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Office of the City Clerk

BOARD OF APPEALS
Thursday, April 1, 2021
6:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Chairman Massey called the meeting to order at 6:06 PM.

Present:

Chair Kathleen Massey
Vice Chair William Komisar
Board Member Lori Kornblum
Board Member Ramona Larson
Board Member Joseph Russell
Board Member Thomas Flanagan -- **Absent**
Board Member Robert Stern -- **Absent**

Also present: City Attorney Brian Sajdak, City Clerk Caroline Fochs, Assistant Community Development Director Jac Zader, City Inspector Mike Hadley, David and Jean Johnson, press and interested public.

Chairman Massey explained the rules of virtual meeting per Mayor Wirth's Proclamation. There were no timely notices received in advance for the public comment.

All parties appearing before the Board of Appeals were sworn.

2) Approve meeting minutes of October 1, 2020

It was determined that the following changes should be made to the September 3, 2020 meeting minutes. Member Komisar motioned and voted AYE. Members Kornblum and Larson abstained since they were not present at the September 3rd meeting.

RESULT: **Approved with Amendments [Unanimous]**
MOVED BY: Board Member Komisar
SECONDED BY: Board Member Massey

AYES:	Massey, Komisar
ABSTAIN:	Kornblum, Larson, Russell

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

Appellants: David and Jean Johnson
Owners: David and Jean Johnson
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by David and Jean Johnson requesting a variance from Sections 58-238(c), 58-238(j) and 58-416(c) of the Mequon Code of Ordinances in order to decrease the offset of the property line and increase the allowable square footage of an accessory structure at 3330 W. Freistadt Road.

Hearing no objection, Chairman Massey opened the public hearing.

There were no written public comments received in advance of this meeting. Chairman Massey stated the appeal.

Chief Inspector Hadley stated that the appellants are requesting to build a 36' x 56' accessory structure within the existing footprint but with an offset of 10 feet from the east lot line. The original structure collapsed due to heavy snow. Current code would allow them to build an 800 square foot accessory structure with a 20-foot offset. The appellants' appeal did not provide any practical difficulty or hardship unique to the property, however, staff does recognize that the proposed changes are more in tune with our current code than the original structure. That stated, staff is in favor of approving the variances.

Assistant Community Development Zader additionally stated that Municipal Code 58.62 (d) of the Chapter 58 Zoning Code, rebuilding or damaged or destroyed legal conforming structures is pertinent to this case. Since the original structure collapsed the appellants have the right to rebuild in the same footprint and the same size. The Johnsons are proposing a smaller structure in the original footprint.

City Attorney Sajdak stated that the Board has the ability to interpret the code. The Board's decision today would be recounted to future committee discussions on review of Code 58.62 (d). If the Board grants the variance to build a new structure the City cannot reverse that decision in the future.

The appellant Jean Johnson stated that home is 150 years old, the shed has been on the property 50+ years prior to its collapse in February. While they understand they could have proposed to build a structure the exact size of the original structure, they are choosing to stay in the footprint but built a new structure one-third smaller. The proposed structure is much more appealing aesthetically.

Motion to close the public hearing.

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

AYES: Massey, Komisar, Kornblum, Larson, Russell

Board discussion ensued:

- No harm to anyone in rebuilding as proposed.
- Neighbors approve of the proposed changes.
- Staff recommends approval of the variance since the proposed structure complies more with the ordinance than the old structure did.
- Current ordinance Section 58.62 (d) is vague and unclear.

Motion to approve the variances to build a 36' x 56' accessory structure within the existing footprint with an offset of 10 feet from the east lot line.

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

AYES: Massey, Komisar, Kornblum, Larson, Russell

4) Adjourn

Motion to adjourn at 6:44 PM.

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

AYES: Massey, Komisar, Kornblum, Larson, Russell

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 05/01/21