



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk

BOARD OF APPEALS
Thursday, January 4, 2024
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of November 2, 2023
- 3) Hear evidence concerning; debate, deliberate and decide the request of:
 - a. Applicant: Kevin Walenta
Owner: Kevin Walenta
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Kevin Walenta requesting a variance from Section 58-416(c)(2) of the City of Mequon Code of Ordinances in order to construct a floating staircase system at 11300 N. Lakeview Place.
- 4) Adjourn

Dated: December 27, 2023

/s/ Kathleen Massey, Chair

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 accommodation for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM



draft

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BOARD OF APPEALS
Thursday, November 2, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order

Chairman Massey called the meeting to order at 6:00 PM.

Present:

Chair Kathleen Massey
Vice Chair Joseph Russell
Board Member Thomas Flanagan
Board Member Ramona Larson
Board Member Steve Helfer
Board Member Robert Stern -- **Absent**
Board Member Kirsten Hildebrand -- **Excused**

Also present: City Attorney Brian Sajdak, City Clerk Caroline Fochs, Attorney Chris Jaekels, and interested public.

2) Approve meeting minutes of March 2, 2023

Motion to amend Page 4, bullet point 3 to state: "There are consequences to the City if the DNR determines the City, and this Board, granted a variance in violation of our flood plain ordinance."

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Flanagan
SECONDED BY: Helfer

AYES:	Massey, Flanagan, Larson, Helfer
ABSTAIN:	Russell

Motion to approve the amended meeting minutes of March 2, 2023

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Flanagan
SECONDED BY: Board Member Massey

Attachment: BOA Tolocko_11-02-23_draft minutes (9041 : BOA meeting minutes 11-2-23)

AYES:	Massey, Flanagan, Larson, Helfer
ABSTAIN:	Russell

3) Hear evidence concerning; debate, deliberate and decide the request of:

Applicant: Nancy Tolocko
 Owner: Nancy Tolocko
 Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko appealing the Building Inspections Division to reject a June 22, 2023 Building Permit Application for a new deck at 12656 N. Shoreland Parkway.

Hearing no objection, Chairman Massey opened the public hearing, stated the administrative appeal and the process.

All parties appearing before the Board of Appeals were sworn.

Chairman Massey stated that City Attorney Sajdak raised a jurisdictional challenge to the Board's authority to hear this appeal and that will be heard first. Attorney Donner questioned the notice rights of such a jurisdictional challenge stating it was not noted on the agenda. Attorney Jaekels stated he felt fully informed of the jurisdictional challenge after reading the packet. The objection was noted by the Chair.

City Attorney Sajdak explained the reasons for his jurisdictional challenge. In March 2023, Ms. Tolocko submitted an application to the City to retain the already-build deck on the home at 12656 N. Shoreland Parkway. That request was denied by the Building Inspector and an appeal was submitted to the Board of Appeals to request a variance and an appeal of the issues involved. The issues were heard and the Board of Appeals denied her appeal. It is important to note that there was no appeal to the Circuit Court. Instead Ms. Tolocko subsequently submitted a second application requesting to keep her deck. The second application had minor changes such as "1" separation per DNR" and some hand drawn lines. Contemporaneously there were discussions with City Staff about the DNR's position on having multiple 200 square foot decks. The DNR said one cannot have multiple 200 square foot decks. Mr. Sajdak argues that repeat submissions are inappropriate and that decisions of this Board should be valued as final. There is no basis under the law for Ms. Tolocko to return and add or change her argument and therefore, he maintains that this body should deny this request based on this jurisdictional issue of the law.

Board discussion ensued on the description of the deck in the appellant's Exhibit A. It was confirmed that the deadline to appeal to Circuit Court was 30 days from the date of the Board's decision.

Attorney Donner addressed the legal issues presented by Attorney Sajdak. The appellant is asking the Board to review the administrative decision by the Building Inspector's Division to not process her new building permit application. Ms. Tolocko believes her application was revised and is consistent with Mequon Code. The appellant maintains that the City incorrectly directed her to apply under the wrong code initially. Mr. Golden denied her application because

it violated Mequon Code Sec. 58.800(b)(1) because the deck is greater than 200 square feet. Her revised drawing has numerous changes such as adding piers and beams. In the July 11, 2023 letter, Mr. Golden dismisses the application as seeking the same approval. He does not argue that the revised plans are not different enough from those previously submitted, as Attorney Sajdak claims, but rather just dismisses her application. He states that Mr. Sajdak and Mr. Golden are just assuming Ms. Tolocko is seeking approval of multiple 200 square foot decks as an attempt to comply with Sec. 58-800(b)(1). That is incorrect. She is seeking approval under Sec. 58-800(b)(4), where modification or addition to any nonconforming building is allowed as long as the value of the modification does not exceed 50% of the building's present equalized assessed value. Attorney Donner maintains that Sec. 58-800(b)(4) was incorrectly applied by City Staff. It is important to note that Ms. Tolocko was not represented by legal counsel during the initial appeal and subsequently hired representation after receiving the July 11, 2023 denial letter.

Ms. Tolocko stated that she has gained additional knowledge during every step of this long process. She did what City Staff told her to do and requested a variance to keep her deck. That was denied by this Board. She had conversations with the Department of Natural Resources (DNR) and had revised drawings for the deck created in anticipation of submitting a new building permit application to the city. The plans include adding new piers and beams in multiple locations. She thought she had found a solution but was devastated when the denial letter arrived in July. She submitted a separate application for a different deck with a different building plan seeking approval under a different legal theory and staff refused to review it. She is asking the Board to overturn the staff's decision not to accept her revised permit application and review the application on its merits.

Board questions and discussion ensued on the interpretation of the conditions of Sec. 58-800 (b). Do all of the conditions under sub (b) need to be met? Should conversations be had with the City to try to change the ordinance? Also discussed was the potential for double-standard when hearing appeals, definition of due process, differences between original application and the latest application. It was confirmed that the new plan is different because there are now five additional piers, three beams and three one-inch separations. The square footage is the same as before and no changes have been made to the deck or property. The frame is not continuous, they are separate decks. Also discussed was whether the hearing could be suspended to allow discussions with staff about 58-800(b)(4), possible repercussions to the City.

City Attorney Sajdak reiterated that the newest plans are for the same request, Ms. Tolocko had her due process, she could have raised this issue at the first hearing, she chose not to appeal the Board's first decision.

Attorney Donner reiterated that Ms. Tolocko has submitted a different plan and application, under a different theory of law.

Motion to close the public hearing.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Board Member Flanagan

SECONDED BY: Board Member Massey

AYES: Massey, Russell, Flanagan, Larson, Helfer

Board discussion ensued.

- Appellant is advocating for different standards between those with counsel and those without counsel
- The appellant should have proposed all her arguments at the first appeal
- The configuration of the new deck is substantially the same as the original plans
- Board of Appeals does not have jurisdiction to hear additional arguments
- Disagreement with interpretation of referenced code
- Try to get the ordinance changed by the Common Council to make it clearer.
- Appellant chose to not appeal to Circuit Court

Motion to dismiss this appeal on the grounds that the Board of Appeals does not have the jurisdiction to rule and this matter was already decided on March 2, 2023.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Board Member Massey

SECONDED BY: Board Member Flanagan

AYES: Massey, Russell, Flanagan, Larson, Helfer

4) Adjourn

Motion to adjourn at 7:47 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Board Member Russell

SECONDED BY: Board Member Larson

AYES: Massey, Russell, Flanagan, Larson, Helfer

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

Attachment: BOA Tolocko_11-02-23_draft minutes (9041 : BOA meeting minutes 11-2-23)

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: KEVIN WALENTA Address: 11300 N. LAKEVIEW PL
 City/zip: MEQUON 53092
 Owner: KEVIN WALENTA Address: 11300 N. LAKEVIEW PL
 City/zip: MEQUON 53092
 Contact Person/Name: KEVIN WALENTA
 Phone Number: 617-945-3792 Email: kgwalenta@uwalumni.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-416(c)(2)
 regarding:

11300 N. LAKEVIEW PL MEQUON 53092

(street address or legal description)

in order to: CONSTRUCT A SAFE, UNIQUE, ENVIRONMENTALLY-CONSCIOUS FLOATING STAIRCASE SYSTEM TO GAIN ACCESS TO PRIVATE BEACHFRONT PROPERTY. PERMANENTLY-EMBEDDED PORTION OF STRUCTURE TO BE AT LEAST 75 FEET FROM BLUFF.

APPLICANT MUST PROVIDE:

Application form

\$215 filing fee pd in full**1 copy each of the following documents**

1. Copy of denial letter if any, or a description of the denial
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: <u>Carol Ink</u>	Received Date: <u>12-14-23</u>
Parcel #: <u>15-075-00-02-002</u>	Hearing Date: <u>1-4-24</u>
Zoning District: <u>B-2</u>	Receipt #: <u>003789-0023</u>
Alderman & District #: <u>Ald. Bach, District #5</u>	Published: <u>12-21-23</u>

- c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor and all parcels in the City of Mequon as per state statute and City of Mequon Communication Policy.



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

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PLANNING DIVISION

December 11, 2023

Kevin and Sara Walenta
 11300 North Lakeview Place
 Mequon, WI 53092

Dear Mr. and Mrs. Walenta:

I am writing regarding the building permit application for the construction of a "floating stairway" at 11300 North Lakeview Place. The proposed structure does not comply with the setback from the Lake Michigan Bluff. All structures shall be set back from the top of the bluff on a slope ratio of two feet horizontal to every one foot vertical. However, no building shall ever be set back less than 75 feet from the top edge of the bluff at time of construction. Based on this information, your building permit request has been denied and a variance, through the Board of Appeals, will be required.

Zoning District R-2

Code Section 58-416(c)(2) **Proposed building is within 75 feet of bluff at time of construction.**

Proposed setback does not comply with standards.

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 considering 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.

If you have any further questions, feel free to call me at 262-236-2908 during normal business hours.

Respectfully,

Evan Hoier
 Associate Planner

Attachment: Walenta packet_01-04-24_11300 N Lakeview Pl (9044 : Walenta BOA packet_01-04-24)

To the Members of the Board of Appeals of the City of Mequon:

I am writing to request a variance in regard to my denial for a building permit application at 11300 North Lakeview Place. I thank you, in advance, for your consideration.

For more than 15 years, private homeowners in southeastern Wisconsin and beyond have begun to use a safe, unique, and environmentally-conscious floating staircase system, designed by About Nature, LLC (a local southeastern Wisconsin company) to gain access to their private beachside property. This system provides both a safe method for private homeowners to gain access to their private beachside property as well as an environmentally-conscious option that supports the surrounding bluff environment.

Over the last 15 years, about 15 residential floating staircase systems have been approved and designed by About Nature LLC and ultimately built in Whitefish Bay, Milwaukee County, Grafton, Port Washington, Two Rivers, and Manitowoc, to name a few locations. In addition to gaining approval from these respective cities, this unique system has also received positive reviews from the Department of Natural Resources. Most importantly, in this time period **not a single one of these unique floating staircase systems has suffered any structural impairment or failure due to changing bluff conditions, bluff erosion or any other factor for that matter.** About Nature LLC has received no complaints of any kind, safety or environmental, from customers who have built these floating staircase systems. As a result of this safe and unique system, each of these private homeowners continues to enjoy their private beachside property to this day. This unique and modern system has proven to be a safe method for private homeowners to finally gain access to their private beachside property.

The building permit in question was denied because the "proposed building is within 75 feet of bluff at time of construction" and therefore the "Proposed setback does not comply with standards." I believe my proposal does in fact, at the very least, meet the spirit of the law intended by this setback requirement. I believe the setback requirement was intended to both keep homeowners safe from traditional staircases that are permanently embedded into the bluff and thus fail during periods of bluff erosion as well as to provide some environmental protection for the bluff. There is a very important differentiating factor of this unique floating staircase system meant to address these valid concerns. **The anchors of the floating staircase system, the only part of the system permanently embedded into the ground, are embedded into the ground 75 feet away from the bluff.** The remainder of the staircase sits on the surface - and in no other area is anything permanently embedded into the ground. The remainder of the staircase rests on the ground and moves simultaneously with changes in the bluff - much like driftwood or a log rests on the bluff and moves with its changes. **There is nothing permanently embedded into the ground within 75 feet of the bluff. Everything permanently embedded into the ground is at least 75 feet away from the bluff.** The fact that the floating staircase system sits on the bluff actually provides a countering force to bluff erosion and in the surrounding area to which the staircase system sits has seen slowed, reduced, and in some cases, no bluff erosion, providing a positive environmental dynamic.

Thank you again for your consideration of my request for a variance. In conclusion, I believe this to be a safe and environmentally-conscious system that allows private homeowners to gain access to their private beachside property. I believe, in fact, that the proposal does, at the very least, meet the spirit of the setback requirement.

Sincerely,

Kevin Walenta
11300 North Lakeview Place
Mequon, WI 53092

Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)

ABOUT NATURE, LLC
1863 LAKE SHORE RD
GRAFTON, WI. 53024

NEW WAYS OF BUILDING BLUFF/HILL SIDE DECKS & STAIRS

With the following, we present entirely new system of building bluff structures. Instead of stationary piers or posts buried directly in the ground, we design the floating structures simply laying on the slopes and allowing ground to shift, slide or erode. **DRAWING #1.** Starting point is the skid supported by network of galvanized cables secured to the ground by the **American Earth Anchors** far away from the edge of bluff and serving as a base for each section. (**SEE THE ATTACHED SPECIFICATIONS**)

Both sides of the platform have the branch cables tied with main cables connecting all further platforms. Each branch cable has turnbuckle and chain leader for adjustments which are necessary as we expect the cables to shrink and expand with the seasons, and they will also loosen as the bluff erodes. **DRAWING 2.**

Net force generated by this design is directed against the slope, actually slowing the process of erosion in contrary to traditional systems. **DRAWING 3.** The other benefit of our design is that we don't disturb the surface of bluff and avoid cutting any trees or bushes, placing our sections around them as much as possible. Attached **SURVEY** of the property also shows the placement of the system within the boundary. The set of turnbuckles and the chain leaders on each section, allows them to be quickly restored to a useable state when needed.

The stairs are primarily constructed out of pressure-treated lumber; each run of stairs is supported by two platforms, one above and by one platform below which both rest on wooden sleds. **DRAWING 4.**

Since the sleds supporting the platforms are expected to move with the bluff, we have designed the stair runs to pivot as the supports move. There are hinged connections between the platform above and each run of stairs that allow the system to move as the platform locations and elevations change. The stairs run rests on, but is not attached to, the platform below. This allows the system to shift as necessary.

If the system lands close to water level, on the last platform we construct the ramp which support the Aluminum run of stairs that can be retracted for the winter season, storms or privacy. **DRAWINGS 5, 6 and 7.** and **PICTURES #1 & #2**

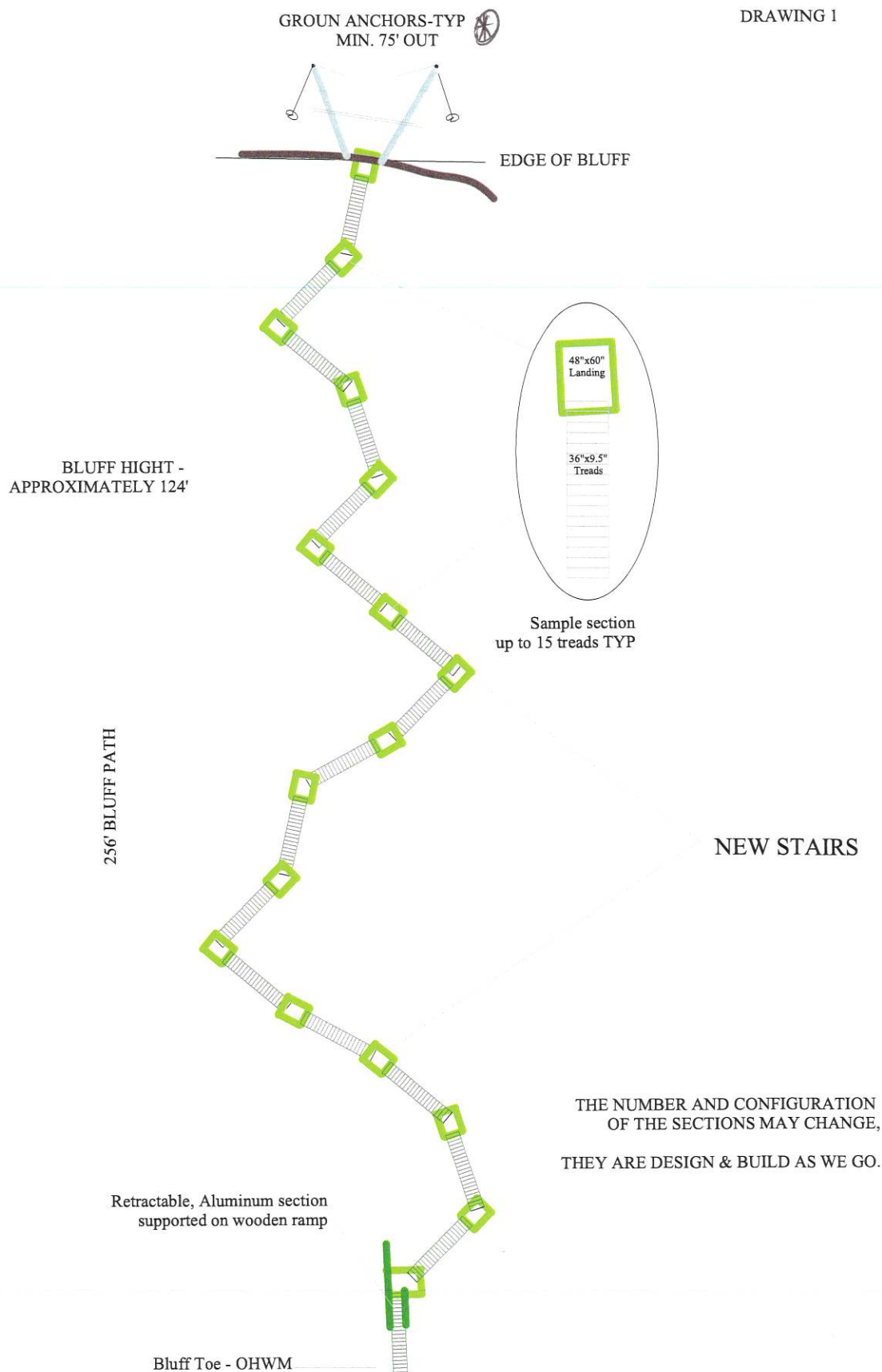
The end result is a system that is safe, adjustable and resilient during ongoing bluff erosion however, it would require regular, seasonal maintenance. **See the MAINTENANCE PROCEDURES sheet.**

If you need additional information, or would like to discuss it further, please do not hesitate to contact us.

ANDRZEJ SITARSKI 262 208-1012

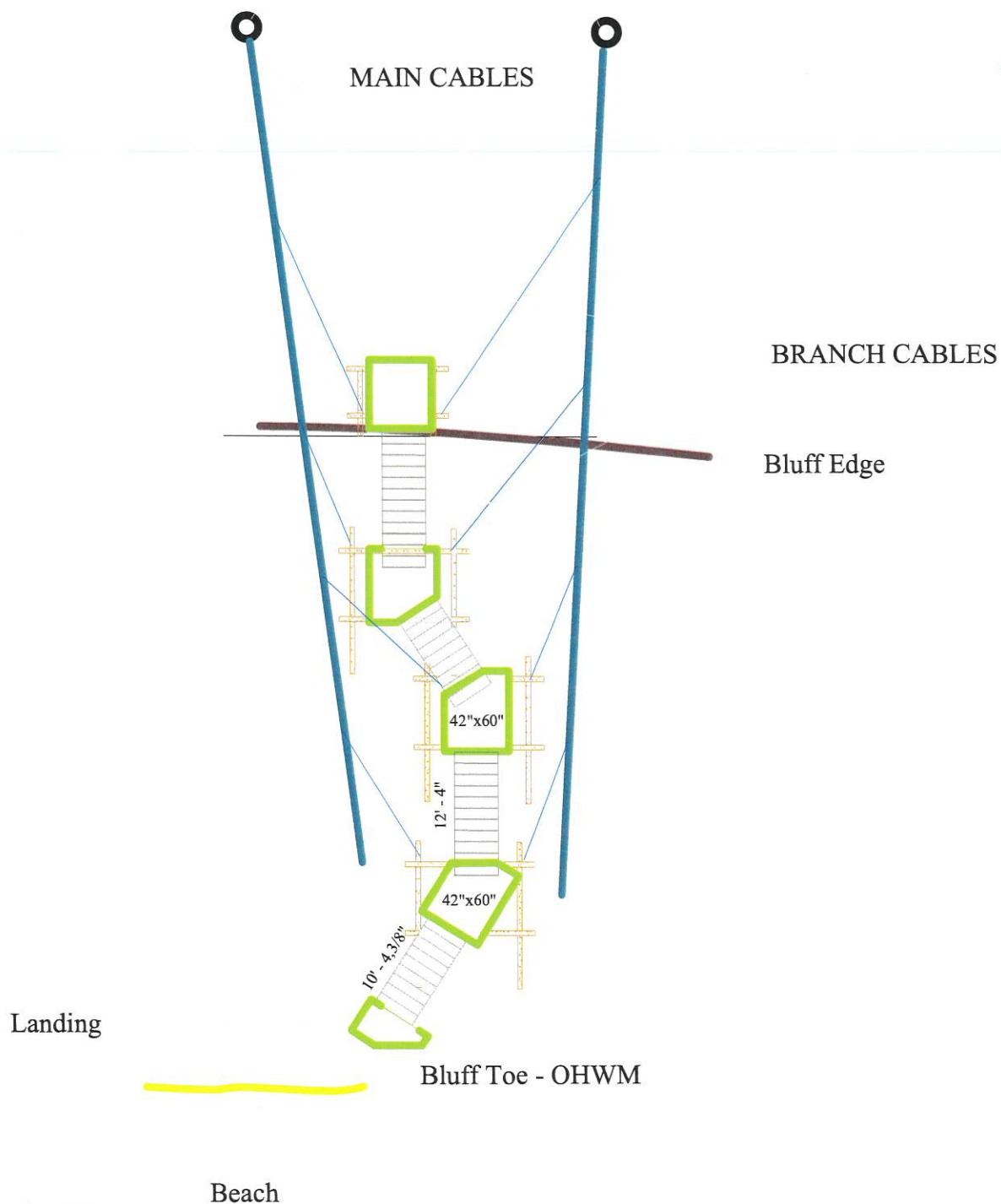
Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)

DRAWING 1



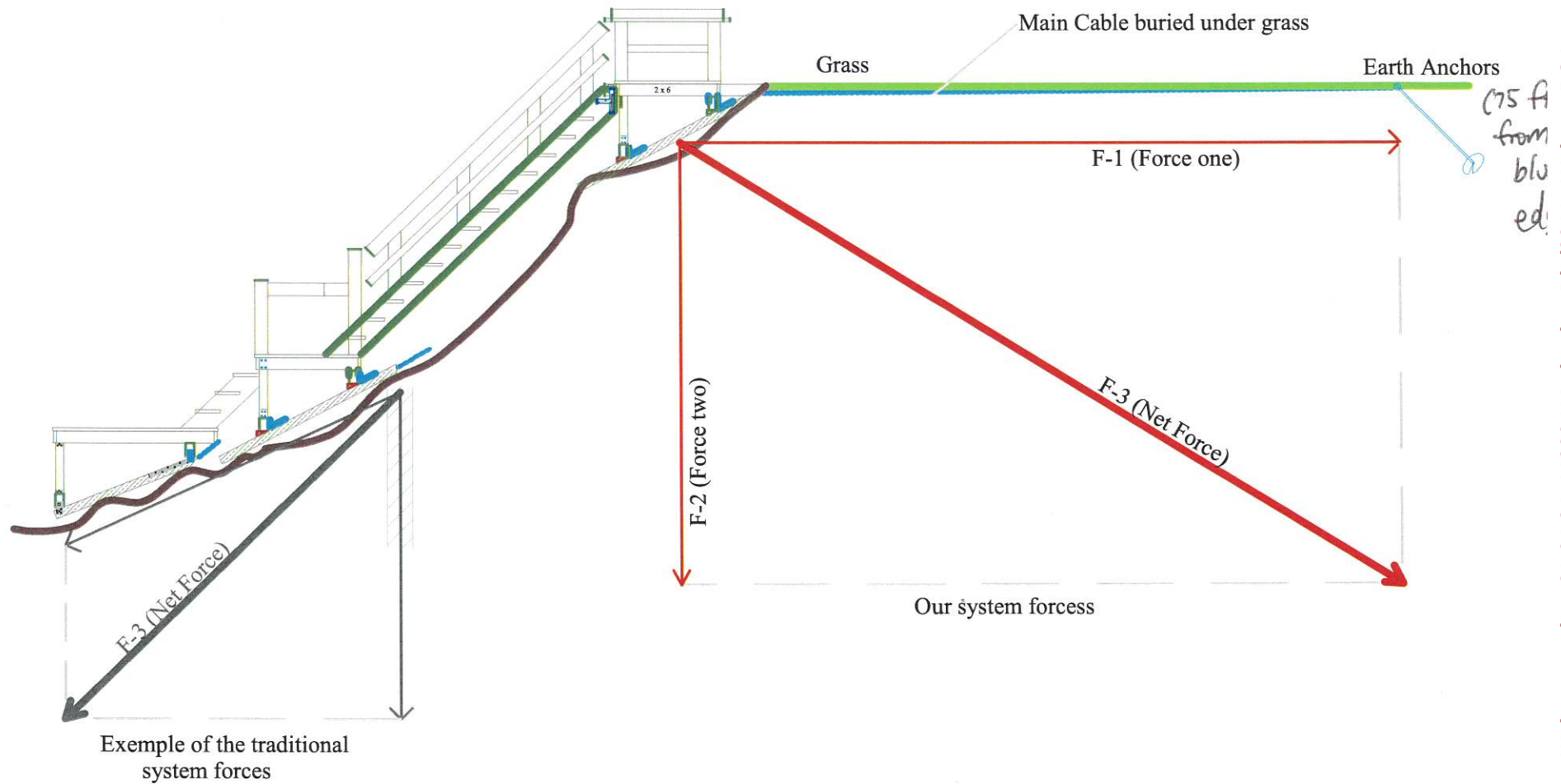
DRAWING # 2.

EARTH ANCHORS (75 ft from bluff edge)



Scale: 3/32" = 1'

ABOUT NATURE, LLC
 1863 LAKE SHORE RD
 GRAFTON, WI. 53024

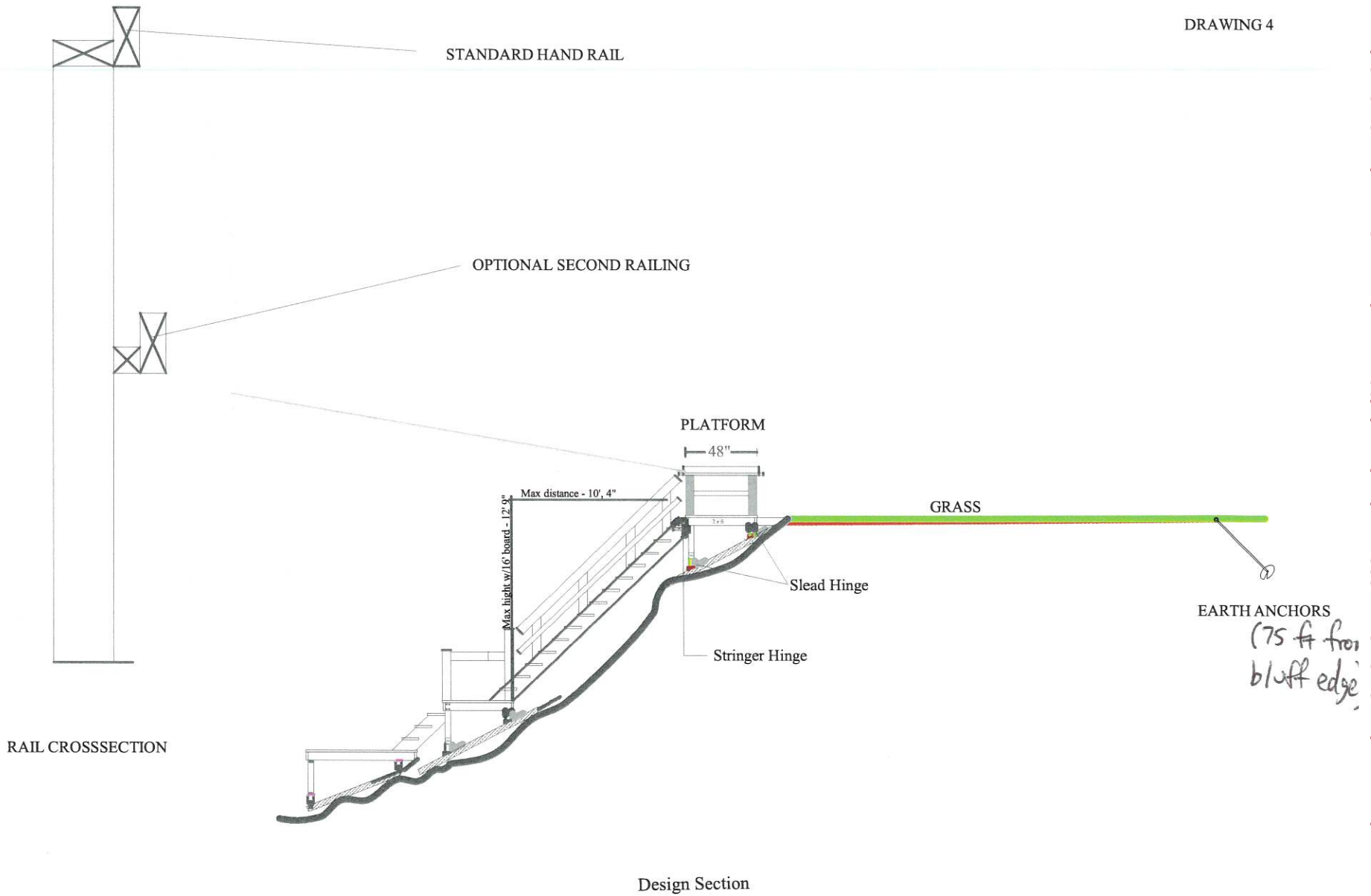


ABOUT NATURE, LLC
1863 Lake Shore Rd Grafton, WI. 53024

SCALE: 2" = 1'-0"

Packet Pg. 12

DRAWING 4



ABOUT NATURE, LLC
1863 Lake Shore Rd Grafton, WI. 53024

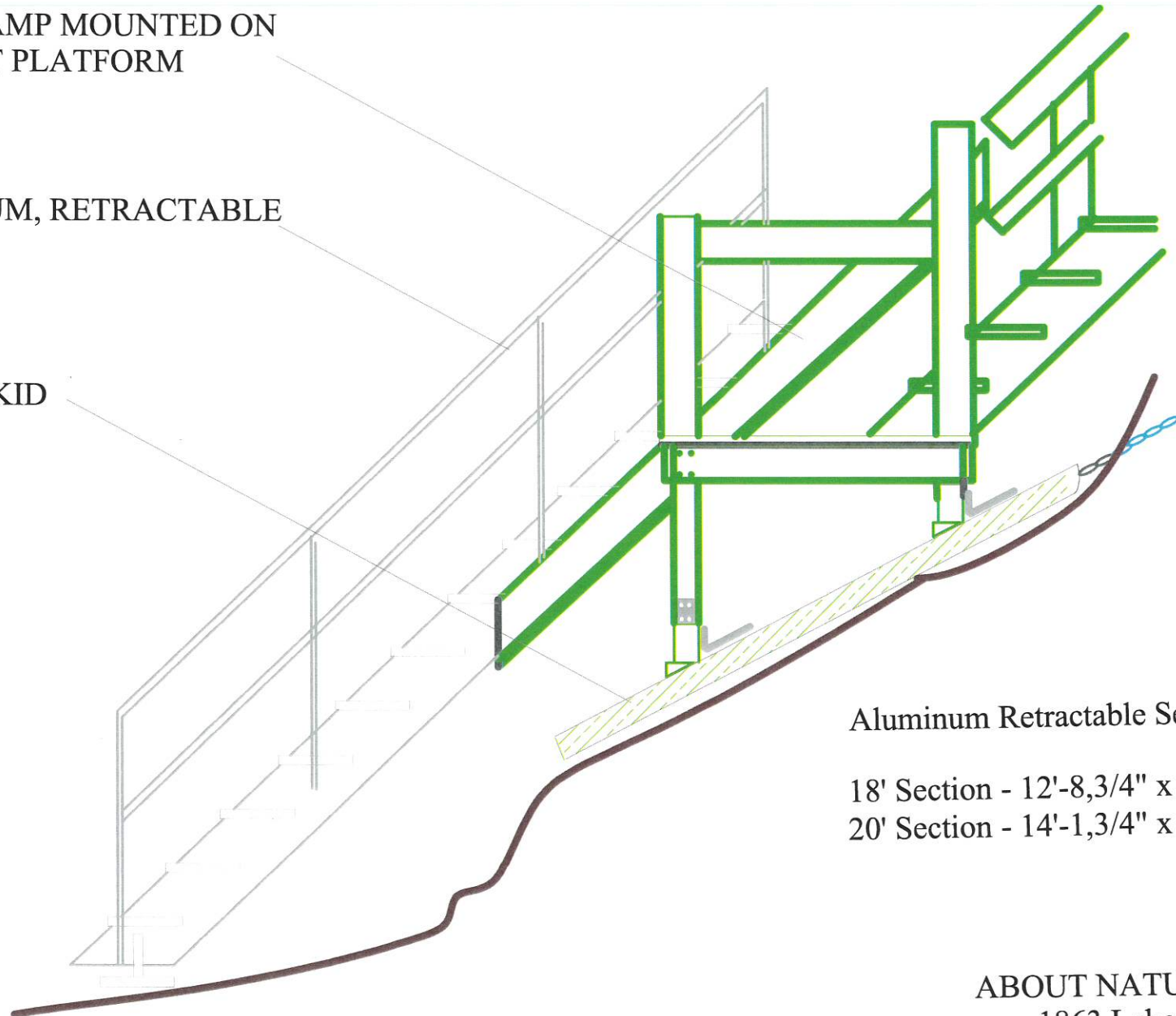
Scale: 1-1/2" = 1'-0"

DRAWING 5

WOOD RAMP MOUNTED ON
THE LAST PLATFORM

ALUMINUM, RETRACTABLE
SECTION

WOOD SKID



Aluminum Retractable Section

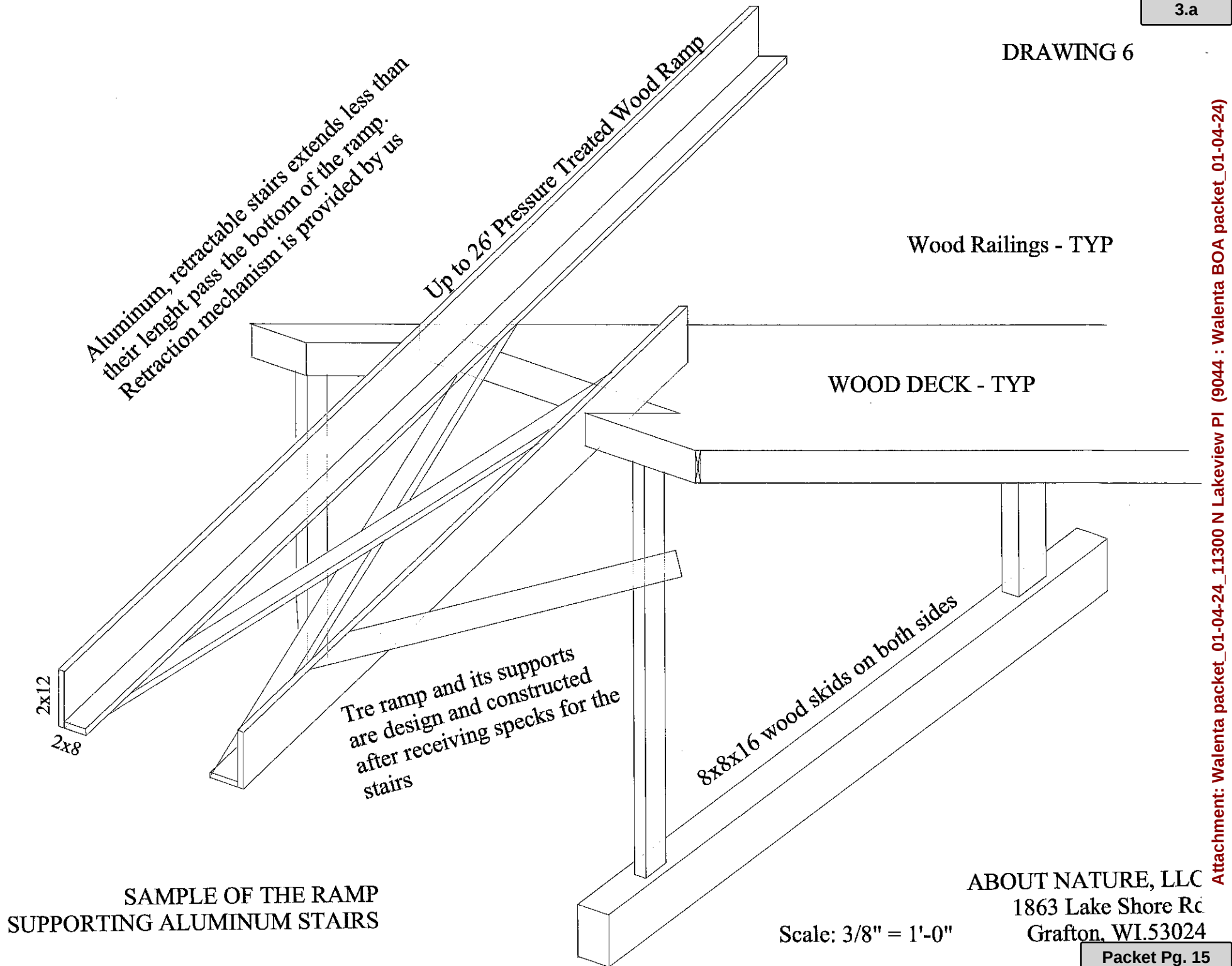
18' Section - 12'-8,3/4" x 12'-8,3/4"

20' Section - 14'-1,3/4" x 14'-1,3/4"

ABOUT NATURE, LLC
1863 Lake Shore Rd
Grafton, WI.53024

Scale: 6" = 1'-0"

DRAWING 6



RAMP - TOP VIEW

ALUMINUM STAIRS SECTION
TO BE MOUNTED ON THE RAMP

Bluff Toe - OHWM

Beach

RETRACTABLE STAIRS
TOP VIEW

Scale: 1/4" = 1'

ABOUT NATURE
1863 LAKE SHORE
GRAFTON, WI. 53024

ABOUT NATURE LLC

PO Box 262 Grafton, Wisconsin 53024

Tel. (262) 208-1012

Email: aboutnaturellc@att.net

METHODS AND PROCEDURES FOR MAINTAINING THE FLOATING STAIRS

THIS CONCEPT CAN'T STOP NATURAL EROSION OR GROUND SHIFTING, INSTEAD IT FLOATS ON ITS SURFACE AND ALLOWS THESE FACTORS TO HAPPEN WITHOUT MAJOR DESTRUCTION TO THE SYSTEM. WITH POTENTIAL GROUND SLIDE, OUR SYSTEM WOULD SETTLE DOWN ON A NEW SURFACE AND MAY REQUIRE SOME ADJUSTMENTS TO BRING IT BACK TO PLUMB AND LEVEL. THE FOLLOWING STEPS HAVE TO BE TAKEN TO PROPERLY MAINTAIN AND ADJUST THIS SYSTEM FOR THE BEST PERFORMANCE.

- **CHECK AND ADJUST THE TENSION BRANCH CABLES.**

(Each section has two branch cables attached to the corresponding main cables. Each branch cable has the chain leaders and turnbuckles attached for section adjustments. If needed, tension of the cables can be adjusted by attaching the Come-Along tool.

Even without any changes in the ground, it is expected that cables will expand and shrink between seasons and they have to be monitored and adjusted.) (No need to adjust the main cables)

- **VERIFY PLUMB AND LEVEL OF ALL PLATFORMS AND STAIRS.**

(If adjustment by the turnbuckles is not sufficient, it may require extending or replacing specific posts that are supporting the sagging side of the structure.)

- **CHECK ALL STAIRS AND DECKING FOR DECAY –REPLACE IF NECESSARY.**

(The stairs are primarily constructed out of pressure treated lumber, each run of stairs is supported by two platforms, one above and one below which both rest on wooden sleds. The sleds are not directly anchored to the earth, but are allowed to move as the bluff erodes.)

- **CHECK ALL SUPPORTING WOOD MEMBERS FOR PROPER ATTACHMENT TO STRUCTURE.**

(All posts and beams are attached and bolted to the bottom skids with various metal devices; those should be monitored for excessive tension and wear.

Verify that wood ramp supporting Aluminum stairs and its braising are sound and solid. Re-secure if needed.)

- **VERIFY FUNCTIONALITY & CONDITION OF THE RETRACTABLE, ALUMINUM STARS.**

(WHERE APPLICABLE)

(Check the crank mechanism, cable and connecting clips, attachment of the adjustable feet and stability of the railings.)

All additional questions direct to: ABOUT NATURE, LLC.

LANDSCAPE MANAGEMENT: Focus on diverting drain water from structure.

WWW.ABOUTNATURECO.COM

Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)



American Earth Anchors

The best screw you will have in the dirt™

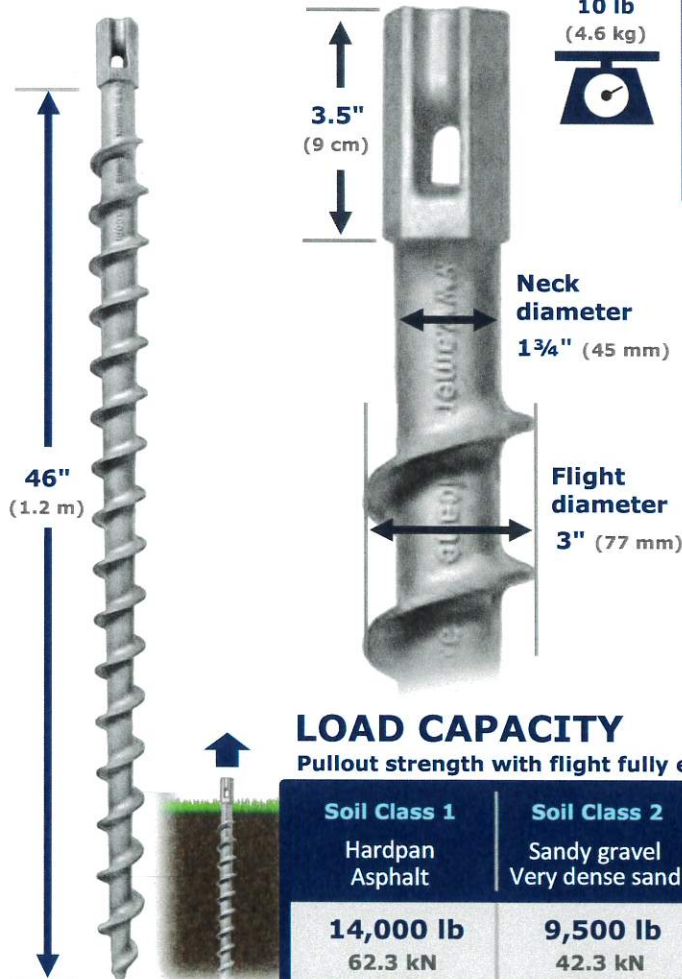
americanearthanchors.com

QUICK REFERENCE

PE46-Guy | Specifications

46" Penetrator™ with guying head

- Aircraft-quality cast aluminum 356 alloy
- Heat-treated to T6 specification
- Install with 2" or 51 mm socket
- Removable



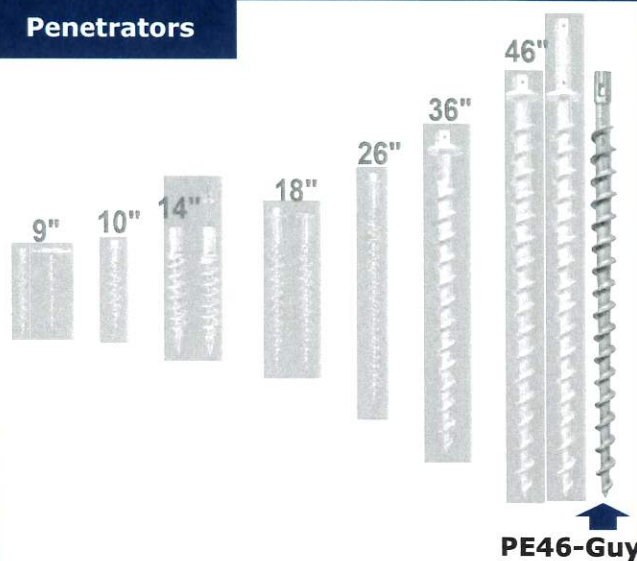
LOAD CAPACITY

Pullout strength with flight fully embedded

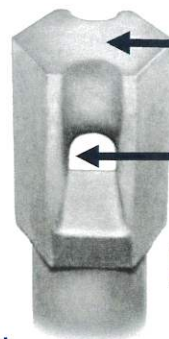
Soil Class 1	Soil Class 2	Soil Class 3	Soil Class 4	Soil Class 4
Hardpan Asphalt	Sandy gravel Very dense sand	Silty/clayey sand Silty gravel	Loose/med dense sands Loose sands Firm clays	Loose fine un- compacted sand
14,000 lb 62.3 kN	9,500 lb 42.3 kN	3,300 lb 14.7 kN	2,000 lb 8.90 kN	750 lb 3.34 kN

Soil classification per ASTM D-2487/2488

Penetrators



2 1/4" (58 mm) I.D. pipe
fits over



Socket size
2" (51 mm)

Slot for cable or other
attachment
up to 1/2" (13 mm)

6-point socket (instead of 12-point
socket) will minimize wear and
rounding of hex head for repeated
installation/removal

Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)



American Earth Anchors
info@americanearthanchors.com
americanearthanchors.com

Contact us for CUSTOM WORK

Size, length, shape, material,
prototypes, cable assemblies



866-520-8511



+1 508-520-8511

PE46-Guy | Installation

QUICK REFERENCE

Through asphalt

Drill PILOT HOLE through asphalt



Non-vertical load

Install at same angle as load for maximum pullout strength



Installation methods



Impact wrench

Watch the video:
Click [here](#)
or visit aeavideo.com



Power take-off

Watch the video: Click [here](#)
or visit aeavideo.com

Attachment accessories

Optional attached tie-off cable



Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)



American Earth Anchors
info@americanea.com
americanearthanchors.com

Contact us for CUSTOM WORK
Size, length, shape, material,
prototypes, cable assemblies

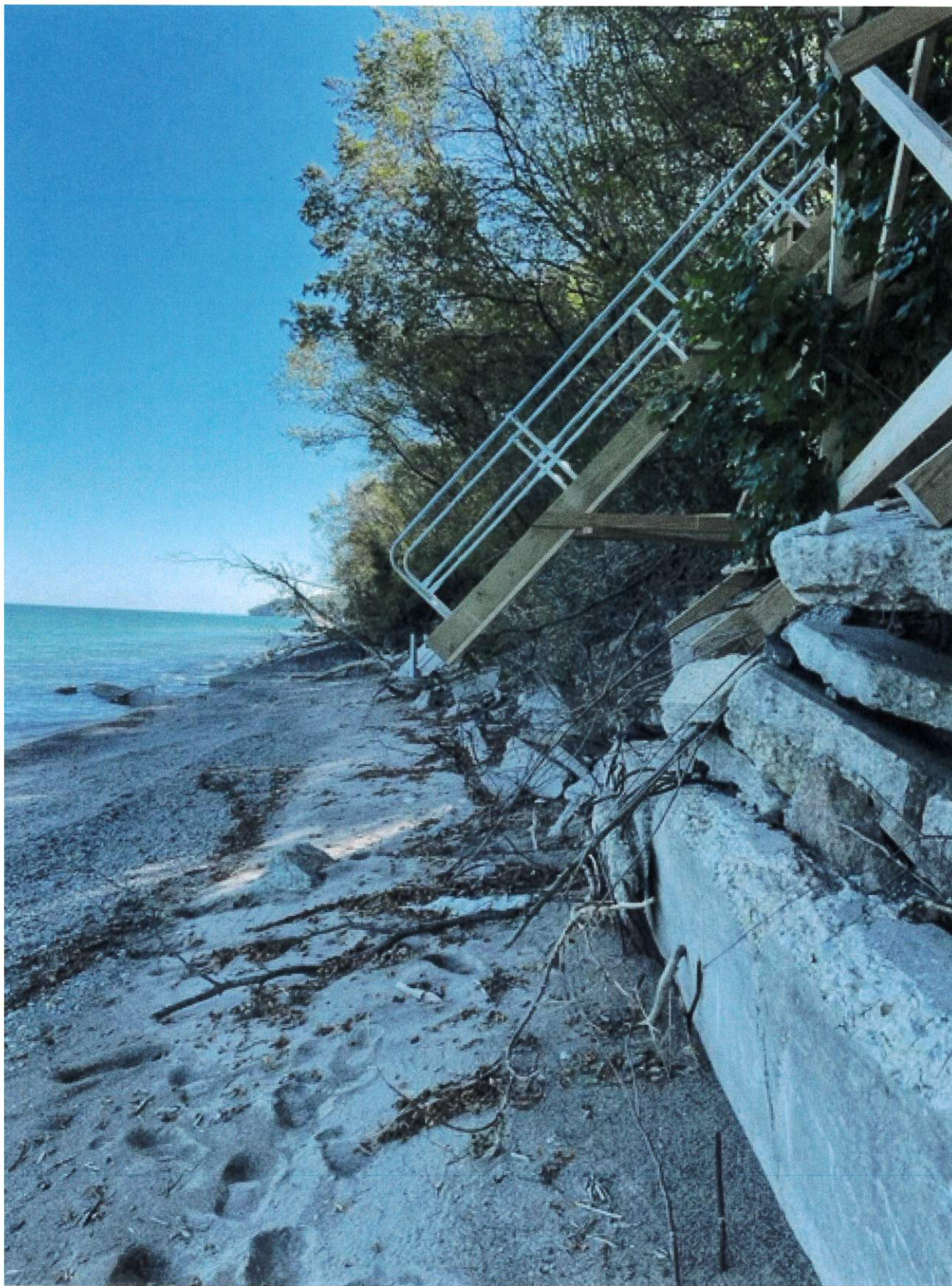


866-520-8511



+1 508-520-8511





SPECIFICATION SHEET

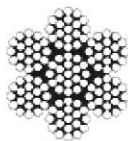
46" Ground Anchors

- Aircraft-quality cast aluminum 356 alloy • Heat-treated to T6 specification • Neck diameter 1 3/4" (45 mm), Flight diameter 3" (77 mm) • Removable

LOAD CAPACITY (In vertical pull) Pullout strength with flight fully embedded

- Hardpan or asphalt - 14,000 lb (62.3 kN)
- Soil Class 1 (Dense sand or gravel) - 9,500 lb (42.3kN)
- Soil Class 2 (Medium sandy gravel) - 3,300 lb (14.7 kN)
- Soil Class 3 (Loose medium-to-fine sand) - 2,000 lb (8.90 kN)
- Soil Class 4 (Loose fine un-compacted sand) - 1,100 lb (4.89 kN)

7 x 19 Strand Aircraft Wire Cable



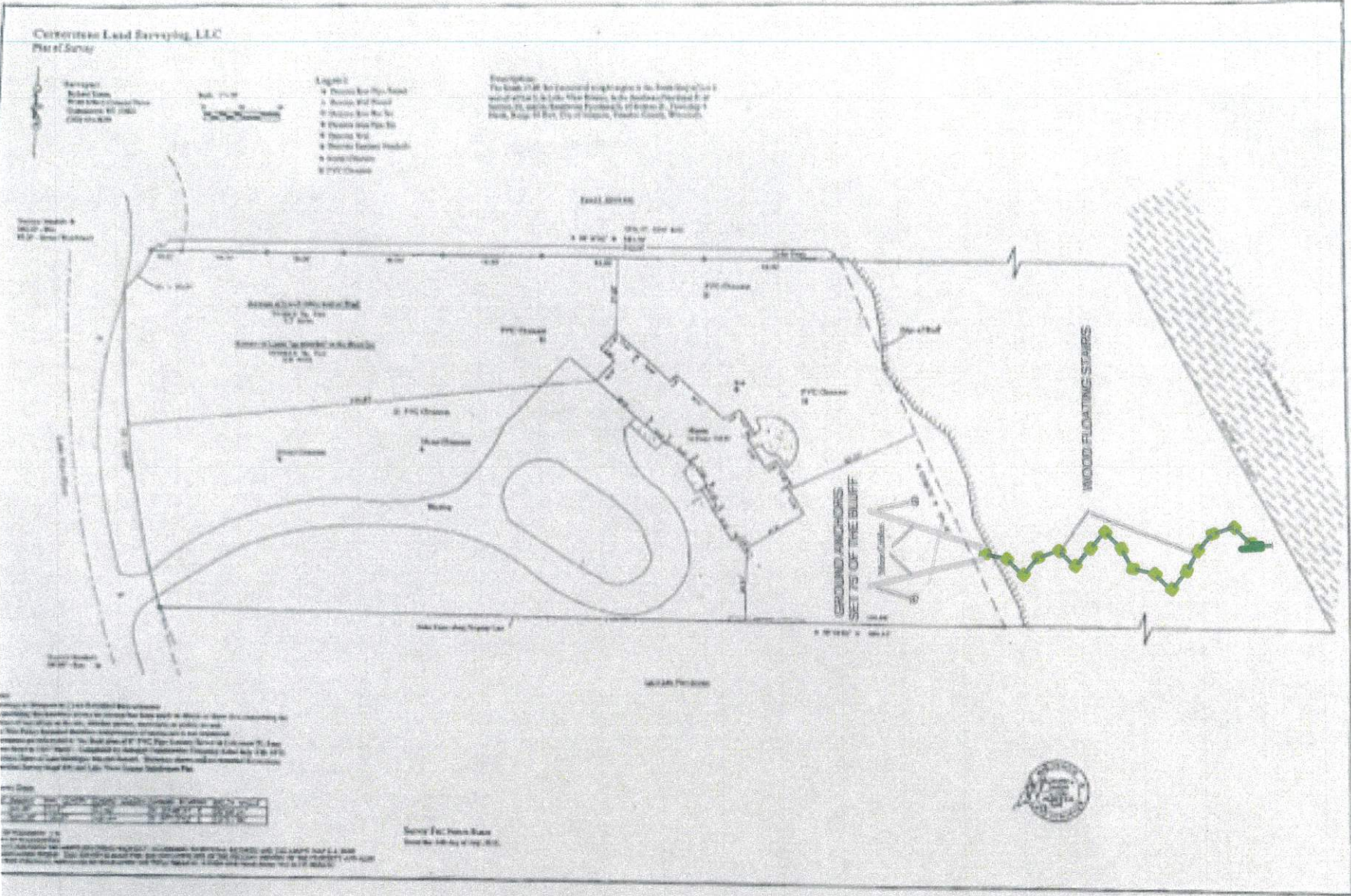
aircraft_7x19.gif
7x19 Strand

Size (in.)	Weight/1000'	Breaking Strength Galvanized Steel	Breaking Strength Stainless Steel	Breaking Strength Stainless T3
3/32"	17	1000	920	
1/8"	29	2000	1760	1300
5/32"	45	2800	2400	2000
3/16"	65	4200	3700	2900
7/32"	86	5600	5000	
1/4"	110	7000	6400	4900
5/16"	173	9800	9000	7600
3/8"	243	14400	12000	11000

1/2 inch, IWRC Galvanized Wire Rope

Breaking Strength: 13.3 tons

Commonly used in applications for lifting and pulling when loads exceed those of 3/8" aircraft cable. 6x19 is the best all-around cable for most applications exceeding the load limits of 3/8" aircraft cable.



City of Medford Town Hall to see property records



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Inspections

TO: Board of Appeals
FROM: Greg Golden, Building Inspections Supervisor
DATE: January 4, 2024
SUBJECT: Appeal of Kevin Walenta at 11300 N. Lakeview Place

Background: The applicant sought a building permit to construct a staircase from the top of Lake Michigan Bluff (LMB) to the beach at the bottom of the LMB. The permit was denied citing Mequon Code of Ordinance 58-416(C)(2) (attached) via letter dated December 11, 2023. It is unclear from the application if the appellant is seeking a variance to Mequon Code of Ordinance 58-416(C)(2) or is appealing staff's decision to deny the permit based this ordinance. Therefore, staff addresses both possibilities.

Analysis for Appeal: Section 58-416(C)(2) clearly states any permanent structures constructed after January 1, 1988, shall be installed no closer than 75 feet from the top edge of the LMB. Per Section 58-8 Definitions, a structure is defined as follows:

Structure means a combination of materials other than natural terrain or plant growth erected or constructed to form among other things, a building, shelter, sign enclosure, retainer, container, support, base, or decoration.

Structure, permanent means a structure placed **on** or in the ground or attached to another structure in a fixed and determined position and intended to remain in place for a period of more than nine months.

The ordinance does not give any exception for a "floating" structure.

Analysis for Variance: In order to grant a variance, the appellant must present a hardship and the hardship cannot be self-created and must be unique to the property. The appellant did not state any hardship in the application material submitted to the City Clerk's Office. In addition, staff finds no unique conditions present on the property that affords this subject site an exception to the code. Further, due to the number of properties in the City of Mequon along the LMB, the application of this standard is extensive.

Recommendations: Staff recommends denial regardless of the determination if the application is an appeal or a variance.

Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)

Attachment:

58-416(c)

Setbacks. Unless otherwise specified within an individual zoning district or in accordance with section 58-41, no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in the established zoning district.

(1)*Frontage roads, service drives and parking areas setback.* Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.

(2)*Setback from Lake Michigan Bluff.* All permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff. Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.



Attachment: Walenta packet_01-04-24_11300 N Lakeview PI (9044 : Walenta BOA packet_01-04-24)

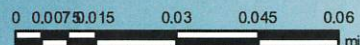
Legend

Tax Parcel	CSM	US Highway	Town/Public Road
Gap	Cemetery Plat	State Highway	Railroad Centerline
Overlap	Condominium Plat	County Road	Ramp
Historical Parcel Lines	Subdivision Plat	Private Road	
Assessors Plat	Plat of Survey		

Product of the LAND INFORMATION OFFICE

12/26/2023, 9:14:57 AM

12/26/2023, 9:14:57 AM



Packet Pg. 26

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation.

Sec. 58-416. - Building and structure location.

(a) *Purpose and intent.* The purpose and intent of regulating building and structure location is as follows:

- (1) To require the provision of a buffer zone between noise-intolerant land uses (e.g. residences, nursing homes, day care centers, schools, churches) and adjacent streets or highways to effectively attenuate noise and buffer such developments from the pollution and hazards attendant to vehicular traffic.
- (2) To require the provision of adequate physical separation between uses to minimize conflict.
- (3) To allow exposure to optimum amounts of light, air, and ventilation.
- (4) To attenuate noise, odors, fumes, and dust generated by land use before they infringe upon adjacent land use.
- (5) To provide aesthetic open space of sufficient size to accommodate landscaping and to soften, compliment, and enhance architectural design of buildings, parking areas, loading facilities, and utilities.
- (6) To provide adequate area for snow piling.
- (7) To insure adequate separation between pedestrian and vehicular circulation.
- (8) To promote cluster development and other internally oriented living, shopping and working environments, and to discourage strip development.
- (9) To provide adequate area to detain, retain, and facilitate surface drainage.
- (10) To protect and preserve the quality and quantity of ground water resources.
- (11) To prevent development which may result in unacceptable non-point source pollution.
- (12) To provide diversified and balanced growth.

(b) *Base setback line.* The following base setback lines are hereby established parallel to the centerline of all public streets and highways

- (1) For all streets designated as "local streets", the base setback line shall be located 30 feet from the centerline of such street or 75 feet from the center point of a cul-de-sac unless otherwise specifically established by action of the common council.
- (2) For all streets and highways, other than those designated as "local" streets, a base setback line shall be located at a distance from the centerline of such street or highway equal to one-half the width of its ultimate right-of-way as established by the common council.
- (3) The width of frontage roads shall not be included in the above designated rights-of-way.

(c) *Setbacks.* Unless otherwise specified within an individual zoning district or in accordance with section 58-41, no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in the established zoning district.

- (1) *Frontage roads, service drives and parking areas setback.* Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.

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(d) *Setback exceptions.*

- (1) Additions to existing buildings which lack the required setback may be allowed if either:
 - a. The addition is set back at a distance greater than or equal to the average of the existing building setback and the required setback; or
 - b. The addition is set back at a distance at least equal to the building setback and the planning commission determines that the addition will neither impede any likely public improvements nor cause any hardship, inconvenience, or diminution in value to any adjacent properties and further determines that the addition will be harmonious with neighboring properties.
- (2) On corner lots, on record as of the effective date of the ordinance from which this section is derived, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet.
- (e) *Offsets.* The proximity of any portion of a structure to the side or rear lot lines shall be regulated as follows:
 - (1) Except as specifically otherwise provided by ordinance, no structure shall hereinafter be erected, structurally altered, or relocated so that it is closer to any lot line than the offset distance specified by the regulations for the district in which it is located;
 - (2) No non-residential structure shall be erected, structurally altered, or relocated on any property so that it is closer to the lot line of a residentially zoned property than the greater of (i) the distance set forth in paragraph (1) or (ii) one times the height of the non-residential structure as deemed pursuant to section 58-418.
 - (3) Offset exceptions.
 - a. In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionally to the ratio of the actual minimum average width and the required minimum average width (i.e. actual width/required width) provided, however, that no offset shall in any case be less than 75 percent of the required offset.
 - b. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
 - c. The required offset area on one property may be reduced if the offset area on the adjoining property is increased by deed restriction to include the required offset area plus the equivalent amount of offset area resulting from the adjacent reduction
 - d. In the case of attached single-family, row, multiple-family, commercial, or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state industrial code relative to such construction are complied with and provided that at both ends of such row type buildings the applicable offset requirements shall be complied with.
 - e. Structures that are specifically Structures that are specifically excluded from offset regulations by ordinance including those structures excluded by section 58-419 are not subject to subsection (e).
 - f. Garages allowed as accessory uses to residences are subject to subsection (e)(1) but not subsection (e)(2) or (e)(3).
 - (4) Any required offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles, or any other material.
 - (f) *Driveway offsets.* Residential driveways shall be located no closer than three feet to a side or rear property line unless written approval is granted by the adjacent property owner.

(Code 1957, § 3.03(5); Ord. No. 96-878, 5-14-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2003-1065, § I, 4-8-2003; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2016-1488, § I(Att.), 1-10-2017)

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