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Office of the City Clerk

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

Minutes

1) Call to Order, Roll Call

Chairman Massey called the meeting to order at 6:00 PM.

Present:

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

Also present: City Attorney Brian Sajdak, City Clerk Caroline Fochs, City Inspector Supervisor Mike Hadley, David and Jean Johnson, press and interested public.

Chairman Massey explained the rules of virtual meeting per Mayor Wirth's Proclamation.

All parties appearing before the Board of Appeals were sworn.

2) Approve meeting minutes of April 1, 2021

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

MOVED BY: Board Member Russell

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell

ABSTAIN: Stern

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 appealing the Architectural Board decision of April 12, 2021 to reject the submitted plans for the 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.

Inspection Supervisor Hadley stated that the appellants are requesting to build a 36' x 56' accessory structure and that the Architectural Board denied the replacement of the old metal structure with a new metal structure. The denial was based on their opinion that metal buildings do not belong in residential zoning districts and a more suitable design could have been submitted with material more conducive to a residential use. Staff recommends approval of the originally submitted building plans since it is appropriate for a metal building to be erected at this location, adjacent to and surrounded on four sides by a commercial property (golf course), the plans were approved by the Landmark Commission and other buildings of this size have been approved in residential zoning districts.

The appellant Jean Johnson responded to the Architectural Board Chairman Scott Reed's written comments: 1) The Architectural Board guidelines states that "Materials must be compatible with those of the residence. Generally metal sheds are discouraged"; 2) The guidelines also state "The several elevations of the home must be consistent with one another and compatible with the existing homes in the neighborhood and the natural features of the lot and surroundings in order to avoid disharmony and the appearance of haphazard development"; and 3) The size of storage sheds must reflect residential usage, not that of a commercial application....". She stated that their home is fieldstone and a fieldstone shed would be inappropriate, the proposed colors would match the colors on the home and roof, the shutters and cupolas would also match the home, their home is not in a residential area of homes, the building is barely visible from the road, the proposed building is one-third smaller than the original building, there is no garage on the property. If the appeal is lost the appellants would be forced to build a larger, grand-fathered in building.

Motion to close the public hearing.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

Board discussion ensued:

- The proposed building is surrounded on four sides by the golf course and is not a residential setting.
- The proposed building is replacing the existing building.
- The new metal building is replacing an old metal building.
- The Landmark Commission has already approved this type of structure.
- The size of the proposed structure is similar to others in the R-1 zoning district.

Motion to reverse the decision of the Architectural Board and order approval of the structure as presented.

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

MOVED BY: Board Member Stern

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

4) Adjourn

Motion to adjourn at 6:20 PM.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Larson

AYES: Massey, Komisar, Larson, Russell, Stern

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 05-20-21