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Office of the City Clerk

BOARD OF APPEALS
Thursday, October 3, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Kathleen Massey
Board Member Steve Helfer
Board Member Ramona Larson
Board Member James Wawrzyn
Vice Chair Thomas Flanagan -- **Absent**
Board Member Kirsten Hildebrand -- **Excused**
Board Member Robert Stern -- **Absent**

Also present: City Attorney Sajdak, City Clerk Fochs, Assistant City Engineer McCraw and interested public.

2) Approve meeting minutes of August 1, 2024

Motion to approve Board of Appeals meeting minutes of August 1, 2024

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

MOVED BY: Board Member Wawrzyn

SECONDED BY: Board Member Larson

AYES: Massey, Helfer, Larson, Wawrzyn
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3) Hear evidence concerning; debate, deliberate and decide the request of:

Applicant: Ralph Morello

Owners: The Ralph Morello and Judith Morello Revocable Trust

Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by The Ralph Morello and Judith A. Morello Revocable Trust requesting the retraction of the Planning Commission's requirement of July 22, 2024 regarding the widening of the driveway for the property located at 10050 North Range Line Road.

All parties appearing before the Board of Appeals were sworn.

Michael Morello, 5306 N Kent Ave, Whitefish Bay, WI
Ralph Morello, 10050 N Range Line Road, Mequon WI
Cole McCraw 11333 N Cedarburg Road, Mequon, WI
Susan Brotz, 10054 N Range Line Road, Mequon WI

Chairman Massey explained the guidelines for the Board of Appeals as well as the process for the meeting.

Assistant City Engineer McCraw stated that Mr. Morello met with the Planning Commission in May 2024. The Planning Commission recommended widening the driveway rather than build another driveway. The easement documents from 1988 and 1992 did not specify driveway dimensions. Regarding any hardship claims during the construction, the Planning Commission does not foresee any hardship as the process can be completed in stages and not prevent access to any existing dwellings.

Chair Massey reviewed SSLD Section 3.2.9 that provides guidance for private driveways. The driveway in question would be for six homes. Chair Massey reviewed that the Planning Commission had made recommendations based on public safety (roadway length and width to allow for rescue vehicles). Assistant City Engineer McCraw said that phasing in construction would allow individuals that live in this area to access their homes or properties.

Applicant Morello explained that the basis for his appeal was related to the easement document from 1992 with the Ozaukee County Registration of Deeds. Two lots had been combined into one lot and then are to be divided again into to allow the building of six new homes on that parcel. Morello said that state law should supercede municipal ordinances as the road-widening ordinance in question became enacted after 1992.

Susan Brotz spoke for the neighbors in the area sharing her concerns that construction would impact how they live and access their homes and the feel of their neighborhood.

Mr. Morello clarified that he purchased two separate parcels that had their own easements to Range Line Road. The property became combined into one in 1992 with his purchase of that second lot. He now wants to re-divide the lots for development but believes the easements that had been in place when he purchased those properties are still in place. He believes those easements should also apply going forward. He said Section 3 Use of the Existing Driveway provides the terminology saying the existing driveway can be used to access Range Line Drive.

Chair Massey said that SSLD Section 3.2.9 stipulates that a private driveway can service a maximum of four lots and extend up to 500 feet in length. The driveway in question would now fall between a public roadway and a private driveway. Because the current driveway will now need to service more homes, the driveway should become wider to accommodate more homes on that driveway access.

Mr. Morello clarified that the widening from a 14-foot width to 18-foot pavement width would just be for the area. This would be 400-600 feet of the current 900 feet of driveway. He questioned how things can be changed now when there were contracts and easements approved back in 1988, 1992 and 2006. A new ordinance should not be retroactively applied when other contracts had been in place for this property. Rather than widen it, perhaps there could be vehicle turnouts to allow for cars to pass.

Chair Massey replied that the concern would be for emergency vehicles (firetrucks, ambulances) and the ability to access all homes along that roadway. Board Member Wawrzyn clarified when the two properties became under one CSM, it created a new situation.

Motion to close public hearing

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Wawrzyn
SECONDED BY: Board Member Helfer

AYES: Massey, Helfer, Larson, Wawrzyn

The Board reviewed the information provided and considered what they can decide based on the applicable law. Since this property needed a new CSM, the Planning Commission made determinations based on the current ordinance. The Board feels that there is not a conflict or hardship to the appellant.

Motion to deny the applicant's request

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Chair Massey
SECONDED BY: Board Member Wawrzyn

AYES: Massey, Helfer, Larson, Wawrzyn

4) Adjourn

Motion to adjourn

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Helfer
SECONDED BY: Board Member Wawrzyn

AYES: Massey, Helfer, Larson, Wawrzyn

Respectfully Submitted,
Beth Kong, Deputy Clerk