



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

[www.cityofmequonwi.gov](http://www.cityofmequonwi.gov)

Office of the City Clerk

**BOARD OF APPEALS  
Regular Meeting  
Thursday, April 2, 2026 - 6:00 PM  
Christine Nuernberg Hall**

**Agenda**

- 1) Call to Order and Roll Call**
- 2) Approval of Meeting Minutes**
  - a) Meeting minutes of March 5, 2026
- 3) Hear Evidence Concerning: Debate, Deliberate and Decide the Request of:**
  - a) Carter Tomich on behalf of Gary and Amy Stein request for a variance to Mequon Code Sec 58-249 to reduce the required side yard offset from 15ft to 10ft to allow construction of a single-family home at 10114 N. Sheridan Dr.
- 4) Adjourn**

DATED: March 26, 2026

/s/ Kathleen Massey, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodation for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

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



**DRAFT**

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Office of the City Clerk

**BOARD OF APPEALS  
Regular Meeting  
Thursday, March 5, 2026 - 6:00 PM  
Christine Nuernberg Hall**

**Minutes**

**1) Call to Order and Roll Call**

The meeting was called to order by Chair Wawrzyn at 6:00 p.m.

**Present:**

Chair Wawrzyn, Board Member Helfer, Board Member Larson, Board Member Korger, Board Member Reigle

**Also present:** City Clerk Caroline Fochs, City Attorney Brian Sajdak, Assistant City Engineer Cole McCraw, Building Inspection Supervisor Greg Golden, Attorney Chris Jaekels, and interested public.

**2) Approval of Meeting Minutes**

- a) Meeting minutes of February 5, 2026

Motion to amend the meeting minutes to allow conformity of referenced name usage: William Hanney versus Bruno Hanney.

<b>MOTION:</b>	Meeting Minutes of February 5, 2026 Approved as amended
<b>MOVER:</b>	Board Member Stephen Helfer
<b>SECONDER:</b>	Board Member Ramona Larson
<b>AYES:</b>	Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

**3) Hear Evidence Concerning: Debate, Deliberate and Decide the Request of:**

Vice Chair Warzyn explained the guidelines for the Board of Appeals as well as the process for

the meeting. All parties planning to testify before the Board of Appeals were sworn in:

- Youssef Berrada 7421 W. Ridgeview Drive, Mequon
- Joe Goldberger 13460 N. Silver Fox Drive, Mequon
- Paul Apfelbach 3903 W. Mequon Road, Mequon
- Eric Miller 616 E. Circle Road, Mequon
- Brian Sajdak 11333 N. Cedarburg Road, Mequon
- Cole McCraw 11333 N. Cedarburg Road, Mequon
- Greg Golden 11333 N. Cedarburg Road, Mequon

- a) Joe A. Goldberger on behalf of Youseff Berrada request a variance to Mequon Code Sec 58-60308 to retain the existing berm at 7421 W. Ridgeview Drive.

Chair Wawrzyn began preliminary discussion with an explanation of the Board's rules and regulations in relation to receiving staff testimony prior to a hearing.

The applicant's attorney Mr. Goldberger acknowledged that all matters concerning his client and his property have been resolved except for the berm. The settlement arranged by the City and signed by the Mayor and City Attorney provided the option of being heard by the Board of Appeals or the Planning Commission on that matter.

City Attorney Sajdak clarified that the City has no objection to the Board's jurisdiction, and clarified that this particular request is a variance and not part of the settlement agreement.

The Board went into discussion on the jurisdictional power and authority of the Board, referring to municipal ordinances. The order of power was up for debate to determine whether the Board should be the initial act for the City on this hearing.

Mr. Sajdak referenced the statute on variances - 623.237(b) — stating the Board or body can make determinations. He explained the difference between a variance appeal. The settlement provides the applicant the choice to be heard by the Planning Commission or the Board of Appeals. The topic at hand is a request for a variance in relation to municipal code restrictions. The Planning Commission may grant a waiver to City requirements. However, if they choose to deny the request, the applicant may be seen by the Board of Appeals to review for errors by the Commission. Following the Board's decision, the applicant may then choose to escalate their hearing to the Ozaukee County Circuit Court.

Mr. Goldberger requested to withdraw from the hearing to go before the Planning Commission. The Board recognized their right to do so and discussion ended.

- b) Eric and Margaret Miller Architectural Review Board appeal regarding denial for construction of a detached accessory structure at 616 E. Circle Road

Supervisor Golden provided the Board with an overview of the proceedings on behalf of the City and the Architectural Review Board (ARB). The ARB unanimously voted to deny the applicant's request for accessory structure's building materials in relation to ARB guidelines in December 2025. There is an inconsistency in roofing and siding materials of board and batten

on the new build plans and masonry treatments terminating at an outside corner, whereas cedar shake shingle siding and asphalt roofing are used on the existing property structure.

Mr. Apfelbach representing the ARB, explained that the applicant did not come to the ARB meeting to gain approval, but denial, so that he may come before the Board of Appeals. Member Reigle inquired on what guidelines the applicant was provided with following the ARB's denial. Mr. Apfelbach explained that the ARB offered the applicant solutions to two of the three issues. He believes the ARB worked with the applicant to modify to the best of their ability considering guidelines' constraints.

Member Reigle confirmed that the cedar shake siding was the basis for denial. He believes the City guidelines are not specific enough to differentiate this situation involving structures on the same property.

Mr. Golden expressed that the ARB's purpose is to provide guidance and single lots with a secondary structure must retain a consistent architecture to the primary residence.

Mr. Miller commented on the discussion of neighboring properties and feels their addition will enhance the area. He believes the ARB does not appreciate the nature of the lot, its unique characteristics, or the vision he wishes to achieve. He cited the wording of "match" and "consistent" used at the ARB discussion are different by definition and allow reasonable disconnect. He concluded that the decision of the ARB may have followed guidelines, but their reasoning for denial was not accurately reflected in the decision-making process.

Member Reigle inquired whether the applicant believes the guidelines for a detached storage structure was followed in his proposed plans and if it is considered compatible with the neighborhood. Mr. Miller believes his structure will focus on bringing back a natural area to enhance the neighborhood.

Mr. Apfelbach explained the difference between batten board and cedar shake siding styles for the members, reiterating the ARB offered compromises to the applicant to adhere to guidelines.

<b>MOTION:</b>	Motion to close the public portion of the hearing
<b>MOVER:</b>	Board Member Stephen Helfer
<b>SECONDER:</b>	Board Member Scott Reigle
<b>AYES:</b>	Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

With the public portion of the hearing closed, the Board began its discussion. Members Korger, Larson, and Reigle expressed the ARB's lack of guideline consistency, use of poor terminology, and absence of the decision in detail in writing lead to their error in denial. Member Helfer

cited the fact of the applicant being provided with several suggested updates to obtain approval and lack of hardship to adhere to the guidelines. Chair Wawrzyn stated that the ARB exercised their role in judgment, and unfortunately, the audio proved use of inconsistent wording in reference to guidelines opening up this case to possible error.

<b>MOTION:</b>	Motion to grant the variance
<b>MOVER:</b>	Board Member Scott Reigle
<b>SECONDER:</b>	Board Member Allison Korger
<b>AYES:</b>	Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
<b>NAYS:</b>	Vice Chair James Wawrzyn, Board Member Stephen Helfer
<b>RESULT:</b>	Approved by Roll Call Vote

**4) Adjourn**

<b>MOTION:</b>	Motion to adjourn at 7:58 p.m.
<b>MOVER:</b>	Board Member Scott Reigle
<b>SECONDER:</b>	Board Member Ramona Larson
<b>AYES:</b>	Vice Chair James Wawrzyn, Board Member Stephen Helfer, Board Member Ramona Larson, Board Member Allison Korger, Board Member Scott Reigle
<b>RESULT:</b>	Approved by Voice Acclamation

Respectfully Submitted,  
Janet Meyer, Deputy Clerk



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

Owner: Gary Stein & Amy B Stein Mailing Address: 333W Trillium Rd.  
City/ZIP: Mequon, WI 53092  
Phone Number: (414) 530-1984 Email: gstein421@gmail.com

If there is another person representing the Property Owner, include their information below. This person will be the point of contact for the application.

Applicant: Carter Tomich Address: N8W22520 Johnson Dr Suite L  
City/ZIP: Waukesha, WI 53186  
Phone Number: (262) 547-0326 Email: cartert@westridgebuilders.com

**TO THE BOARD OF APPEALS:**

The above hereby requests a variance to City of Mequon Code Sec. #: 58-249  
regarding: 10114 N, Sheridan Dr. Mequon, WI 53092  
*(street address or legal description of the property where the variance is requested)*

in order to: Reduce the required side yard set backs from 15 feet to 10 feet to allow  
reasonable construction of a single-family home consistent with existing neighboring setbacks.

I understand that as part of my variance request, City staff may need access to my property to take photographs and do a pre-hearing inspection of the property. By checking here, I give City Staff permission to enter my property, inspect the property and take photographs.

**APPLICANT MUST PROVIDE:**

1. Application form
2. \$250 filing fee
3. One (1) copy each of the following documents:
  - Copy of denial letter, if any, or a description of the denial
  - Detailed dimensional drawing showing a reasonable scale of/and indicating area where variance is requested including contour lines, floodplain/wetland boundaries, etc.
  - Detailed plans of the building or structure including existing and new room layouts
  - To-scale and dimensional elevation drawings of all building elevations, if appropriate
  - Photos showing existing buildings/structures and existing site conditions
  - All other supporting information or evidence to be presented (photographs, etc.)

FOR OFFICE USE ONLY	
Receiving Officer: <u>Caroline Smith</u>	Received Date: <u>3/11/26</u>
Parcel #: <u>15-064-08-13-000</u>	Hearing Date: <u>4-2-26</u>
Zoning District: <u>R-3</u>	Receipt #: <u>✓</u>
Alderman & District #: <u>Bill Klebaner D#8</u>	Published: <u>3/19/26</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.	

## **Introduction**

The Board of Appeals (“Board”) is a quasi-judicial body created and regulated by Wis. Stat § 62.23(7)(e) and City of Mequon ordinances section 58-41. The purpose of the Board is to hear appeals taken by any person aggrieved by any officer, department, board or bureau of the city or affected by any decision of any administrative officer or body and to hear applications for variances from zoning ordinance terms.

It is very important that your application provide information that is clear and accurate. In order for City staff and the members of the Board to understand the scope of your request, your application must have enough information to effectively communicate the nature of your requested variance. At the hearing, the members of the Board and representatives from various City departments will depend on the materials you have submitted in order to fairly evaluate your claim, and render an appropriate decision.

## **Variance Standard**

Pursuant to Wisconsin Statute and the Mequon Municipal Code, the Board of Appeals may in specific cases grant “such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.”<sup>1</sup> The applicant “bears the burden of proving ‘unnecessary hardship,’ . . . by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome . . . .”<sup>2</sup> The unnecessary hardship must be “based on conditions unique to the property, rather than considerations personal to the property owner, and [cannot be] created by the property owner.”<sup>3</sup> In general, economic loss or financial hardship cannot serve as the basis for justifying a variance.

**Accordingly, the Board of Appeals must consider the following questions when deciding whether to grant your requested variance.** Add additional sheets if necessary.

1. Describe the unnecessary hardship created by the ordinance. In other words, how does strict compliance with the ordinance unreasonably prevent use of the property for a permitted purpose or render compliance with the ordinance unnecessarily burdensome.

Strict compliance with the 15' side yard setback requirement would unreasonably restrict the buildable width of the lot and prevent reasonable use of the property for a permitted single-family residence. Reducing both side setbacks to 10' would allow for a home design that is consistent with modern construction standards and neighborhood character, while maintaining safe and functional spacing between structures.

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<sup>1</sup> Wis. Stat. § 62.23(7)(e)7.b.; Mequon Code § 58-41(a)(1)b.

<sup>2</sup> Wis. Stat. § 62.23(7)(e)7.d.

<sup>3</sup> Id.

2. Describe whether the unnecessary hardship is the result of conditions on the property that do not exist on, or apply to, other properties.

The hardship is influenced by the lot's limited width in combination with the existing development pattern. The two adjacent homes are located approx. 11.6' and 10.4' from their respective side lot lines. Strict enforcement of 15' setbacks on this lot would create a building line inconsistent with the established spacing pattern.

3. Describe whether the conditions creating the unnecessary hardship are created by the terms of the ordinance, or whether they are the result of circumstances or desires unique to the applicant?

The hardship results from the application of the ordinance's dimensional standard, not from personal preference. The request is not to increase density or introduce an unusual use, but to allow reasonable construction of a permitted single-family residence on a narrower lot.

4. Describe why the requested variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

The purpose of side yard setbacks is to ensure light, air, fire separation, and neighborhood compatibility. A 10' side yard still provides substantial separation and is consistent with existing adjacent setbacks. The variance maintains safety, preserves neighborhood character, and does not conflict with the intent of the zoning regulations.

5. Describe why the requested variance will not create substantial detriment to adjacent property(ies).

The proposed setbacks will not create substantial detriment because: adjacent homes are already closer than 15' to their side lot lines. Structure separation will remain consistent with existing conditions. The use remains single-family residential. There will be no adverse impact on light, air, access, or property values.

6. Describe how the requested variance is compatible with the character of the immediate neighborhood.

The immediate neighborhood already reflects side yard setbacks near 10-12'. Approving a 10' setback maintains visual continuity and aligns with the established development pattern. The request preserves the character of the area and does not alter use, scale, or density.

## The Process

### **Step 1: Applying for a variance.**

Complete this application in full. Part of the application submittal process requires that detailed information be provided regarding the nature of your variance request. This may include photos of the property, floor plans, and/or a plan of operation for a proposed use. Depending on what type of variance you are seeking from the Board, different types of documents may be required.

Please contact the City Clerk's Office if you have any questions about what materials are needed for your application.

When you have prepared all of the necessary materials, return them to the City Clerk's Office, along with the \$250 application filing fee. Checks may be made payable to: The City of Mequon.

### **Step 2: City staff will process your application and forward it to Board of Appeals.**

City staff will review your application, and it may be determined that more information is required before a recommendation can be made. If such a request for additional information is made, it is very important that you respond to it promptly. Any delay in responding to requests for additional information may result in further scheduling delays before your item can be considered before the Board or possible denial of your application.

Once your application is deemed complete, it will be placed on the next available agenda. The Board meets on the first Thursday of each month at 6:00 pm at City Hall, 11333 N. Cedarburg Road.

### **Step 3: A public hearing is held.**

At the public hearing, the Board will review submitted materials, staff reports, and any written letters or comments that the Board has received. The Board will take oral testimony from the applicant, City staff and any interested parties at the public hearing. As a general rule, all of the Board's hearings are open to the public and the public is invited to attend any session of the Board of Appeals.

In making its findings and determinations, the Board of Appeals may consider factors such as: characteristics of the property, including, but not limited to: relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks; existing and future use of the property; useful life of improvements at issue; disability of an occupant; aesthetics; degree of non-compliance with the requirements allowed by the variance; proximity to and character of any surrounding properties; zoning of the area in which property is located and neighboring areas; and the purpose and intent of the municipal code subsection imposing the requirements.

### **Step 4: The Board will render a verbal decision and will provide a written decision.**

After the hearing, a copy of the written decision will be mailed to you according to City of Mequon ordinance section 58-41(g). Any variance granted by the Board of Appeals may contain conditions that it deems necessary, including, but not limited to, conditions that:

1. Prescribe the duration of the variance to be:
  - a. Permanent, thereby remaining permanently with the property;
  - b. A specified length of time; or,
  - c. The time period during which the property is owned or occupied by a particular person.
2. Require the performance of additional actions to the mitigation or enhancement of impacts resulting from the variance.
3. Prescribe a limitation on the action effectively authorized by the variance.

If your appeal is denied by the Board, you have the right to appeal. Anyone aggrieved by a decision of the Board of Appeals has the right to appeal that decision to Circuit Court within 30 calendar days of the date of the written decision.

**NOTE: If you have questions regarding whether going to the Board of Appeals is your best course of action, appeals to the Circuit Court, or the effect of a Board of Appeals decision, please contact a legal professional.**

**NOTE: Additional information can be gained from the Rules and Regulations of the Mequon Board of Appeals, which is provided with this application form.**



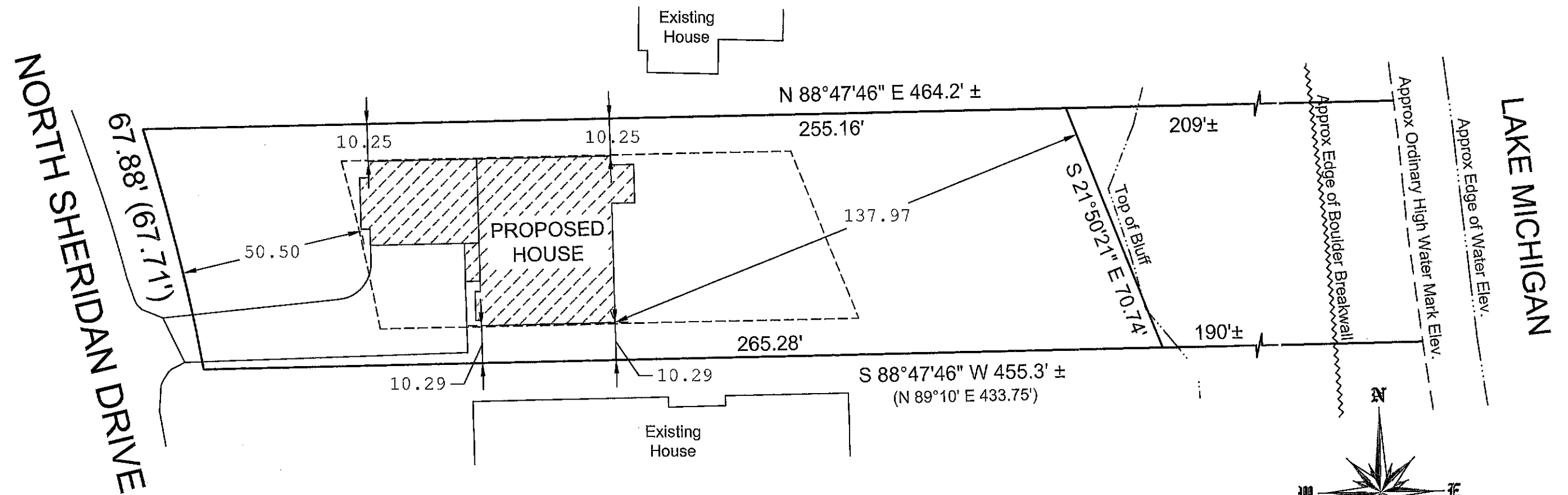






# Property Description:

LOT 13 IN BLOCK 8 OF FAIRY CHASM IN THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 22 EAST, IN THE TOWN OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

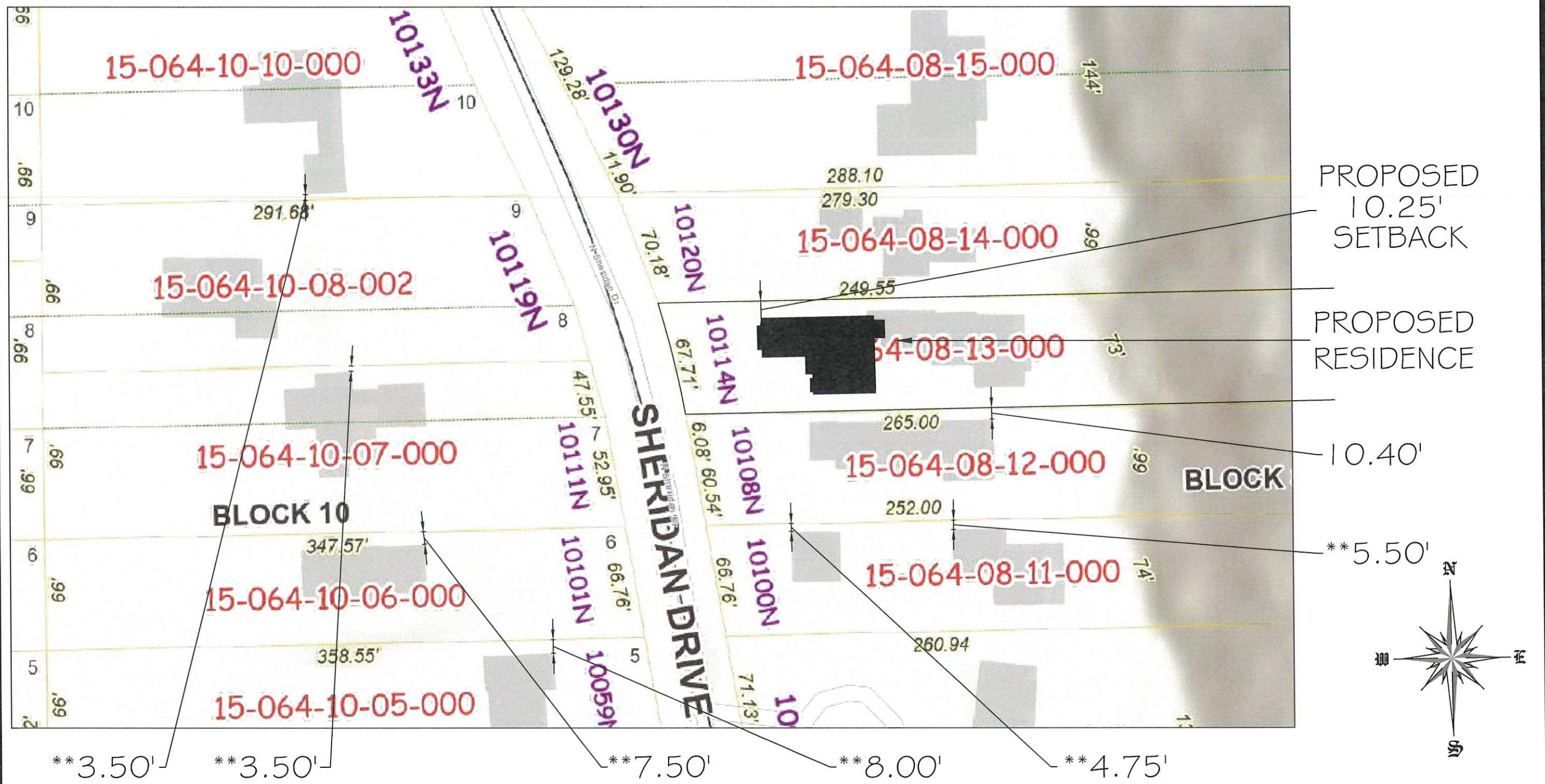


## PRELIMINARY SITE PLAN

1" = 30'

-STEIN-  
(CEP-2)  
03-11-26





# AERIAL NEIGHBORHOOD EXHIBIT

CEP-2  
03-11-26

APPROX. SCALE: 1"=60'

\*\* APPROX.  
DIMENSIONS SCALED  
FROM AERIAL GIS MAP

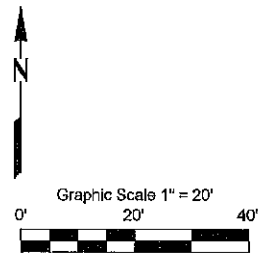
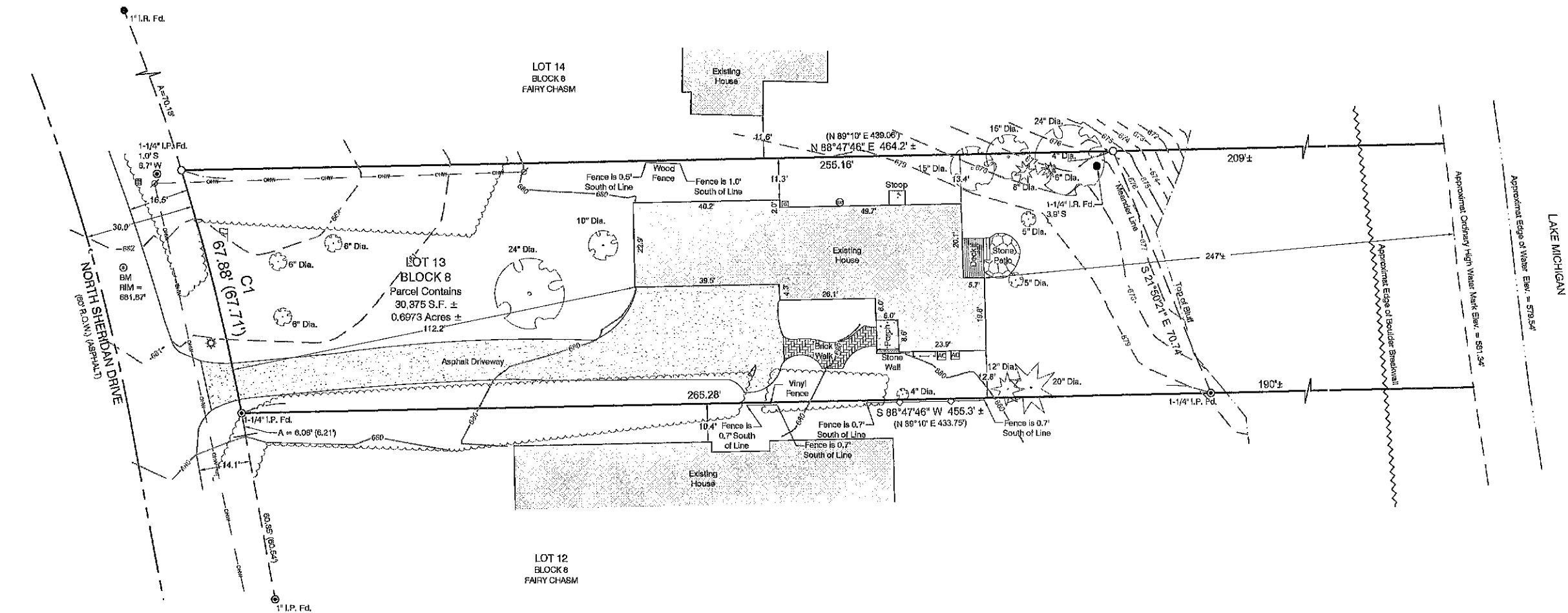
# Plat of Survey

Property Description:

LOT 13 IN BLOCK 8 OF FAIRY CHASM IN THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 22 EAST, IN THE TOWN OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

**LAND SURVEYS INC.**  
 21009 Waterford Rd. Suite A2  
 Waukegan, WI 53186 (262) 312-1034  
 landsurveyinc.com

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	559.76'	67.88' (67.71')	67.84'	N 13°48'49" W



**LEGEND**

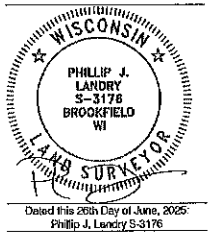
⊙	Monument Found as Noted	— — — — —	Overhead Wires
●	Iron Rod Found as Noted	— — — — —	Vinyl Fence
⊙	3/4\"X18\" Iron Rod Set	— — — — —	Board Fence
⊙	Electric Meter	— — — — —	Treeline
⊙	Gas Meter	⊙	Coniferous Tree
⊙	Air Conditioner	⊙	Deciduous Tree
⊙	Sewer Manhole		
⊙	Catch Basin		
⊙	Utility Pole		
⊙	Lamp Post		
⊙	Flag Pole		

- Notes:**
1. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
  2. Outside diameter measured on all monuments. Set monuments are 1.50lbs/Lineal Foot.
  3. ( ) Indicates recorded as bearings and dimensions.
  4. Field work completed on 09/10/25.
  5. Vertical datum is referenced to the North American Vertical Datum of 1985 (NAVD 85).

REVISIONS	PREPARED FOR:
	B&E General Contractors 6001 North Green Bay Road Glendale, Wisconsin 53209
	OWNER AND JOB SITE: Chris Walker 10114 North Sheridan Drive Mequon, Wisconsin 53097
	BEARINGS ARE REFERENCED TO WI STATE PLANE COORD. SYS. SOUTH ZONE NAD 83 (2011) NORTH LINE OF ROAD NAME ON SUBD. NAME, EAST LINE OF LOT X, BLOCK XX SEAS N 00°00'00\" E
	Drawn By: JC   Job# 25312 Sheet 01 of 01

**SURVEYOR'S CERTIFICATE**

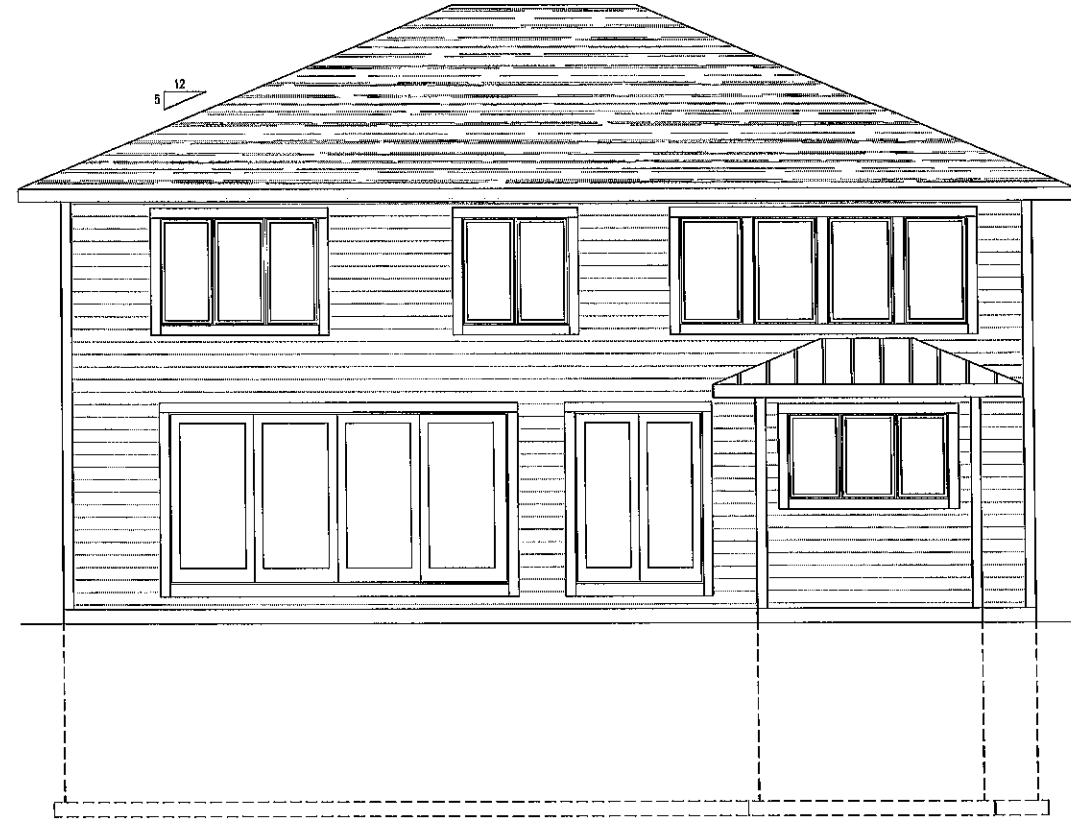
I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the site and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at this date below.





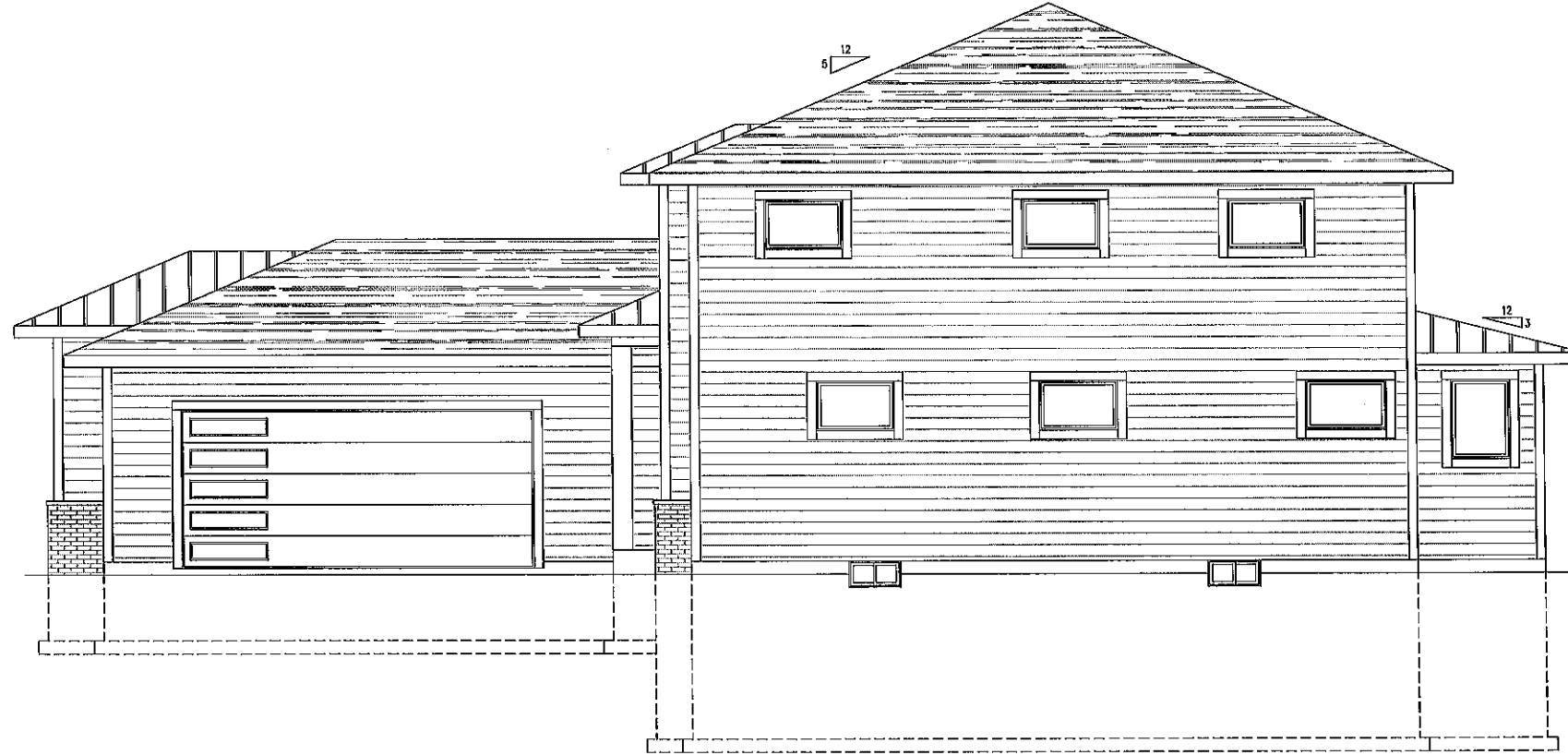
CUSTOM  
**FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"

SHEET NUMBER	<b>A1</b>	SHEET TITLE	FRONT ELEVATION	CUSTOM	PROPOSED HOME FOR									
<p style="font-size: 8pt;">2028 © Westridge Builders Inc.                  Copyright Notice: The designs represented by these plans are copyrighted subject matter protectable under 17 U.S.C. §101, et seq., as amended. Any unauthorized use of these plans or design is prohibited by federal law.</p>		<p style="font-size: 8pt;">DRAWN BY: KEF                  PRINT DATE: 3/10/2025 8:59 PM</p>		<p style="font-size: 8pt;">DATE DESCRIPTION OF REVISION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">DESCRIPTION OF REVISION</th> </tr> <tr> <td>1</td> <td>03.02.25</td> <td>CEP SET 01</td> </tr> <tr> <td>2</td> <td>03.10.25</td> <td>CEP SET 02</td> </tr> </table>		NO.	DATE	DESCRIPTION OF REVISION	1	03.02.25	CEP SET 01	2	03.10.25	CEP SET 02
						NO.	DATE	DESCRIPTION OF REVISION						
1	03.02.25	CEP SET 01												
2	03.10.25	CEP SET 02												
<p style="font-size: 8pt;">CUSTOMER DOCUMENT APPROVAL</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 40px;"> </td> <td style="width: 50%; height: 40px;"> </td> </tr> </table>				<p style="font-size: 8pt;">SIGNATURE</p>		<p style="font-size: 8pt;">DATE</p>								
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				<p style="font-size: 8pt;">DRAWN BY: KEF</p>		<p style="font-size: 8pt;">PRINT DATE: 3/10/2025 8:59 PM</p>		<p style="font-size: 8pt;">PROPOSED HOME FOR</p> <p style="text-align: center;">STEIN RESIDENCE</p>						



CUSTOM  
**REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"

SHEET NUMBER	A2	
SHEET TITLE	REAR ELEVATION	
CUSTOM	2025 © Westridge Builders, Inc. Copyright Notice: The designs represented by these plans are copyrighted subject matter protectable under 17 U.S.C. §101, et seq., as amended. Any unauthorized use of these plans or designs in any form without action as provided by Westridge Builders, Inc. is prohibited.	
NO.	DATE	DESCRIPTION OF REVISION
5		
4		
3		
2	03.10.25	CBP SET 02
1	03.02.25	CBP SET 01
DRAWN BY:	KEF	PRINT DATE: 3/10/2025 5:40 PM
CUSTOMER DOCUMENT APPROVAL	SIGNATURE	DATE
PROPOSED HOME FOR	SIGNATURE	DATE
		STEIN RESIDENCE

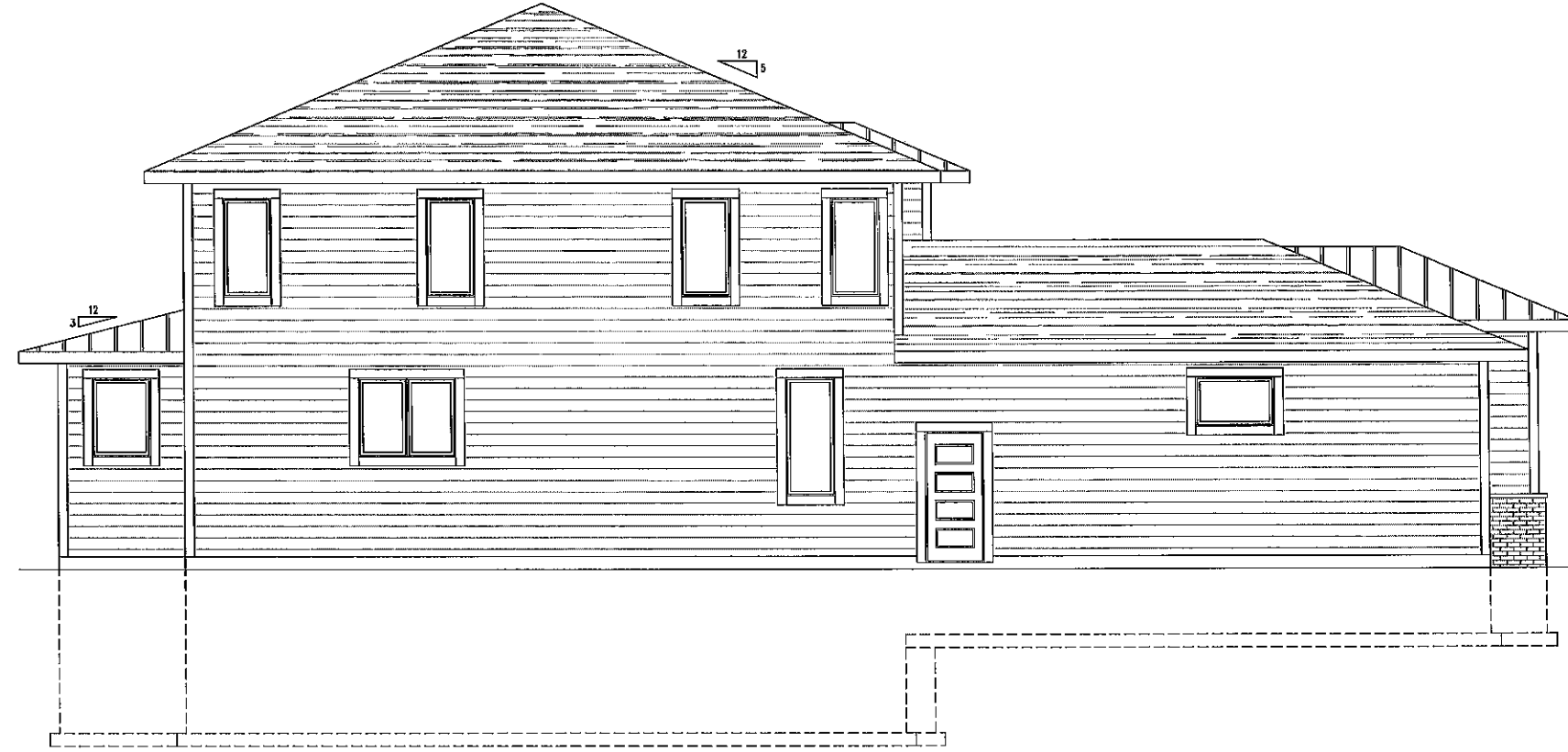


CUSTOM  
**RIGHT ELEVATION**  
 SCALE: 1/4" = 1'-0"


SHEET NUMBER		A3	
SHEET TITLE		RIGHT ELEVATION	
CUSTOMER DOCUMENT APPROVAL		PROPOSED HOME FOR STEIN RESIDENCE	
NO.	DATE	DESCRIPTION OF REVISION	DATE
2	03.10.25	DEF SET 02	---
3	---	---	---
4	---	---	---
5	---	---	---
DRAWN BY: KEF		PRINT DATE: 3/10/2025 5:40 PM	
SIGNATURE		SIGNATURE	

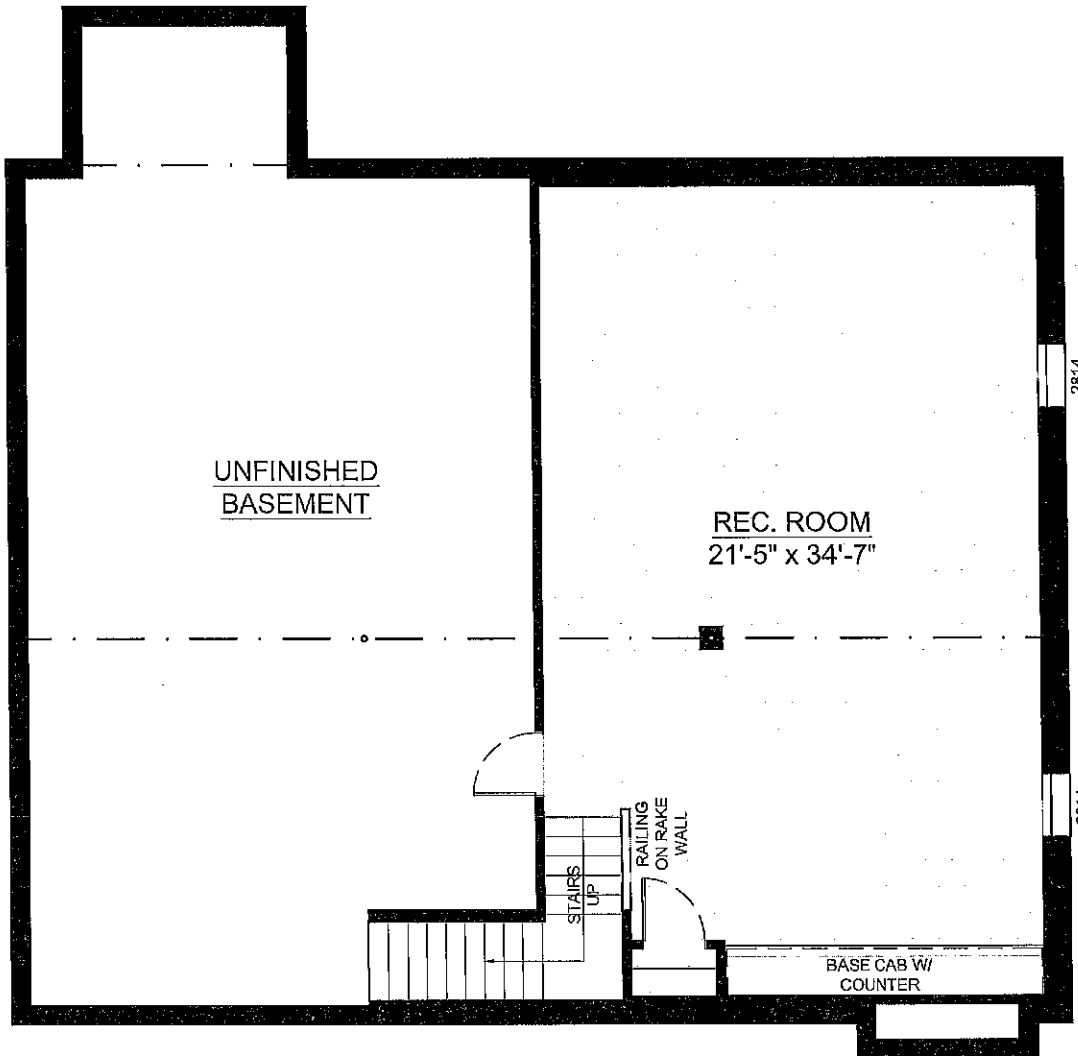
**Westridge**  
**BUILDERS**  
 140 W2225th, Johnson Dr  
 Waukesha, WI 53188  
 262-547-0326 Office  
 www.westridgebuilders.com

**CUSTOM**  
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CUSTOM  
**LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"

SHEET NUMBER	<b>A4</b>	SHEET TITLE	LEFT ELEVATION	CUSTOMER DOCUMENT APPROVAL	PROPOSED HOME FOR STEIN RESIDENCE																						
 <b>Westridge BUILDERS</b> <small>NS W228204, Litchford Ct        Waukesha, WI 53195        262-547-3328 Office        www.westridgebuilders.com</small>		<small>2026 © Westridge Builders Inc.        Copyright Notice: The designs represented by these plans are copyrighted subject matter protectable under 17 U.S.C. §101, et seq., as amended, and their use or reproduction without the express written permission of Westridge Builders Inc. is prohibited and may be subject to judicial action as provided by federal law.</small>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">DATE</td> <td style="width: 50%; text-align: center;">BY</td> </tr> <tr> <td style="text-align: center;">1 03.02.25</td> <td style="text-align: center;">REF</td> </tr> <tr> <td style="text-align: center;">2 03.10.25</td> <td style="text-align: center;">REF</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">REF</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">REF</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">REF</td> </tr> </table>	DATE	BY	1 03.02.25	REF	2 03.10.25	REF	3	REF	4	REF	5	REF	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">DATE</td> <td style="width: 50%; text-align: center;">BY</td> </tr> <tr> <td style="text-align: center;">---</td> <td style="text-align: center;">---</td> </tr> <tr> <td style="text-align: center;">---</td> <td style="text-align: center;">---</td> </tr> <tr> <td style="text-align: center;">---</td> <td style="text-align: center;">---</td> </tr> <tr> <td style="text-align: center;">---</td> <td style="text-align: center;">---</td> </tr> </table>	DATE	BY	---	---	---	---	---	---	---	---
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CUSTOM  
**BASEMENT PLAN**

SCALE: 1/4" = 1'-0"

NOTES:

- STAIR INFORMATION
- REFER TO FIRST FLOOR PLAN FOR STAIR INFORMATION
- PLAN INFORMATION
- REFER TO TYPICAL WALL SECTIONS ("D" SHEETS) FOR ADDITIONAL FOUNDATION INFORMATION
  - ALL DIMENSIONS ARE TO FACE OF DRYWALL TO FACE OF DRYWALL OR FACE TO FACE OF CONCRETE
  - THE CONDITIONS LISTED HERE ARE STANDARD FOR THIS PLAN ELEVATION(S). EXCEPTIONS ARE NOTED ON THE PLAN

<p>SHEET TITLE</p> <p style="text-align: center;"><b>BASEMENT PLAN</b></p>	<p>CUSTOM</p> <p style="font-size: 8px;">2025 © Weatridge Builders Inc.          Copyright Notice: The designs represented by these plans are copyrighted subject matter protectable under 17 U.S.C. §101, et seq., as amended. Any unauthorized use of these plans or designs is subject to judicial action as provided by Federal law.</p>	<p>PROPOSED HOME FOR</p> <p style="text-align: center;"><b>STEIN RESIDENCE</b></p>																
<p>SHEET NUMBER</p> <p style="font-size: 24px; font-weight: bold;">A6-1</p>	<p>CUSTOMER DOCUMENT APPROVAL</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">Signature</td> <td style="width: 50%; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="width: 50%; border-bottom: 1px solid black;">Signature</td> <td style="width: 50%; border-bottom: 1px solid black;">Date</td> </tr> </table>	Signature	Date	Signature	Date	<table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 75%;">DESCRIPTION OF REVISION</th> <th style="width: 10%;">BY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">05-10-28</td> <td>CEP SET 02</td> <td style="text-align: center;">KEF</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">03-02-28</td> <td>CEP SET 01</td> <td style="text-align: center;">KEF</td> </tr> </tbody> </table> <p style="font-size: 8px;">DRAWN BY: KEF      PRINT DATE: 3/10/2028 5:40 PM</p>	NO.	DATE	DESCRIPTION OF REVISION	BY	2	05-10-28	CEP SET 02	KEF	1	03-02-28	CEP SET 01	KEF
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1	03-02-28	CEP SET 01	KEF															

CUSTOM  
**FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

**NOTES:**

**FLOOR SYSTEM INFORMATION**

- FIRST FLOOR: 11 7/8" ENGINEERED "I" JOIST - SPACING PER MANUFACTURER
- ANY PARALLEL JOIST TO RIM BOARD MUST BE SET A MINIMUM 14" OFF OF RIM BOARD

**ROOF INFORMATION**

- REFER TO ROOF PLAN FOR ROOF INFORMATION

**WALL INFORMATION**

- FIRST FLOOR EXTERIOR WALLS: 104 5/8" 2x6 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.
- FIRST FLOOR INTERIOR WALLS (NON BEARING): 104 5/8" 2x4 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.
- FIRST FLOOR INTERIOR WALLS (BEARING): 104 5/8" 2x6 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.

**CEILING INFORMATION**

ALL FIRST FLOOR CEILINGS ARE 9'-1 1/8" UNLESS NOTED ON PLANS

**WINDOW INFORMATION**

- ALL WINDOW TYPE AND SIZED SHOWN ARE FOR GENERIC WINDOWS - FEET/INCHES x FEET/INCHES
- ALL WINDOW HEADER OPENINGS TO BE 7'-10 7/8" FROM T/FLOOR UNLESS NOTED

**DOOR INFORMATION**

- ALL SINGLE POCKET DOOR (24"-36") ROUGH OPENINGS TO BE 2x THE DOOR WIDTH PLUS 1" & OPENING SET AT 85" FROM T/FLR.
- ALL DOUBLE POCKET DOOR (48"-72") ROUGH OPENINGS TO BE 2x THE DOOR WIDTH PLUS 1/2" & OPENING SET AT 85" FROM T/FLR.

**STAIR INFORMATION**

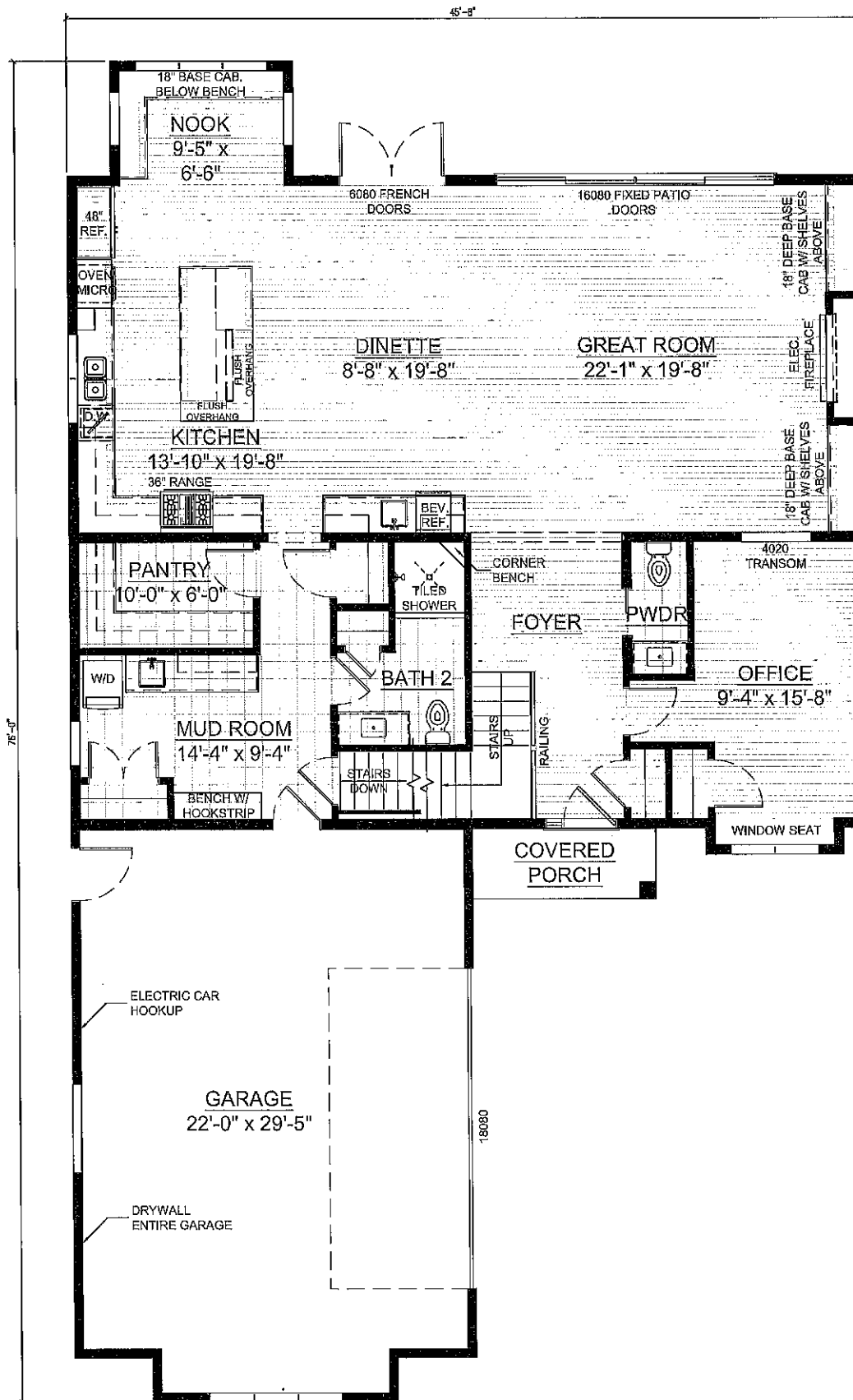
- BASEMENT TO FIRST FLOOR: 16 RISERS @ 7 3/4" MAX / 15 TREADS @ 10" WITH 1" NOSING
- FIRST FLOOR TO SECOND FLOOR: 16 RISERS @ 7 3/4" MAX / 15 TREADS @ 10" WITH 1" NOSING

**PLAN INFORMATION**

- ALL DIMENSIONS ARE TO FACE OF DRYWALL TO FACE OF DRYWALL
- THE CONDITIONS LISTED HERE ARE STANDARD FOR THIS PLAN ELEVATION(S). EXCEPTIONS ARE NOTED ON THE PLAN

LIVING AREA	AREA	SQUARE FOOTAGE
FINISHED BASEMENT AREA		821 SF
FIRST FLOOR LIVING AREA		1770 SF
SECOND FLOOR LIVING AREA		1701 SF
TOTAL LIVING AREA		4292 SF

NON-LIVING AREAS	AREA	SQUARE FOOTAGE
COVERED PORCH AREA		42 SF
GARAGE AREA		725 SF
UNFINISHED BASEMENT AREA		801 SF



PROPOSED HOME FOR	STEIN RESIDENCE				
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Signature	Date				
SHEET TITLE	FIRST FLOOR PLAN				
SHEET NUMBER	A7				
CUSTOM	<p style="font-size: 8px;">2025 © Westridge Builders Inc. Copyright Notice: The designs represented by these plans are copyrighted subject matter protected by federal and state law. Use of these plans or designs is subject to judicial action as provided by federal law.</p> <p style="font-size: 8px;">DRAWN BY: KEF DATE: 03/22/25 DESCRIPTION OF REVISION: 1 03/22/25 CIP SET 01 2 03/20/25 CIP SET 02 3 4 5</p>				
PRINT DATE: 3/10/2025 5:41 PM	DRAWN BY: KEF				

CUSTOM  
**SECOND FLOOR PLAN**

SCALE: 1/4" = 1'-0"

NOTES:

FLOOR SYSTEM INFORMATION

- SECOND FLOOR: 11 7/8" ENGINEERED "I" JOIST - SPACING PER MANUFACTURER
- ANY PARALLEL JOIST TO RIM BOARD MUST BE SET A MINIMUM 14" OFF OF RIM BOARD

ROOF INFORMATION

- REFER TO ROOF PLAN FOR ROOF INFORMATION

WALL INFORMATION

- SECOND FLOOR EXTERIOR WALLS: 92 5/8" 2x6 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.
- SECOND FLOOR INTERIOR WALLS (NON BEARING): 92 5/8" 2x4 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.
- SECOND FLOOR INTERIOR WALLS (BEARING): 92 5/8" 2x6 #2SPF STUD GRADE OR BETTER STUDS @ 16" O.C.

CEILING INFORMATION

- ALL SECOND FLOOR CEILINGS ARE 8'-1 1/8" UNLESS NOTED OTHERWISE

WINDOW INFORMATION

- ALL WINDOW TYPE AND SIZED SHOWN ARE FOR GENERIC WINDOWS - FEET/INCHES x FEET/INCHES

- ALL WINDOW HEADER OPENINGS TO BE 6"-10 7/8" FROM T/FLOOR UNLESS NOTED

DOOR INFORMATION

- ALL SINGLE POCKET DOOR (24"-36") ROUGH OPENINGS TO BE 2x THE DOOR WIDTH PLUS 1" & OPENING SET AT 85" FROM T/FLR.
- ALL DOUBLE POCKET DOOR (48"-72") ROUGH OPENINGS TO BE 2x THE DOOR WIDTH PLUS 1/2" & OPENING SET AT 85" FROM T/FLR.

STAIR INFORMATION

- REFER TO FIRST FLOOR PLAN FOR STAIR INFORMATION

PLAN INFORMATION

- ALL DIMENSIONS ARE TO FACE OF DRYWALL TO FACE OF DRYWALL
- THE CONDITIONS LISTED HERE ARE STANDARD FOR THIS PLAN ELEVATION(S). EXCEPTIONS ARE NOTED ON THE PLAN



SHEET NUMBER	<b>A8</b>	SHEET TITLE	SECOND FLOOR PLAN	CUSTOMER DOCUMENT APPROVAL	PROPOSED HOME FOR STEIN RESIDENCE									
		 <b>Westridge BUILDERS</b> 18 W228204 Johnson Dr Walkersville, WI 53185 262-547-0325 Office www.westridgebuilders.com		CUSTOMER SIGNATURE _____ DATE _____	CUSTOMER SIGNATURE _____ DATE _____									
		2026 © Westridge Builders Inc. Copyright Notice: The designs represented by these plans are copyrighted subject matter protectable under 17 U.S.C. § 101. All other rights are reserved. Use of these plans as provided by federal law.		REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION OF REVISION</th> </tr> <tr> <td>1</td> <td>03.02.26</td> <td>CEP SET 01</td> </tr> <tr> <td>2</td> <td>03.10.26</td> <td>CEP SET 02</td> </tr> </table>	NO.	DATE	DESCRIPTION OF REVISION	1	03.02.26	CEP SET 01	2	03.10.26	CEP SET 02	PRINT DATE: 9/10/2026 5:41 PM DRAWN BY: KEF
NO.	DATE	DESCRIPTION OF REVISION												
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2	03.10.26	CEP SET 02												



11333 N. Cedarburg Road  
Mequon, WI 53092-1930  
Phone: 262/236-2914  
Fax: 262/242-9655

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www.cityofmequonwi.gov

Community Development

**TO:** Board of Appeals  
**FROM:** Greg Golden, Inspections Supervisor  
**DATE:** April 2, 2026  
**SUBJECT:** 10114 N. Sheridan Dr. Variance

---

**Background:** The appellant is requesting a side yard offset variance to Section 58-238 R-3 Single Family Suburban Residential District.

Per Table 58-249 Technical Requirements of Residential Districts, the R-3 zoning district requires the following (see R-3 column of Exhibit A):

- Required side yard offset = 15’\*
- Proposed side yard offset = 10’

\*Required side yard offset of 20’ is reduced to 15’ using 58-416(e)(3)(a) offset exception:

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

***(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.*

**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 plans to raze the existing primary structure on this lot and build a new primary structure further west on the property to comply with current zoning codes requiring a 75’ setback to the top of the Lake Michigan bluff, Sec. 58-416(c)(2) [Exhibit B]. The existing primary structure side

yard offsets are approximately 10'. The appellant's variance application requests a further reduction to the side yard offsets from the already reduced 15' offset to 10' on both the north and south property lines. Staff confirmed the appellant's claims of similar situations on neighboring properties:

- 10120 N. Sheridan Dr.:
  1. North side yard offset approximately 14'
  2. South side yard offset approximately 11'
    - This house was built in 1962, no records available.
- 10108 N. Sheridan Dr.:
  1. North side yard offset approximately 10'
  2. South side yard offset approximately 10'
    - This house was built in 2016; BOA variance approved 9-9-15 (Exhibit C).
- 10100 N. Sheridan Dr.:
  1. North side yard offset approximately 8'
  2. South side yard offset approximately 14'
    - This house was built in 1963, no records available.

These three properties, along with the appellant's property, have an average lot width of 68' each, significantly less than the minimum average lot width for the R-3 zoning district of 150'. These narrow lots create a unique hardship to build houses meeting the minimum square footage requirement for the R-3 zoning district of 1,800 square feet. Further, an identical variance application was presented to the BOA in 2015 for the property to the immediate south of the appellant's property and approved (Exhibit C).

**Staff Recommendations:**

Staff recommend approval of the variance for a reduction to the side yard offsets from 15' to 10' based on the unique hardship created by the unusually narrow lot.

**Attachments:**

Exhibit A, Exhibit B, Exhibit C

## EXHIBIT A

### 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%
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\* 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.

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## Exhibit B

### 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

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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.

Structures to gain access to Lake Michigan shall be permitted subject to the following conditions:

- a. The structure shall be limited to five feet in width, seven feet in length, in no case greater than 35 square feet, and the following height restrictions shall apply:
  1. Four feet six inches measured vertically from the structure's walking surface to the top of the structure.
  2. Fifteen feet measured vertically from the walking surface to grade.
- b. A building permit from the department of community development shall be obtained.
- c. A survey shall be provided with the building permit and shall include the ordinary high-water mark (OHWM).
- d. Structures shall comply with required side yard offsets of the city base zoning district. Structures and any component of the structures, whether above or below grade, including, but not limited to cables, anchors, supports, are not eligible for the offset exemptions of section 58-416.
- e. Regulations of chapter 84 shall be met.
- f. Structures shall comply with all other applicable municipal codes and state or federal regulations.
- g. Property owners shall certify to the city their awareness of potential problems of lake shore erosion, including, but not limited to, the possibility of adding fill of various types to stabilize the bluff area, the requirement for securing of a fill permit from the city engineering division for any such filling, the provisions of said fill permit ordinance, and the potential cost incurred. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
- h. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall certify to the city that the construction of any proposed structure located within 75 feet of the top edge of the bluff will be safe. Specifically, the professional engineer shall certify that:
  1. The design of any structure, the method of constructing such structure, and the materials used therefore are structurally adequate and will protect public health and safety.
  2. The proposed structure will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites.
  3. The proposed structure will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession on the subject site or adjoining or adjacent site.
  4. The drainage system will not adversely affect the adjacent and adjoining properties.
  5. There is no danger to the proposed structure or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
  6. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.

- 
7. The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
    - i. Recommendations regarding site preparation, foundation design, lateral earth pressure and support of the structure.
    - ii. The stability of the slope before, during and after construction.
    - iii. The effect of the construction on natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.

- i. Property owners shall maintain structures to avoid becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use. Property owners shall provide the city a repair, replacement or removal plan within 30 days of being notified of being in noncompliance. The department of community development director may authorize an extension to this deadline.
- j. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall recertify to the city every five years that the structure is safe for use.

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

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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 excluded from offset regulations by ordinance including those structures excluded by section 58-419 are not subject to subsection (e).
- f. Garages allowed as accessory uses to residences are subject to subsection (e)(1) but not subsection (e)(2) or (e)(3).

(4) Any required offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles, or any other material.

- (f) *Driveway offsets.* Residential driveways shall be located no closer than three feet to a side or rear property line unless written approval is granted by the adjacent property owner.

(Code 1957, § 3.03(5); Ord. No. 96-878, 5-14-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2003-1065, § I, 4-8-2003; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2016-1488, § I(Att.), 1-10-2017; Ord. No. 2025-1681, § I, 5-13-2025)



CITY OF MEQUON BOARD OF APPEALS

11333 N. Cedarburg Road  
Mequon, WI 53092

FINDINGS OF FACT AND DECISION

In re the application of Steve and Michelle Bersell  
for a variance from Section 58-239(j) Mequon  
Code of Ordinances for the Property located at  
10108 N. Sheridan Drive, Mequon, Wisconsin

FINDINGS, CONCLUSIONS AND ORDER

This matter came before the City of Mequon Board of Appeals on September 9, 2015, at 6:00 pm in the City of Mequon Christine Nuernburg Hall/Common Council Chambers following due notice by publication and first class mail to the Applicant. Members present were Chairperson Reitz and Members Ashmore, Levin, Massey and Larson.

This appeal is a request for a variance from the provisions of Mequon Municipal Code section 58-239(j) which relates to the side yard setback requirements. The Applicants appeared in person. Steve Bersell and Michelle Bersell were sworn on oath and gave testimony in this matter. The City Inspection Department was represented by Inspector Michael Rakow and Director Kim Tollefson who were also sworn on oath and gave testimony. Based upon the testimony presented, the Board of Appeals makes the following findings and decision:

1. The subject property (the "Property") is located at 10108 N. Sheridan Drive, Mequon, WI 53092, which is located in an R-3 Single-Family Residential (1 acre minimum) zoning district.
2. The Property is owned by Steve and Michelle Bersell who reside at 321 East Cedar Lane, Mequon, WI 53092.
3. On July 15, 2015, the Applicant submitted a building permit application to construct a new 3050 square foot single family residence.

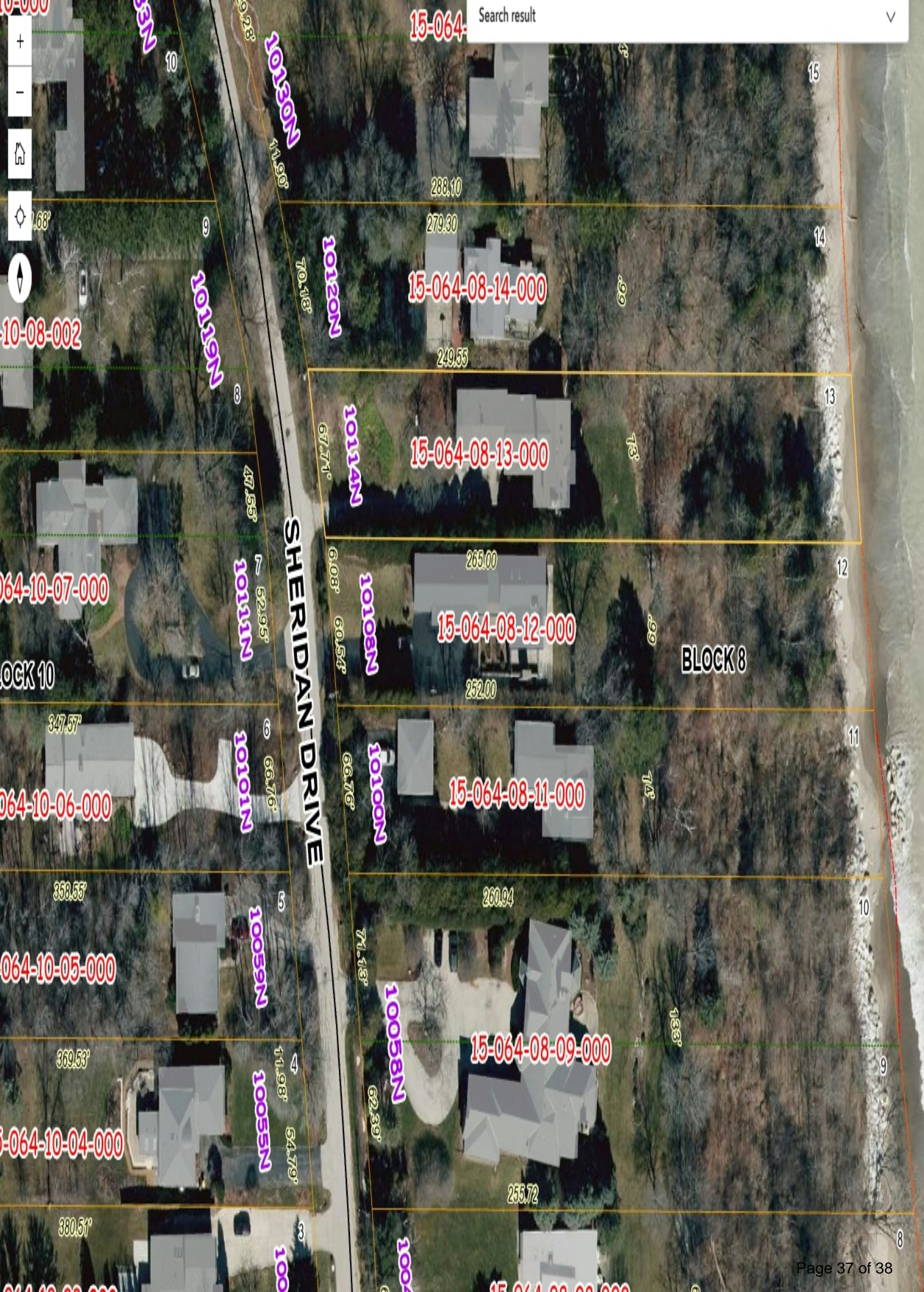
4. On July 30, 2015 the Assistant Director of Community Development, Jac Zader, formally denied the building permit for a new single family residence due to the side yard setbacks were not adhered to.
5. On August 14, 2015 an application was filed for a variance to reduce the side yard setback to 10 feet along the north and south property lines.
6. 58-239(j) Mequon Code of Ordinances provides for a 15 foot side yard setback in this zoning district.
7. Applicant alleges unnecessary hardship. His lot is 66 feet wide while code requires 150 feet. Other similarly sized bluff lots in this area of Mequon have an average of 9.6 foot setbacks. The lot adjacent to his on the north has an 11.8 foot setback and the lot to the south has a 9 foot setback.
8. Applicant alleges unnecessary hardship due to the non-conforming conditions (size and width), coupled with the required Lake Michigan bluff setback. This causes a reduced building envelope when compared to a typical one acre lot.
9. Applicants' allege there is no detriment to any neighboring properties. The applicant alleges that the affected neighbors immediately to the north and south whom share this property line will benefit from improved views of Lake Michigan due to the home receding from the bluff. The home will be situated an additional 35 feet further from the bluff which meets the 75 foot bluff setback requirement.
10. Applicants assert that granting of a variance in this situation would be consistent with the intent of the zoning code by constructing a home in a similar style and with similar set backs as other homes in the neighborhood.

11. Based upon the foregoing, the Applicant's request for a variance from the provisions of Section 58-239(j) of the Mequon Municipal Code is granted.

Dated at Mequon, Wisconsin, this 15<sup>th</sup> day of September, 2015.

CITY OF MEQUON BOARD OF APPEALS

  
Rose Reitz, Chairperson



15-064-

15-064-08-14-000

15-064-08-13-000

15-064-08-12-000

15-064-08-11-000

15-064-08-09-000

BLOCK 8

SHERIDAN DRIVE

101120N

101119N

101118N

10108N

10100N

10058N

1004

10111N

10101N

10059N

10055N

100

10

9

8

7

6

5

4

3

15

14

13

12

11

10

9

8

288.10

279.30

249.55

265.00

252.00

260.94

255.72

064-10-07-000

OCK 10

064-10-06-000

064-10-05-000

064-10-04-000

064-10-03-000

10-08-002

06-000



14

15-064-08-14-000

279.30

199

10120N

70.18'

249.55

13

15-064-08-13-000

73'

10114N

67.71'

12

15-064-08-12-000

265.00

199

10108N

6.08'

60.54'

252.00

BLOCK 8

SHERIDAN