



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, March 2, 2023
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of December 1, 2022
- 3) Hear evidence concerning; debate, deliberate and decide the request of:
 - a. Applicant: Nancy Tolocko
Owner: Nancy Tolocko
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko requesting a variance from Section 58-800 (b)(1) of the City of Mequon Code of Ordinances in order to retain the deck that was constructed that exceeds the allowable square footage per municipal code at 12656 N. Shoreland Parkway.
 - b. Applicant: Hannah Boyd Instyle Homes
Owner: Instyle Homes Hannah Boyd
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Hannah Boyd Instyle Homes requesting a variance from Sections 58-248(f)(5), 58-248(a), 10-56, 58-248(f)(2), 58-248(f)(3), and 58-549(a) of the City of Mequon Code of Ordinances in order to replace an existing accessory structure with an 1868 locally salvaged oak cabin at 3800 West Grace Avenue.
- 4) Adjourn

Dated: March 2, 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 accommodations 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.



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Office of the City Clerk

BOARD OF APPEALS
Thursday, December 1, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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 Robert Stern
Board Member Steve Helfer- Non-voting member this meeting
Board Member Kirsten Hildebrand – Non-voting member this meeting

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Assistant Director Jac Zader, Inspection Supervisor Gregg Golden, Matthew Johns of Refined Renovations, and interested public.

2) Approve meeting minutes of June 2, 2022

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

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

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

a) Applicant: Mike Ryan
Owner: Mike Ryan
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Mike Ryan requesting a variance from Section 58-249 of the City of Mequon Code of Ordinances in order to install ground mounted solar panels that exceed the required front setback at 11724 N. Shorecliff Avenue.

Attachment: BOA draft minutes 12-1-22 (8211 : December 1, BOA draft minutes)

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

All parties appearing before the Board of Appeals were sworn.

Assistant Director of Community Development Zader explained that the applicant is requesting a variance to Section 58-249 of the City of Mequon Municipal Code in order to install ground mounted solar panels. The designed plan is contrary to code due to not conforming to the 75' front setback. These panels are greater than 6" in height, therefore regulated by code. Mr. Zader explained that the applicant has other options for placement of the panels on the property, mainly to install the panels on the roof or at the south end of the driveway. This home has not been designated as a historic home so additional panels on the roof is a plausible solution. Due to these options staff is asserting there is no hardship therefore recommending denial of the variance.

Mr. Zader confirmed that the current home is powered by electricity, that solar power is not the only power to the home. Exhibit A was entered into the record, a drawing of the proposed panels.

Mr. Matthew Johns spoke on behalf of the applicant. He stated that the home currently has solar panels on the roof, however, there are not enough to power the home with 100% solar power which is the goal of the owner. He claims that the design before the Board is the only location on the parcel in which the panels can be constructed. He asserts that the roof is not feasible due to the home being architecturally significant, and not wanting to detract from the aesthetics. He also explained that the roof is not large enough and is not slanted in the correct direction to allow enough panels to be installed for 100% solar power to the house. The south side of the home is not an option because in order for the panels to get adequate sunlight, 100 year old oak and maple trees would need to be cut down. The Board asked if fewer panels could be installed or if two rows of panels could be installed consistent with the municipal code? Mr. Johns stated that these are not feasible options.

Daniel Sabie of 11503 Shorecliff Lane stated he is a neighbor and suggested installing the panels on the bluff for morning sunlight. He also cautioned the Board about setting a precedent that could lead to more structures built in the front setbacks.

Mr. Zader stated that refraining from adding more panels on the roof and not constructing the panels on the south side of the driveway are choices, therefore there is no hardship in this case.

Motion to close the public hearing.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Stern
SECONDED BY: Board Member Russell

AYES: Massey, Russell, Flanagan, Larson, Stern

Board discussion ensued:

- The home is powered by electricity, solar power is not their only option
- The home is not historically protected and the owner could install more panels on the roof
- There is enough room on the south side of the driveway to install the panels
- A combination of more panels on the roof and panels on the south side of the driveway could potentially accomplish the owner's goal of energy independence\
- The hardship is self-imposed

Motion to deny the petition by Mr. Ryan requesting a variance from Section 58-249 in order to install ground mounted solar panels that exceed the required front setback.

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

MOVED BY: Board Member Massey

SECONDED BY: Board Member Stern

AYES:	Massey, Russell, Flanagan, Larson, Stern
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The following appeal was not heard as the appellant asked for a postponement prior to the meeting.

- b) Applicant: Nancy Tolocko
 Owner: Nancy Tolocko
 Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko requesting a variance from Section 58-38 (c) of the City of Mequon Code of Ordinances in order to retain the deck that was constructed without obtaining a permit at 12656 N. Shoreland Parkway.

4) Adjourn

Motion to adjourn at 6:48 PM.

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

MOVED BY: Board Member Flanagan

SECONDED BY: Board Member Stern

AYES:	Massey, Russell, Flanagan, Larson, Stern
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

BOARD OF APPEALS VARIANCE APPLICATION**CITY OF MEQUON, WISCONSIN**

Applicant: NANCY TOLOCKO Address: 12644 N. SHORELAND PKY
 City/zip: MEQUON, WI 53092

Owner: NANCY TOLOCKO Address: 12644 N. SHORELAND PKY
 City/zip: MEQUON, WI 53092

Contact Person/Name: NANCY TOLOCKO

Phone Number: 262-573-9049 Email: NANCYTUPPER12@GMAIL.COM

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-800(b)(1)
 regarding:

12656 N. SHORELAND PKY

(street address or legal description)

in order to: RETAIN THE CONSTRUCTED DECK AT
12656 N. SHORELAND PKY. THAT EXCEEDS THE
SQUARE FOOTAGE SPECIFIED IN THE CODE.

APPLICANT MUST PROVIDE:

Application form

\$215 filing fee

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>Cassidy Ink</u>	Received Date: <u>2-8-23</u>
Parcel #: <u>151-010-106-001</u>	Hearing Date: <u>3-2-23</u>
Zoning District: <u>FW</u>	Receipt #: <u>003604-0055</u>
Alderman & District #: <u>Ald. Bushee / Dist. 2</u>	Published: <u>2-16-23</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.

City of Mequon
Board of Appeals
11333 N. Cedarburg Rd.
Mequon, WI 53092

February 8, 2023

To the Board of Appeals:

Thank you for taking the time to review my variance request for the deck located at 12656 N. Shoreland Pkwy.

For background information... N. Shoreland Pkwy is a dead end road along the Milwaukee River. It is in the floodplain. It is an exceptionally narrow road because it is one of the older streets of Mequon and there are no houses across the street, except for one at the entrance from Highland Road. All other homes are located along the river side of the road and were once summer cottages, most built near 100 years ago.

This home has had a street side deck and a river side deck for as long as I can remember, going back at least 35-40 years. While maintaining the existing decks (replacing deck boards and railing) we decided to connect the two decks with a deck along the south side of the house. I was not aware of the 200 sq. ft. limit at the time.

I ask that you provide this variance to me for reasons below:

- 1) I have lived through many floods on this street. Most of the houses on this road have doors that are well above ground level, with stairs and decks for access. During floods, all the neighbors and I park our vehicles up near Highland Rd., on high ground, and we paddle canoes and boats to and from our homes. I am sure you have seen our street on local and national news during great floods, but I want to add that this street routinely floods; it's just not always as high or news-making. It is a hardship when it floods.

The decks ease the hardship of accessing our homes. The flood waters often reach nearly deck and door level. (see attached Flood photos) When we must use canoes or paddle boats to get to and from work and bring in needed supplies, having drop off areas for supplies and groceries on a deck - along with it being the place to tie up boats - make decks an integral and essential part of life when living in the floodplain.

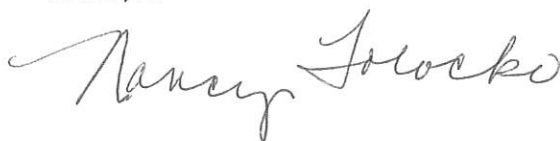
During a flood, this newly enlarged deck gives me the ability to temporarily store items like lawn equipment, grills, outdoor tools, lawn furniture, garbage cans, lawn decorations and such, keeping them out of flood waters and avoiding the potential of floating down river.

- 2) Deviating from the dimensional standards of deck size in the floodplain is not contrary to the public interest and will not be damaging to the rights of other persons or property values in the area. Nearly everyone on this street has front and back decks.
- 3) This deck is a permeable structure that allows for the natural flow of flood waters to run under, through and past. It will not impede, redirect or displace floodwaters. It will not increase the regional flood height. It is an anchored structure and resists flotation, collapse and lateral movement.
- 4) The deck is well built and aesthetically pleasing, which only benefits the neighborhood and property values

Attached are photos of Shoreland Pkwy during a flood to give you some perspective.

I have been a proud Mequon resident on Shoreland Pkwy for close to 40 years. I sincerely hope that the board sees the value of my request and grants this variance.

Thank you.



Nancy Tolocko

+

-

Eases hardship of a flood event

Provides area to load and unload supplies

Provides place to tie up boats during a flood

Provides a place to secure and temporarily store items like lawn equipment, grills, outdoor tools, lawn furniture, garbage cans, lawn decorations and such, keeping them out of flood waters and the potential of floating down river

Additional square footage is not contrary to the public interest

Deck is a permeable structure, allowing the natural flow of flood waters

Does not impede, redirect or displace flood waters

Exceeds square footage specified in code

Does not increase the regional flood height

Is an anchored structure that resists flotation, collapse and lateral movement

Is aesthetically pleasing



12656 N. SHORELAND PKY.

B
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R
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Attachment: Tolocko packet for variance_12656 N Shoreland Pkwy (8214 : Nancy Tolocko variance packet_03-02-23)

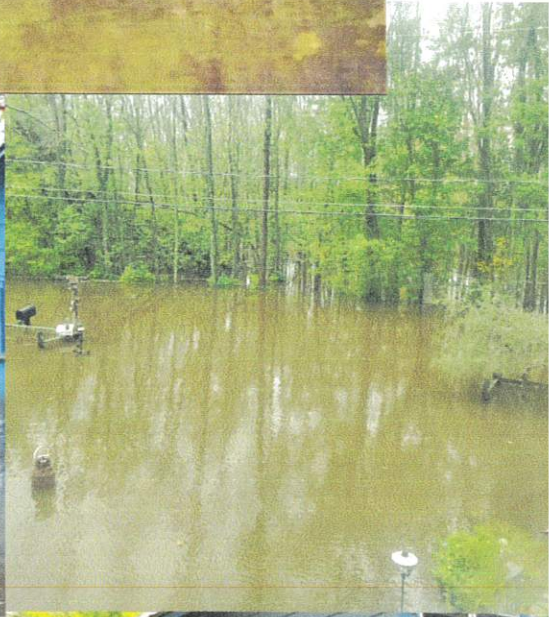
A F T E R

12656 N. SHORELAND PKY.





SHORELAND PKY DURING A FLOOD





We, the residents of N. Shoreland Pkwy, support
Nancy Tolocko's request for variance and have no objection
to the deck constructed at 12656 N. Shoreland Pkwy.

NAME

PRINT NAME

ADDRESS

Patricia Zipf	PATRICIA ZIPFER	12608 N. SHORELAND, PKWY
Robert W. Zipf	ROBERT W. ZIPFER	12608 N. SHORELAND PKWY
Bethany Vulich	Bethany Vulich	12618 N. Shoreland Pkwy
Tom Oettiker	TOM OETTIKER	12548 N. SHORELAND PKWY
Linda K. Weiher	Linda K. Weiher	12548 Shoreland Parkway
William R. Bayer	William Bayer	12540 N. Shoreland Pkwy
Sue Richards	Sue RICHARDS	12718 N. SHORELAND PKWY
QUEEN FELL	Queen	12712 N. SHORELAND PKWY
Candace Zuniga	Candace Zuniga	12736 N Shoreland PKWY
Amy Bailey	Amy Bailey	12759 N. Shoreland Pkwy
Lois Mueller	LOIS MUELLER	12564 N. SHORELAND PKWY
Mike Gross	Mike Gross	12554 N. Shoreland Pkwy
	"Chairman M-T River Advisory Board"	
JUNE KNADE	June Knade	12740 N. SHORELAND PKWY
REBECCA STERN	REBECCA STERN	125210 N SHORELAND PKWY
KIRT BJORK	KIRT BJORK	12724 N. SHORELAND PKWY
Shrene Forbes	Shrene Forbes	12628 N Shoreland Pkwy

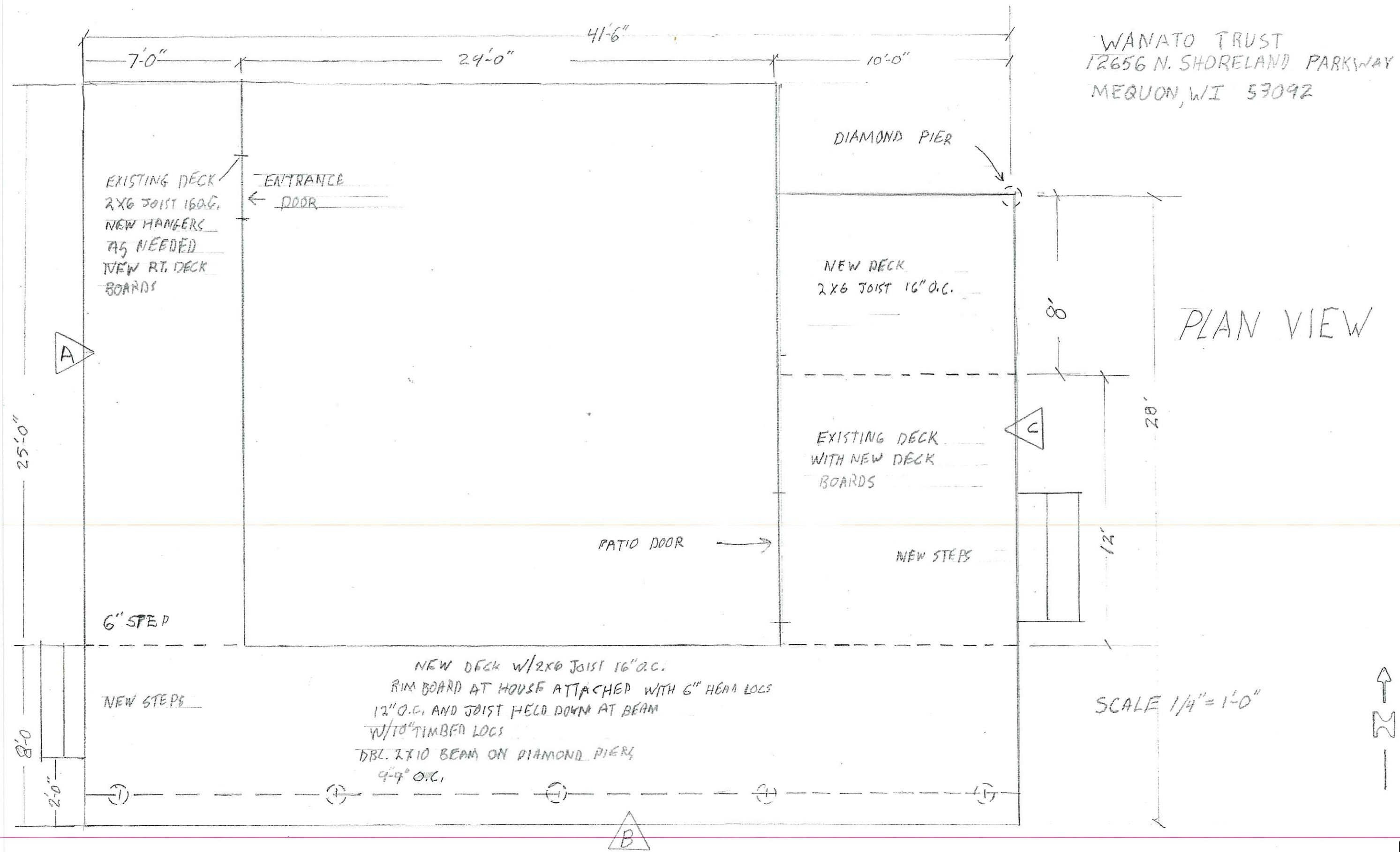
Attachment: Tolocko packet for variance_12656 N Shoreland Pkwy (8214 : Nancy Tolocko variance packet_03-02-23)

Diagram illustrating a proposed building footprint (yellow) on a lot. The lot is bounded by N. Shoreland Parkway to the west and the Milwaukee River to the east. The proposed building footprint is labeled "PROPOSED". Dimensions shown include lot width (146.00'), lot depth (146.00'), and building footprint dimensions (47' by 82'). The building is set back 19.24' from the west line and 174.62' from the south line. The river boundary is shown as a dashed line. The plan also shows existing structures and setbacks, including a 34' +/- setback from the river and a 34' +/- setback from the east line. The plan is oriented with North at the top.



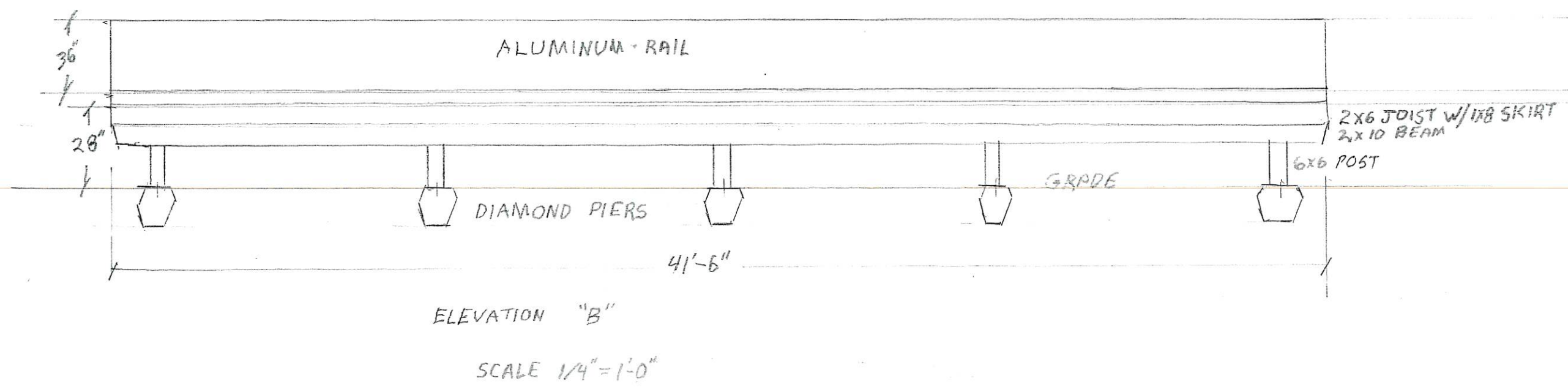

Dennis J. Van Sluys S-1238

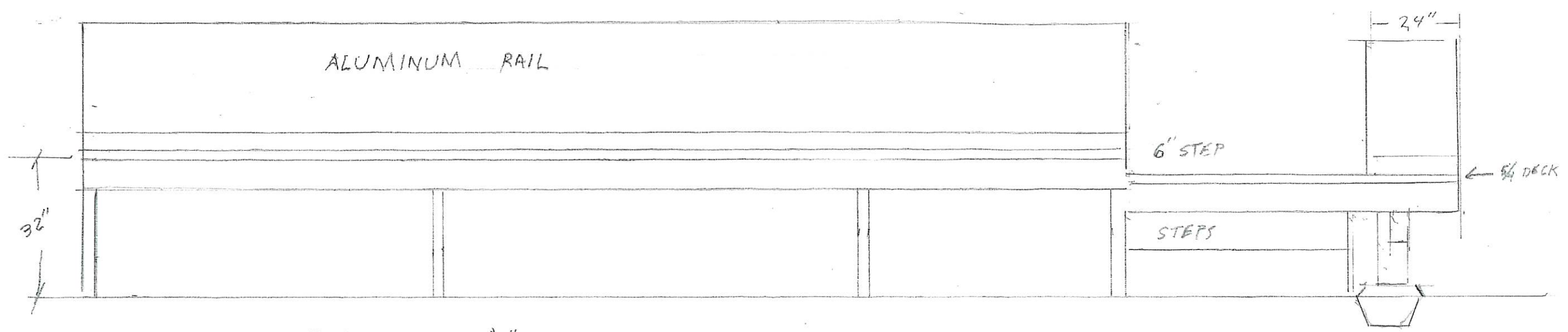
1"= 50'



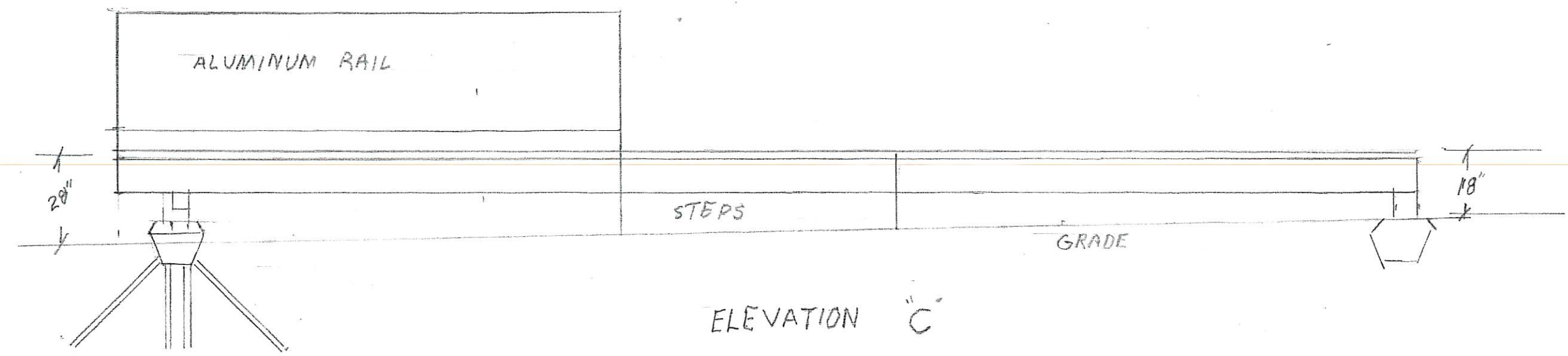
WANATO TRUST

12656 N. SHORELAND PARKWAY
MEQUON, WI 53092





ELEVATION "A"



ELEVATION "C"

WANATO TRUST
12656 N. SHORELAND PARKWAY MEQUON, WI 53092
SCALE 3/8"=1'-0"



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

www.ci.mequon.wi.us

Office of Board of Appeals

TO: Board of Appeals
FROM: Laurie Miller, Planner
DATE: March 2, 2023
SUBJECT: Nancy Tolocko Variance: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko requesting a variance from Section 58-800 (b)(1) of the City of Mequon Code of Ordinances in order to retain the deck that was constructed without obtaining a permit at 12656 N. Shoreland Parkway.

Background: The appellant is requesting a variance to Section 58-800(b)(1) which prohibits modifications or additions to a nonconforming structure located in floodplain with the exception of a deck that cannot exceed 200 square feet. Section 58-800(b)(1) meets statutory requirements set by the Wisconsin Department of Natural Resources (WDNR). The property is zoned FW Floodway District. The appellant replaced the existing 120 sq. ft. deck attached to the east side of the building and added an additional 603 sq. ft of deck on the east, south, and west side of the building without the issuance of a permit.

Inspection Department was notified of the deck by a neighboring property and instructed the appellant in August of 2022 to seek a building permit to avoid code enforcement action. The appellant submitted a building permit application on August 26, 2022. The application was denied by the Community Development Department on August 30, 2022 stating that they cannot approve the west and south side decking.

Code enforcement issued an order to correct on September 13, 2022. The order to correct stated the following:

- Resident is allowed to keep the original 120 sq. ft. deck located on east side of the building.
- Resident is required to remove the west and south decking.
- Resident shall submit a building permit to reconstruct stairs by the west elevation door and the 80 sq. ft. deck addition on the east side of the building.

Analysis: The applicant's hardship is self-imposed and approving the variance will open the City up to a possible lawsuit from the WDNR. The applicant is able to replace the decking on the existing 120 sq. ft. deck and add an additional 80 sq. ft. deck by applying for a building permit. Had a building permit been applied for, staff would have been able alert the resident that the proposed size of the deck was non-compliant prior to the investment and construction of the deck.

Without the approval of the variance, the applicant will be able to maintain full access to the two entryways into the home. A landing and stairs may be constructed for both entryways per State Building Code SPS 321. Section 58-800(b)(1) will also permit up to 200 sq. ft. of deck which may be purposed as access to the existing entryways and serve as a place to secure and store items during flooding events. The remaining portion of the newly constructed deck is not required for access to the home and therefore would be removed unless a variance is granted.

Wisconsin State Statute NR 116.21(4) regulates the City's ability to provide a variance from Section 58-800 (b)(1); however, the variance request will violate several of the NR 116.21(4) criterion to allow for the variance to be issued. State statute NR 116.21 (4) has been attached to the staff report and criterion have been highlighted that could be considered violated should the City approve the variance.

Recommendation: Staff recommends denial of the variance request because the applicant's hardship is self-imposed and the City's exposure to a lawsuit.

Attachments:

Nancy Tolocko BOA application_03-02-23 (PDF)

Tolocko BOA application_12-01-22 (PDF)

NR 116.21 attachment (PDF)

Ald. Bushee Email (PDF)

BOARD OF APPEALS VARIANCE APPLICATION**CITY OF MEQUON, WISCONSIN**

Applicant: Nancy Tolocko Address: 12656 N. Shoreland Pkwy
 City/zip: Mequon, WI 53092
 Owner: Nancy Tolocko Address: 12644 N. Shoreland Pkwy
 City/zip: Mequon, WI 53092
 Contact Person/Name: Nancy Tolocko
 Phone Number: 262-573-9049 Email: NANCYTUPPER12 @ GMAIL.COM

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-38(c)
 regarding:

12656 N. Shoreland Pkwy.

(street address or legal description)

in order to: retain deck

APPLICANT MUST PROVIDE:

Application form
 \$215 filing fee

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>10-12-22</u>
Parcel #: <u>151-010-106-001</u>	Hearing Date: _____
Zoning District: <u>FW</u>	Receipt #: <u>003604-0055</u>
Alderman & District #: <u>Ald. Bushee/Dist. 2</u>	Published: _____

- 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.

CITY OF MEQUON
DEPARTMENT OF COMMUNITY
DEVELOPMENT CODE ENFORCEMENT
SERVICES

11333 North Cedarburg
Road MEQUON, WI 53092
PHONE 262-236-2943 FAX 262-242-9655

ORDER TO CORRECT CONDITION OF PREMISES

NANCY TOLOCKO
12656 N SHORELAND PKWY
MEQUON, WI. 53092

DATE: 9/13/22

PROPERTY ID#: 151010106001

NANCY,

Your property has been observed to be in violation of the Mequon Code of Ordinances.

VIOLATION: An inspection of the property at ABOVE ADDRESS on 8/26/22 confirms that the deck located on your property was done without obtaining a permit. This is a violation of SECTION 58- 38 (c) of the City of Mequon Code of Ordinances.

ACTION REQUIRED:

PLEASE REMOVE THE HIGHLIGHTED PART OF THE NEW DECK. PLEASE RESUBMIT A BUILDING PERMIT FOR DECK ON EAST SIDE AND STAIRS ON WEST SIDE BY DOOR.

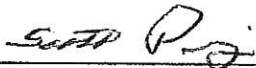
CORRECTION DEADLINE DATE: You are hereby ordered to correct this violation by 12/14/22

PENALTY: Failure to correct the violations noted herein within the time set may subject you to prosecution and to penalties ranging from \$125 to \$300 per violation per day (plus court costs) in the manner provided in Section 1-7 of the City of Mequon Code of Ordinances.

APPEAL: Pursuant to Section 58-41, you may appeal an order, requirement, decision, or determination made by the Enforcement Officer, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the order, requirement, decision, or determination, by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal and paying the prescribed fee.

Questions, comments, or concerns regarding this order shall be directed to the City of Mequon, by calling (262) 236-2943. You may also wish to visit the City's website at www.ci.mequon.wi.us to review the entire City of Mequon Code of Ordinances.

SIGNATURE:



DATE 9/13/22

SCOTT PINZER CODE ENFORCEMENT OFFICER CITY OF MEQUON

Attachment: Tolocko packet for variance 12656 N Shoreland Pkwy (8214 : Nancy Tolocko variance packet_03-02-23)



Nancy Tupper <nancytupper12@gmail.com>

12644 N. Shoreland Pkwy

5 messages

Laurie Miller <lmiller@ci.mequon.wi.us>

Tue, Aug 30, 2022 at 3:35 PM

To: "nancytupper12@gmail.com" <nancytupper12@gmail.com>

Cc: Greg Golden <ggolden@ci.mequon.wi.us>, Scott Pinzer <spinzer@ci.mequon.wi.us>

Good afternoon,

12656

Thank you for submitting your building permit application for the deck surrounding the home of 12644 N. Shoreland Pkwy. Unfortunately, I cannot approve this permit because the west and south decking exceeds the front setback of 50' (The setback from the proposed deck is anywhere from 32' to 40'). My understanding from our inspector, Greg Golden, is that this structure has already been constructed. Please work through Greg Golden and our Code Enforcement Officer, Scott Pinzer, to establish a timeline to when the deck on west and south side of the home has been removed. You may submit an updated permit application if you wish to keep the decking attached to the rear portion of the home. Should you have any questions, please don't hesitate to reach out to me.

Sincerely,

Laurie

**Laurie Miller**

Planner

City of Mequon

11333 N. Cedarburg Rd. | Mequon, WI 53092

262-236-2908 | lmiller@ci.mequon.wi.us

City Website

Nancy Tupper <nancytupper12@gmail.com>

Tue, Aug 30, 2022 at 5:05 PM

To: Laurie Miller <lmiller@ci.mequon.wi.us>

Cc: Greg Golden <ggolden@ci.mequon.wi.us>, Scott Pinzer <spinzer@ci.mequon.wi.us>

Hi Laurie, Greg and Scott,

I don't understand what this means. Is it possible for you, Greg or Scott to call me to explain or better yet pay me a visit? The deck on the front and back sides of the house were existing structure that we resurfaced. The address of the property is 12656 N. Shoreland Pkwy.

Thanks very much. I appreciate any help you can provide.

Nancy Tolocko

City of Mequon
11333 N. Cedarburg Rd.
Mequon, WI 53092

October 11, 2022

To the Board of Appeals:

This amends my previous letter to you, dated 10/9/22 and submitted 10/11/22, in regard to my appeal for variance on deck size and location for PROPERTY ID: 151010106001, Address: 12656 N. Shoreland Parkway, Mequon.

Additional Information came to my attention yesterday as I worked with staff to begin my appeals process. I thought I was appealing to you because of the letter I received from the City of Mequon Code Enforcement Officer on 9/13/22, which you received, directing me to tear down two decks because, as the letter states, I did not have a permit.

As I said before, I tried to rectify that issue, but was denied a permit because of what I was told were setback issues - the deck was not set back by the standard 50 feet.

I DID NOT receive any written communication from the City of Mequon regarding a 200 square-foot limitation on decks built in the floodplain. As I was trying to work through the Appeals process with Laurie Miller of City Planning and the City Clerk, the 200 sq. ft. limitation of decks in the floodplain was brought up, and I asked for written code information. I had previously done my homework and found nothing about this in the City of Mequon Code of Ordinances. I was verbally informed that it was a DNR rule, but was not provided with any documentation of this rule.

After returning home and doing hours of digging and research, I found the WI State Statute: NR 116.15(1)(as). Yes, there was the 200 sq. ft. size limit. But as I continued to read the Statutes, I came across NR 116.21(4). The State of Wisconsin, Department of Natural Resources allows all of you, my local Board of Appeals, to grant this deviation from the dimensional standards and keep my deck that is larger than the 200 sq. ft. limit and shy of the 50 ft. setback.

I ask you to provide this variance to me for the reasons that I redress in the Statute:

- 1) I have lived through many floods on this street. Most of the houses on this road have doors that are well above ground level, with stairs and decks for access. During floods, all the neighbors and I park our vehicles up near Highland Rd., on high ground, and we paddle canoes and boats to and from our homes.

The decks ease the hardship of accessing our homes. The flood waters often reach nearly deck and door level. When we must use canoes or paddle boats to get to and from work and bring in needed supplies, having drop off areas for supplies and groceries on a deck - along with it being the place to tie up the boats - make decks an integral part of life when living in the floodplain.

My newly enlarged deck also gives me the ability to keep a watchful eye on home and property, since it wraps from front door to back door of this small house.

- 2) Deviating from the dimensional standards of deck size and setback in the floodplain is not contrary to the public interest and will not be damaging to the rights of other persons or property values in the area. Nearly everyone on this street has front and back decks.
- 3) Decks are permeable structures that allow for the natural flow of floodwaters to run under, through and past them; they do not impede, redirect or displace floodwaters.

I hope you share in my logic and would be amenable to granting the variance for my deck.

Thank you for your consideration and time.


Nancy Tolocko
262-573-9049

Attachment: Tolocko packet for variance_12656 N Shoreland Pkwy (8214 : Nancy Tolocko variance packet_03-02-23)

City of Mequon
Board of Appeals
11333 N. Cedarburg Rd.
Mequon, WI 53092

October 9, 2022

To the Board of Appeals:

Thank you for taking the time to review my appeal. I respectfully request a variance for my deck located at 12656 N. Shoreland Pkwy.

For background information, I live on a dead end road along the Milwaukee River. It is in the flood plain. It is an exceptionally narrow road because it is one of the older streets of Mequon and there are no houses across the street, except for one at the entrance from Highland Rd. All other homes are located along the river side of the road.

With only 20 small houses, my entire street is non-confirming. Most of these homes were once summer cottages, most built 100 years ago. There are homes on this street that have sheds, garages and other structures that are located near or at their lot lines, just a few feet from the road. In other words, there are numerous structures along this small parkway that do not conform to any setback.

My home, at issue today, has had a small, street-side deck for as long as I can remember, going back at least 30-40 years, that included steps from the door down to the yard. The City Inspector said I needed to remove this deck, along with the new one just built onto it, running along the south side of the house. As I recently decided to utilize this sunny side of the house, I built a deck that connects the two existing small decks located at the front and back doors, creating a beautiful wrap-around deck that is well constructed.

I have been given notice that I violated the permit process, which I attempted to rectify by applying, paying fees and penalties and submitting the plans and specs after the construction. I was denied the permit because of the setback standards, which I was amazed to find were applicable to this entirely non-confirming street.

Now I am being forced to tear down the entire new deck along with the old existing one on the west side that has been there for decades and long before I owned this house. This entire deck is 43 feet from the setback rather than the standard 50 feet.

Please see the "Before" and "After" photos of the house and decks. You can see how the improvements have made this property more aesthetically pleasing, which only benefits the neighborhood and property values.

Please note there are many properties that have structures right along the road here. I believe that my new and existing decks should be allowed to remain as they are only slightly off from the setback standard and far enough from the road that makes the shortened setback undetectable.

Thank you for considering my request for a variance.

Sincerely,



Nancy Tolocko
262-573-9049
nancytupper12@gmail.com

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12656 N. SHORELAND PKWY
"BEFORE"



12656 N. SHORELAND
PKWY.

"AFTER"

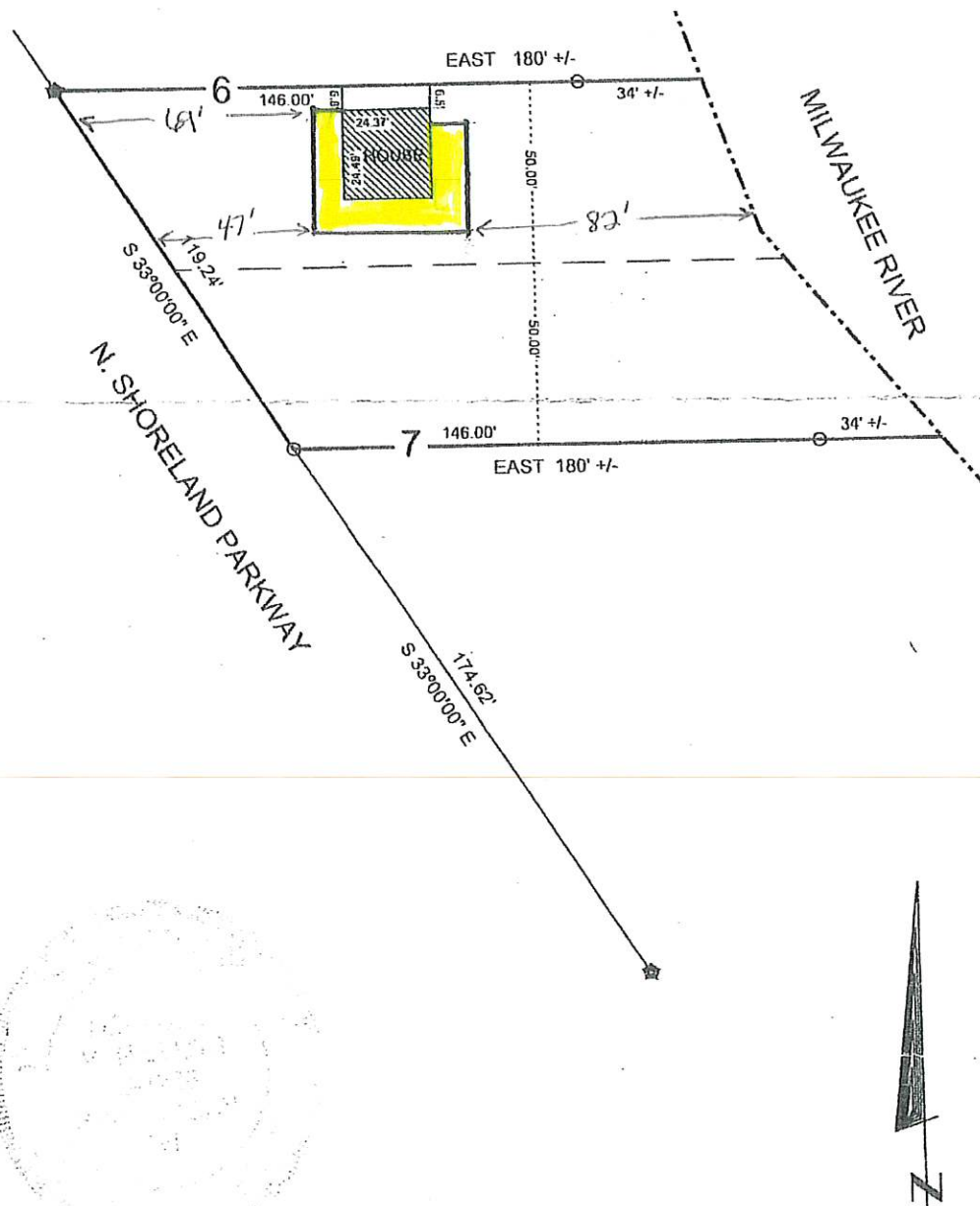
SHEBOYGAN, WISCONSIN

12656 SHORELAND PARKWAY

TAX PARCEL 15-101-01-06-001

BEING THE SOUTH HALF OF LOT 6 AND THE NORTH HALF OF LOT 7
OF BLOCK 1 OF RIVERSIDE PLAT LOCATED IN SECTION 18

T.9 N., R.22 E., CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON
IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dennis J. Van Sluys
Dennis J. Van Sluys S-1238

⬠ = 1" IRON PIPE FOUND

○ = 1" IRON PIPE SET

DATA/MEQUON/12656SHO/ L-24126

2. Any alteration, addition, modification, rebuilding or replacement of any existing structure, building or accessory structure or building;

3. Any deposition of materials for any purpose; and

4. Any sewage disposal system or water supply facilities, both public and private.

(2) **ADMINISTRATIVE PROCEDURES.** The floodplain zoning ordinance shall establish administrative procedures for obtaining all required permits, special exceptions, conditional uses, variances, appeals and amendments. These procedures shall provide for the following:

(a) An application shall be made to the zoning administrator for all zoning permits, special exceptions, conditional uses, variances and amendments. The application shall include, but not be limited to, the following information:

1. The name and address of the applicant and property owner;

2. The legal description of the property and the type of proposed use;

3. A map plan which accurately locates or describes the proposal with respect to the floodway and floodplain, and which provides all pertinent information such as the fill dimensions and elevations, building floor elevations, and floodproofing data; and

4. For all subdivision proposals, as defined in s. 236.02 (8), Stats., and for other land divisions or proposed developments which have a total area that exceeds 5 acres or which have an estimated cost that exceeds \$125,000, the applicant shall provide all of the computations which are required to show the effect of the proposal on flood heights, velocities and floodplain storage. The municipality may transmit this data to the department for review. For the purpose of this paragraph, the cost of the proposal shall be estimated to include all structural development and landscaping improvements such as access and road development, electrical and plumbing services development, and other similar items, which can be reasonably applied to the overall development costs, but may not include the cost of the land.

(b) For land divisions and proposed developments which do not exceed 5 acres in area and which have an estimated cost of \$125,000 or less, if the regional flood profile has not been determined and the conditions in par. (a) 4. are not present, the municipality may transmit the information required in par. (a) 1. to 3. to the department for a determination of flood protection elevations and for an evaluation of the effects of the proposal upon flood heights, velocities and floodplain storage. Additional information, such as valley cross sections or survey data, may be required by the department when needed to determine the effects of the proposal; this information shall then be obtained from the applicant by the municipality. The department shall advise the municipality of its findings within 30 days after receiving the data, or within 30 days after receiving all requested additional information. Failure of the department to respond within 30 days shall be construed to mean it has no comment.

(c) Public hearings shall be held by municipalities on all special exceptions, conditional uses, variances, appeals and amendments. Proper notice shall be given of such public hearings in accordance with appropriate statutes; mailed notice of such public hearings and a copy of the application shall be given to the appropriate department district office. Such notice shall specify the time and place of the hearing and give sufficient details concerning the subject matter of the public hearing.

(d) A copy of all decisions granting or denying a special exception, conditional use, variance or amendment to the floodplain zoning ordinance shall be mailed within 10 days to the appropriate department district office.

(3) **CERTIFICATE OF COMPLIANCE.** No vacant land in the floodplain, and no building hereafter erected, altered or moved into the floodplain, may be occupied or used until the applicant obtains a certificate of compliance from the municipality. Municipalities

shall require that the certificate be issued only after the applicant has submitted, prior to occupancy, to the municipal zoning administrator or building inspector a certification by a registered professional engineer or architect that the floodproofing requirements in the floodplain zoning ordinance have been met and a certification by a registered professional engineer, architect or registered land surveyor that the following are in compliance with the floodplain zoning ordinance:

(a) The elevation of fill; and

(b) The elevation of the lowest floor including basement floor.

(4) **ENFORCEMENT AND PENALTIES.** Each floodplain zoning ordinance shall include a separate section establishing appropriate penalties for violations of various provisions of the ordinance. An appropriate penalty, as reflected in s. 87.30 (2), Stats., may include an injunction for abatement or removal, and a fine or forfeiture. Any violation of the provisions of the floodplain zoning ordinance shall be investigated and reported to the appropriate municipal attorney, corporation counsel or district attorney for the prosecution of the violator.

(5) **PUBLIC INFORMATION.** (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.

(b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86.

NR 116.21 Permits, special exceptions, conditional uses, variances, appeals and amendments. (1) **GENERAL.** The floodplain zoning ordinance shall list the specific types of uses which may be authorized by permit, special exception or conditional use, indicating the particular authorization required for each type of use. These authorizations may not be contrary to the provisions of this chapter or other state law, or to applicable municipal ordinances.

(2) **PERMITS.** Municipalities shall issue permits for uses in floodplain areas which are in compliance with the applicable provisions for permitted uses in their floodplain zoning ordinances. These permits shall be issued by the zoning administrator.

(3) **SPECIAL EXCEPTIONS OR CONDITIONAL USES.** Any use requiring a special exception or conditional use permit may be allowed only upon application to the zoning administrator, public hearing and issuance of a special exception or conditional use permit by the board of adjustment or appeals or, where appropriate, the zoning agency. When determining whether to grant or deny a special exception or conditional use permit, the board of adjustment or appeals shall assure compliance of the proposal with:

(a) The provisions of the floodplain zoning ordinance;

(b) The purpose and objective of floodplain management, as enumerated in s. NR 116.01; and

(c) Local land use plans and other land use controls.

(4) **VARIANCES.** Any prohibited deviation from the dimensional standards of the floodplain zoning ordinance, for which a permit has been denied by the zoning administrator, may be allowed only upon written request for a variance submitted to the zoning administrator, public hearing and issuance of a variance by the board of adjustment or appeals. The board of adjustment or appeals may, after a written request for a variance has been submitted and a public hearing has been held, authorize in specific cases such a variance from the dimensional standards of the ordinance which will not be contrary to the public interest if, owing to special conditions and the adoption of the floodplain zoning

ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. A variance:

(a) Shall be consistent with the spirit of the floodplain zoning ordinance.

(b) May not permit a lower degree of flood protection in the floodplain area than the flood protection elevation.

(c) May not be granted for a use that is common to a group of adjacent lots or premises. In such a case, the zoning ordinance would have to be amended through proper amendment procedures.

(d) May not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons or property values in the area.

(e) May not be granted for actions which require an amendment to the floodplain zoning ordinance as described in sub. (6).

(f) May not have the effect of granting, increasing or extending a use of property which is prohibited in that zoning district by the floodplain zoning ordinance.

(g) May not be granted solely on the basis of economic gain or loss.

(h) May not be granted for a self-created hardship.

(5) **APPEALS.** Appeals to the board of adjustment or appeals or zoning agency may be taken by any party aggrieved by any decision of the zoning administrator. Requests for special exception or conditional use permits may be considered as appeals. Such appeals shall specify the grounds thereof and be filed within a reasonable period of time with the zoning administrator. The floodplain zoning ordinance shall set forth the time limitations for filing appeals. The zoning administrator shall forthwith transmit to the board of adjustment or appeals or zoning agency all records of the matter concerning the appeal. After public hearing, the board's or agency's decision shall either affirm, reverse, vary or modify in whole or in part the order, requirement, decision or determination appealed from. All appeal decisions shall conform to the applicable provisions of the floodplain zoning ordinance. The board's or agency's decision may be appealed to the courts in accordance with applicable state law.

(6) **AMENDMENTS.** (a) Official amendments are required for any changes in the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance. Actions which require an amendment by the municipality include, but are not limited to, the following:

1. Any change in the official floodway lines or in the boundary of the floodplain area;
2. Settlement of conflicts between the water surface profiles and floodplain zoning maps, in accordance with s. NR 116.10;
3. Any fill, encroachment or development into the floodway which will result in obstructing flood flows; and
4. Any upgrading of floodplain zoning ordinances in accordance with s. NR 116.05.

(b) Amendments may be made upon petition of any interested party in accordance with the appropriate provisions of ss. 59.69 (3) and (4) and 62.23 (7) (d), Stats.

(c) All proposed amendments shall be referred to the appropriate municipal zoning agency for a public hearing and recommendation to the governing body which shall approve or disapprove the proposed amendment.

(d) Amendments of official floodway lines shall meet the provisions of s. NR 116.11.

(e) No amendments to official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinances may become effective until they have been approved by the department.

History: Cr. Register, February, 1986, No. 362, eff. 3-1-86; corrections in (6) (b) were made under s. 13.93 (2m) (b) 7., Stats., Register July 2001, No. 547; reprinted to restore dropped copy in (4), Register October 2002 No. 562.

NR 116.22 Department duties. (1) **ASSISTANCE TO MUNICIPALITIES.** The department shall provide assistance to municipalities in the development, adoption and administration of their official floodway lines, water surface profiles, floodplain zoning maps and floodplain zoning ordinances. Such assistance shall include, but not be limited to, the activities described in this subsection.

(a) The department shall establish and upgrade standards for local floodplain zoning ordinances.

(b) When requested by a municipality, the department shall evaluate flood hazards and the effects of proposals in floodplain areas upon water surface profiles, floodway limits and flood velocities as provided in s. NR 116.20 (2) (b). Requests for such evaluations shall come from a municipality, not from individual property owners or applicants. Information needed to conduct the evaluation shall be provided by the applicant or the municipality.

(c) The department shall work with federal agencies to provide technical guidance and computer facilities for certain hydrologic, hydraulic and engineering studies. Generally, the necessary topographic and other base maps and field surveys will be the responsibility of the municipality.

(d) The department shall establish priorities for engineering studies to be done in municipalities by federal agencies.

(e) The department shall respond to the requests from municipalities to provide them assistance in enforcement actions against violations of their floodplain zoning ordinances.

(f) The department shall respond to requests from municipalities for assistance in developing hydraulic and official floodway lines.

(g) The department shall review all studies. No studies may be used until department approval has been secured.

(2) **REVIEW AND APPROVAL OF FLOODPLAIN ZONING ORDINANCES.** The department shall issue a certificate of approval to a municipality upon a finding that the adopted floodplain zoning ordinance meets the provisions of this chapter. The department review of floodplain zoning ordinances may include, but is not limited to, determinations that:

(a) The most accurate maps were utilized in delineating the floodplains;

(b) All floodplain zoning maps and floodplain zoning ordinances are compatible with all other shoreland regulations, existing zoning and land use plans;

(c) All water surface profiles, floodplain zoning maps and floodplain zoning ordinances are compatible with those of the adjoining municipalities on the same streams or rivers; and

(d) The floodway and floodplain lines shown on the floodplain zoning maps are accurate.

(3) **MONITORING.** The department shall monitor the administration and enforcement of floodplain zoning ordinances in municipalities. In so doing, the department may:

(a) Establish and upgrade standards for the review and evaluation of the administration and enforcement of floodplain zoning ordinances.

(b) Review and approve or deny proposed amendments to water surface profiles, floodplain zoning maps and floodplain zoning ordinances.

(c) Review floodplain zoning permits and all special exceptions, conditional uses, variances and amendments to floodplain zoning ordinances, to ensure in each instance compliance with the applicable floodplain zoning ordinances and this chapter.

(d) Review state and federal projects to assure that public works proposals in floodplains are compatible with local floodplain zoning ordinances and the provisions of this chapter.

(4) **ENFORCEMENT.** The department shall assist municipalities in achieving a consistent statewide approach to floodplain

From: Glenn Bushee <gbushee@ci.mequon.wi.us>
Sent: Wednesday, February 22, 2023 6:28 AM
To: Kimberly Tollefson <KTollefson@ci.mequon.wi.us>
Cc: Jac Zader <JZader@ci.mequon.wi.us>
Subject: Please include in March 2nd, 2023 Board of Appeals packet

To the members of the Board of Appeals:

As the alderman for this district, I was asked by Mrs. Tolocko to review the materials and visit her at the property. I concur with her request to allow a variance to code in order to retain the deck.

Former Mayor Dan Abendroth at a time of one of the floods referred to the people living on the river as a "hardy bunch" and that they were able to take care of themselves pretty well. I agree and after going past the homes on the east side of the river many times in all seasons and now the homes on the west side, it is obvious that this is a very different neighborhood from the rest of Mequon. While residents live there year round, it is a self-sufficient cottage/summer home style of living compared to almost all other areas within the city.

It is also obvious that the larger deck provides a very necessary service of protecting items that would otherwise be in the yard from floating into the river with the nearly annual flooding. Since homes do not include basements and are generally small in size, this seems to be an extremely valuable component for a home on the river. In addition, the deck is solidly constructed and provides structural integrity to allow water to flow around and through while giving the ability to maintain items on the deck. Rather than being a concern for debris in the river, this deck provides desirable protection for our ecological resources.

While I understand the 200 sq ft limitation set as a statewide standard, I'd note again how unique this area is and encourage board members to visit the location.

I strongly support Nancy Tolocko's appeal.

Thank you very much for your time and efforts on the Board of Appeals.

- Glenn Bushee
Alderman, Mequon District 2
Cell: 414-412-3857

- (a) *Applicability.* If these standards conform with Wis. Stats. § 59.69(10), for counties or Wis. Stats. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto.
- (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months or 36 cumulative months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article;
 - (3) The city shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection 58-782(a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this paragraph;
 - (5) a. Except as provided in subsection b. below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50 percent of the structure's present equalized assessed value.

b. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
 - (6) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with subsection 58-772(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with section 58-814 are used.
- (c) Unclassified uses, governed in the section 58-172 of this Code, are uses not specifically listed in this section and are prohibited in all floodway or floodfringe areas. Examples of these uses include; manufactured homes, mobile homes and mobile home parks, and private or public campgrounds.

(Ord. No. 2007-1201, § I, 2-13-2007)



Attachment: Tolocko packet for variance_12656 N Shoreland Pkwy (8214 : Nancy Tolocko variance packet_03-02-23)

Legend

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

Product of the LAND INFORMATION OFFICE
10/19/2022, 2:35:54 PM

10/19/2022, 2:35:54 PM

0 0.00375 0.0075 0.015 0.0225 0.03 mi

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

OZAUKEE COUNTY

Packet Pg. 31

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Hannah Boyd Instyle Homes Address: 3800 West Grace Avenue
 City/zip: Mequon 53092

Owner: Instyle Homes Hannah Boyd Address: _____
 City/zip: 53092

Contact Person/Name: Hannah Boyd

Phone Number: 414 736 7962 Email: hboyd71@gmail.com

TO THE BOARD OF APPEALS:See letter dated Jan 27th

The above hereby requests a variance to City of Mequon Code Sec. #: 58-41
 regarding:

3800 West Grace Avenue, Wisconsin 53092
 (street address or legal description)

in order to: replace an existing accessory building with
an 1868 locally salvaged oak cabin.

APPLICANT MUST PROVIDE:

Application form
 \$215 filing fee

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>Carolyn Salk</u>	Received Date: <u>2-9-23</u>
Parcel #: <u>140-240-500-100</u>	Hearing Date: <u>3-2-23</u>
Zoning District: <u>R-3/FFD</u>	Receipt #: <u>003657-0183</u>
Alderman & District #: <u>Ald. Bushee / DIST #2</u>	Published: <u>2-16-23</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.



11333 N. Cedarburg Road
 Mequon, Wisconsin 53092
 Phone: (262) 236-2903
 Fax: (262) 242-9819

www.ci.mequon.wi.us

Department of Community Development

January 27, 2023

Hannah Boyd
 3800 W. Grace Avenue
 Mequon, WI 53092

RE: Denial of Building Permit Application

Dear Ms. Boyd,

Thank you for submitting a building permit application for the guesthouse/cabin structure to be placed at 3800 W. Grace Avenue. The property is zoned R-3/FFO and is a 2.5 acres lot. The property currently contains a principal structure and three accessory structures. The supplied narrative indicates that one of the frame sheds will be removed to make room for the cabin. The permit application has been denied due to the following reasons:

- Section 58-248 (f)(5) states: If a guest house is constructed, no detached storage structure is permitted unless the property is in the R-1 zoning district.
- The applicant has not received a conditional use grant from Planning Commission to construct a guesthouse on the premise (Section 58-²⁴⁸~~238~~(a)).
- The applicant has not received approval from the Architectural Review Board for the construction of the structure (Section 10-56).

In addition, the plans lack the following information:

- Presence of a kitchen. According to Section 58-248(f)(2), the guesthouse may not contain a stove, oven, range, or cooktop.
- Purpose of the structure. Section 58-248(f)(3) states that a guesthouse may not be rented or used as a separate dwelling.
- Overall height of the structure. Section 58-249(a) limits the height of an accessory structure to 15 feet.

Attachment: Hannah Boyd Instyle Homes_variance packet_3800 W Grace (8212 : Hannah Boyd Instlye Homes packet 03-02-23)



11333 N. Cedarburg Road
Mequon, Wisconsin 53092
Phone: (262) 236-2903
Fax: (262) 242-9819

- Method for moving the structure to the site. Staff understands that the structure is currently located on another site and will be moved to the proposed location. The narrative does not explain if the cabin will be completely disassembled or in one-piece for the relocation. If the later, coordination with WisDOT and utilities may be required.

This letter serves as an official letter of denial. Pursuant to Section 58-41, you may appeal this decision should you believe the decision to be an erroneous interpretation or application of the law or if you believe your property meets the criteria to qualify for a variance. An appeal may be taken by the applicant within 30 days of the date of this letter by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal and paying the prescribed fee. More information regarding the appeals process and application form can be found on the City Website at www.ci.mequon.wi.us/bc-appealsboard. Please feel free to reach out to the City Clerk's office should you have any questions while going through the appeals process.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Laurie Miller', is written over a horizontal line.

Laurie Miller
Planner

**3800 West Grace Ave
Mequon Wisconsin 53092**

**Re; Denial of building permit application pursuant to section 58-41
I am seeking a variance relating to accessory buildings due to too many existing
accessory structures.**

**I believe the property and accessory building that I want to rebuild meets unique
criteria to qualify for the variance**

- 1. The variance would not create substantial detriment to adjacent
neighboring properties, the two closest Neighbors, do not have a direct
view of my property, are indeed supportive of preserving the intended
cabin involved with this variance. Letters supporting this are to be
presented at the hearing**
- 2. I believe this proposed variance to be favorable to public interest in that it
preserves a local historical structure and adds to the character and
authenticity of the homestead and contributes positively to local property
values.**
- 3. The salvage and rebuild of the local 1868 cabin also supports the
Landmarks Commission mission 'The protection, enhancement,
perpetuation and use of special character or special historical interest or
value which represents elements of the city's cultural social economic and
architectural history.**

Proposal

**I am the proud owner of 3800 West Grace Avenue, Mequon. I wish to replace
one of the already existing accessory structures (accessory building 3) for a
locally salvaged 1868 authentic oak framed cabin. The cabin has already been
dismantled and carefully taken down by trained artisans, each timber tagged and
it is now stored ready for its rebuild. I am an English interior designer with a
special interest in historic properties and many years of experience restoring and
remodeling these types of houses both in England and the USA.**

Property Description

3800 West Grace Avenue is a secluded 2.5 acre Milwaukee river fronted property with a 1860s original brick farmhouse and summer kitchen. It is beside the park and not overlooked by neighboring homes. zoned R-3. It is not part of any HOA s

Exhibit 1 Aerial picture

Over the past two years I have lovingly restored the farmhouse and gathered significant historical documents, books and plans about the property and its past. This has helped to guide me in the remodel and be somewhat of a qualified custodian for the farmstead, working off original blueprints, living history of how the building and accessory buildings were used.

See exhibit folder 2 for historic pictures, book extracts and blue prints

It currently has two accessory buildings, plus the summer kitchen. See recent site survey showing their location Exhibit 3

Summer Kitchen Accessory Building 1

A brick and stone built summer kitchen that was originally built to keep the smell and danger of cooking out of the main house. This is awaiting some stone restoration and Tuck pointing to the bread oven.

Exhibit 4

The summer kitchen is located close to the main house and is shown on the plans as far back as 1935. Exhibit 2 blue print survey

It also features in a book written about the house from 1900 to 1957 called 'Thunder Weather' within this book it describes the farmhouse, the barn and the accessory buildings.

Exhibit 5

I would like this structure to be considered, from a technical standpoint, part of the main house and not as an additional structure. It was historically built to be 'used with the main house as an integral part of the home'

I would like to retain this structure as original as possible, even though it has limited practical usage today.

Wooden Accessory Building 2

This is a cute garden wooden painted structure overlooking the river, it has inverted picture hung windows. It is set upon the original stone foundations of where the barn used to be 150 years ago. It does not have electricity, it is of a simple design, although it does have some thoughtful detail. Its usage is to escape from the bugs and provide a windbreak and a place to sit out and enjoy the view of the river.

Exhibit 6 picture of the 'boat house' and the blue print survey from 1935 exhibit 2 showing the original barn location.

Accessory Building 3

Wooden shed of a more modern design. Shown on the recent site survey exhibit 3. Currently used for storage of garden equipment. This would be removed to be replaced by the cabin

Cabin

Exhibit 7

Description 1868 one story, oak timber chinked log cabin. This cabin was salvaged and taken down from a mequon location and is ready to be rebuilt. The cabin is from the same time period as the farmhouse 1860s . It has a small bathroom and a simple area to wash dishes/ kitchenette.

Proposal

I would like to replace the existing accessory building 3 with this cabin. The cabin would be rebuilt and restored, it includes a bathroom and kitchenette

Usage.

The cabin would be used as a design area for me and also as a place to entertain and enjoy the river views with friends and family.

Please see the four elevations of the rebuild.

Exhibit 8

- The oak cabin structure replacing the existing accessory building is far more in keeping with the style and period of the original house.

- The existing lot could be divisible into two separate parcels and therefore technically create the opportunity to build a separate house and accessory structure within the lot. exhibit 10
- The summer kitchen was built and intended to be used/function with the main house and therefore should not be counted as the lots only accessory structure.
- The lot is unique and not overlooked
- The accessory buildings footprint is, summer kitchen total 307, boat house 136 cabin with stone foundation is 845...total 1288. Working on the 1% allocation that is a variance of an extra 199 sqft.
- The home already has three accessory structures and with me taking down one it would not add any more than existing.
- I would be reusing old materials and stone from a sustainable standpoint this is much more kinder to the environment
- I believe it adds significant charm and character to the property and location. Creating a homestead with authenticity and appeal.

This presentation is very much from the position of trying to find a solution through a collaborative approach to best achieve the rebuild of the cabin at Grace Avenue.

I want to protect and restore, with today's knowledge and sustainable approach, a classic and stylish farmhouse for generations to come, with the respect and care for what has been.

The City of mequon statement 'Mequon is a city rich in rural heritage and natural beauty'

I am wanting to protect and celebrate this heritage and improve an existing small unique farmstead.

I welcome the opportunity to verbally present this variance application and answer any questions concerns there may be.

As the current owner and custodian of this very special property I am very much committed to its place in Mequon's rural history and have committed much time and resources to make this property flourish and thrive well into its future.

Exhibits

1

Aerial Picture of
Current Home
3800 W Grace Ave

2

1935 Blue print survey
Historical Photographs
Past articles and research

3

Recent CSM

4

Summer Kitchen
Structure 1

5

Book Thunder weathe
describing living on
the farm 1900's'

6

Boat House
Structure 2

7

Cabin 1868

8

Architects
Illustrations of Cabin

1. Aerial photograph
2. 1935 blue print survey, house historical photographs, book extracts
3. Recent CSM
4. Summer Kitchen
5. Thunder Weather Book living history
6. Boat House structure 2
7. Cabin original pictures
8. Four Cabin architect Illustrations for rebuild

Prepared by property 'Owner'
Hannah Boyd
414 7367962



3D

VILLA GR

Milwaukee

W Grace Av

3.a

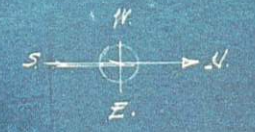
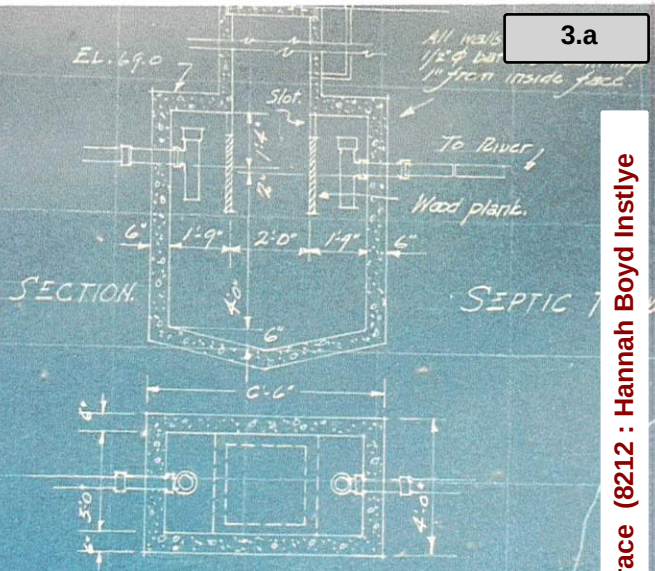
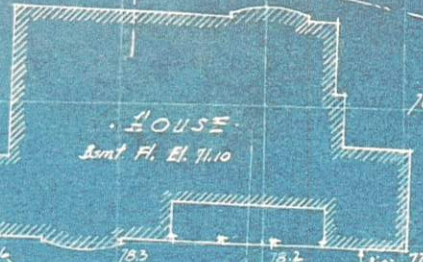
Attachment: Hannah Boyd Instyle Homes_variance_packet_3800 W Grace (8212 : Hannah Boyd Instlye



Early Picture of the existing Cream brick
Farmhouse

1930's Survey
showing original Barn
and outbuilding.

2



PLOT PLAN
Scale 1/16" = 1'-0"

3.a

WILLIAM



The Farm House With
 Anna, Lillie, Elsie & Annie
 (Taken About) 1913



ANNA

ANNIE

ELSIE
1945

LILLIAN

771 2834

REAL
COUNTRY
LIVING

This rambling, remodeled
Farm Home
with all large rooms
is located
High and Dry on the
Milwaukee River
where water skiing and boating
are at their best.

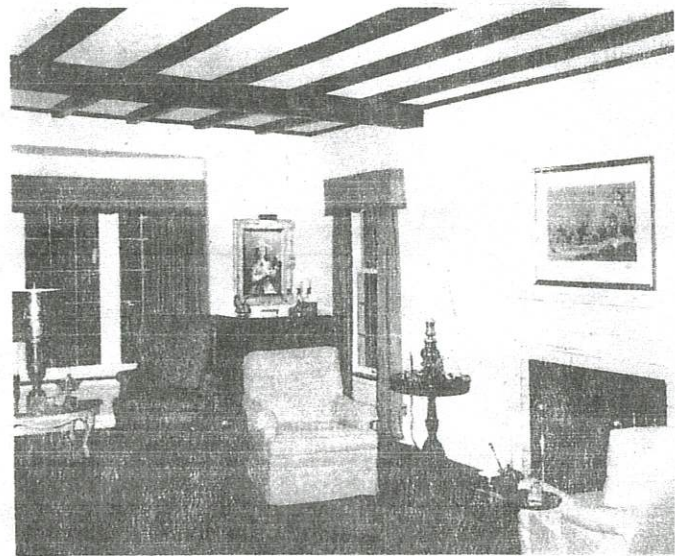
The stable, and Garden,
Stone and Green Houses
add to the enjoyment of
Real Country Living in the
midst of huge trees on a
well-landscaped, park-like
yard.

Extra acreage included
for investment.

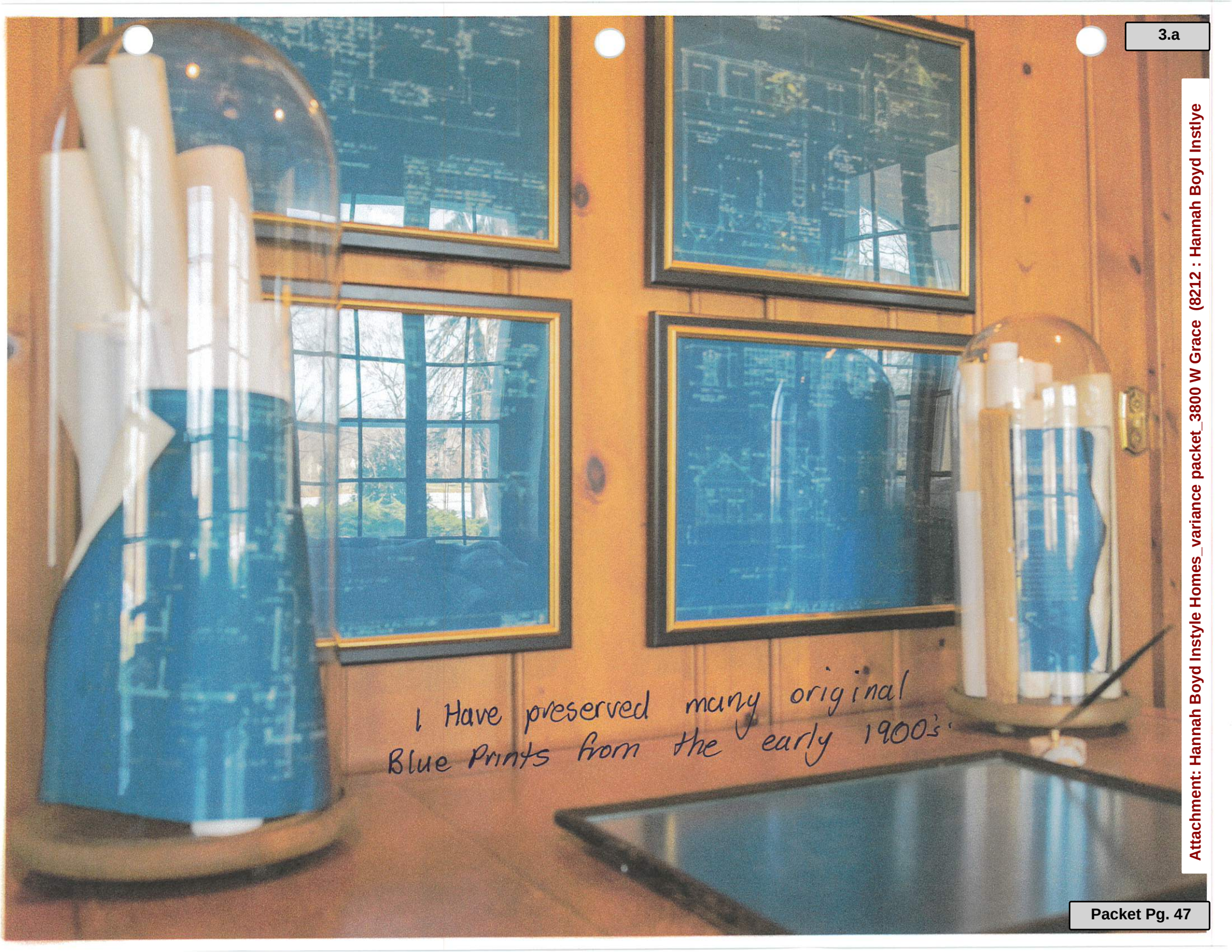
Owner:

DR. A. W. SCHROEDER
11865 N. Riverland Rd. 35 W
Mequon, Wisconsin

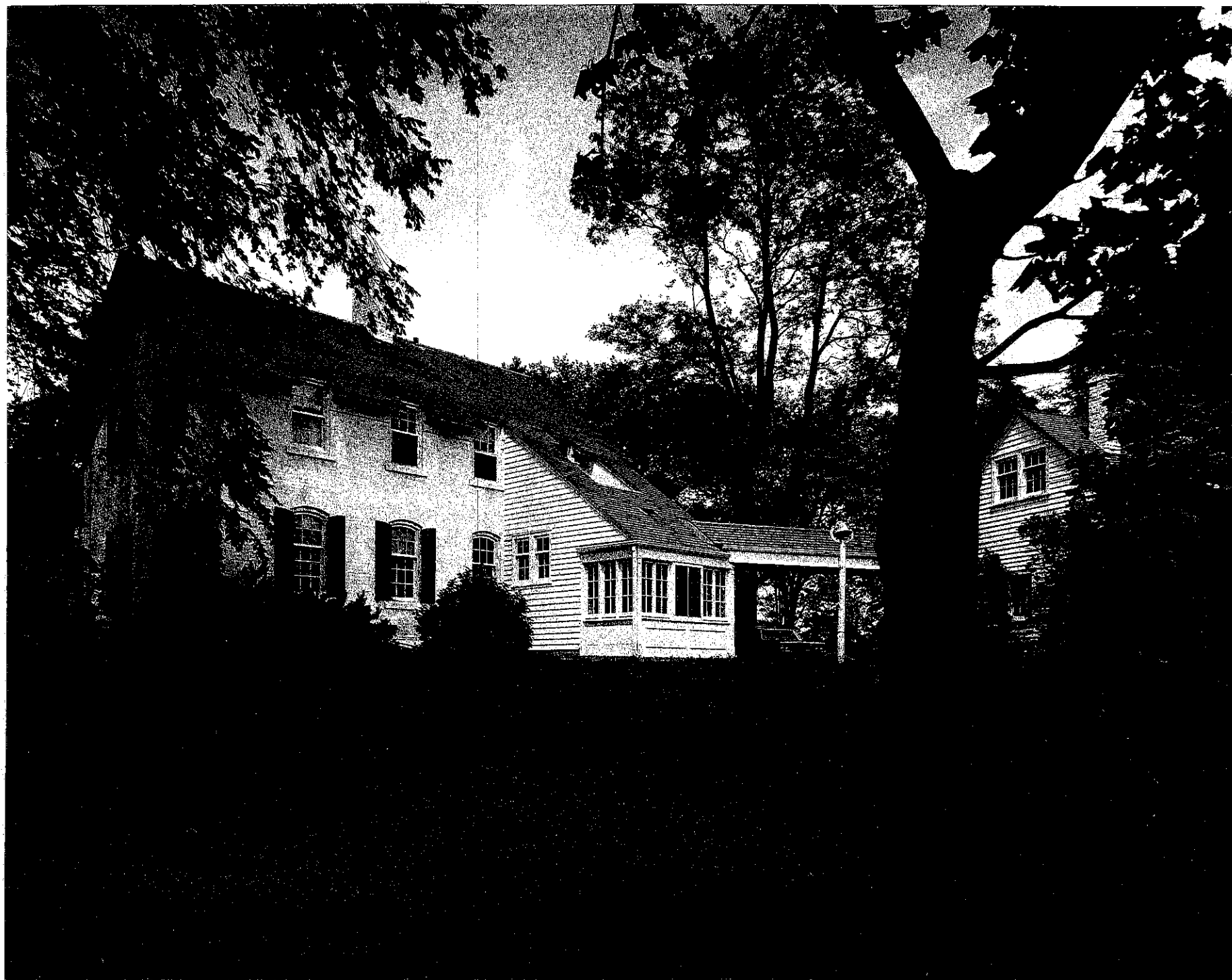
Phone Number CH 2-3483



Attachment: Hannah Boyd Instyle Homes_variance packet_3800 W Grace (8212 : Hannah Boyd Instyle Homes packet 03-02-23)



I Have preserved many original
Blue Prints from the early 1900's.



RICE-POWELL, INC.

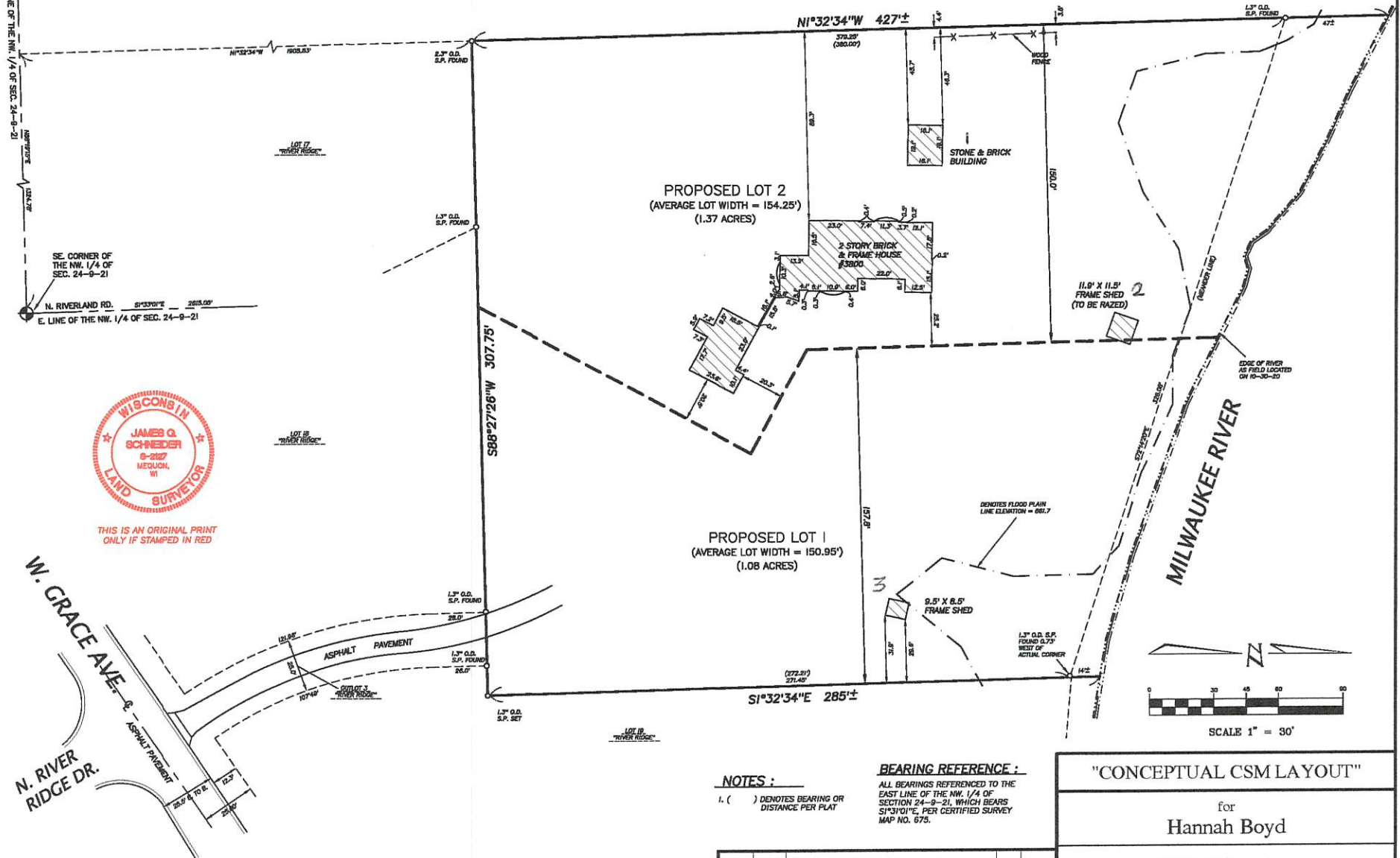


3

LEGAL DESCRIPTION :

Parcel 1 of Certified Survey Map No. 675 as recorded in the Register of Deeds office for Ozaukee County, in Volume 3 of Certified Survey Maps, on Page 14, as Document No. 266844, and being a part of Government Lot 3, in the Northwest 1/4 of Section 24, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

Said Parcel containing 106,771 sq. ft./ 2.45 acres of land, more or less to the water's edge.

**NOTES :**

1. () DENOTES BEARING OR DISTANCE PER PLAT

BEARING REFERENCE :

ALL BEARINGS REFERENCED TO THE EAST LINE OF THE NW. 1/4 OF SECTION 24-9-21, WHICH BEARS S1°31'01"E, PER CERTIFIED SURVEY MAP NO. 675.

MARK	DATE	REVISION	BY	APVD
NSE NORTH SHORE ENGINEERING, INC. Consulting Engineers & Land Surveyors 11433 N. Port Washington Rd., Mequon, Wisconsin, 53092 (262) 241-6400 • FAX: (262) 241-6337 www.northshoreengineering.net				

"CONCEPTUAL CSM LAYOUT"

for
Hannah Boyd

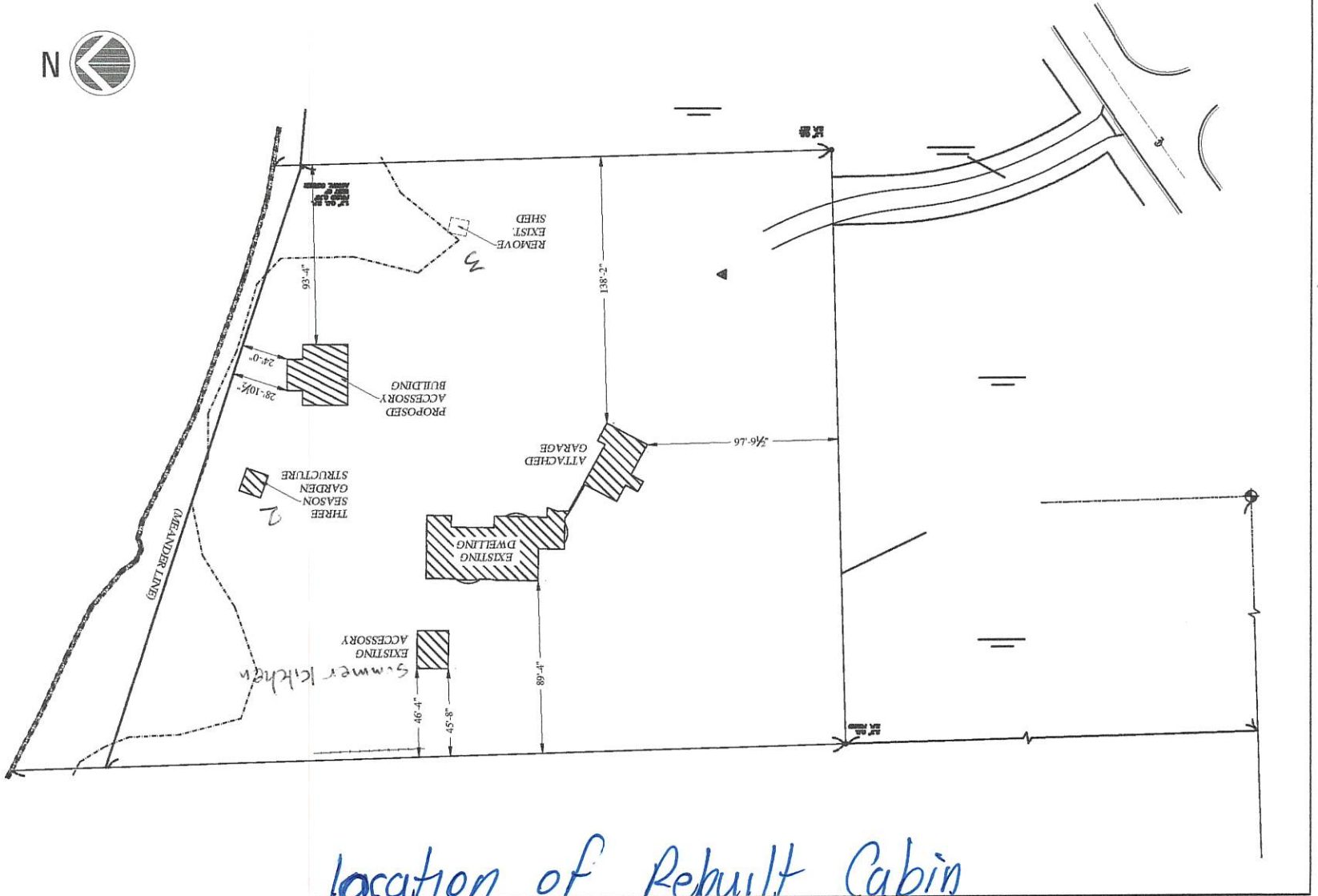
3800 W. Grace Ave.
Mequon, WI

DATE: FEBRUARY 3, 2023 DRAWN BY: J.G.S.
FIELD CRWP: Plat No. L.S.-4861-23-CONCEPT

1" = 50'-0"



SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



location of Rebuilt Cabin
marked "proposed Accessory Building"

1A
of 8
SHEET
PROJECT NO.
2-9-2023
DATE
J. HARTLINE
DRAWN BY

BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

JEREMY HARTLINE
ARCHITECT
314 REGATTA DRIVE
POST WASHINGTON, WI 53074
(262) 664-0107 jeremhartline@gmail.com
www.jeremhartline.com

4

Summer Kitchen
Stone and Brick construction
Bread Oven

5

original 1000
leaf copy of a
book written
about life

3.a



the house
from 1870
to 1950
It was
published

Donnerwetter Noch Mal

"Thunder Weather Coming Soon"

BY

CAROL CHRIST SCHLEHLEIN

Attachment: Hannah Boyd Instyle Homes_variance packet_3800 W Grace (8212 : Hannah Boyd Instyle Homes packet 03-02-23)



Accessory Building 2
called Boat House or Garden Structure.





original Barn
foundation.

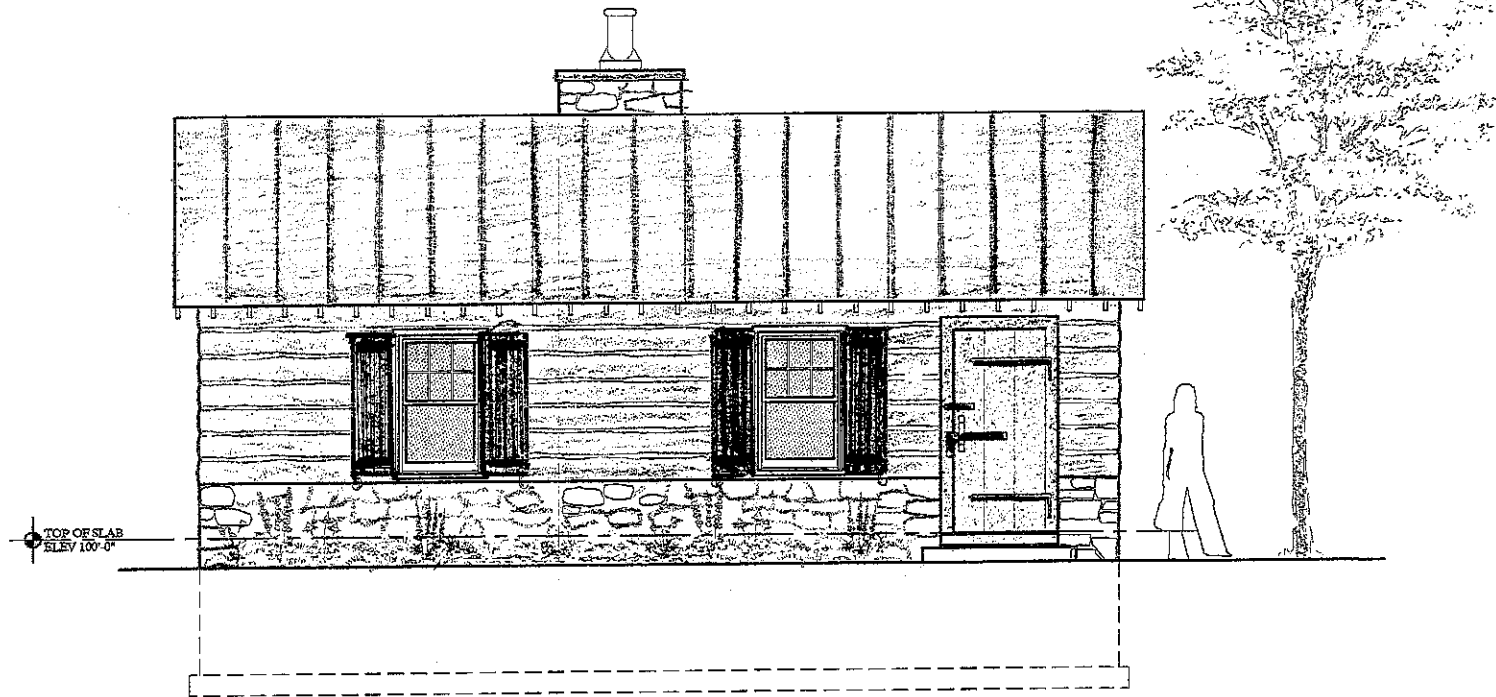
7

Cabin Before it was taken down and
Salvaged.

Kitchenette

Bathroom

8



PROPOSED SOUTH ELEVATION

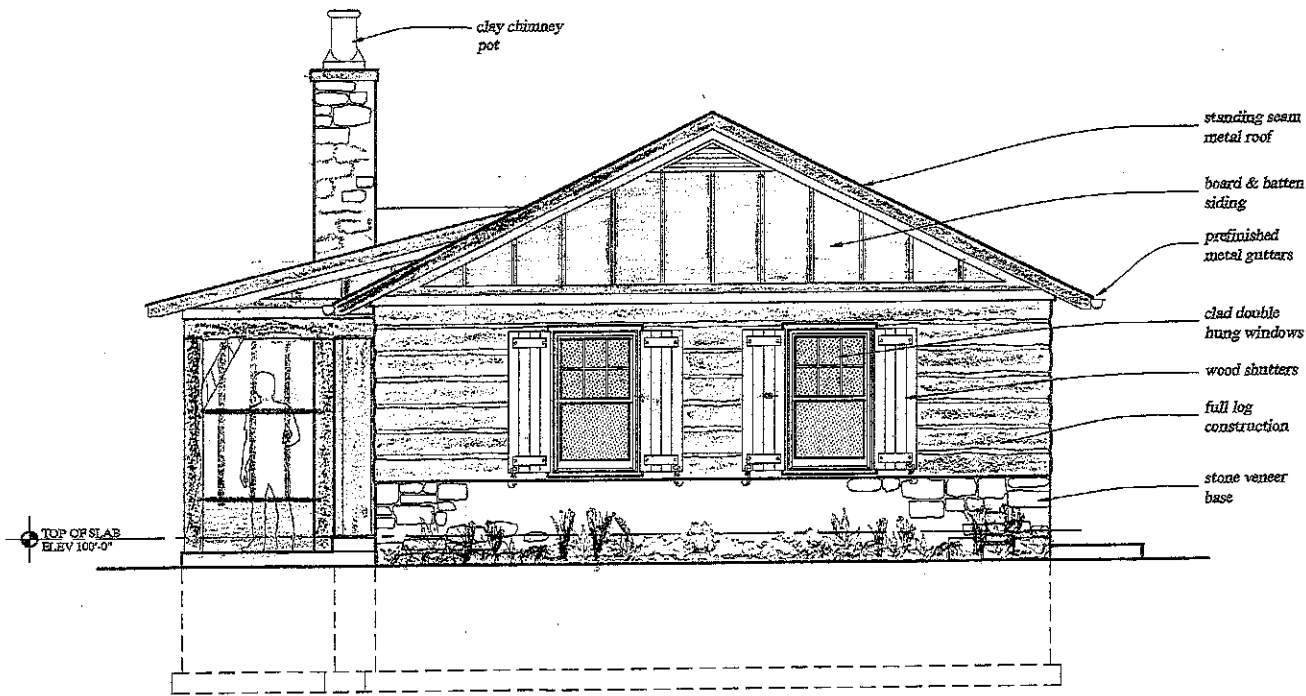
$\frac{1}{4}" = 1'-0"$

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-4-2023
PROJECT NO.	
SHEET	3 of 7



PROPOSED WEST ELEVATION

1/4" = 1'-0"

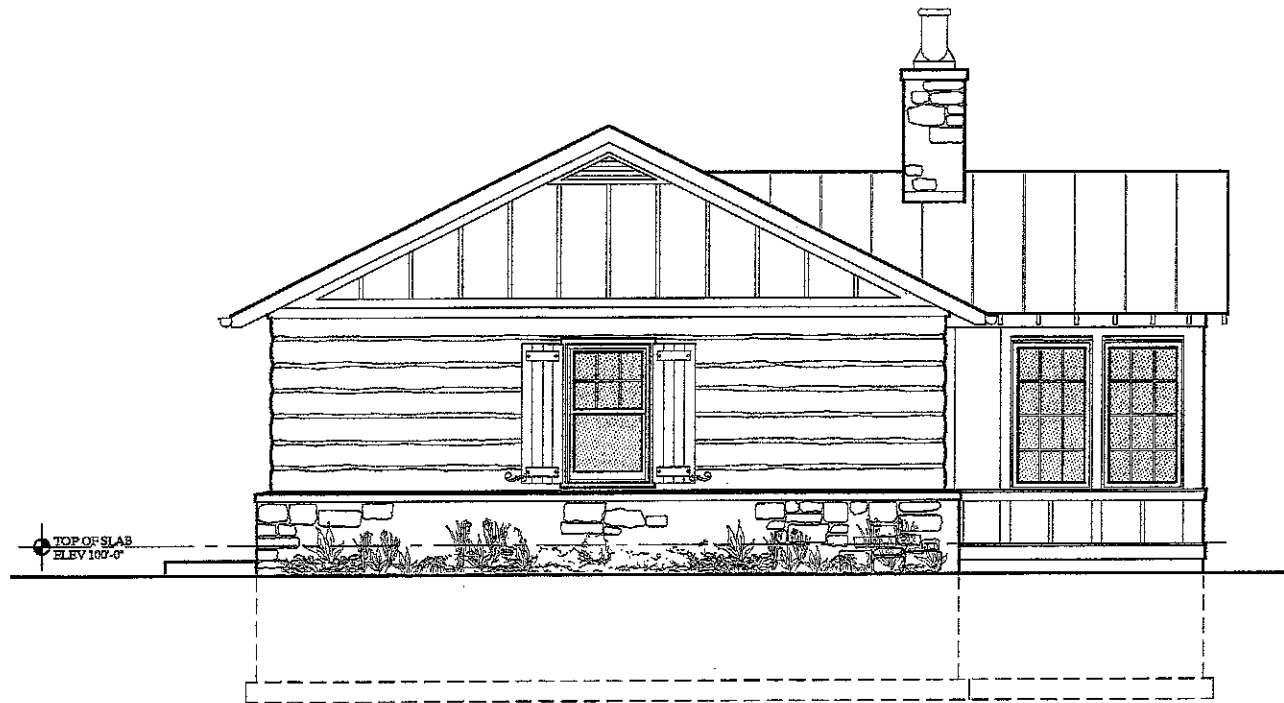
SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



224 REGATTA DRIVE
FORT WASHINGTON, WI 53074
(262) 415-2127 / jhartline@jeremyhartline.com
www.jeremyhartline.com

BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-4-2023
PROJECT NO.	
SHEET	4 of 7



PROPOSED EAST ELEVATION

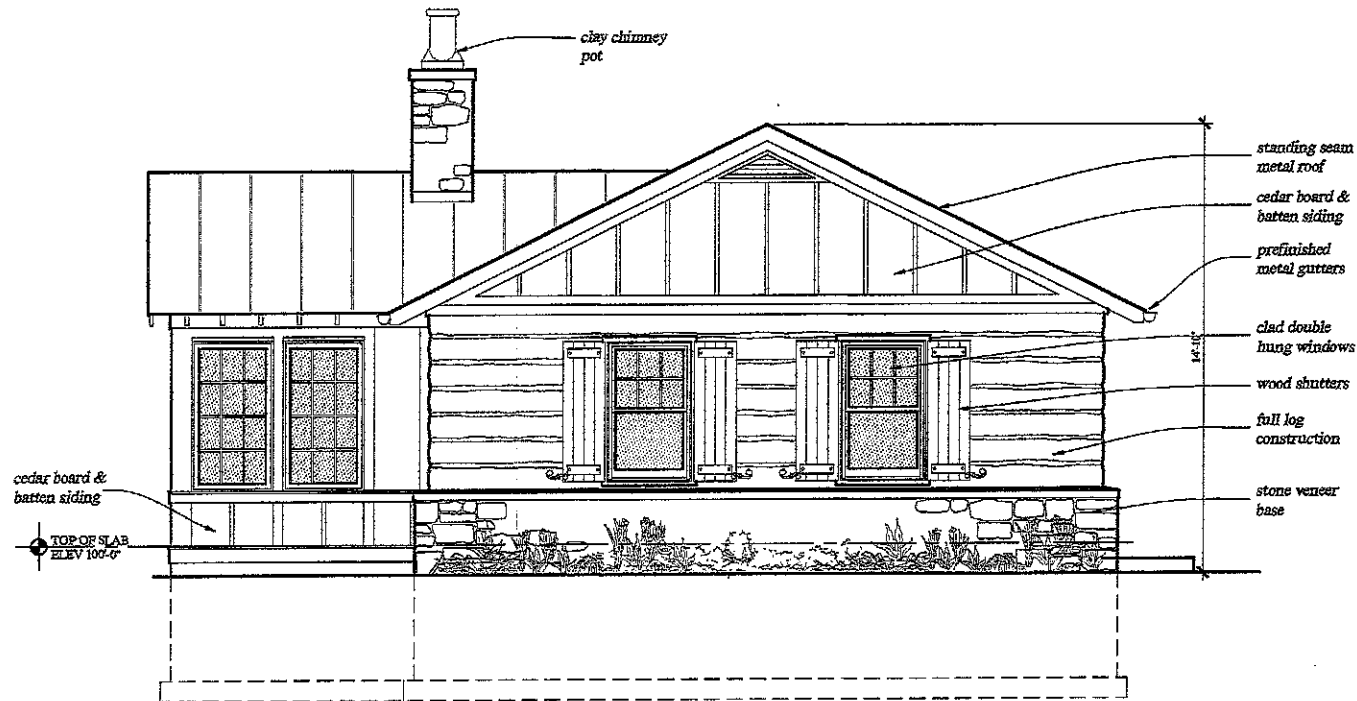
 $\frac{1}{4}" = 1'-0"$

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-9-2023
PROJECT NO.	
SHEET	6A of 8



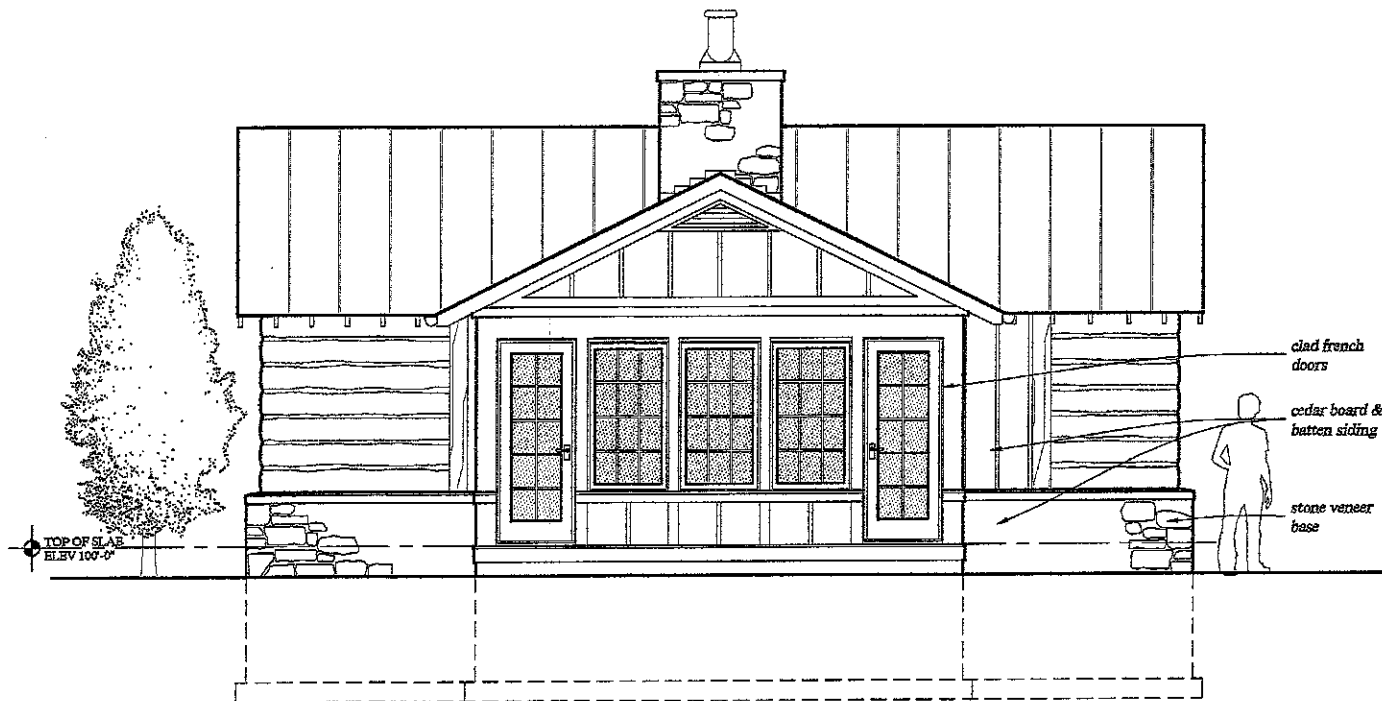
PROPOSED WEST ELEVATION

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-9-2023
PROJECT NO.	
SHEET	5A of 8



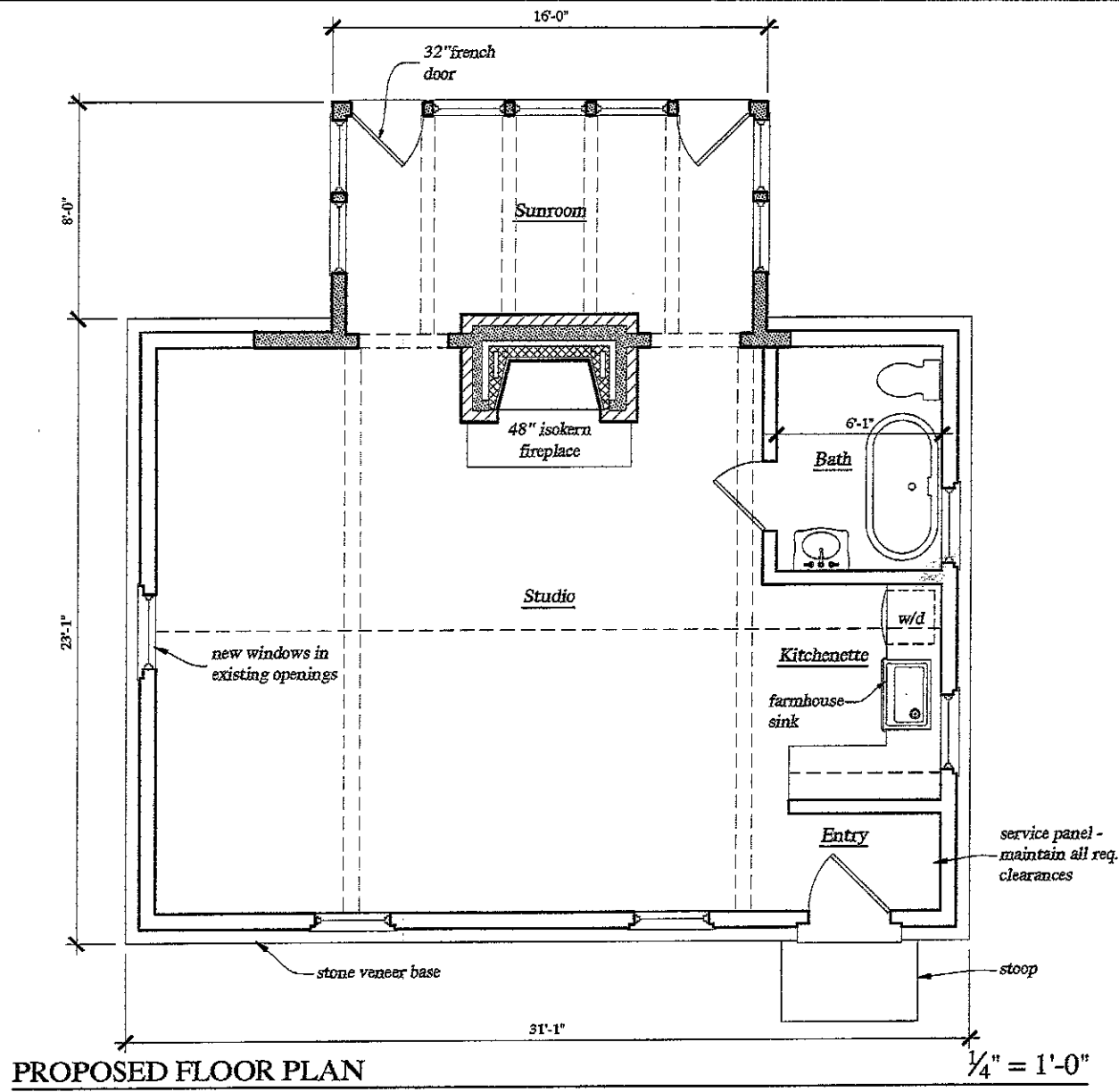
PROPOSED NORTH ELEVATION

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



BOYD CABIN
3800 W. GRACE AVE.
MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-9-2023
PROJECT NO.	
SHEET	7A of 8



SCHEMATIC DESIGN - NOT FOR CONSTRUCTION



BOYD CABIN
 3800 W. GRACE AVE.
 MEQUON, WI 53092

DRAWN BY	J. HARTLINE
DATE	2-9-2023
PROJECT NO.	
SHEET	3A of 8



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: Laurie Miller, Planner
DATE: March 2, 2023
SUBJECT: Hannah Boyd Instyle Homes Variance: Opportunity will be afforded to all interested in being heard concerning the petition by Hannah Boyd Instyle Homes requesting a variance from Sections 58-248(f)(5), 58-248(a), 10-56, 58-248(f)(2), 58-248(f)(3), and 58-549(a) of the City of Mequon Code of Ordinances in order to replace an existing accessory structure with an 1868 locally salvaged oak cabin at 3800 West Grace Avenue.

Background: The appellant is looking to reconstruct a cabin, originally built in 1863, on the property located at 3800 W. Grace Ave. The appellant is requesting a variance to Section 58-247(c) which prohibits more than one single detached structure for properties zoned R-1 through R-5. The property is currently zoned R-3 (1 Acre). There are currently three accessory structures on the property which are all legal non-conforming structures permitted prior to the 1994 Zoning Code change. The first accessory structure is the original summer kitchen, the second accessory structure is a boat house, and the third accessory structure is a small storage building. The reconstructed cabin was located on a different City of Mequon residential property and is proposed to be reconstructed on the subject site.

Analysis: The summer kitchen is original to the house built in 1868. Although it does not have City of Mequon Local Landmark status, it has inherent historical value as a rare example of 1860's construction still intact. The summer kitchen is not currently used for any function other than its aesthetic and historical benefit. The boat house was built on an old, and former barn foundation which is in excellent condition. The small storage building will be razed prior to the reconstruction of the cabin to reduce the number of accessory structures present on the property. The razing of the small storage building would maintain the current number of three accessory structures; the only difference would be the size of the third structure is changing from 81 square feet (small storage building) to 600 square feet (proposed cabin). Preservation of the cabin, by the appellant, is in keeping with the historical dates and aesthetics of the summer kitchen and former barn.

Based on the size of the lot, the combined square footage of the accessory buildings, not including the summer kitchen, would be under the 1% maximum allowed per the code. Staff is interpreting the summer kitchen as a non-functioning structure because it is not being used for anything other than its historical benefit to the property.

Staff Summary: Staff is supportive of the proposed variance since there are site specific and unique issues related to this request. Staff is recommending that the request be specific to the proposed reconstructed cabin since it is in keeping with the historic nature of the existing dwelling and summer kitchen.

Recommendations: Staff recommend approval subject to the following conditions:

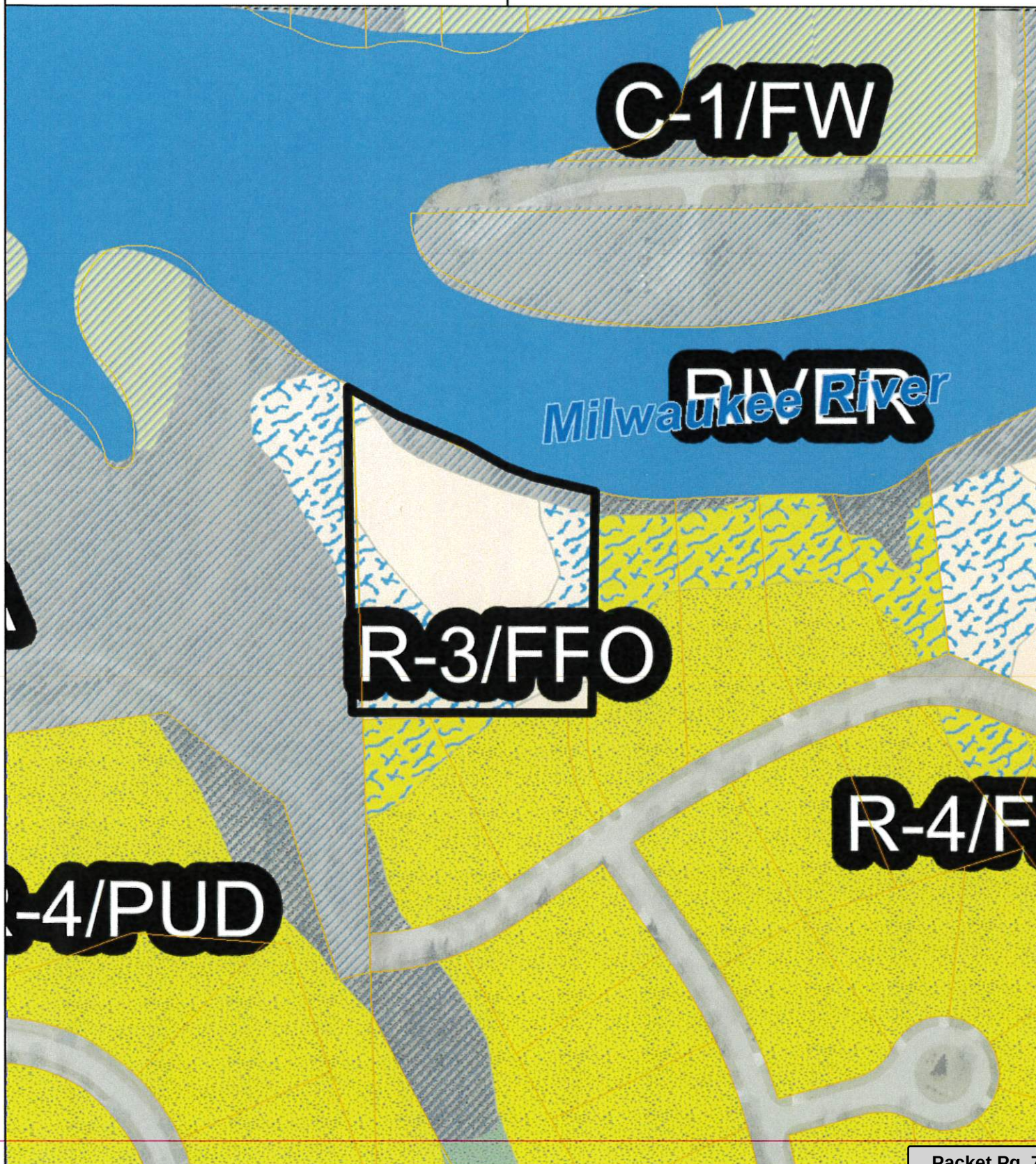
- 1) The lot shall be deed restricted from being subdivided, through recording at the Ozaukee County of Register of Deeds, prior to construction of the cabin. The deed restriction is subject to the review and approval by the City Attorney.
- 2) The cabin shall not include sleeping quarters or permanent cooking appliances. The existing small storage building be razed prior to reconstruction of the cabin.
- 3) The summer kitchen shall not be used for storage.
- 4) Architectural Review Board approval is required prior to reconstruction of the cabin.

Attachments:

3800 W Grace Ave Boyd Zoning Map (PDF)

BOYD

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Sec. 58-248. - Conditional uses in residential districts.

- (a) *Generally*. Table 58-248 sets forth the conditional uses for each residential zoning district. Specific conditions and requirements for each conditional use are set forth in the provisions following Table 58-248. These conditions and requirements are in addition to those set forth in, and imposed, under article II, division 3 and elsewhere in this Code.

Table 58-248	R-1	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Commercial outdoor recreational facilities	X	X	X	X	X	X	X	X	
Public and or private utility, transmission and distribution lines, poles, and other accessories	X	X	X	X	X	X	X	X	X
Community living arrangements for more than eight but less than 16 residents in accordance with Wis. Stat. § 62.23(7)(i)	X	X	X	X	X	X	X	X	X
Community living arrangements for 16 or more persons in accordance with Wis. Stat. § 62.23(7)(i)	X	X	X	X	X	X	X	X	X
Accessory dwelling units	X	X	X	X	X	X			
Guesthouses	X	X	X	X	X				
Historically significant structures used as private clubs or private lodges	X	X	X	X	X				
Bed and breakfast establishments	X		X						
Landscape contracting businesses	X								

- (b) *Commercial outdoor recreational facilities.*

- (1) Such facilities are open to the public or available through membership.
- (2) Examples include, but are not limited to, athletic fields, sport courts, playgrounds, and golf courses.
- (3) Structures customary to such facilities may be approved; however, the primary activity shall be conducted outdoors.
- (4) Except for conservation subdivisions in the R-1 zoning district, these uses must be approved through a planned unit development.

- (c) *Utility, transmission and distribution lines, poles, and other accessories.*

- (1) When a utility proposes a main inter-city transmission facility, the utility shall give notice to the planning commission of such intention and of the date of hearing before the public service commission and, before actual construction, shall file with the planning commission a map description of the route of transmission line.

- (2)

Public and/or private utility installations less than three feet in height shall be subject only to city staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all-season vegetation.

(d) *Community living arrangements.*

- (1) No structure shall be greater than two stories.
- (2) Structures shall comply with the city's Architectural Guidelines for Residential Structures in effect at the time of approval.
- (3) The maximum floor area ratio shall be 20 percent.
- (4) Parking shall be located on the side or rear of the primary structure, shall be offset at least 30 feet from all property lines and shall be screened with all-season vegetation from adjoining one-family dwelling or two-family dwelling.
- (5) No signs shall be allowed.
- (6) The use shall be licensed to the extent required by state law, located as restricted by state law and subject to hearings before the common council to the extent allowed by state law.
- (7) The planning commission, subject to all fair housing law requirements, may reject any application for a conditional use for a community living arrangement at its discretion.

(e) *Accessory dwelling units.*

- (1) An accessory dwelling unit is an area, other than an area in a basement, attached to or contained within a primary dwelling unit with its own bathroom, kitchen and sleeping area. As used in this paragraph, a kitchen is an area with a sink, a refrigerator and a stove, range, oven or cooktop.
- (2) The primary dwelling unit must be owner occupied at any time that a person other than the owner or a legal dependent of the owner occupies the accessory dwelling unit. A property shall be deemed to be owner occupied if an owner or in the case of an owner entity, the person who has voting control of the entity, is either registered to vote using that address or claims the property as the person's primary residence for the Wisconsin lottery and gaming credit.
- (3) An accessory dwelling unit may only be occupied by a family member, blood relative, legal dependent, caretaker or paid servant of a resident of the primary dwelling unit.
- (4) There can be no more than one accessory dwelling unit per one-family dwelling.
- (5) The total living area of an accessory dwelling unit can be no larger than 40 percent of the total living area of the primary dwelling to which it is attached or contained. Total living area shall be measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).
- (6) The accessory dwelling unit must have at least one common entrance with the primary dwelling unit.
- (7) There shall not be separate direct entrances for each dwelling unit on the front of the building unless this prohibits handicapped access.
- (8) An accessory dwelling unit may not have a separate postal address.
- (9) An area in a basement that would qualify as an accessory dwelling unit if not in a basement shall be permitted without a conditional use grant provided there is no accessory dwelling unit on the property and provided that the city and the owner record an agreement that encumbers the property by which the owner covenants that no accessory dwelling unit may be constructed on the property and the use of such basement area shall be subject to the requirements of (2), (3), (6), (7) and (8).

(f) *Guesthouses.*

- (1) A guesthouse is a detached structure with living quarters and is intended for the temporary stay of occasional guests.
- (2) A guesthouse may not contain a stove, oven, range or cooktop.
- (3) A guesthouse may not be rented or used as a separate dwelling.
- (4) A guesthouse may not be constructed unless the property contains a primary residence.
- (5) If a guesthouse is constructed, no detached storage structure is permitted unless the property is in the R-1 zoning district.

(6) A guesthouse shall not exceed one percent of the lesser of (a) five acres or (b) the area of the property if the property is not divisible in the current zoning district or, if it is divisible, the zoning district's minimum lot size.

(7) A guesthouse may not have a separate postal address.

(g) *Historically significant structures used as private clubs or private lodges.*

(1) A structure is only historically significant if it is listed on the National Register of Historic Places or has been designated a local landmark by the Mequon Landmarks Commission.

(2) No more than one vehicle may be temporarily parked in a driveway in front of the primary structure. All other exterior parking shall be located on the side or rear of the primary structure, shall be offset at least 30 feet from all property lines and shall be screened with all-season vegetation from any adjoining one-family dwelling or two-family dwelling.

(h) *Bed and breakfast establishments.* Bed and breakfast establishments shall be licensed under, meet the requirements of and be operated in accordance with Wis. Stat. § 97.01 and Wis. Admin. Code § ATP 73, as amended or renumbered from time to time, and all other applicable laws.

(i) *Landscape contracting businesses.*

(1) The business shall occupy no more than 10 acres.

(2) No outside storage of materials or equipment.

(3) The business and its primary operations must be at least 500 feet from any dwelling on any adjoining parcel.

(4) No on-site sales of mulch or other related products.

(Ord. No. 2021-1591, § I(Exh. A), 6-8-2021)

Sec. 10-56. - Architectural board.

No permit shall be issued for the erection, remodeling or placement within the City of Mequon of any building until the approval of the architectural board has been obtained and such approval plans are received by the building inspector review and approval of the architectural board shall be in lieu of the review and approval required by the planning commission in section 30.07(7) of the Wisconsin uniform building code.

(Code 1957, § 5.02(3); Ord. No. 2008-1238, § I, 4-8-2008)

Sec. 58-249. - Technical requirements of residential districts.

(a) Generally, Table 58-249 sets forth the technical requirements for each residential zoning district.

Table 58-249	R-1									
	Estate Lot Design	Conservation	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Minimum Lot Size	5.0 acres (217,800 sq. ft.)	0.75 acres (32,670 sq. ft.)	2.5 acres (108,900 sq. ft.)	2.0 acres (87,120 sq. ft.)	1.5 acres (65,340 sq. ft.)	1.0 acre (43,560 sq. ft.)	0.75 acres (32,670 sq. ft.)	0.5 acres (21,780 sq. ft.)	1.0 acre (43,560 sq. ft.)	One-bedroom units, 6,000 square feet (i.e., 7.26 units per acre) Two-bedroom units, 7,000 square feet (i.e., 6.2 units per acre) Three-bedroom units, 10,000 square feet (i.e., 4.35 units per acre)
Density	N/A	One dwelling per five acres	N/A	N/A	N/A	N/A	N/A	N/A	Four units per acre	N/A
Minimum Living Area										

Attachment: Hannah Boyd Instyle Homes_variance packet_3800 W Grace (8212 : Hannah Boyd Instyle Homes packet 03-02-23)

Single-family dwelling units	1,800 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,800 sq. ft.	1,400 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,400 sq. ft.	N/A	N/A
One-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000 sq. ft.	900 sq. ft.
Two-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,200 sq. ft.	1,100 sq. ft.
Three-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,400 sq. ft.	1,300 sq. ft.
Maximum Building Height *										
Dwelling Height	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.
Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum Average Lot Width and Minimum Average Lot Length	300 ft.	N/A	200 ft.	200 ft.	175 ft.	150 ft.	130 ft.	120 ft.	150 ft.	150 ft.
Minimum Building Setbacks										

Local Streets	100 ft.	See text	50 ft.	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 feet (planning commission may vary to no less than 25 feet)
Expressways —Freeways	100 ft.	See text	200 ft.	75 ft.	200 ft.	200 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Primary Arterials	100 ft.	See text	100 ft.	75 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Secondary Arterials	100 ft.	See text	80 ft.	75 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.
Local Arterials	100 ft.	See text	70 ft.	75 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.
Minimum Building Offset										
Generally	30 ft.	30 ft.	25 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft. (side); 35 ft. (rear)	15 ft.
Building or structures housing livestock	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	N/A	N/A	N/A
Maximum Lot Coverage Percentage	5%	10%	10%	10%	15%	15%	15%	20%	30%	30%

* See section 58-418(d)

Attachment: Hannah Boyd Instyle Homes_variance packet_3800 W Grace (8212 : Hannah Boyd Instyle Homes packet 03-02-23)

(b) *Explanations.* As used in Table 28-248:

- (1) Minimum living area shall be measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).
- (2) Minimum building setback shall be measured from the ultimate right-of-way line of each public street, road, or highway which abuts the subject property.
- (3) Minimum building offset shall be measured from each side and rear lot line other than a lot line subject to a minimum building setback.
- (4) Maximum lot coverage percentage shall be the percentage of a property covered by buildings and structures.

(c) *Special maximum lot coverage standards.*

- (1) Maximum lot coverage percentage shall not apply to a residential planned unit development unless the common council determines otherwise in the ordinance that creates the planned unit development.
- (2) If a property is in the R-1 through R-3 zoning districts and the property is smaller than the minimum lot size for the zoning district in which it is located, the maximum lot coverage percentage shall be the percentage applicable to the zoning district with a minimum lot size smaller than, but closest in size to, the property.

(Ord. No. 2021-1591, § I(Exh. A), 6-8-2021)



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				

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0 0.0075 0.15 0.03 0.045 0.06
mi

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

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Legend

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

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0 0.003 0.0075 0.015 0.0225 0.03 mi

OZAUKEE COUNTY

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