



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 3, 2022
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of November 4, 2021
- 3) Hear evidence concerning; debate, deliberate and decide the request of:
 - a) Applicant: Patricia M. Freymuth
Owner: Rick and Patricia Freymuth
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Patricia M. Freymuth requesting a variance from Section 58-247 (a) (b) and Table 58-249 of the City of Mequon Code of Ordinances in order to retain the existing carport that exceeds the required offset and permissible size at 11512 N. Wauwatosa Road.
 - b) Applicant: Kathleen A. Solórzano
Owner: Kathleen A. Solórzano
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Kathleen A. Solórzano requesting a variance from Section 58-416 (e) and Table 58-249 of the City of Mequon Code of Ordinances in order to add an addition that exceeds the required offset at 11019 N. Cedarburg Road.
- 4) Adjourn

Dated: February 17, 2022

/s/ Kathleen Massey, Chairman

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, 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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Office of the City Clerk

BOARD OF APPEALS
Thursday, November 4, 2021
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 William Komisar
Board Member Ramona Larson
Board Member Joseph Russell
Board Member Robert Stern
Board Member Thomas Flanagan -- **Excused**
Board Member Lori Kornblum -- **Excused**

Also Present: City Clerk Caroline Fochs, City Attorney Brain Sajdak, Inspection Supervisor Mike Hadley, press and interested public.

2) Approve meeting minutes of May 20, 2021

Motion to approve meeting minutes of May 20, 2021.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Stern

AYES: Massey, Komisar, Larson, Stern

ABSTAIN: Russell

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

Applicant: Steve Ketterhagen
Owner: Omar Ben Avraham
Address: 4430 W. Grace Avenue

Attachment: 11-04-21_Draft BOA minutes USE THIS (7065 : Board of Appeals minutes of November 4, 2021)

Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Steve Ketterhagen on behalf of Omer Ben Avraham, requesting a variance from Section 58-239 R-4 (k) of the City of Mequon Code of Ordinances in order to add an addition that exceeds the allowable lot coverage at 4430 W. Grace Avenue

All parties appearing before the Board of Appeals were sworn.

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

Inspection Supervisor Hadley stated that the appellants are requesting a variance to zoning district lot coverage. The current structure is 2,020 square feet and already exceeds the maximum lot coverage by 5.2%. The proposed addition will be 2,819 square feet and adds another 8% lot coverage to the parcel. He added that the existing lot is only .23 acres or approximately 10,000 square feet and the proposed work does meet all setback requirements and there will be no issues with flood fringe. Mr. Hadley explained that the city's ordinance is meant to ensure that oversized structures are not placed disproportionately on lots.

Steve Ketterhagen, who represents the homeowner, stated that the property was purchased for its views of the river and neighborhood. It is old and dated, contrary to neighboring properties that have been built and/or updated. The intent is to expand towards the river and create a better and more obvious entry. He noted that when the R-4 lot coverage zoning went into effect this property was already non-conforming. The property abuts the beach and it is the contention of the appellant that the property will not look over built because of the beach area. Building a second story was cost prohibitive at this time.

Exhibit #1, which was three existing /proposed photographs of the outside of the property, was read into the record.

The property owner, Mr. Ben Avraham, stated that the current home is small and ugly and the proposal will benefit the neighborhood aesthetically and will raise property values.

The following residents spoke against approving the variance: James Fox and Steve Peterman citing the need for an update, but the additional square footage would be over build for the beach property.

The following residents spoke in favor of approving the variance: Keith Plambeck and Michael Krchma commenting on conformity to setbacks, patio and driveway placement, partial ownership of beach property and the project will not encroach on anyone's views.

Bill Wandsnider did not express an objection to the plans but hoped that counter measures can be used to mitigate ground water runoff.

The property owner, Mr. Avraham, stated he wants a house as aesthetically pleasing, updated and as large as the other homes in the area.

Further Board discussion ensued on the lot coverage and building permit histories, as known, of the neighboring properties to the west of the subject property.

Motion to close the public hearing.

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

AYES: Massey, Komisar, Larson, Russell, Stern

Board discussion ensued:

- This small lot would not be approved now with current rules.
- Unfair to hold the current owners to today's standards.
- Not asking for a significant increase in size.
- Aesthetically pleasing from street side and beach side.
- Request for variance would not be contrary to public interest, nor impact public safety, nor impact anyone's view.
- Non-conforming lots can create a hardship.

Motion to approve the variance to exceed the allowable lot coverage.

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

AYES: Massey, Komisar, Larson, Russell, Stern

4) Adjourn

Motion to adjourn at 7:23 PM.

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

AYES: Massey, Komisar, Larson, Russell, Stern

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: PATRICIA M. FREYMUTH Address: 11512 N. WAUWATOSA RD.

City/zip: MEQUON, WI 53097

Owner: RICK & PATRICIA FREYMUTH Address: (SAME)

City/zip: _____

Contact Person/Name: PATRICIA M. FREYMUTH

Phone Number: 414.218.5505 Email: inside.thebox@wi.w.com

TO THE BOARD OF APPEALS:

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

58.247(a)(b), 58.249
58.238 R-3

11512 N. WAUWATOSA RD. MEQUON

(street address or legal description)

in order to: RETAIN THE "CARPORT" IN QUESTION FOR A PERIOD
OF 5 YRS. AND SIX MONTHS (AUG. 2027). WE WILL ADD
AN APRON TO THE FRONT OF WHITE ALUMINUM SIDING THAT
MATCHES THE GARAGE, AT WHICH POINT IT WILL BE SOLD,
DISMANTLED AND REMOVED FROM THE PROPERTY.

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>[Signature]</u>	Received Date: <u>2/17/2022</u>
Parcel #: <u>140 221 000 600</u>	Hearing Date: <u>3/3/2022</u>
Zoning District: <u>R-3</u>	Receipt #: <u>3506-0054</u>
Alderman & District #: <u>District 3, Alderman Mayr</u>	Published: <u>2/17/22</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 Rd 60W
 Mequon, WI 53092-1930
 Phone (262) 236-2925
 Fax (262) 242-9655
mhadley@ci.mequon.wi.us

INSPECTION DIVISION

January 26, 2022

Rick & Patricia Freymuth
 11512 N Wauwatosa Rd
 Mequon, WI 53092

Dear Freymuth's:

I am writing regarding the property you own at 11512 N Wauwatosa Rd and the denial of your building permit application, to retain the existing 24' x 27' carport. The following reasons explain the decision for denial.

- ~~SB-247, SB-249~~
~~SB-236 R-3~~
- 1) Section ~~58-236 R-3~~ Residential Zoning
 - (c) Permitted accessory uses:
 - 1 (b) Any property having a residence without an attached garage shall be permitted one principal detached garage not to exceed 800 square feet in area. The existing detached garage is 440 square feet.
 - 1 (d) Any property may have in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area. Existing carport is 648 square feet
 - (j) Minimum building offset shall not be placed closer than 20' to a side or rear lot line.
- Required offset: 20'
 Current offset violation: 9 ½'
- 2) Section 10-55 Application for permits
 - (a) *Survey*. The survey shall be prepared and certified by a surveyor registered by the state; shall be made in no case prior to one year prior to the issuance of a building permit; and shall bear the date of the survey.

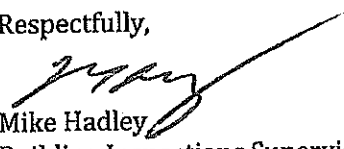
Please remember the following information if you decide to request a variance:

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.

I have enclosed an application for the Board of Appeals which should be returned to the City Clerk with a check for \$215.00.

If you have any further questions, feel free to call me at 262-236-2925 during normal business hours.

Respectfully,



Mike Hadley

Building Inspections Supervisor

cc: Pa Phouala Vang, City Planner
City of Mequon City Clerk's Office
Karen Heil, Inspections Coordinator

Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing packet)

Caroline Fochs

From: Mike Hadley
Sent: Thursday, February 10, 2022 3:20 PM
To: Caroline Fochs
Subject: RE: New Code Reference

Freymuth Submittal

Section 58-238 R-3 Residential Zoning can be changed to Section 58-247 Permitted accessory uses in residential districts (a) (b)

Letter (j) minimum building offset can be changed to reference Table 58-249 Technical requirements of residential districts R-3 column

Solarzano Submittal

Section 58-239 (j) can be changed to Section 58-249 Reference Table 58-249 Technical requirements of residential districts R-4 column. Allowed offset reduction is permitted under Section 58-416 (e)

Mike Hadley
 Building Inspections Supervisor
 11333 N Cedarburg Road
 Mequon, WI 53092
 Office: 262-236-2925
 Cell: 414-807-7564
 Fax: 262-242-9655
 Email: mhadley@ci.mequon.wi.us

From: Caroline Fochs <cfochs@ci.mequon.wi.us>
Sent: Thursday, February 10, 2022 2:01 PM
To: Mike Hadley <mhadley@ci.mequon.wi.us>
Subject: RE: New Code Reference

Would you like me to correct the letter and application to reflect this? Also, the other code citation is incorrect. Please let me know the correct code for Freymuth.

From: Mike Hadley <mhadley@ci.mequon.wi.us>
Sent: Thursday, February 10, 2022 1:52 PM
To: Caroline Fochs <cfochs@ci.mequon.wi.us>
Subject: New Code Reference

Solarzano Submittal

Section 58-239 (j) can be changed to Section 58-249 Reference Table 58-249 Technical requirements of residential districts R-4 column. Allowed offset reduction is permitted under Section 58-416 (e)

Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing packet)

February 6, 2022

Board of Appeals - Mequon, Wisconsin

Variance Application

February 10, 2022

It was brought to our attention in October 2021, that a temporary "carport" we installed on our property was not code compliant.

When our home was built by the previous owners in 1949, for reasons we don't completely understand, they chose to locate the house and the garage in the far Southeast corner, and the driveway only 10 feet away from the neighboring church parking lot to our south. This leaves very little option for maneuvering, parking, or storing recreational equipment (camper/boat). However, we anticipate part of the reason for the driveway being located close to the southside of the property; as heading northbound on Wauwatosa Rd is a hill that restricts traffic view.

In 2018 we recognized that our driveway was beyond another repair or top coat. We had the full length excavated and replaced. It was at that time we made the decision to also pave the open space to the east of our garage where we had previously added traffic bond (gravel) a few years before. We also noticed the TYVEC boat enclosure we had in place for 5+ years was also showing wear and thought it feasible to add something that would not be compromised by snow load or high winds; as that unit had. In researching options, we found a unit that was rated for snow load, winds, and to install it correctly, required 10 anchor points with concrete piers, so that work was completed while the driveway was excavated and before pouring of the new asphalt. We intentionally chose to also have this structure be white to match the house and garage.

We knew that our setback for a permanent structure, addition or replacement of existing garage was 20 feet and chose this unit misunderstanding that it would be acceptable because it was "temporary". We were not intending this unit to be permanent, only serve us until I retire in 5 years and we plan to sell the house and move south. All we were trying to accomplish was to protect the camper and the boat from the beating weather brings; both sun and snow. We even chose to enclose the back side of the carport so our neighbor to the north wouldn't be looking at the back of our boat and camper.

It was brought to our attention that a complaint was filed which forced us to address this situation, and we believe it is likely our neighbor to our east, not because the carport is unsightly or dangerous, but because of conflict. I will explain....we bought our home in 2007 and quickly came to realize the bushes the previous owner planted that bordered the entire east and part of the south of our yard were never intended to be hedges. They were bushes, which didn't matter when all that was behind us was a field. These bushes were very high maintenance to try to keep looking nice so we decided to level them and let them re-grow back. This is when we met the "new" neighbor, who was very unhappy we cut down our bushes. He asked us to put up a fence, but we had no want or need for a fence, as we are empty nesters. We have no small children or pets.

He then hired a crew to come move 16 very large pines that were formerly part of the berm at the back (southside) of his property (see the Google Earth picture included from 2018) to gain back some privacy and/or block view of our back yard. We didn't mind except he did so without consulting a survey for placement based on the size the trees already were and how much more they would continue to grow.

Fast forward to 2018-19, there were a few incidents involving criminal activity in the graveyard behind the church parking lot after the former pastor retired and moved away, and 2 incidents of uninvited and scruffy looking strangers coming up our driveway and then leaving quickly when they saw one of us. That was when we decided to cut down and pull roots on the bushes on our south border, between us and the church. We also updated the

light at the peak of our garage to LED dusk to dawn and added several cameras covering our driveway and the church parking lot. We also cleaned up bushes at the southeast corner which again upset our east neighbor. Within days he had a crew come by to start measuring to now add a fence. I went outside when I could see he was instructing them to mark it on the lot line itself. I reminded him that he should get a survey and would need a permit. Up went his 6'-2" high fence, 3 feet off the lot line and in most cases up against the trunks of the pines he had moved years earlier; which meant all lower branches had to be cut off to make room for the fence.

We don't mind the fence; as it allows his children and dogs to play in their own boundary lines; , however I was curious when I was given the documentation from City of Mequon regarding our carport that was not 20ft setback, it also noted that fences over 4 feet also must abide to the 20ft setback policy and wondered how or why he was allowed to install a fence 6'-2" high? This permit was closed in error; and I understand the City Attorney has been made aware. But what will be the outcome? Will my neighbor need to have his fence comply with the setback policy? If that were to happen, it would move his fence in front of his pines and place 16 unsightly hacked up trees in our visible field, and that won't make us happy at all.

It was apparent my neighbor was upset when he moved trees and when he installed his fence, but I believe my requesting a survey and permit so his fence wasn't on the lot line made him angry enough to complain about our carport a structure that nobody can can really see, including him.

We are willing to add an apron to the front of the carport using white aluminum siding that matches our house and garage to hide the exposed cross members and give it a more finished look (see drawing), and we are open to additional suggestions you may have.

The pictures I have included clearly show the stakes placed when the neighbor had the survey done 2019 for the fence. You will have record of that from his permit, so I saw no need

to pay for another.

Because of this unfortunate situation we are requesting a Board of Appeals Variance to last 5 years and 6 months, and will then voluntarily take down the carport, as the boat and camper will also be sold at that time.

We appreciate your consideration in this matter and hope our variance is granted. If for any reason it is not granted, we are seeking until September of 2022 to coordinate the people needed to safely deconstruct this carport.

Sincerely,



Patricia and Rick Freymuth

11512 N. Wauwatosa Rd.

Mequon, WI 53097

(414) 218-5505



Image capture: Aug 2018 © 2021 Google

Mequon, Wisconsin
Google
Street View - Aug 2018



DRIVEWAY

♦ CARPORT NOT SEEN FROM
WAUWATOSA ROAD.

Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing



Image capture: Aug 2018 © 2021 Google

Mequon, Wisconsin
Google
Street View - Aug 2018



NORTHBOUND

Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing



Image capture: Aug 2018 © 2021 Google

Mequon, Wisconsin

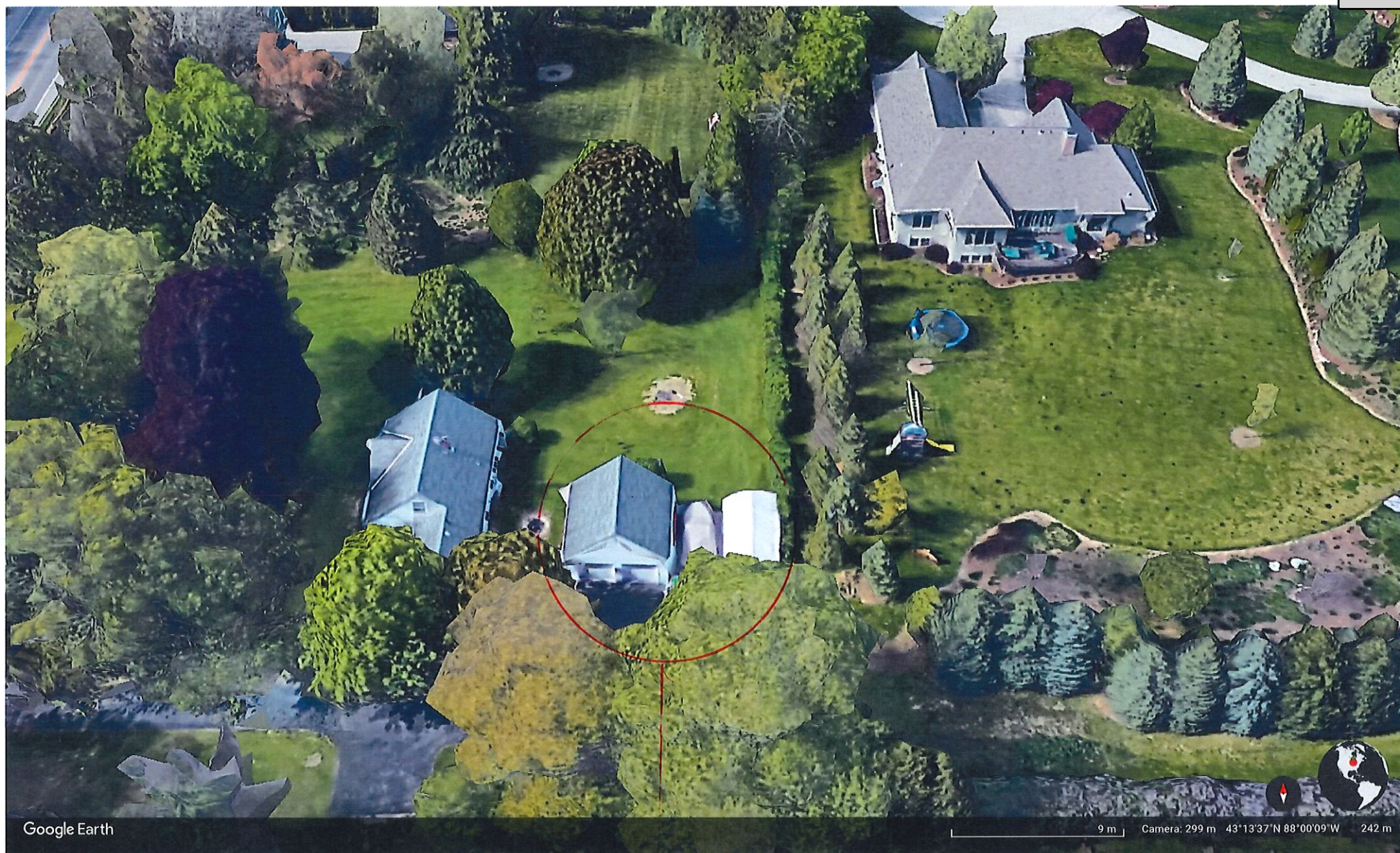
Google

Street View - Aug 2018

SOUTH BOUND



Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing



GOOGLE EARTH 2018
BOAT / CAMPER ENCLOSURE **FORMERLY (TYVEX)**
IS NOW RIGHT OF GARAGE
HIDDEN BY TREES



INTENTIONAL
DESIGN
(OPEN)

@ VALLEY S.
SNOW or Ice
won't collect



a

Please notice height of neighbors trees

Attachment: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing



a



RIGHT
SIDE
9½ FT
FENCE
ENCLOSURE





a



VersaTube Building Systems
50 Eastley Street
Collierville, TN 38017

800-810-2993
sales@versatube.com
support@versatube.com

PRICE

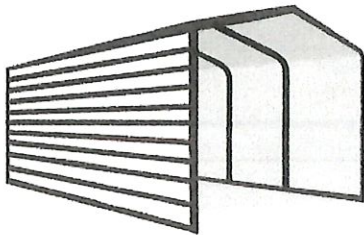
Custom Structure Technical Specification

Monday, September 23th 2019, 08:46 AM

Design ID: 7

STRUCTURE TYPE

Classic - 2-sided



Description:

24'x27'x11' Classic 2-sided, 4' on center

WITH ADDED BACK SIDE

FRAME SPECS



WIDTH
24'

LENGTH
27'

HEIGHT
(SIDEWALL)
11'

This structure is engineered to meet or exceed your local building code requirements of:

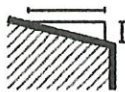
30lbs GROUND SNOW LOAD	21lbs ROOF SNOW (LIVE) LOAD	90MPH WIND LOAD

* Source: IBC 2009

Structure will be anchored to:

Concrete

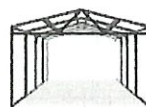
REV 53097



ROOF
PITCH
3:12



ON CENTER
SPACING
4'



TRUSS BRACE
TYPE
Type 2



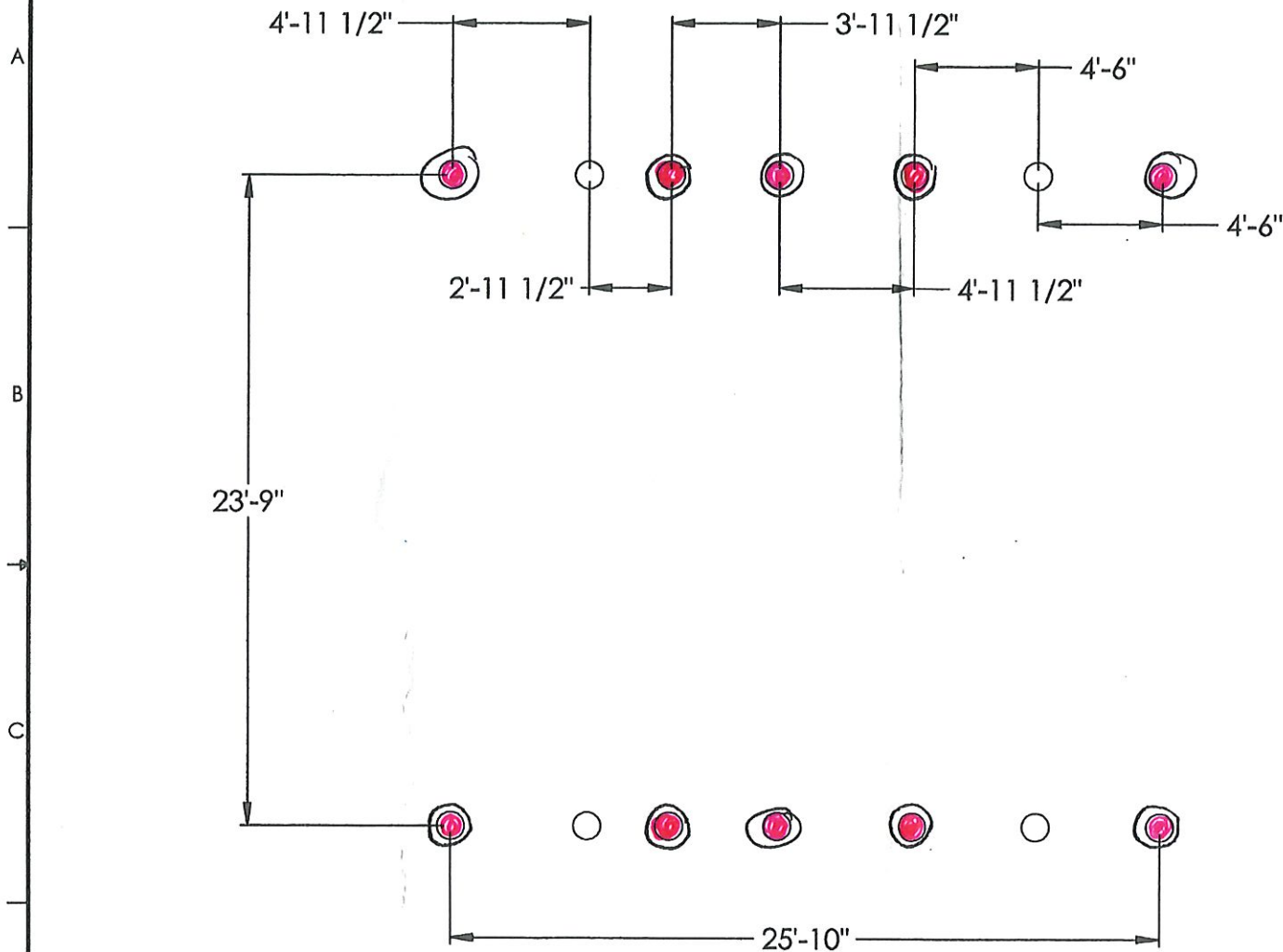
GROUND-TO-
TRUSS CLEARANCE
10' 11 1/4"



FRAME
WEIGHT
1414 lbs

Steel Specifications

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF
VERSATUBE BUILDING SYSTEMS. ANY REPRODUCTION IN PART OR WHOLE WITHOUT
THE WRITTEN PERMISSION OF VERSATUBE BUILDING SYSTEMS IS PROHIBITED.



NOTE TO BUILDING DEPARTMENT OFFICIAL:
THESE DRAWINGS AND/OR CALCULATIONS ARE
VALID ONLY FOR STRUCTURES MANUFACTURED
BY VERSATUBE BUILDING SYSTEMS. VERIFICATION
IS RECOMMENDED PRIOR TO BUILDING
APPROVAL.

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VersaTube®
BUILDING SYSTEMS

PROJECT: VERSATUBE DETAIL

TITLE:

DWG NO: CF224270115M PIER LAYOUT

DRAWN BY: A. STRICKER

DATE: 7/12/2019

ANCHORING TO GROUND WITH 30" REBAR ANCHORS IN CONCRETE PIERS: Normally provided with carport.

DIGGING HOLES FOR CONCRETE

Mark the locations of the rails and the anchor holes on the ground. Move the base rails to one side and dig holes at each anchor point for concrete. You may want to rent a gas-powered post hole digger with an 8" or 12" diameter auger for this job.

HOLE SIZE:

Counties with 70 or 80 mph Exposure C wind: Use a 12" diameter hole 14" deep or a 8" diameter hole 18" deep.

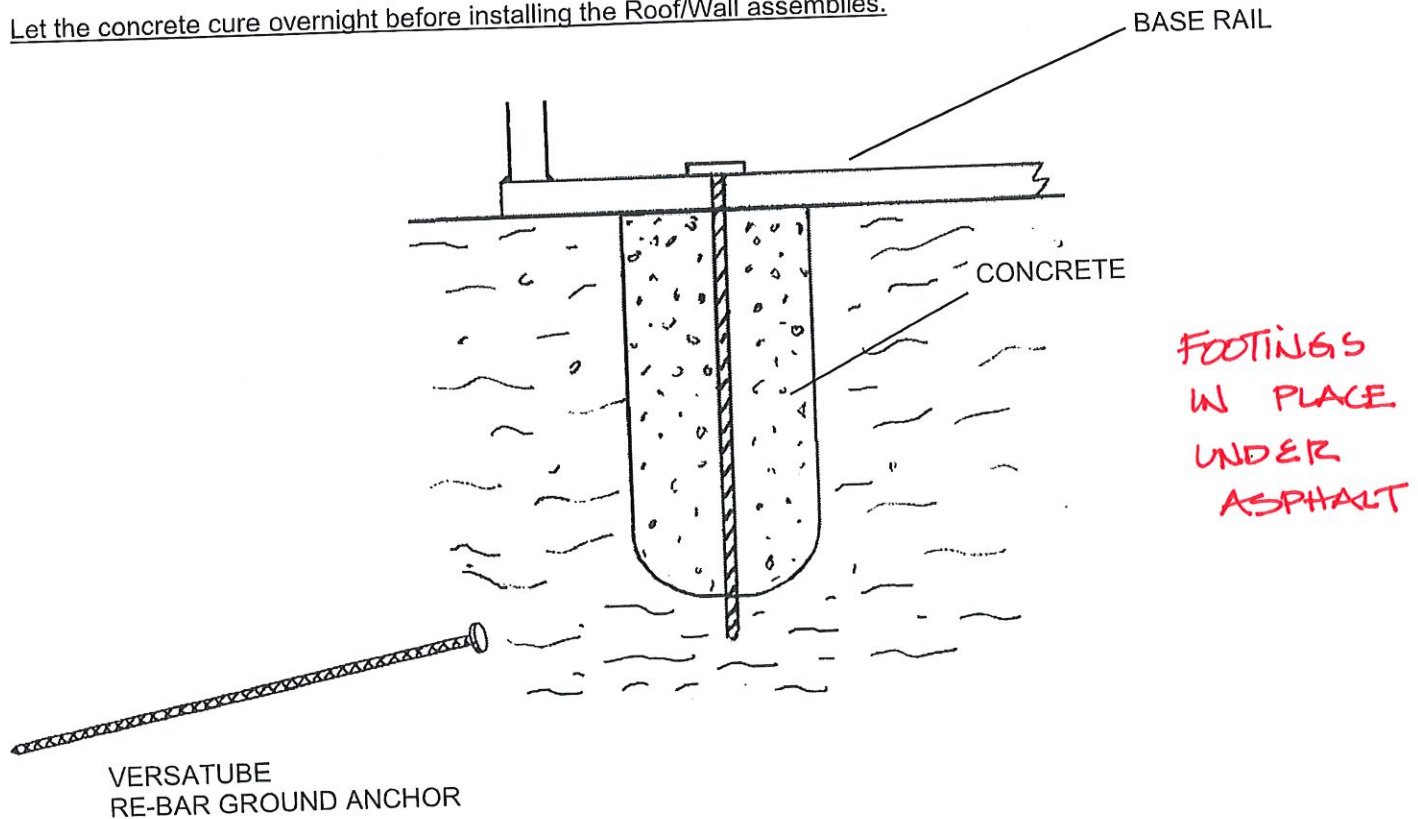
Counties with 90 mph Exposure C wind: Use a 12" diameter hole 18" deep or an 8" diameter hole 24" deep for 12' to 20' wide carports. For 24' and 30' wide carports, use a 12" diameter hole 21" deep or a 8" diameter hole 30" deep.

NOTE: Your county may require deeper or larger holes due to frost depth, etc. Consult with a VersaTube Engineer or an official from your county's building code enforcement office if concerned.

ANCHORING

Move the base rails back into position over the holes. Re-measure to make sure the rails are in the proper location (see layout on page 6). Now drop or drive a VersaTube 30" re-bar ground anchor Mix up concrete and pour into holes up to ground level. You may want to rent a mixer for this job. Before the concrete sets, re-check all your dimensions to make sure the frame is square and has the proper width.

Let the concrete cure overnight before installing the Roof/Wall assemblies.



NOTE: If it is necessary to assemble and anchor the carport all in one work session, you can anchor the carport after it is complete. If you assemble the frame and install sheet metal before anchoring the base rails, it is important to have the site prepared and level. This will allow you to get the frame square and the sheet metal properly aligned with the frame.

FREYMUTH RESIDENCE
 11512 N. WAUKATOSA RD.
 SCALE 1/4" = 1'-0"

EXISTING GARAGE AND TEMPORARY CARPORT
 (12.10.21)

24'-6"
 (SPAN AT PEAKS)

PRE-EXISTING GARAGE c. 1950
 (ALL FRAMING 2x6)

CAMPER/BOAT CARPORT

* DESIGNED/RATED
 30 LBS SNOW LOAD
 21 LBS LINE LOAD
 90 MPH WIND LOAD

DARK BROWN
 3 TAB ASPHALT
 SHINGLES
 WHITE
 ALUMINUM SIDING

17'-6" H
 LED (DARK-DARK)

WHITE STEEL EXTERIOR/ INTERIOR

14'-6" H

proposed
 apron

GALVANIZED
 3"x3" PRESSURE TIT
 FRAMING

INTENTIONALLY
 DESIGNED
 OPEN @
 VALLEY

(NO ELECTRIC)
 FINISHED BACK

ANCHORS
 w/ CONCRETE

ANCHORS
 w/ CONCRETE

GRASSY AREA

LOT LINE
 LAST
 SURVEYED
 2019

NEIGHBOR
 PINES
 (MOVED w/
 SURVEY 2019)

NEIGHED
 NEA
 FENCE
 6' H
 (NOT
 CODE
 COMPL)

PATIO
 HERE

22'-0"

24'-0"

9 1/2'

MEMORANDUM

To: Board of Appeals
From: Mike Hadley, Building Inspection's Supervisor
Date: March 3, 2022
Subject: Freymuth Appeal for property located at 11512 N Wauwatosa Rd

Background: The appellant is requesting a variance to Section 58-238 R-3 Single-family suburban residential district. Section 58-238 states the following:

Sec.58-238 R-3 single-family suburban residential district

The R-3 district is intended to provide for large lot single-family residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

There is no technical, quantitative standard listed in 58-238 in which to request a variance. The appellant's stated variance application cannot be substantiated.

Variance:

The appellant's application states the following:

"Retain the "carport" in question for a period of 5 years and 6 months (August 2027). We will add an apron to the front of white aluminum siding that matches the garage, at which point it will be sold, dismantles and removed from the property."

Analysis:

On January 26, 2022, The City of Mequon Inspections Division issued a denial letter for the appellant's above referenced carport. The carport violates the following sections of the code:

Section 58-38(c)

No building shall be erected, structurally altered, or relocated within the City of Mequon until a building permit has been issued by the building inspector certifying that such building, as proposed, would be in compliance with the provisions of this chapter and with the building code of the city. An application for a building permit shall be made in conformity with the requirements of the building code of the City of Mequon.

Section 58-247 (b) Garages and carports

(2b) If there is a residence without an attached garage, one principal detached garage not to exceed 800 square feet in area shall be permitted.

The appellant has a detached garage located on the site and is 440 square feet. In addition to the detached garage, the appellant has installed the subject carport on site which is 648 square feet.

Table 58-249 Technical requirements of residential districts (see R-3 column Exhibit 1)

Structures require a side yard offset of 20 feet

The appellants' carport is offset at 9.5 feet based on drawing. An updated certified survey is necessary to confirm. Therefore, the appellant violates the side yard offset required by code.

According to the appellant, the carport has been in place since approximately 2018. In addition to violating the side yard offset, the carport is deemed permanent and was installed without an authorized building permit. Further, the carport installation violates section 10-56, because the appellant did not receive Architectural Review Board approval as required:

Section 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.

The appellant's claim of hardship lack substance. A lack of understanding of code requirements is not a justified hardship. The attempt for compatibly with the home based on materials or colors is not a justified hardship. A lack of amenable relationship with neighboring property owners is not a justified hardship.

Accessory use:

The appellant does not demonstrate a hardship to permit an additional accessory use/structure.

Side yard offset:

The appellant does not demonstrate a hardship in which to violate the offset and based on staff's assessment of the property, there are other locations in which a structure could be placed in compliance with the required side yard offset (see Exhibit 2).

Temporary, definition of:

The appellant states that the accessory use is temporary despite its length of time already present on the site and that it is anchored by at ten (10) points and with concrete piers. Structures greater are permanent when in place for a period of more than 9 months in accordance with the following definition of section 58-8:

Section 58-8

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 City Zoning Code, per Section 58-173 Temporary Uses and structures, states the following, among other standards and processes:

Section 58-173

(2) A temporary use is limited to nine months or less, unless approved by planning commission. No temporary use shall be allowed for greater than 18 months.

The Board of Appeals does not have authority to grant a temporary use or structure beyond 9 months per section 58-173.

Per Section 58-41 of Chapter 58, Zoning Code, the Board of Appeals shall determine if such variance will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

Staff Summary:

The appellant does not meet the requirements to allow for a variance for 58-238, as the appellant's application states nor is there a substantiated hardship for any of the other standards of the code identified by city staff for which the current condition on the subject site applies.

Staff Recommendation:

Staff recommends denial of the appeal.

EXHIBIT 1

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										
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)

(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)

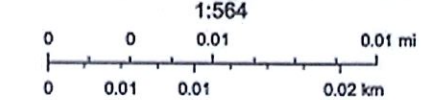
Exhibit 2

City of Mequon

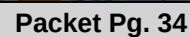


2/16/2022, 10:29:59 AM

- | | | | | |
|-------------------|-------------|-------------------------|---------------|------------|
| Parcels | Condominium | Tax Parcel | Local Roads | Highways |
| Road Reservation | Gap | Historical Parcel Lines | Private Road | US Highway |
| Road Right-of-Way | Overlap | Town/Public Road | State Highway | |



Milwaukee County GIS & Land Information | Source: USDA NRCS, Esri |



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									
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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: Freymuth BOA hearing packet_11512 N Wauwatosa Rd (7062 : Patricia M Freymuth hearing packet)

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.
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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)

(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)

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.
- (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.

(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.

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Kathleen A. Solórzano Address: 11019 N. CEDARBURG Rd.
 City/zip: Mequon, 53092
 Owner: Kathleen A. Solórzano Address: 11019 N. Cedarburg Rd.
 City/zip: Mequon, WI 53092
 Contact Person/Name: Kathleen A. Solórzano
 Phone Number: 414-640-4093 Email: Kathysolorzano52@gmail.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-239 R-4
 regarding: 11019 N. Cedarburg Rd., Mequon 53092 Residential zoning

"ej) Minimum building offset shall not be placed closer than 20' to a side or rear lot line. ^(street address or legal description) Since this lot does not meet minimum width required, an allowed reduction to 15' is allowed."

in order to:

↓ build an addition to my home with the, to quote from Mr. Mike Hadley's letter, "Current offset: 13.6 Proposed offset: 13.6 to 13.8' structure set at an angle."

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 off/and indicating area where appeal/variance is requested
4. Elevation drawings if appropriate (4 views)

FOR OFFICE USE ONLY	
Receiving Officer: <u>Kathleen Andrzejowski</u>	Received Date: <u>2/9/2022</u>
Parcel #: <u>140 500 414 800</u>	Hearing Date: <u>3/3/2022</u>
Zoning District: <u>R-4</u>	Receipt #: <u>3506-0032</u>
Alderman & District #: <u>Dist. #4, Ald. Hansher</u>	Published: <u>2/17/22</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.

RECEIVED

FEB 09 2022

MEQUON CITY CLERK

G:\Board of Appeals\FORMS\FORM_Variance_Application.doc

Attachment: Solorzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)



11333 N. Cedarburg Rd 60W
 Mequon, WI 53092-1930
 Phone (262) 236-2925
 Fax (262) 242-9655
mhadley@ci.mequon.wi.us

INSPECTION DIVISION

January 7, 2022

Kathleen Solorzano
 11019 N Cedarburg Rd
 Mequon, WI 53092

Dear Kathleen:

I am writing regarding the property you own at 11019 N Cedarburg Rd and the denial of your building permit application, to construct a 14' x 14' addition on your home. The following reasons explain the decision for denial.

- 58-249, 58-416 (e)*
- 1) Section ~~58-239~~ R-4 Residential Zoning
 - (j) Minimum building offset shall not be placed closer than 20' to a side or rear lot line. Since this lot does not meet minimum width requirements an allowed reduction to 15' is allowed

Required offset: 20' allowed 15' for adjusted lot width

Current offset: 13.6'

Proposed offset: 13.6' to 13.8' structure set on angle

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.

I have enclosed an application for the Board of Appeals which should be returned to the City Clerk with a check for \$215.00.

If you have any further questions, feel free to call me at 262-236-2925 during normal business hours.

Respectfully,

Mike Hadley
 Building Inspections Supervisor

cc: Pa Phouala Vang, City Planner
 City of Mequon City Clerk's Office
 Karen Heil, Inspections Coordinator

Attachment: Solorzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)

Caroline Fochs

From: Mike Hadley
Sent: Thursday, February 10, 2022 3:20 PM
To: Caroline Fochs
Subject: RE: New Code Reference

Freymuth Submittal

Section 58-238 R-3 Residential Zoning can be changed to Section 58-247 Permitted accessory uses in residential districts (a) (b)

Letter (j) minimum building offset can be changed to reference Table 58-249 Technical requirements of residential districts R-3 column

Solarzano Submittal

Section 58-239 (j) can be changed to Section 58-249 Reference Table 58-249 Technical requirements of residential districts R-4 column. Allowed offset reduction is permitted under Section 58-416 (e)

Mike Hadley
 Building Inspections Supervisor
 11333 N Cedarburg Road
 Mequon, WI 53092
 Office: 262-236-2925
 Cell: 414-807-7564
 Fax: 262-242-9655
 Email: mhadley@ci.mequon.wi.us

From: Caroline Fochs <cfochs@ci.mequon.wi.us>
Sent: Thursday, February 10, 2022 2:01 PM
To: Mike Hadley <mhadley@ci.mequon.wi.us>
Subject: RE: New Code Reference

Would you like me to correct the letter and application to reflect this? Also, the other code citation is incorrect. Please let me know the correct code for Freymuth.

From: Mike Hadley <mhadley@ci.mequon.wi.us>
Sent: Thursday, February 10, 2022 1:52 PM
To: Caroline Fochs <cfochs@ci.mequon.wi.us>
Subject: New Code Reference

Solarzano Submittal

Section 58-239 (j) can be changed to Section 58-249 Reference Table 58-249 Technical requirements of residential districts R-4 column. Allowed offset reduction is permitted under Section 58-416 (e)

Attachment: Solarzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)

February 8, 2022

Dear Board of Appeals and Mr. Hadley:

My name is Kathleen A. Solórzano, and I live at 11019 N. Cedarburg Rd., Mequon. After thirty-three years of teaching, the last nine of which I served as the Chair of the World Language Department, I retired from Homestead High School in June of 2020. I am reaching out to you to request a variance to build a 14' by 14' addition behind my present house on the property site consisting of my home, garage, and surrounding yard, to turn my house, where I have lived since 1988, into a safe "age in place" home in the community I love. In my application, you will read about the unique conditions regarding the offset on my property. Moreover, you will see plans from Oostburg Lumber, the official survey, and pictures of my property so that you can visualize everything more clearly. In addition, you will read letters of support and expert opinions from Don Reineking, my building contractor, Ed Hurlbutt of Oostburg Lumber, Aaron Anger, master plumber and owner of Advanced Comfort Systems, Inc., and my neighbors to the north and south of my property, Dawn & Dean Colgrove and Ventzislav Markov, respectively. In writing this letter and presenting you with all the aforementioned information, it is my absolute pleasure and challenge to acquaint you with the special circumstances surrounding my request for granting me a variance.

My home was built in 1937 and an addition was made in 1950. Due to its age and the unique conditions of the physical layout of the lot/property, it does not, nor can it physically meet the present offset requirements, even with the allowed 15' for adjusted lot width. In other words, I have not created this hardship, the characteristics of this lot have created it.

Moreover, having been brought up in a home where safety, common sense and practicality were paramount, all three of these concepts are of the utmost importance to me. The remodeling plans for the proposed addition will address these concerns. For example, in the winter or during inclement weather, I want to be able to exit my garage, walk up the stairs with the two railings for my safety and protection, and enter my home without having to walk all the way to the side door as I am presently compelled to do. I had a double knee replacement in 2008 and safety is always a concern. In addition, thinking of future physical difficulties that I may have, a very practical and safe solution is to move my laundry up to the first floor to avoid the steep basement stairs. The plumbing will be installed safely and meet the state plumbing code. If you will kindly refer to the letters from the professionals, you will note that they embrace and support my reasoning. In fact, Aaron Anger has emphasized that the plumbing has little, or no flexibility should the addition be done in any way other than the proposed plan.

It is also my intent to replace my present roof later this year. Something important to note is that my roofer pointed out that he could run a gutter from my present roof over to the proposed addition ensuring a gutter that would flow and NOT leak. I certainly would not want to have "raindrops keep falling on my head" after all that work! Plus, aesthetically, the addition and roof would look so much better not only for my home, but for our entire neighborhood! Again, as I previously noted, both of my neighbors who have property adjacent to mine to the north and south, are aware of my plans and the variance and have written letters of support.

Throughout my life, I have welcomed each new challenge with enthusiasm, determination, and faith. I have embraced the philosophy behind "everything happens for a reason" because it gives the setbacks in my daily life meaning. Therefore, I have always endeavored to espouse and demonstrate what Jimmy Dean has expressed so aptly: *I can't change the direction of the wind, but I can adjust my sails to always reach my destination.* And now, the destination towards which I am sailing is the variance that I am requesting from the Board of Appeals in order to build a safe and practical "age in place" home in my beloved community! Therefore, thank you very much for your consideration of my request!

Respectfully yours,



Kathleen A. Solórzano

Donald O. Reineking dba as General Contractor

2618 N. 24th St.

Sheboygan, WI 53083

1/26/2022

To Whom It May Concern:

We had an addition plan designed by Oostburg Lumber for Kathy Solorzano at 11019 N. Cedarburg Rd, in Mequon. We tried to keep the project as simple as possible and to be safe and practical.

If you look at the survey, it is clear that 47 feet of the existing house is 13 foot 6 inches off the south lot line. The proposed addition (14x14) was created as it was the most aesthetically pleasing with the existing architecture, siding and roof lines of the existing house. By moving the addition two feet to the north to satisfy the 15 foot setback, it will look horrendous, the roof lines will not match, and there will be an odd jog on the exterior that will look ridiculous. If approved as we're requesting, no one would ever be the wiser that an addition was even created as it will follow the existing site lines and architectural integrity/design of the home.

In summary, we would appreciate you applying a common sense approach to approving the addition as proposed and we thank the Board of Appeals and the building inspector for their consideration in this matter.

Sincerely yours,

Donald O. Reineking



1218 Center Avenue | P.O. Box 700258
Oostburg, WI 53070-0258
Phone: (920) 564-2378 | Fax (920) 564-3040

January 20, 2022

To Whom It May Concern:

We have designed an addition for a back hall entry and kitchen for Kathy Solorzano at 11019 N Cedarburg Road in Mequon. It is our understanding that Ms. Solorzano would like to do this addition so she would have easier access into her home from her garage, especially during winter months when weather is cold and treacherous.

When designing this addition, our goal was to keep the addition project simple and cost effective. This involved extending her home 14' in length and 14' in width, matching the existing width of her home. That described area also includes a design for a kitchen layout that would be easily accessible and potentially handicap accessible in the future. Since this addition is a restricted area, we request a variance. This addition will simply not work if we move it the 1'6" that is being requested. The cost to move it over the 1'6" and lack of space that would now be achieved in the kitchen area would not be feasible or cost effective. Therefore, this would prohibit Ms. Solorzano from doing this addition and remaining in her home for years to come.

Thank you for your consideration.

Sincerely,

Ed Hurlbutt, Owner
Oostburg Lumber Co., Inc.

Attachment: Solorzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)



*Sales & Service of Heating, Cooling, Venting, Geo-Thermal, Plumbing,
Gas Piping, Forced Air, Hydronic, & Radiant Floor Systems*

January 24, 2022

Re: 11019 N. Cedarburg Road

To whom it may concern:

This past October, I had the opportunity to visit the home of Kathy Solorzano at the above address. The purpose was to review a home addition project for plumbing and heating installation. Since the plan contained a lot of items in a very small space, a site visit was warranted. We considered potential changes to the plan in order to facilitate different dimensions, etc. for the project.

After review of the plan and the existing construction, we agreed the plan as drawn provided the best opportunity to add the necessary items for Ms. Solorzano to enjoy the use of her home now and in the future. While there would be some opportunity for flexibility on the hvac, it is the plumbing that has little to no flexibility to meet use needs and state plumbing code.

Respectfully,

Aaron Anger, Owner/Master Plumber
Advanced Comfort Systems, Inc.

Attachment: Solorzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)

February 2, 2022

To Whom It May Concern:

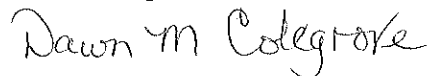
Our names are Dean & Dawn Colegrove and we live in our family duplex at 11027/11029 N. Cedarburg Rd. Our property is adjacent to Kathy Solorzano's (11019 N. Cedarburg Rd.) to the north. We are aware of her plans for an addition to her property and we also know that she is requesting a variance from the City of Mequon to be able to do that. We have absolutely no problems with her addition as she originally planned it. It will not affect our property. We also feel that what she wants to do is very practical. After having taken care of our grandma Pearl, who used to live in our present home, Kathy's safety as she gets older is very important to us. So, we hope that you will approve the variance so that she can stay in her home and be safe.

Sincerely yours,

Dean Colgrove



Dawn Colgrove



January 29, 2022

To Whom It May Concern:

My name is Ventzislav Markov and I live at 11011 N. Cedarburg Rd. My property is adjacent to Kathleen Solorzano's to the south at 11019 N. Cedarburg Rd. I have seen her plans for an addition to her property and I also know that she is requesting a variance to be able to do that. I have absolutely no problems with her addition. It will not affect my property. I think that it is a very good idea. It is also very practical for her to stay in her home safely as she gets older. I know this because I have helped her in the winter. So, I hope that you will approve the variance so that she can stay in her home and be safe.

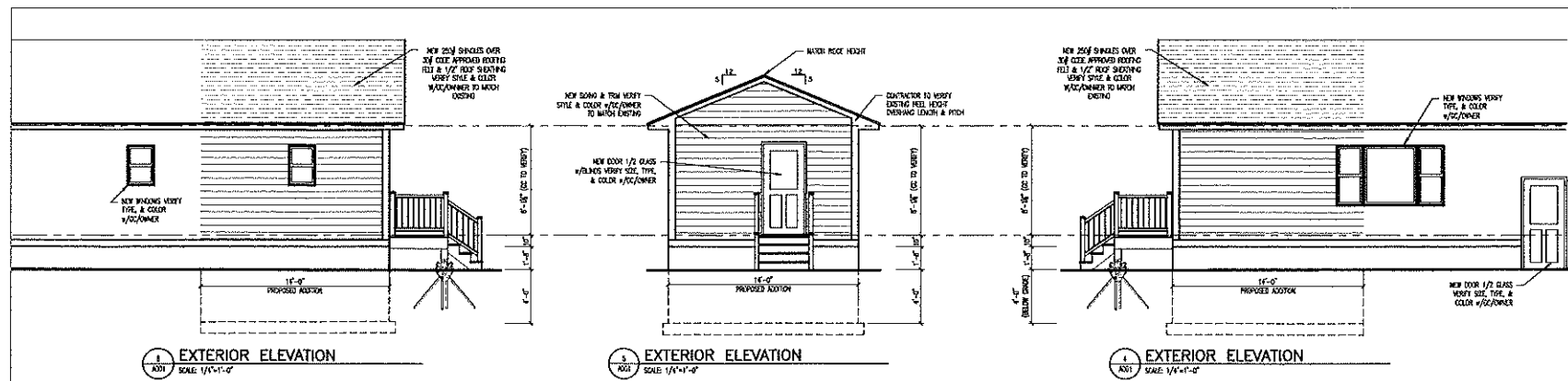
Sincerely yours,

Ventzislav Markov 01-31-22
Ventzislav Markov

Attachment: Solorzano BOA packet_11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)

Although every effort has been made in designing and preparing these plans and standing down for recovery, the contractor, owner, or sponsor must check all details and dimensions and be responsible for any omissions or adjustments required during actual construction. The licensee is also responsible to follow all state and local codes.

All dimensions are given in feet or inches of steel 2x4 (2" x 4") and (2" x 4")
 All window frames 2x4 in. or 2" x 4" and 2" x 4" and 2" x 4"
 All window frames 2x4 in. or 2" x 4" and 2" x 4" and 2" x 4"
 All window frames 2x4 in. or 2" x 4" and 2" x 4" and 2" x 4"



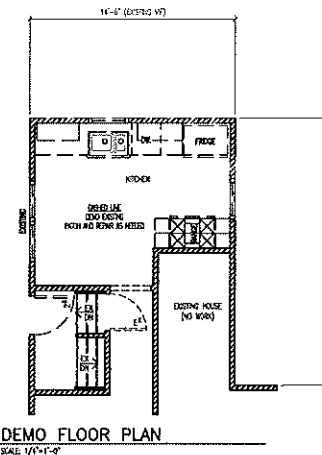
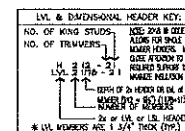
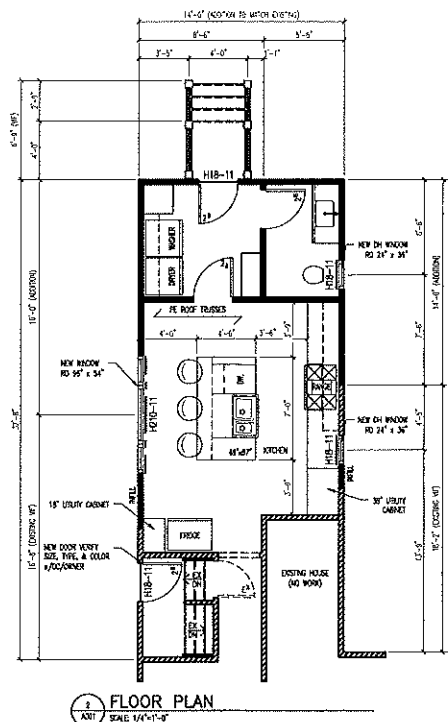
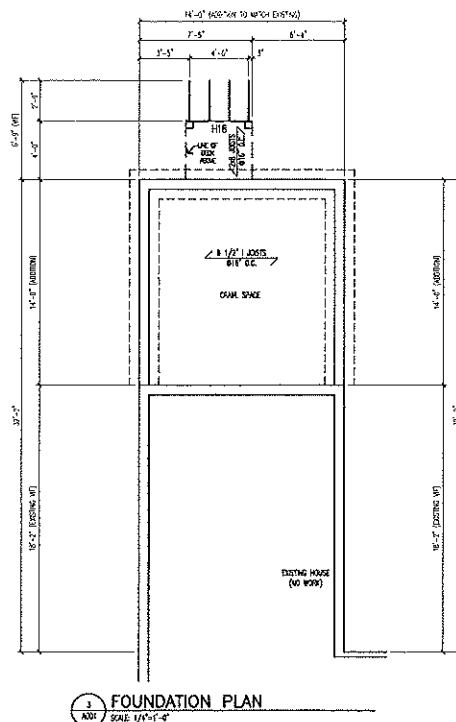
ROOF SYSTEM
CONTINUOUS ROOF VENT
CERTAINTED LAMINATE 30 SHEETS
SYNTHETIC FELT
1/2" O.S.B. ROOF SHEATHING
ROOF TRUSSES 24" O.C.
5/12 PITCH
1" X 6" JOIST
R-50 INSULATION
VAPOR BARRIER

SOFFIT SYSTEM
2x6 S2S FASCH
8" LP SMART FASCH
8" LP SMART TREX BOARD
ROLLEX SOFFIT SYSTEM

FLOOR SYSTEM
 1/2" L&G OSB DECK FLOOR
 9 1/2" JOISTS @ 16" O.C.
 2x4 TREATED SILL PLATE
 SPRINGFOAM @ EXTERIORS

WALL SYSTEM
SCOTCH LP SHIMSIDE BOARD AND BATT
8" LP SHIMT FREEBOARD
10" LP SHIMT SURFBOARD
TYVEK HOUSE WRAP
3/8" O.S.B.
2X6 STUDS @16" O.C.
R-23 INSULATION
VAPOR BARRIER
5/8" D.M.

FOUNDATION
8" POURED CONCRETE WALLS 4'-0" H
4" CONC SLAB WITH VAPOR BARRIER
CONCRETE FOOTINGS DIZED BY MASON
DRAUGHTS AND BLESSERS AS REQUIRED



NOTICE:

Visit us at:
oostburgjambor.com
E-mail to:
jamming@oostburgjambor.com

**COOSTBURG LUMBER
COMPANY, Inc.**

1218 Center Ave.
Coonburg, WI 53070
Phone: (920) 564-2378
Fax: (920) 564-3040

PROJECT FOR: KATHY SOLURZANO
SOLURZANO ADDITION
11019 N CEDARBURG RD
MEQUON

Page	1 of 2	BY THE DESIGN CONNECTION
		DATE: NOV 12, 2021
		REV. DATE:
		REV. DATE:
		REV. DATE:

[illegible]









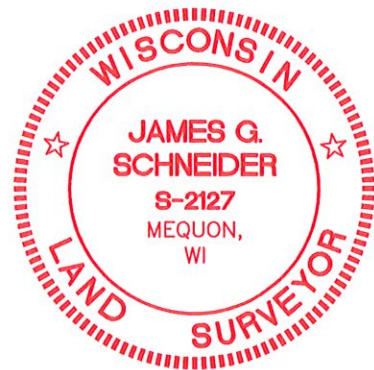




PROPERTY DESCRIPTION:

Lot Fourteen (14), Block Four (4), in the "ASSESSOR'S PLAT", being a part of the Northwest One-quarter (1/4) of Section Twenty-six (26), Township Nine (9), North, Range Twenty-one (21) East, in the City of Mequon, County of Ozaukee, State of Wisconsin.

Said Parcel containing 18,586 sq. ft./0.43 acres of land, more or less.



THIS IS AN ORIGINAL PRINT
ONLY IF STAMPED IN RED

REVISED 12-3-21: LOCATED CONCRETE MONUMENT NW. LOT CORNER

SURVEY CERTIFICATE

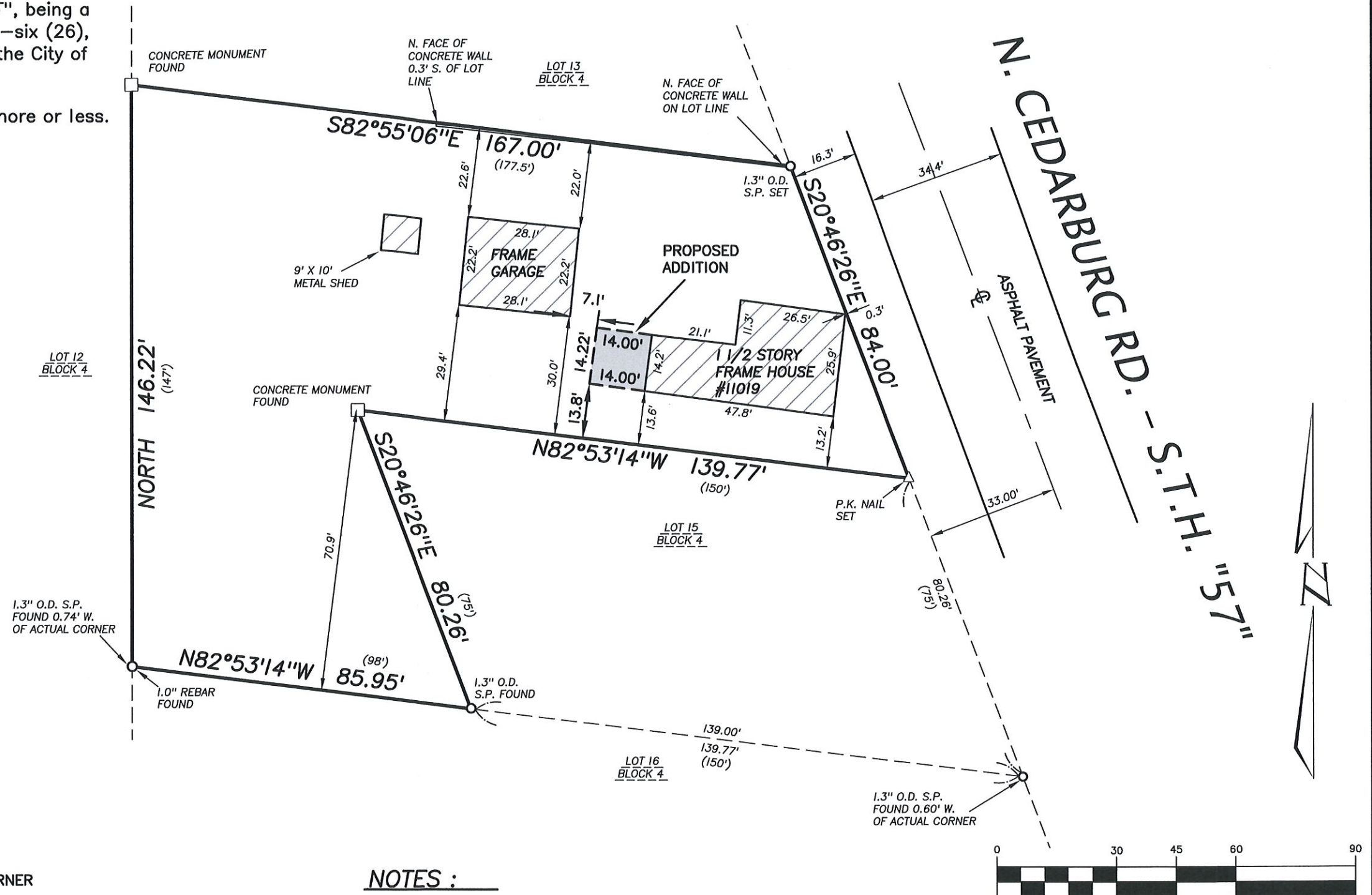
I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadway, and visible encroachments, if any.

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

Dated at City of Mequon, State of Wisconsin this 19th day of November, 2021

Recertified _____

James Schneider
S - 2127



NOTES :

1. ALL BEARINGS ARE REFERENCED TO THE WESTERLY LINE OF N. CEDARBURG RD., WHICH BEARS S20°46'26"E, PER ROBERT RETZLAFF SURVEY DATED AUGUST 22, 1992.

2. () DENOTES DISTANCE PER PLAT.



NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400
www.NorthShoreEngineering.net

"BUILDING PERMIT SURVEY"

for
Don Reineking Builders
(Solorzano Res.)

11019 N. Cedarburg Rd.
Mequon, WI

DATE:	NOVEMBER 19, 2021	DRAWN BY:	A.R.H.
FIELD CREW:	A.R.H.	Plat No.	

Packet Pg. 58

MEMORANDUM

To: Board of Appeals
From: Mike Hadley, Building Inspection's Supervisor
Date: March 3, 2022
Subject: Solorzano Appeal for property located at 11019 N Cedarburg Rd

Background: The appellant is requesting a side yard offset variance to build an addition within the allowed side offset.

Variance:

The appellant is requesting a side yard offset variance to Section 58-239 R-4 single family suburban residential district.

Per Table 58-249 Technical requirements of residential districts, the R-4 zoning district requires the following (see R-4 column of Exhibit 1):

- Required side yard offset = 20 feet
- Required offset with adjusted allowance reduction = 15 feet
- Current offset = 13.6 feet
- Proposed offset by variance = 13.6 feet to 13.8 feet (structure set on angle)

Analysis

Per Section 58-41 of Chapter 58, Zoning Code, the Board of Appeals shall determine if such variance will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

The appellant's variance application states the home was built in 1937 with an addition in 1950 and that due to the unique conditions and layout of the property it does not, nor can it physically meet the present offset requirements, even with the allowed 15 feet for adjusted lot width. The appellant did not specify which unique conditions are present or what is unique about the property layout. The application goes on to state that the appellant has not created this hardship; the characteristics of this lot have created it.

Based on staff's analysis, the appellant could offset the addition 1 foot 3 inches to meet the required offset. In addition, the appellant does not substantiate a unique condition to the property.

Staff Recommendation:

Staff recommends denial of the appeal.

EXHIBIT 1

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										
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)

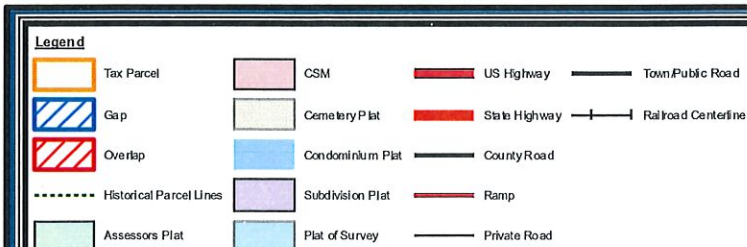
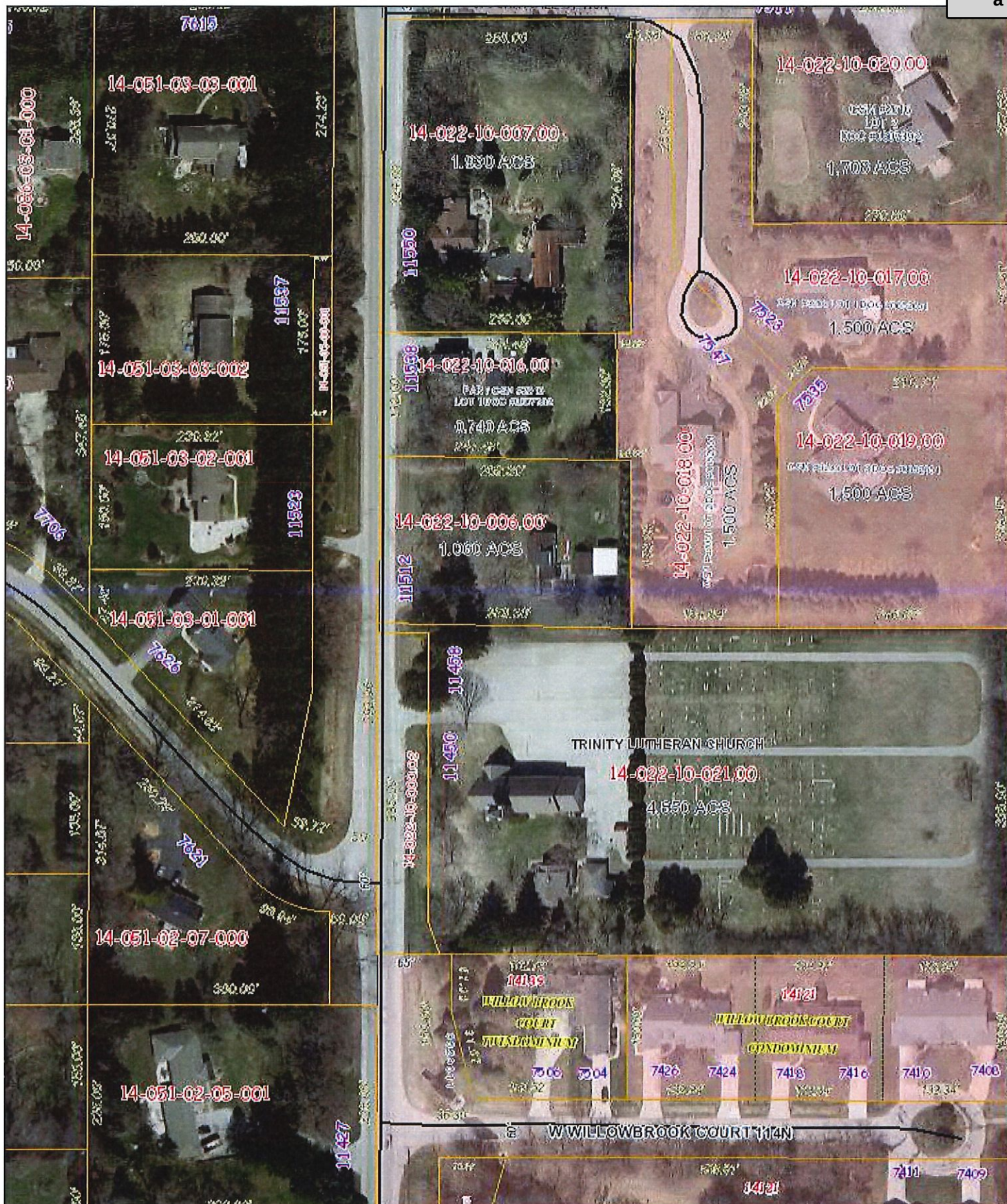
(b) *Explanations.* As used in Table 28-248:

- (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)



Product of the LAND INFORMATION OFFICE

2/10/2022, 9:52:22 AM

2/10/2022, 9:52:22 AM

0 0.0075 0.015 0.03 0.045 0.06 mi

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



Sec. 58-247. - Permitted accessory uses in residential districts.

(a) *Permitted accessory uses generally.* Table 58-247 sets forth the permitted accessory uses for each residential zoning district.

Table 58-247	Additional Regulations Below	R-1	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Private garages	X	X	X	X	X	X	X	X	X	X
Private carports	X	X	X	X	X	X	X	X		
Paved parking areas	X	X	X	X	X	X	X	X	X	X
Home occupations and professional offices	X	X	X	X	X	X	X	X	X	X
Detached storage structures	X	X	X	X	X	X	X	X	X	X
Family child care homes in accordance with Wis. Stat. §§ 66.1017 and 48.65		X	X	X	X	X	X	X	X	X
Private outdoor recreational facilities normally accessory to a residential use		X	X	X	X	X	X	X	X	X
Short-term rental of a dwelling in accordance with section 58-422		X	X	X	X	X	X	X		
Non-commercial greenhouses that do not exceed 150 square feet—such uses do not count against the total detached storage structures allowed		X								

(b) *Garages and carports.*

(1) No garage or carport shall be erected prior to the erection of the principal building to which it is accessory.

(2) The following provisions apply to properties zoned R-1 through R-5:

- Except as otherwise specifically provided below, no more than one principal garage, either attached or detached, shall be permitted on a lot.
- If there is a residence without an attached garage, one principal detached garage not to exceed 800 square feet in area shall be permitted.
- If a residence was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side, one principal detached garage not to exceed 675 square feet in area shall be permitted, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.
- Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.

(c) *Detached storage structures.* In addition to any permissible garages, a single detached storage shall be permitted in the following zoning districts subject to the following conditions:

- On any property zoned R-1 provided that no such detached storage structure shall exceed the lesser of 2,178 square feet or one percent of the area of the property; however, if the property is subject to an AO agricultural overlay, the property shall not be restricted in the number or size of detached storage structures.

(2) On any property zoned R-1B through R-5 subject to the following conditions:

- a. If a guesthouse is constructed as a conditional use, no detached storage structure is permitted.
- b. A detached storage structure 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.

(d) *Parking requirements for the RM zoning district.*

(1) *Enclosed parking.* Each dwelling unit shall be provided a minimum of the following number of enclosed parking spaces:

- a. One-bedroom units: 1.75 parking spaces.
- b. Two-bedroom units: 2.00 parking spaces.
- c. Three-bedroom units: 2.00 parking spaces.

(2) *Off-street parking ratio.* Off-street parking for guest parking shall be provided at the rate of one space for every two dwelling units, but no less than four spaces per development.

(e) *Home occupations.*

- (1) The home occupations shall be clearly incidental to the principal residential use.
- (2) The home occupation shall be carried on wholly within the principal residential dwelling or within a permitted accessory structure and only by residents occupying the premises and one additional person not a resident on the premises.
- (3) No article or service shall be sold or offered for sale on the premises except by telephone or electronically with products stored and any physical delivery occurring elsewhere.
- (4) The home occupation shall not normally generate customer or client traffic to the residential premises.
- (5) No retail or wholesale business shall be conducted on the premises.
- (6) No sand, gravel, stone, topsoil or peat moss shall be removed from the premises for commercial purposes.
- (7) No materials, equipment or vehicles used in the home occupation shall be stored outside.
- (8) Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjoining residential properties.
- (9) The home occupation shall not generate or result in offensive noise, vibration, smoke, dust, odors, heat, or glare if any of the foregoing creates a nuisance or is otherwise incompatible with the surrounding residential area.
- (10) In the R-6 zoning district, there shall be no signs for the home occupation. A sign for a home occupation in any other residential zoning district shall comply in all respects with the requirements in the sign code for home occupation signs.

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

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								
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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: Solorzano BOA packet 11019 N Cedarburg Rd (7063 : Kathleen A. Solorzano BOA hearing packet)

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.
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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)

(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)