 15 foot offset at 140 W Boundary Road in order to build a family room addition. Their proposed plan shows that the addition would have a 13.58 foot offset.

Variance:
The appellant is requesting a variance to the R3-PUD zoning. Ordinance 72-253 adopts the 15 foot offset for that parcel.

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

2-253

COMMON COUNCIL

OF THE

CITY OF MEQUON

File No. 1377

By: Request

AN ORDINANCE NO. 72-253

To amend the map portion of the "Zoning Ordinances - City of Mequon" and the zoning with respect to certain lands located in the Southeast 1/4 of Section 32, Township 9 North, Range 22 East, in the City of Mequon.

THE COMMON COUNCIL OF THE CITY OF MEQUON DO ORDAIN AS FOLLOWS:

SECTION I. Upon the recommendation of the Plan Commission and after due notice and hearing by the Common Council of the City of Mequon on the 19th day of October, 1971, the map showing the several districts with regard to zoning within the City is hereby amended so as to change from a RSE classification to a RSE (OGP) classification that parcel of land located in the City of Mequon, Ozaukee County, Wisconsin, described as follows:

> The South one-half (1/2) of the East one-half (1/2) of the Southeast one-quarter (1/4) of Section thirty-two (32), Township Nine (9) North, Range Twenty-two (22) East in the City of Mequon, Ozaukee County, Wisconsin.

SECTION II. This Ordinance shall take effect and be in full force upon its passage and the day after its publication.

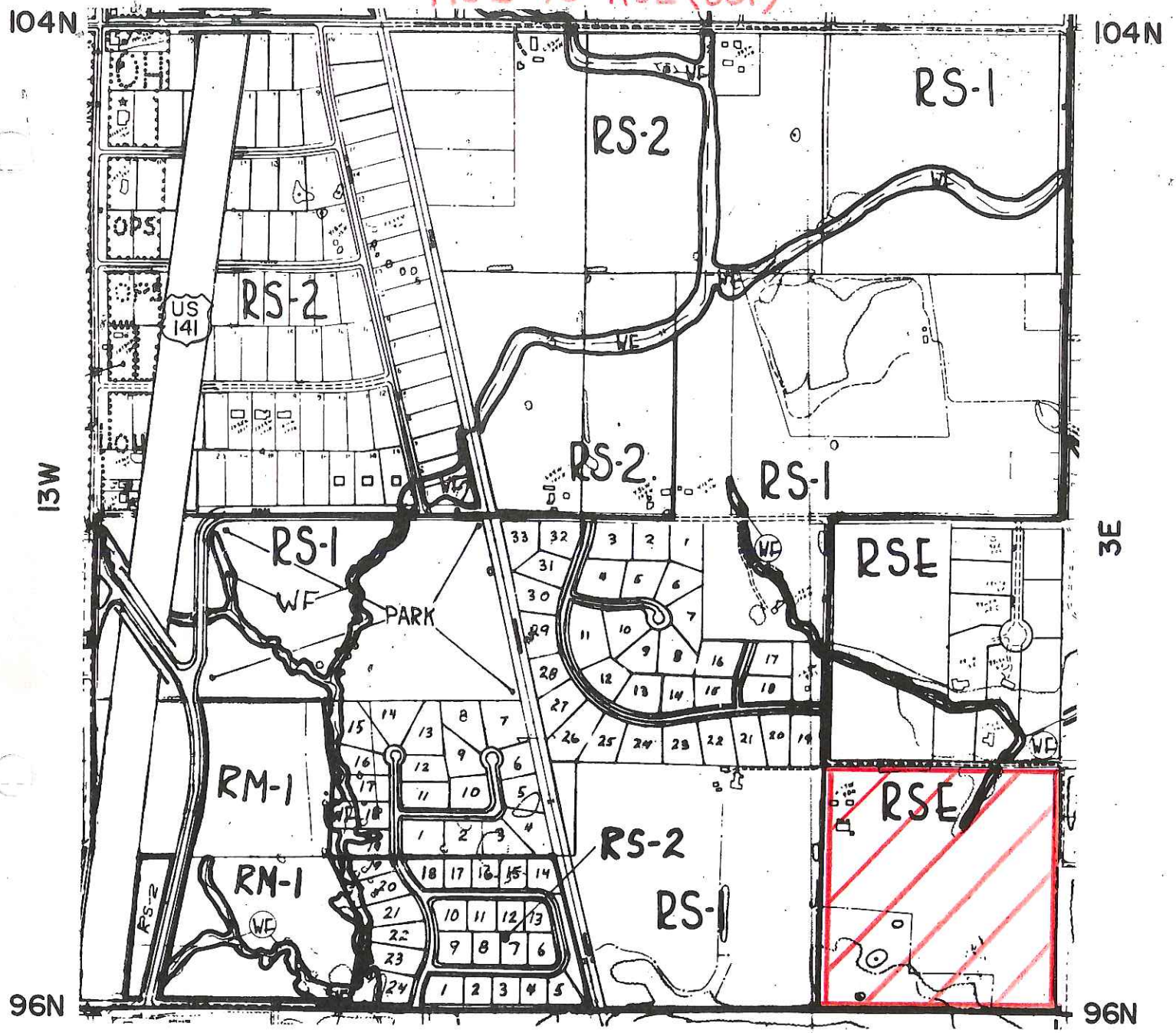
PASSED: July 18, 1972

Walter M. Anderson
City Clerk

APPROVED: July 21, 1972

Thomas P. Leisle
Mayor

RSE TO RSE (OGP)



ZONING DISTRICT MAP

SCALE: 1" INCH = 800 FEET

0' 100' 500' 1000' 1500'

CITY OF MEQUON
OZAUKEE COUNTY
WISCONSIN

BASIC DISTRICTS

RCE	COUNTRY ESTATE
RRE	RIVER ESTATE
RLE	LAKE ESTATE
R-1	COUNTRY HOME
R-2	COUNTRY HOME
R-3	COUNTRY HOME
RSE	SUBURBAN ESTATE
RSRE	RURAL ESTATE
RS-1	SINGLE FAM. SUBURBAN
RS-2	SINGLE FAM. SUBURBAN
RS-3	SINGLE FAM. SUBURBAN
RS-4	SINGLE FAM, ATTACHED
RM-1	MULTIPLE FAM, GARDEN APT.
RM-2	MULTIPLE FAM. MEDIUM RISE APARTMENT

C-1	NEIGHBORHOOD CONVENIENCE
C-2	LOCAL SERVICE CENTER
C-3	GENERAL COMMERCIAL CENTER
I-1	INDUSTRIAL
I-2	INDUSTRIAL
WF	WETLAND & FLOOD PLAINS

OVERLAY DISTRICTS

OH	HIGHWAY
OGP	GROUP PROJECT
OIP	INSTITUTIONAL & PUBLIC SERVICE
OA	AGRICULTURAL
OPS	OFFICE, PROFESSIONAL & PUBLIC SERV.
★	CONDITIONAL USE GRANT

N
W E
S

SECTION NO. 32

RANGE 22 EAST

PAGE NO. 55

1/70