



11345 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.cityofmequonwi.gov

Office of the City Clerk

BOARD OF APPEALS
Thursday, May 1, 2025
6:00 PM
Tolzman Community Room
Frank L. Weyenberg Library
11345 N. Cedarburg Road
Agenda

1) Call to Order

2) Approve meeting minutes of April 3, 2025

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

- a. Applicant:** Morgan Tuttle (Miller Mobility)
Owner: Joyce Peterson
Appeal: Opportunity will be given to all interested in being heard concerning the petition requesting a variance to Mequon Code Sec 58-249(a) regarding front yard setback to install a temporary ramp to the front door at 12160 N River Road.

4) Adjourn

Dated: May 1, 2025

/s/ Kathleen Massey, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

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

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



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 Mequon, WI 53092
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Office of the City Clerk

BOARD OF APPEALS
Thursday, April 3, 2025
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order

Present:

Chair Kathleen Massey
 Vice Chair Thomas Flanagan
 Board Member Steve Helfer
 Board Member Ramona Larson
 Board Member Robert Stern – Arrived 6:01 PM

Members Wawrzyn and Reigle attended in the audience.

2) Approve meeting minutes of March 6, 2025

Motion to approve Board of Appeals meeting minutes of March 6, 2025.

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

| | |
|-----------------|-------------------------------|
| AYES: | Massey, Helfer, Larson, Stern |
| ABSTAIN: | Flanagan |

3) Discussion

a) Procedures and Processes of the Board of Appeals

City Clerk Fochs was asked to swear in anyone from the gallery that would like to speak during the meeting (including members attending as the general public):

James Wawrzyn 708 W McIntosh Lane, Mequon WI

The Board met in March and began its discussion regarding the Rules and Regulations as well as the Application process. Since the March meeting, City Attorney Sajdak participated in a meeting with attorneys representing 24 other municipalities. They compared how the appeals process is handled and determined that most task Planning Staff with reviewing Appeals applications. Some felt the application should be reviewed exactly as submitted; leaving the responsibility to the applicant for providing complete information for an appeal.

Attachment: BOA Minutes 4.3.25 (10271 : BOA minutes)

Chair Massey asked to address two questions: 1) Should applicants be helped with the application and, if so, 2) Who should help the applicants. She believes applicants should be given help with their application because the interaction with the Board of Appeals is not meant to be adversarial. There are benefits to both sides in having the opportunity to review the application and provide more information/detail before appearing before the Board.

Member Helfer agreed with the Chair as this process can be intimidating to residents. This Board serves the citizens and should not be a burden or a hurdle to the citizens. Therefore, it is appropriate for the City staff to be helpful and courteous when reviewing the application.

Member Larson concurred that it can be intimidating. Most applicants want to supply sufficient information and a complete application to best present their case.

Member Flanagan believes the staff does a good job of vetting the application. There have been cases where not enough information has been given for the Board to review. It is better to have more information and provide a complete packet.

Discussion began regarding the second question of “Who should help the applicants?” – the Planning Department or the Clerks Department. Chair Massey stated that while the Clerk does a good job with the processing of the application, the Clerks Department does not have the expertise to understand zoning code, plumbing code, electrical code or other technical details.

City Clerk Fochs agrees that each department has its own areas of expertise. It is challenging for the Clerk and her staff to know and determine if everything is complete for the application process.

Member Helfer agrees that the Building, Planning and/or Engineering Departments should bear more of the burden in reviewing the applications related to coding or technical appeals.

Member Larson believes the Clerks Department should not be tasked with judging the merits of the application. Member Flanagan agrees but does not know who is the best person to review the application and determine if they have supplied hardship or a complete application.

Member Wawrzyn felt that it would be better to continue having the Clerks Department vet the application because it would be awkward to have the applicant go back to the very department that had denied their permit or plans to begin with. The updated application as presented by City Attorney Sajdak will provide a better roadmap of the application process and will encourage more detailed information on the application itself.

Currently, the Clerk reviews the application for completeness but raises questions regarding any technical or legal aspects to the appropriate department or the City Attorney.

Member Stern felt it would be beneficial for a potential Board member to have been through the permit process to understand how it works. It can be a challenge to understand the technical aspects of the permit process, and you cannot always rely on the knowledge of your contractor. The process can be confusing for a citizen; it can be hard to understand a denial based on very technical grounds. Contractors may not offer or provide any assistance in the process.

Then began discussion of changes to the proposed Board of Appeals Variance Application (packet pages 11-15). Chair Massey asked to review The Process: Step 1 Applying for a variance. Clarify what “materials” the Clerk can review or answer questions about versus Planning or Inspections or City Attorney. Clerk can review application for completeness and provide an overview of the process itself. Questions about materials of a technical nature should go to that department. It was suggested to add wording to encourage the applicant to consult their contractor, architect or other professional when completing the application form.

Proposed modifications to the Rules and Regulations for the City of Mequon Board of Appeals:

- Section 3: Meetings: Item 6: add wording “not have a conflict of interest or”.
- Section 5: Contested Hearings: Item 7: remove extra word “the” in first sentence, and change the word “in” to “at” his or her discretion in the third sentence.

Modification to the Application on packet page 14, Step 2 should be changed to “City Staff will review your application.”

Motion to approve the Rules and Application with amendments summarized above.

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

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|--|
| AYES: Massey, Flanagan, Helfer, Larson, Stern |
|--|

Motion to direct the Chair to meet with Mayor Nerbun regarding these topics.

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

| |
|--|
| AYES: Massey, Flanagan, Helfer, Larson, Stern |
|--|

The Board also recognized Members Flanagan and Stern for their years of service on the Board of Appeals. Chair Massey thanked them for all they have done. Member Flanagan has served for 7 years and has learned a great deal over that time. He pointed out that the board is voluntary and each member takes their part seriously. Member Stern had served for 10 years and was grateful for the experience.

4) Adjourn

Motion to adjourn at 7:05 PM

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

| |
|--|
| AYES: Massey, Flanagan, Helfer, Larson, Stern |
|--|

Respectfully Submitted,
Beth Kong, Deputy Clerk

Attachment: BOA Minutes 4.3.25 (10271 : BOA minutes)

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Morgan Tuttle (Miller Mobility) Address: 36336 N. Summit Village Way
City/zip: Oconomowoc, WI 53066

Owner: Joyce Peterson Address: 12160 N. River Rd.
City/zip: Mequon, WI 53092

Contact Person/Name: Morgan Tuttle
Phone Number: 262-549-4900 Email: morgan@miller-mobility.com

TO THE BOARD OF APPEALS:

58-249(a)

The above hereby requests a variance to City of Mequon Code Sec. #: ~~58-238~~
regarding:

12160 N. River Rd.

(street address or legal description)

in order to: Install an aluminum modular ramp coming out the front door. Temporary ramp. The layout/placement of the ramp violates the front yard setback rule.

APPLICANT MUST PROVIDE:

Application form
\$250 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>CF</u> | Received Date: <u>2/27/2025</u> |
| Parcel #: <u>19-013-11-002.00</u> | Hearing Date: <u>4-3-25</u> |
| Zoning District: <u>R-3</u> | Receipt #: <u>00218-0010</u> |
| Alderman & District #: <u>#4 Hanahan</u> | Published: <u>2/20/25</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.

Variance for 12160 N.River Rd, Mequon, WI, 53092

The house at 12160 N.River Rd. has two entrances with stairs leading into the home, the front door and the side/back door, The side/back door entrance can not have anything installed by the stairwell to help access the main floor, like a ramp. A ramp would not work at this location of the house because the stairs are on the inside of the home and there is not enough space to put anything there.

The front door entrance can have a ramp installed to ensure safety going into the home. There is plenty of room for a ramp to come out the front door and turn by the side walk towards the driveway. The ramp would end on the driveway which is ideal for the homeowners needs. The front entrance is the only entrance that would work for a ramp installation.

The homeowner is working with the IRIS program to get this equipment for her daughter Monica Peterson. Monica can not do stairs at the current moment and needs to be able to enter and exit the home for doctor appointments and other appointments. We at Miller Mobility are a vendor of the IRIS organization and provide all kinds of durable medical equipment for their participants' needs, like ramps.

Monica is in need of this ramp to help her facilitate a healthy life. The front entrance is the only entrance available to install a ramp. The ramp will obviously meet all state codes and ADA specifications that are required for such an install. This ramp is a semi-permanent structure. It can be removed with little difficulty. It rests on top of the ground and is anchored in the concrete for stability.

(no subject)

From Joyce Peterson <jpeterson1940@att.net>

To <morgan@millermobility.com>

Date 2025-02-14 12:53

My daughter, Monica Peterson, is 52 years old. She has always lived in Mequon. She has diagnoses [REDACTED]

[REDACTED] She graduated in 1993 from Homestead H.S. She had been able to play music on her keyboard in the community and at D.S. conventions, helped me teach chess for 3 years to a senior group here locally, and held two jobs in Mequon for 14 years and 19 years. Currently she's unable to climb stairs, walk, stand or follow many other verbal requests. She has voiced a desire to see her friends, which are many. She is in the IRIS program and was approved to have a ramp installed from our front door to the driveway following approval by Independence First. That approval was completed by Miller Mobility with estimates and a drawing plus supply list on 10/21/ 2024. So far we have NO ramp. I have had to cancel 2 M.O, appointments and a third coming up shortly to her dentist. She is in fairly significant decline [REDACTED]

[REDACTED] She is in a very precarious and potentially dangerous medical situation as she would have no way of egress in a medical emergency or should a fire ensue. Mequon's codes are extremely outdated concerning the number of disabled and many senior residents who live with the City restrictions daily. We have a wheelchair on loan by Portal, Inc, in Grafton, and Monica absolutely needs the ramp to be installed so that she can live her life in a safer and more reasonable way. There is no excuse for a temporary structure like a ramp to hold up her life. We are not building a permanent addition of any kind on the house or property. I look forward to common sense codes to be created to serve my daughter and those with physical and/or mental conditions so their lives represent a community that cares.



the resource for people with disabilities

November 6, 2024

Amendment January 31, 2025

Consumer – Monica Peterson

Date of Birth - 8/21/1972

Address – 12160 N River Rd Mequon, WI 53092

IRIS Consultant – Debbi Peterson, TMG

Present for the home visit – Monica Peterson, Joyce Peterson, Nina Gutmanis

Goal – Egress and stair lift

Demographic and Disability Information

Monica Peterson is a woman of 52 years with multiple medical diagnoses that impact her daily functioning. Most notably,

[Redacted text]

other conditions. These myriad diagnoses can make determining the underlying cause of new/changing issues difficult to determine.

[Redacted text]

Ms. Peterson's mobility has been in steep decline over the past several months. She was previously ambulatory with supervision and use of a rollator. Up until August, she was able to traverse the steps to her second floor bedroom, though was reported to at times spend several hours on the intermediate landing before being willing/able to finish the stairs. She has recently stopped attempting to do any steps within the home and has had several falls. These falls required EMS to assist with recovery since her mother was unable to safely lift her from the floor; no serious injuries resulted from the falls. Ms. Peterson is now using a loaned transport chair for personal mobility, w/c which is pushed by her mother. Transfers were also reported to be increasingly difficult, with Ms. Peterson's mother stating she was looking at mechanical transfer chairs available online. Some of the increased difficulty with transferring recently was reported to be due to Ms. Peterson's current bed. This bed is a camping cot style unit, which bows down when Ms. Peterson is laying or sitting on it. This bed is being used since Ms. Peterson is currently unable to safely access her second floor bedroom.

Ms. Peterson lives with her mother, Joyce Peterson, in a two-story, single-family house which her mother owns. Mrs. Peterson is a retired nurse and provides 20 hours of paid personal care each week. She is also looking into getting additional help for respite/supportive home care. Ms. Peterson requires around-the-clock supervision and care, with her mother performing the vast majority of this

Independence First is providing information on the most appropriate and cost effective solution to this recipient's accessibility barriers. We do not assess the structural integrity of the building or look for code violations, nor do we investigate the status of mortgages, liens, property taxes, homeowner's/renter's insurance or participant occupancy of the property.

Attachment: Peterson Redacted (10298 : Redacted Application)

as natural/unpaid support. The family's goal is for Ms. Peterson to remain in her home as long as safely possible.

Ms. Peterson was present during the assessment and was observed sitting semi-upright in her bed/cot in the home's living room. She has a small cough and had been running a low-grade fever for several days at the time of the assessment. She was noted to converse with her mother about people from her past, expressed when she was hungry, and answered several yes/no questions with a soft voice. Mrs. Peterson provided thorough information regarding her daughter's current physical and cognitive abilities, how these have changed over the last year, and her goals for her daughter.

Barriers and Recommendations

Exterior Egress Barriers

The entrances to Ms. Peterson's home present significant accessibility barriers. The front entrance has a series of six deep steps leading to a small stoop, with one additional step into the house. This entrance opens into the main living room in the home. There is a back entrance that has five interior steps with one additional exterior step. There are no handrails or other supportive surfaces along the stairs for either entrance. There are also three small steps that lead to a sunken living room, which one can use to access the back patio. Ms. Peterson was reported to be able and willing to do the rear entrance steps until recently, but is no longer able to do so.



Ms. Peterson's Front Entrance

Ms. Peterson has been using a transport ^{w/c} chair pushed by her mother for personal mobility. Each entrance has steps, which cannot be safely negotiated while using a wheeled mobility device. The family's goal is a solution that allows Ms. Peterson to safely exit/enter her home to attend medical appointments and other community based activities. She has experienced a recent decline in function and she is expected to continue to need to leave her home on a regular basis for medical appointments.



Interior Steps for Back Entrance

Solutions that were considered but will not be recommended include:

- Installed handrails at any of the entrances. This would not provide the level of support necessary to increase Ms. Peterson's safety. She requires a solution that will allow her to remain in her wheelchair when entering/exiting her home.
- Installing a stair lift for any of the entrances, for the same reasons as stated above.
- Using a stair climber for any of the entrances, for the same reasons stated above.
- Installing a vertical platform lift at the front entrance. This is not the most cost-effective solution and would require more involved alterations to the yard.

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- Use of portable ramp(s) for any of the entrances. The total rise for each set of stairs exceeds the maximum capacity for even the longest ramp available (12 feet).

Exterior Egress Recommendations

The most appropriate and cost-effective solution to meeting Ms. Peterson's goal for safer egress is installation of a ramp at the front entrance. A 4'x4' platform needs to be constructed level with the entry step, with a minimum of 18"-24" of the platform on the pull side of the door. A ramp needs to be connected to that platform and it needs to terminate on a firm, stable, slip resistant surface such as a driveway or sidewalk. The width of the ramp needs to be a minimum of 36" clearance (rail to rail) although 40" is recommended to avoid bumping into the sides. If a switchback is used it may be necessary to add stairs to the platform at the top to create access for people who are walking. The bidders need to describe the layout of the ramp and the slope on each segment, with no portion exceeding a 1:12 pitch. Turning space needs to be at least 60" deep and as wide as the ramp segments. Handrail endloops are not recommended in this application because Ms. Peterson has a caregiver to propel her onto the ramp; these are typically used in the individual self-propels and would benefit from something to grasp onto as they transition onto the ramp.

Modular ramps are available in both metal and plastic. Both types of modular ramps can be considered for this application. Modular ramps typically have a lifetime warranty on all parts on the ramp, with labor included in the first year. Wisconsin defines lifetime warranties as lasting ten years. It is common for ramps that are installed in the winter to settle when the ground thaws in spring, which would require that funds be set aside to recall the installer for re-aligning the ramp. A yearly check for loose bolts is also advisable and needs to be included in Ms. Peterson annual IRIS budget.

It is recommended that for snow removal only shovels with a plastic blade be used on the ramp surface of any ramp to prevent damage that could shorten the life expectancy of the ramp.

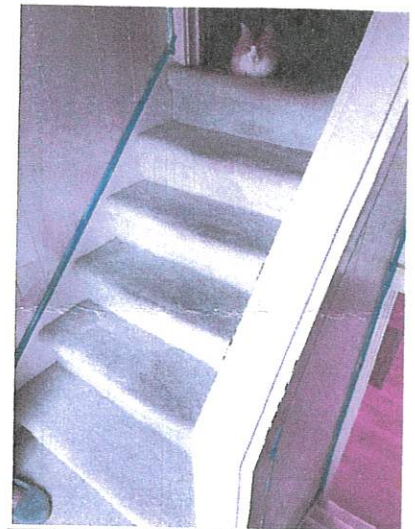
Second Floor Access Barriers

As stated earlier, Ms. Peterson's bedroom is located on the second floor of the home. There is a U-shaped stairwell between the two floors, with a total of 13 steps. There are no handrails or other supportive structures along the stairwell. The stairs are carpeted, appeared uniform and in good overall condition. There is appropriate lighting at the top and bottom of the stairs.

Ms. Peterson was previously able to traverse the steps with supervision and assistance, as necessary, from her mother. Her mobility has sharply declined in the last several months, and she is no longer able to safely ambulate on level surfaces or stairs. Her mother purchased a camping cot/bed out-of-pocket, which



Lower Stairs from Intermediate Landing



Upper Stairs from Intermediate Landing

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was placed in the living room. The back of the cot can raise, which allows Ms. Peterson to sit upright for meals, watching TV, etc., and to lay flat while sleeping. The cot bows in the middle which helps with keeping Ms. Peterson from rolling out of bed, which has occurred in the past when sleeping on other smaller bed alternatives.

Her mother's goal is for Ms. Peterson to once again be able to access her second-floor bedroom. She has a large, firm bed in her room, which her mother reported was easier for Ms. Peterson to transfer on/off of. [REDACTED]

[REDACTED] Her mother's bedroom is also on the second floor, meaning she is better able to hear and attend to her daughter faster when they are both on the same level. Because of her mother's own health conditions, she is unable to sleep on the couch or a similar style of bed as Ms. Peterson's cot on the first floor. Her mother also expressed a desire to return her daughter to her typical routine and surroundings to promote increased mental health.

Solutions that were considered but will not be recommended include:

- Acquiring a hospital bed for the first floor. This could facilitate easier transfers because of the firmer surface and height adjustability. Ms. Peterson was reported to previously have had a hospital bed, but it was too large and cumbersome for the limited living room space. Similar barriers regarding size would exist for other bed options, if placed in the living room as it is currently arranged.
- Installing handrails. This would not provide the support necessary to increase Ms. Peterson's safety on the stairs.
- An incline platform lift, because there is not sufficient space for installation.
- A vertical platform lift or residential elevator. Either option would be extremely costly because of the significant structural changes required to install such a device.
- Converting the first floor den/study to a bedroom and moving Ms. Peterson's bed to the first floor. There is not enough space in the room for Ms. Peterson's bed as it is currently arranged. Her mother reported that this space is used to store documents, the computer, etc. and this was not a viable option. Dimensions of the bed and room were not taken, and it is not known at this time if the bed would fit, if the existing furniture were moved.

Second Floor Access Recommendations

A curved chair lift is the family's preferred solution. Safety and logistical concerns related to transferring and use of this type of device were discussed during the assessment. The family was loaned three styles of Beasy transfer boards, to see if that improves Ms. Peterson's ability to transfer. Additional trial(s) of devices may follow. This writer is also in the process of researching other options that may meet Ms. Peterson's needs, but is not comfortable making a recommendation until further information is gathered.

Prior to the assessment, the family obtained bids for the ramp (and a stairlift) and wish to move forward with the IRIS decision process as quickly as possible. Given the urgent need for the ramp, this report is submitted with the ramp recommendation above. An amendment for second floor

Independence First is providing information on the most appropriate and cost effective solution to this recipient's accessibility barriers. We do not assess the structural integrity of the building or look for code violations, nor do we investigate the status of mortgages, liens, property taxes, homeowner's/renter's insurance or participant occupancy of the property.

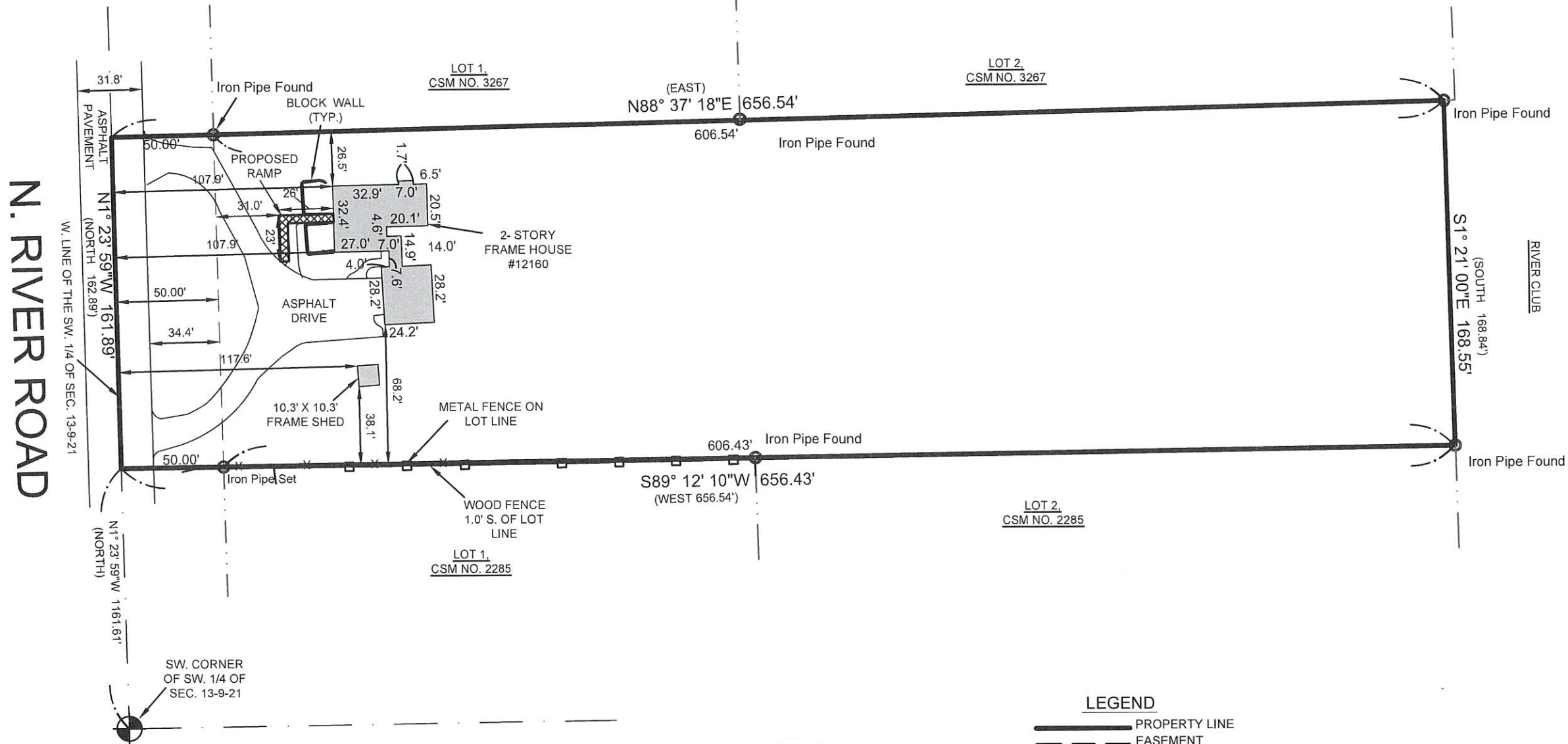
Plat of Survey

LEGAL DESCRIPTION

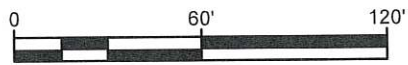
That part of the Southwest one-quarter of Section 13, Town 9 North, Range 21 East in the City of Mequon, Ozaukee County, Wisconsin, as follows:
 Commencing at a point in the West line, 1161.61 feet North of the SW corner of said 1/4 Section; thence North along the West line of said SW 1/4 162.89 feet to the 1/8 Section corner; thence East along the 1/8 Section line, 656.54 feet to a point; thence South on a line parallel to the West line of said 1/4 Section 168.84 feet to a point which is 1161.61 feet North of the South line of said 1/4 Section; thence West on a line parallel to the South line of said 1/4 Section 656.54 feet to the place of beginning.
 Said Parcel containing 2 1/2 acres of land, more or less.

Bearing Reference:
 All bearings referenced to the West line of the SW 1/4 of Section 13-9-21, which bears N1°23'59"W, per SEWRPC, datum NAD-83

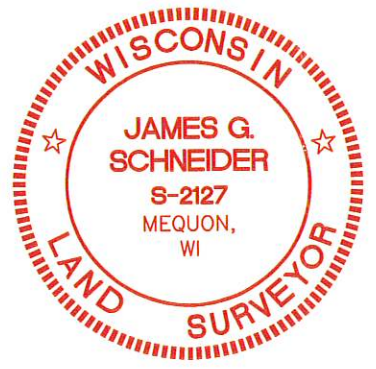
Prepared for:
 Joyce Peterson
 12160 N. River Road
 Mequon, WI 53092



N. RIVER ROAD



- LEGEND**
- PROPERTY LINE
 - - - EASEMENT
 - REBAR FOUND/SET
 - ⊕ BENCHMARK
 - (MH) UNKNOWN MANHOLE
 - ▒ CATCH BASIN
 - W WATER VALVE
 - ⊞ ELECTRIC BOX
 - ⊞ UTILITY PEDESTAL
 - () BEARING OR DISTANCE PER DEED



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 Milwaukee, State of Wisconsin this 21st day of March, 2024.

Recertified _____
 James Schneider
 S - 2127

Peterson 23987 Plat of Survey.dwg
THE SIGMA GROUP
 www.thesigmagroup.com
 1300 West Canal Street
 Milwaukee, WI 53233
 Phone: 414-643-4200
 Fax: 414-643-4210

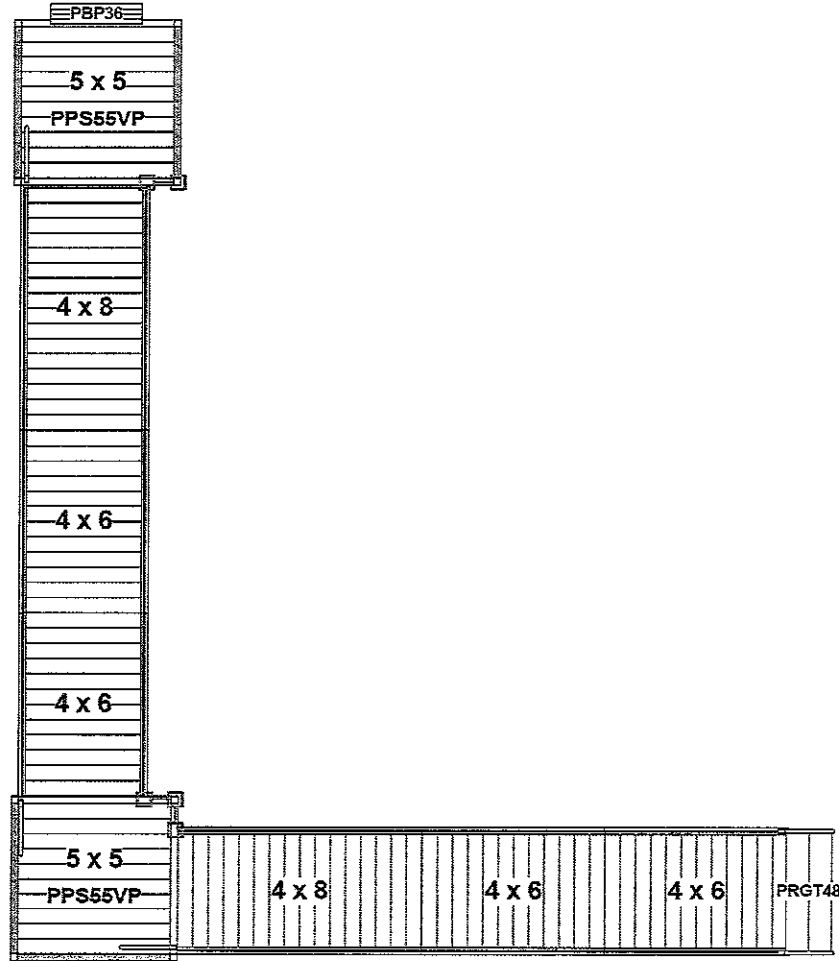
Attachment: Peterson Redacted (10298 : Redacted Application)

PROJECT LAYOUT AND QUOTE

Project Information

Surface: SOLID
Handrail: VERT_PICKET
Ramp Width: 48"
System Length: 40'

Comments



MSRP

| | |
|---|--|
| Project Name / Ref No. UNW11368.1B 3G 139951 | © Homecare Products, Inc. All rights reserved. All text and images contained in this document are proprietary and may not be shared, modified, distributed, reproduced, or reused without the express written permission of EZ-ACCESS, a division of Homecare Products, Inc. |
| Company Name EZ-ACCESS | |

Parcel Information



Attachment: Peterson Redacted (10298 : Redacted Application)

12160 N. River Rd. Mequon



From Greg Golden <ggolden@ci.mequon.wi.us>
To morgan@millermobility.com <morgan@millermobility.com>
Date 2025-01-16 14:54

Good Afternoon,

I am currently reviewing your permit application for a ramp installation at 12160 N. River Rd. in Mequon and have a couple issues:

- 1. The ramp as drawn is violating the front yard setback and would need a variance. The setback from the ultimate right of way is 50', which is where the house sits.
- 2. The ramp as drawn on the survey is not to scale.

If the intent is to keep the ramp in the front of the house, I would need the ramp on the survey drawn to scale. Then I would deny the permit based on the setback violation at which point you can apply for a variance to the front yard setback. Another option would be to install the ramp to a door other than the front door. Please let me know how you would like to proceed.

Thank you,



Greg Golden
 Building Inspections Supervisor
 City of Mequon
 Master Electrician
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2921 | ggolden@ci.mequon.wi.us
 Central Scheduling: (262)236-2930

Attachment: Peterson Redacted (10298 : Redacted Application)

Beth Kong

From: Greg Golden
Sent: Friday, February 28, 2025 3:00 PM
To: Beth Kong
Subject: FW: 12160 N. River Rd. Mequon

Here you go. Just FYI, I was mistaken on the setback. It is actually 70' which I corrected with him in an email on 2-19-25. Let me know if you need that one as well.



Greg Golden

Building Inspections Supervisor
City of Mequon
Master Electrician
11333 N. Cedarburg Rd. | Mequon, WI 53092
262-236-2921 | ggolden@cityofmequonwi.gov
Central Scheduling: (262)236-2930

Please Note: The City of Mequon is transitioning its website and email addresses to cityofmequonwi.gov. Emails sent to/from the City's prior ci.mequon.wi.us addresses will forward to the new cityofmequonwi.gov domain through January 31, 2026. Please update your records accordingly.

From: Greg Golden
Sent: Thursday, January 16, 2025 2:55 PM
To: morgan@millermobility.com
Subject: 12160 N. River Rd. Mequon

Good Afternoon,

I am currently reviewing your permit application for a ramp installation at 12160 N. River Rd. in Mequon and have a couple issues:

1. The ramp as drawn is violating the front yard setback and would need a variance. The setback from the ultimate right of way is 50', which is where the house sits.
2. The ramp as drawn on the survey is not to scale.

If the intent is to keep the ramp in the front of the house, I would need the ramp on the survey drawn to scale. Then I would deny the permit based on the setback violation at which point you can apply for a variance to the front yard setback. Another option would be to install the ramp to a door other than the front door. Please let me know how you would like to proceed.

Thank you,

Attachment: Peterson Redacted (10298 : Redacted Application)



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

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Office of Inspections

TO: Board of Appeals
FROM: Greg Golden, Building Inspections Supervisor
DATE: April 25, 2025
SUBJECT: Appeal of Joyce Peterson 12160 N. River Road

Background

The appellant is requesting a variance to the front yard setback for an accessibility ramp.

Variance:

The appellant is requesting a front yard setback 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 front yard setback (River Rd. is a local arterial) = 70'
- Proposed front yard setback for accessibility ramp = 31'

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 includes a survey confirming a proposed front yard setback of 31 feet from the front property line to the most egregious portion of the proposed accessibility ramp.

Based on staff analysis of the information provided by the report from *Independence First*, dated January 31, 2025, the front door is the only entry door which provides adequate access to the first floor of the residence for a person confined to a wheeled mobility device for ingress/egress. The rear entry door leads directly to another interior staircase for first floor access. It should also be noted the proposed ramp would be placed over the existing stairs and sidewalk that currently lead from the front door to the driveway (see pictures on page two of the *Independence First* report). The stairs were likely installed when the house was built, which predates the adoption of the current zoning standards. The fact that the front door is the only entry door that provides adequate access to the first floor demonstrates a unique hardship to this property and is not contrary to public interest.

Recommendation

Staff recommends **approval** of the variance for a reduction to the front yard setback as a unique hardship to this property has been demonstrated and is in the best interest for the health and safety of the occupant of this residence.

Attachments:

Exhibit A (PDF)

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. |

Attachment: Exhibit A (10300 : Staff memo)

| | | | | | | | | | | |
|--|---------|----------|---------|---------|---------|---------|---------|---------|------------------------------|--|
| 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 |

Attachment: Exhibit A (10300 : Staff memo)

| | | | | | | | | | | |
|---------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 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)

Attachment: Exhibit A (10300 : Staff memo)

Caroline Fochs

Subject: FW: Appeals board

Appeals Board members-

My name is Kelly Tolocko, I am the alderwoman for District 2 and am writing today regarding the appeals case coming before you on May 1st at 6p.m regarding a ramp at 12160 North River Road by Joyce Peterson that is needed in order to allow access in and out of the home for her daughter. To date, it is my understanding that a map survey was submitted to the City and that the ramp in question meets all requirements by the City.

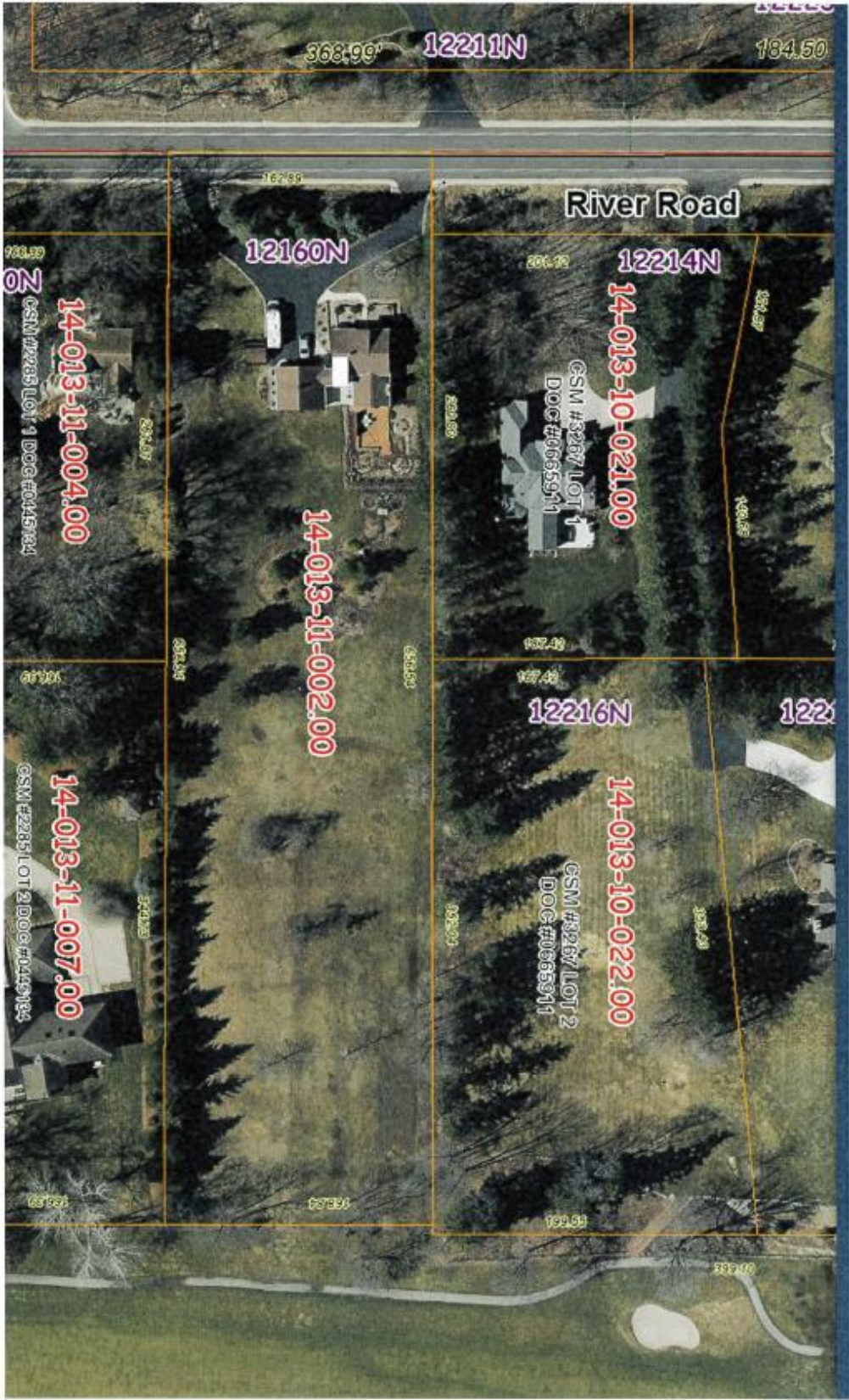
It is therefore my conclusion that the ramp will be approved by the committee.

If after reviewing the material, the conclusion is different, I urge you to reach out to City staff to ask any questions prior to the appeals meeting. Additionally, I ask that I be notified so that I may help our resident obtain any further information needed in time for the appeals case. The ramp in question is very important for the overall care of her daughter and any further delay would be detrimental.

Kindly,

Kelly Tolocko
414/651-7773
Alderwoman District 2

Attachment: Email Alderman Tolocko (10301 : GIS and Email Alderman Tolocko)



Attachment: GIS (10301 : GIS and Email Alderman Tolocko)