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Office of the City Clerk

BOARD OF APPEALS
Thursday, June 2, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

Present:

Chair Kathleen Massey
Vice Chair Joseph Russell
Board Member Thomas Flanagan
Board Member Steve Helfer
Board Member Kirsten Hildebrand -- **Absent**
Board Member Ramona Larson -- **Absent**
Board Member Robert Stern -- **Absent**

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Director Kim Tollefson, press and interested public.

2) Approve meeting minutes of April 7, 2022

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

AYES:	Massey, Russell, Flanagan
ABSTAIN:	Helfer

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

Applicant: Lemel Homes
Owner: Greg Devorkin
Address: 13130 N. West Shoreland Drive
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Lemel Homes on behalf of Greg Devorkin requesting a variance from Table 58-249 R-2 Column of the City of Mequon Code of Ordinances in order to

construct a new home that exceeds the required setback from local streets at 13120 N. West Shoreland Drive.

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

All parties appearing before the Board of Appeals were sworn.

Community Development Director Tollefson stated that the appellant is requesting a variance to the front yard setback in the R-2 zoning district in order to build a new dwelling. The code states the setback should be 75 feet from the ultimate right-of-way. Planning Commission recommended the variance. There are thirty-one specimen trees on the property and the appellant wants to remove five. The appellant modified their garage plans and saved one tree, so only four trees are to be removed. Planning Commission recommended removal of the four trees, however, that violates the setback code. She further stated that no homes on the subject block currently comply with the setback code except one. The City is a proponent of natural resources, and thus attempts to save clusters of trees. Hardship must be proven in order to remove trees. Staff recommends approval of the variance.

Chairman Massey read into the record Exhibit 1 which was an email from Mr. Ed Bangs, Jr. against approving the variance.

Mr. Todd DeLonge, representing Lemel Homes, stated that a lot of thought went into designing the new home to avoid the trees. The garage was pushed forward and away from the river to save more trees. The proposed plans would also allow the structure to be placed further away from other trees as well. In his opinion, approval of the variance will not affect the neighborhood negatively. Their river setback is similar to others on the river. They will be putting money into city trees. He stated the four-car garage will be needed to house boats and cars and the shed will be removed.

Motion to close the public hearing.

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

AYES:	Massey, Russell, Flanagan, Helfer
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Motion to open Board discussion.

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

AYES:	Massey, Russell, Flanagan, Helfer
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Board discussion ensued:

- Lot is the hardship.
- Only 22.5 feet of the garage will be in the setback, not the whole house.
- Granting the variance is the best solution.
- The proposed 65-foot setback for the 22.5 feet of the house exceeds the surrounding homes.
- The benefits of saving a tree is worth the “cost” of the setback.

Motion to approve the front setback of 65 feet from the ultimate right of way in order to save one tree.

RESULT:	Approved by Roll Call Vote [Unanimous]
MOVED BY:	Board Member Russell
SECONDED BY:	Board Member Flanagan

AYES:	Massey, Russell, Flanagan, Helfer
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4) Adjourn

Motion to adjourn at 6:33 PM.

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

AYES:	Massey, Russell, Flanagan, Helfer
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 12-01-22