



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk

BOARD OF APPEALS
Thursday, November 4, 2021
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of May 20, 2021
- 3) Hear evidence concerning; debate, deliberate and decide the request of:

Applicant: Steve Ketterhagen
Owner: Omer Ben Avraham
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Steve Ketterhagen on behalf of Omer Ben Avraham, requesting a variance from Section 58-239 R-4 (k) of the City of Mequon Code of Ordinances in order to add an addition that exceeds the allowable lot coverage at 4430 W. Grace Avenue.

- 4) Adjourn

Dated: October 22, 2021

/s/ Kathleen Massey, Chairman

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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Office of the City Clerk

BOARD OF APPEALS
Thursday, May 20, 2021
6:00 PM
Virtual Meeting

Minutes

1) Vice Chairl to Order, Roll Call

Chairman Massey called the meeting to order at 6:04 PM.

Present:

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

Also Present: City Clerk Caroline Fochs, City Attorney Brain Sajdak, press and interested public.

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

2) Approve meeting minutes of May 6, 2021

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

AYES: Massey, Komisar, Flanagan, Larson, Stern

3) Discussion

ORDINANCE 2021-1592 An Ordinance Amending Section 50-100 of the Mequon Municipal Code Relating to Sex Offender Residency Restrictions and Child Safety Zones and Amending Section 2-466 relating to the Powers and Duties of the Board of Appeals

Chairman Massey stated she called this Special Board of Appeals meeting because an eventual approval of **ORDINANCE 2021-1592** would impact the workload and the type of matters coming before the Board of Appeals, a board made up of volunteer residents. She noted that the Board of Appeals' views/input have not been solicited nor considered in the deliberative process

Attachment: Draft BOA minutes_05-20-21 (6766 : Board of Appeals meeting minutes of May 20, 2021)

thus far and she instructed that the approved minutes of this meeting be provided to the Public Safety Committee and the Common Council for their information and consideration. She has advised City Attorney Sajdak that if this ordinance is approved and sexual offender residency appeals cases are sent to the Board of Appeals, in addition to the regular monthly meetings, she would not continue to serve on this Board.

City Attorney Sajdak provided background and stated that discussions have been ongoing at the Public Safety Committee level for months. Preliminary discussions led to the creation of **ORDINANCE 2021-1592** which proposed creating a separate board. The original ordinance included the creation of a separate body to review the appeals by sex offenders appealing residency rulings. The Mayor proposed not creating a separate Board but rather appointing the Board of Appeals as the body which would hear such appeals. The Public Safety Committee agreed. In preparation for this meeting, Mr. Sajdak prepared a list of all the various codes in the state with sex offender residency appeals provisions. Five ways were identified to address staffing such a board: 1) Governing body, 2) Sub-committee of governing body, 3) Zoning Board of Appeals, 4) Administrative Appeals Board, and 5) Create a separate Board. Standard procedure in Mequon has been to have a Board/Commission make recommendations to the Common Council. Mr. Sajdak further added that he has been called in to advise on 2-3 cases over his nearly seven-year tenure as City Attorney and that there is an offender awaiting the decision(s) on the ordinance. He clarified that if an offender did not reside here, they could petition the Chief and the Appeals Board for the ability to reside anywhere within Mequon. The Board's authority to rule is from Chapter 68, Municipal Administrative Procedures.

Board discussion ensued. Chairman Massey shared that through research she discovered the League of Wisconsin Municipalities does have training on sex offender residency restrictions and advocates not being a rubber stamp to deny exceptions and should include qualified members with professional experience to weigh the merits of each case. There are not special requirements listed on Mequon's ordinance at this time. Expertise in multiple disciplines would be needed to render a decision on the eighteen criteria listed and further fashion a decision on a conditional exemption. Listing of the sex offender board and its members on websites varies throughout Wisconsin. Many communities post informational packets, forms, or transcripts. Mequon currently has a 2000 foot buffer, which is the most restrictive in Wisconsin. The State uses a 1500 foot buffer. Could the more restrictive buffer make Mequon more of a target for appeals?

Attorney Sajdak confirmed that these appeals meetings could be both public and private, depending on specifics of the case. Some discussions would need to be in a closed session. Member Larson expressed concerns over releasing the names of Board members and videotaping appeals.

Current code mandates the original application goes to the Police Chief/Police Department, at which point the supporting information is gathered, reviewed, and a recommendation is made. It is this decision of the Police Chief that can be appealed. It was questioned whether elected officials would be more suitable to serve on an appeals board, rather than volunteers, because of politics or liability issues.

Discussion ensued on vetting membership and a Joint Intergovernmental Board opportunity that could be explored. The code does not require anyone to be an expert in these topics. In Mr. Sajdak's opinion all of the current Board of Appeals Members are unbiased and qualified to hear sex offender residency appeals. A Joint Board would help alleviate the politics and due process concerns as well as help in Board recruiting.

After all discussions were complete, the following Members indicated they will not be willing to continue their service if sex offender residency appeals will be delegated to the Board of Appeals: Chairman Massey, Vice Chairman Komisar, Member Flanagan and Member Larson.

Chairman Massey announced that she will not be available for the August meeting and Vice Chairman Komisar will be the Chair for that meeting.

4) Adjourn

Motion to adjourn at 7:22 PM.

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

AYES:	Massey, Komisar, Flanagan, Larson, Stern
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

BOARD OF APPEALS VARIANCE APPLICATION**CITY OF MEQUON, WISCONSIN**

Applicant: Steve Ketterhagen Address: 2821 Virginia Street
 City/zip: Racine, WI 53405

Owner: Omer Ben Avraham Address: 4430 W Grace Avenue
 City/zip: Mequon, WI 53092

Contact Person/Name: Steve Ketterhagen
 Phone Number: 262.664.4066 Email: SteveK@ketterhagenarch.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-239 R-4 (k)
 regarding:

4430 West Grace Avenue

(street address or legal description)

in order to: Exceed ordinance-directed lot coverage of 15%. Current lot coverage as single-family home exists is at 20.2%. Owner wants to add living space to the current home. This will add an additional 8% of lot coverage. Total lot coverage proposed would now be at 28.2%. An excess of 13.2% above the ordinance. See Statement of Intent report and plans dated September 20, 2021 accompanying this application.

APPLICANT MUST PROVIDE:

Application form
 \$215 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)

RECEIVED**OCT 14 2021****Mequon City Cl****FOR OFFICE USE ONLY**

Receiving Officer: <u>Kathy Andrykowski</u>	Received Date: <u>10/14/21</u>
Parcel #: <u>140-580-205-000</u>	Hearing Date: <u>11/4/21</u>
Zoning District: <u>R4-FW</u>	Receipt #: <u>003460-0104</u>
Alderman & District #: <u>Dist #2, Alderman Bushee</u>	Published: <u>10/21/21</u>

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.



KETTERHAGEN
ARCHITECTURE

Prepared for:

City of Mequon Architectural Review Board, Board of Appeals
and...

Mr. Omer Ben Avraham

DATE: September 20, 2021

Project Number: 21-009

STATEMENT OF INTENT

4430 W Grace Avenue, Mequon, WI

Intent of:

Existing single-family, stairless ranch situated on the Milwaukee River. Renovate to bring up to standards of surrounding neighborhood homes. Built in the 1950's, the home has been rarely updated or improved upon. In recent years, previous owners have used it as a rental property; now becoming a blight to the neighborhood.

The current owner wants to update, renovate and add-on to the home so that it is a viable, attractive home for him to live in while taking advantage of the Milwaukee River scenic views.

Steven Ketterhagen
SteveK@ketterhagenarch.com



STEVE KETTERHAGEN, MBA, ALA

Principal Architect

2821 Virginia St.

Racine, WI 53405

262.822.9104

SteveK@ketterhagenarch.com

September 20, 2021

City of Mequon

Inspection Division

11333 N. Cedarburg Rd 60W

Mequon, WI 53092-2924

Dear Staff and Board Members,

I am authorized to speak for and act on behalf of the property owner at **4430 W Grace Avenue, Mequon, WI**, Mr. Omer Ben Avraham. I am his agent. We would like to submit the project as proposed to bring the existing, blighted property up to City standards, at a minimum, and maybe even exceed those standards for the surrounding neighbors where the property sits.

Currently, the property is a stairless ranch of 2,020 square feet (SF). It sits on a lot of about 10,000 SF (about 0.23 acres). With the proposed additions, we want to add another 506 square feet of living area and 289 square feet of covered porch/entry areas. The total square footage covering the lot shall be 2,819 square feet. To do so, we need your permission to proceed.

The house, as it exists, covers about 20.2% of the lot. Which is over the allowed 15% per ordinance. 1994 changes in State law, I believe, and the associated ordinances automatically declared the use conforming as it exists. However, any additions to the house may be non-conforming. That is why we are asking for a variance to update the home.

The proposed additions and covered porch areas shall bring the lot coverage to about 28.2% because the lot is less than ¼ acre. Houses R-4 zoning have a minimum of ¾ acre (or 32,670 square feet) lot sizes. Should a 2,819 square foot home be placed on a ¾ acre lot, the lot coverage would only be 8.6%; exceeding current ordinances by almost half.

The current site constraints do not account for the added space created by the Community Terrace Beach/Easement (attached to this document) that is directly north of the property, situated between the home and river. We wish to embrace that open area as intended. But the area also constrains this property. The additions to the home, as we are proposing, strictly adheres to all setback requirements as delineated by current ordinances. We also wish to keep with the standards neighboring homes have maintained. In short, bring the home up to current neighborhood standards.

In summary, we wish to bring a burdensome, blighted and dated ranch back to life. Along with improving curb appeal, it is our desire to also add to the value of neighboring properties. We believe the benefits of the updates and additions outweigh the detriment to the neighborhood should the house remain as is. The site constraints do not permit everything we are proposing unless you are able to take into consideration all factors related to this property.

Sincerely,

Steve Ketterhagen, MBA, ALA
Principal Architect

Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)

Welcome to Community Terrace Subdivision!

You have moved to a very unique neighborhood. We were fortunate to have had forefathers who had future generations in mind. In 1938, those people started a nonprofit corporation and bought the Milwaukee River frontage property we call "The Beach." The beach is the property along the Milwaukee River behind the homes on Grace Avenue, extending from Austin Avenue almost to River Road. This property belongs, collectively, to over 64 families who own real property in the Community Terrace subdivision and who are thereby members of Community Terrace, Inc. This was the first neighborhood green space idea in the City of Mequon.

Along with this letter, you will find a map of the subdivision, which shows each lot as well as the beach property, a copy of the Community Terrace, Inc. by-laws and a copy of the membership-approved rules pertaining to the use of the beach property. Every September, Community Terrace, Inc. holds an annual meeting. You will receive a notice of this meeting and of any special meetings that might be called. We also hold an annual picnic each year in September using on the beach property and Grace Ave between Annette and Eugene. The picnic is a great way to meet your neighbors and enjoy an afternoon in our peaceful, friendly neighborhood on the river, so we are hopeful that you will attend.

There is a nominal annual membership or maintenance fee paid by Community Terrace, Inc. members. This fee covers the cost of liability insurance on the beach property and operation of the corporation. This fee is voted on by the members at the annual meeting. Community Terrace, Inc. has an active board of directors. We want you to feel free to contact any one of us with questions, concerns or comments.

We hope that you enjoy your new home and enjoy living in this neighborhood as much as we do. Welcome to Community Terrace!

Sincerely,

The Board of Directors,
Community Terrace, Inc.

Tim White, President	11611 N. Eugene Ave	242- 1372
Brent Lueck, 1 st Vice President	11631 N. Eugene Ave	242- 3011
Nancy Moore, 2 nd Vice President	11643 N River Rd	242- 5479
Phillip Valvo, Treasurer	11711 N Austin Ave	242- 0001
Jean Christiaansen, Secretary	4545 W Laverna Ave	242- 3028

Enclosures: Subdivision Map
Community Terrace, Inc. By-Laws
Community Terrace Beach/Easement Rules

October 3, 1990

BY-LAWS
COMMUNITY TERRACE, INC.

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Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)

**BY-LAWS
COMMUNITY TERRACE, INC.**

ARTICLE I

NAME OF THE CORPORATION

The name of the Corporation is Community Terrace, Inc., hereinafter referred to as the "Corporation."

ARTICLE II

PURPOSE OF THE CORPORATION

Section 1. Purpose of the Corporation

The purpose of the Corporation shall be to improve, maintain and preserve or acquire common area or areas including the "Beach" in Community Terrace Subdivision in the City of Mequon, Ozaukee County, State of Wisconsin. "Common area" shall mean and refer to all real property owned by and maintained by the Corporation for the common use and enjoyment of the members. The Corporation may engage in any lawful activity within the purposes for which corporations may be organized under Chapter 181 of the Wisconsin statutes.

ARTICLE III

MEMBERSHIP

Section 1. Membership Eligibility

The membership of this Corporation shall consist of such members as are described herewith: all persons owning real estate in Community Terrace Subdivision, City of Mequon, Ozaukee County, State of Wisconsin.

Section 2. Membership Limitations

Property owners owning property jointly, severally, or in common, or owning more than one parcel of land in Community Terrace Subdivision, City of Mequon, Ozaukee County, State of Wisconsin shall be entitled to only one (1) membership for voting purposes.

Section 3. Annual Dues

The annual dues for members shall be recommended annually by the Board of Directors and shall be approved by a vote of a majority of the members present and present by proxy. The dues shall be due and payable 30 days after such approval.

Section 4. Membership Certificates

Certificates of membership shall be issued to each member as defined in Article III, Section 1, certifying membership in said Corporation. Such certificates shall be consecutively numbered, and in such lawful form as may be approved by the Board of Directors. They shall be signed by the President, or First Vice-President, or Second Vice-President, and by the Secretary. The Secretary shall keep a membership book wherein he has recorded the name and residence of each such member, which said record shall be the sole and prima facie evidence of identification of the members.

ARTICLE IV

VOTING

Section 1. Voting Rights

Membership as described in Article III, Section 1 shall be entitled to voting rights as stated herewith upon each matter submitted to a vote at a meeting of said Corporation: each membership is entitled to two (2) votes, which may be divided between titled owners.

Section 2. Proxies in Voting

Each member may vote by proxy at any members meeting. Proxies must be filed with the Secretary of the meeting when called for during the meeting.

ARTICLE V

MEETINGS

Section 1. Place of Meetings

All meetings of the members shall be held at such place as shall be designated by the Board of Directors of this Corporation.

Section 2. Annual Meetings

The annual meeting of the members shall be held on the third Tuesday in September, unless otherwise notified, and it shall be the duty of the Secretary to give ten days notice of such meeting to each member personally or by mail, said notice to state the time and place of such meeting; but failure to give notice shall not affect the validity of such meeting or proceedings thereat. The purpose of the annual meeting shall be the election of the Directors and the transaction of any business as may come before the meeting. At such meeting any business may be transacted not requiring a special notice.

Section 3. Special Meetings

Special meetings of the members may be held upon call by the Secretary when directed by the President, or upon direction in writing of a majority of Directors then in office, or upon written direction of not less than ten (10%) per cent of the membership. The Secretary shall give ten days notice of such meeting as specified in the preceeding Section. Such notice shall, in addition, specify the purpose, or purposes, of such meeting.

Section 4. Waiver of Notice of Meetings

A meeting of the members may regularly and validly be held whenever all members of the Corporation shall be present at any meeting, however notified, and shall sign a written consent of the holding thereof upon the records; and at such meeting any business may be transacted which would lawfully be transacted at a meeting regularly called and qualified.

Section 5. Quorum

Presence at any meeting, in person or by proxy, of a thirty per cent (30%) of the members of the Corporation shall constitute a quorum; but less than a quorum meeting at any time shall have power to adjourn from time to time until a quorum be present.

Section 6. Conduct of Meetings

The President, or in his absence the First Vice-President, or in his absence the Second Vice-President shall preside at meetings of the members, and the Secretary shall act as Secretary thereof; but should such officers not be present their functions may be performed by any of the remaining Directors.

ARTICLE VI

BOARD OF DIRECTORS

Section 1. Powers

The Board of Directors shall act as the supreme governing body of the Corporation, and shall supervise and carry out the purposes of the Corporation.

Section 2. Duties

The business and affairs of the Corporation shall be managed by its Board of Directors. Among other things, it shall be the duty of the Board of Directors to:

(a) Supervise all officers, agents and employees of the Corporation and to see that their duties are properly performed;

(b) Recommend the amount of the annual dues due from each member at least thirty (30) days in advance of each annual assessment period.

(c) Procure and maintain adequate liability and hazard and other insurance on property owned by the Corporation;

(d) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;

(e) Cause the common areas to be maintained;

(f) Charge, in its discretion, reasonable fees for the use of any recreational facility which may be constructed upon the common areas.

Section 3. Directors Eligibility Limitations

(a) A Director must be a member of the Corporation.

(b) No more than one individual per membership may serve on the Board of Directors at the same time.

Section 4. Resignation of Directors

A Director may resign at any time by filing a written resignation with the Secretary, and said resignation shall be effective from the filing thereof, unless a later date is fixed by its terms.

Section 5. Removal of Directors

The members at any special meeting called for such purpose may remove from office any Director by the affirmative vote of two-thirds of the members.

Section 6. Filling of Vacancies

Vacancies on the Board of Directors from any cause whatsoever shall be filled by election of the Board of Directors of a successor, or successors, from among the qualified members of the Corporation. The person, or persons, so elected shall serve until the next annual meeting of the members, or until a successor, or successors, is, or are, elected by the members.

Section 7. Meetings

(a) The Board of Directors shall meet ^{quarterly *} ~~monthly~~ at such time and place as may be designated by the President.

(b) The Board of Directors shall be authorized to hold special meetings upon the request of the President, or by the President at the request of two or more Directors, upon the giving of twenty-four hours notice.

(c) Meetings of the Board of Directors may be held at any other time or place as such Board may decide upon, all Directors being then and there in attendance, and waiving notice and consenting to the holding thereof. At such meeting any business may be transacted which could have been transacted had notice regularly been given. At any meeting of the Board, a majority of the existing Directors shall constitute a quorum for the transaction of business; but less than a majority may adjourn the meeting from time to time until a quorum shall be present.

* section was changed to require that the board of directors meet quarterly instead of monthly. This change was approved at the September 15, 1992 annual meeting by a vote of the members of Community Terrace, Inc.

Section 8. Organization of Meeting and Order of Business

The President, and in his absence the First Vice-President, and in his absence the Second Vice-President, shall preside at meetings of the Board of Directors, and the Secretary shall act as Secretary thereof; but in the absence of any of such officers their functions may be performed by any member of the Board of Directors selected by those present. The regular order of business shall be:

- (1) Call of Roll
- (2) Reading of Minutes of Previous Meeting
- (3) Reports of Officers and Committees
- (4) Unfinished Business
- (5) New Business

Section 9. Interested Directors

Individual or personal interest of any Director in any matter which shall come before the Board of Directors shall not disqualify him from voting, or from being among the number requisite for a quorum at said meeting.

Section 10. Compensation

No Director shall receive compensation for any service he may render to the Corporation as such. However, any Director may be reimbursed for his actual expenses incurred in the performance of his duties.

ARTICLE VII

GENERAL OFFICERS

Section 1. Election

(a) Commencing with the annual meeting in 1989 the Directors shall be classified in respect to the time for which they shall severally hold office by dividing them into three classes. Each of the first two classes shall consist of two Directors and the third class shall consist of one Director. The Directors of the first class shall be elected for a term of one year; the Directors of the second class shall be elected for a term of two years; the Director of the third class shall be elected for a term of three years. Thereafter at each annual election the successors to the Directors of the class whose terms shall expire in that year shall be elected to hold office for the term of three years so that the terms of office of one class of Directors shall expire each year.

(b) The officers of the Corporation shall consist of a President, First Vice-President, Second Vice-President, Secretary, and Treasurer who shall be elected annually at a regular meeting of the Board of Directors from the members of said Board. Each of said general officers shall hold office for a term of one year, or until his successor is elected and qualified.

Section 2. Duties of President

The President shall preside at all meetings of the Board of Directors and at all meetings of the Corporation; call all meetings of the Corporation as provided herein, call special meetings of the Board of Directors, upon giving the proper notice, and shall perform such other duties as are ordinarily performed by a President, and shall act as the chairman of the Board of Directors.

Section 3. Duties of First Vice-President

The First Vice-President, in the absence of the President, shall perform all duties, and shall have all the powers hereinabove specified to be exercised or performed by the President, and shall exercise and discharge such other duties as may be required of him by the Board.

Section 4. Duties of Second Vice-President

The Second Vice-President, in the absence of the President and the First Vice-President, shall perform all duties, and shall have all the powers hereinabove specified to be exercised or performed by the President or First Vice-President, and shall exercise and discharge such other duties as may be required of him by the Board.

Section 5. Duties of Secretary

The Secretary shall attend all meetings of the Board of Directors, and keep an accurate record of all meetings and proceedings thereof. The Secretary shall attend all meetings of the Corporation, act as Secretary thereof, and keep accurate minutes thereof, and shall keep a full and complete list of the names and addresses of the members of the Corporation, and shall perform other such duties as required by the Board.

Section 6. Duties of Treasurer

(a) The Treasurer shall receive all assessments, levies, and taxes made upon members of the Corporation; shall issue the proper receipt therefor; shall keep accurate books of account of all assessments, levies, taxes, and other moneys received by him as such Treasurer, and of all disbursements made, and shall, as such Treasurer, be responsible for all assessments, levies, and taxes and other moneys received by him, and be required to give a surety bond for the faithful performance of his duties as Treasurer, if, as and when such bond shall be deemed necessary and the sum of such bond is fixed by the Board of Directors. The Treasurer shall be authorized to sign checks for, or make withdrawals for, disbursements only upon direction of the Board of Directors, which said checks and withdrawals shall be countersigned by the President of said Board of Directors.

(b) The Treasurer shall deposit all funds of the Corporation in a depository to be designated by the Board of Directors.

(c) Any sum or sums invested by order of the Board of Directors shall be held in the name of and as the property of the Corporation.

Section 7. Delegation of Duties

In case of the absence or disability of any general officer of the Corporation the Board of Directors may delegate his duties to one of the other members of the Board of Directors until the return or recovery of the absent or disabled officer.

ARTICLE VIII

COMMITTEES

Section 1. Committee Chairmen

At any meeting of the Board of Directors the President may appoint the Chairmen of such committees deemed necessary by the Board.

ARTICLE IX

CORPORATE SEAL

The Corporation shall not have a seal; and where a seal be required, there shall be a notation thereon to the effect that the Corporation has no seal.

ARTICLE X

AMENDMENTS

Section 1. Amendments

By-Laws may be adopted, amended, or repealed at any meeting of the members at which a quorum is present by a vote of two-thirds of the members present and after all members have been notified of said meeting according to Article V, Section 2 or Section 3.

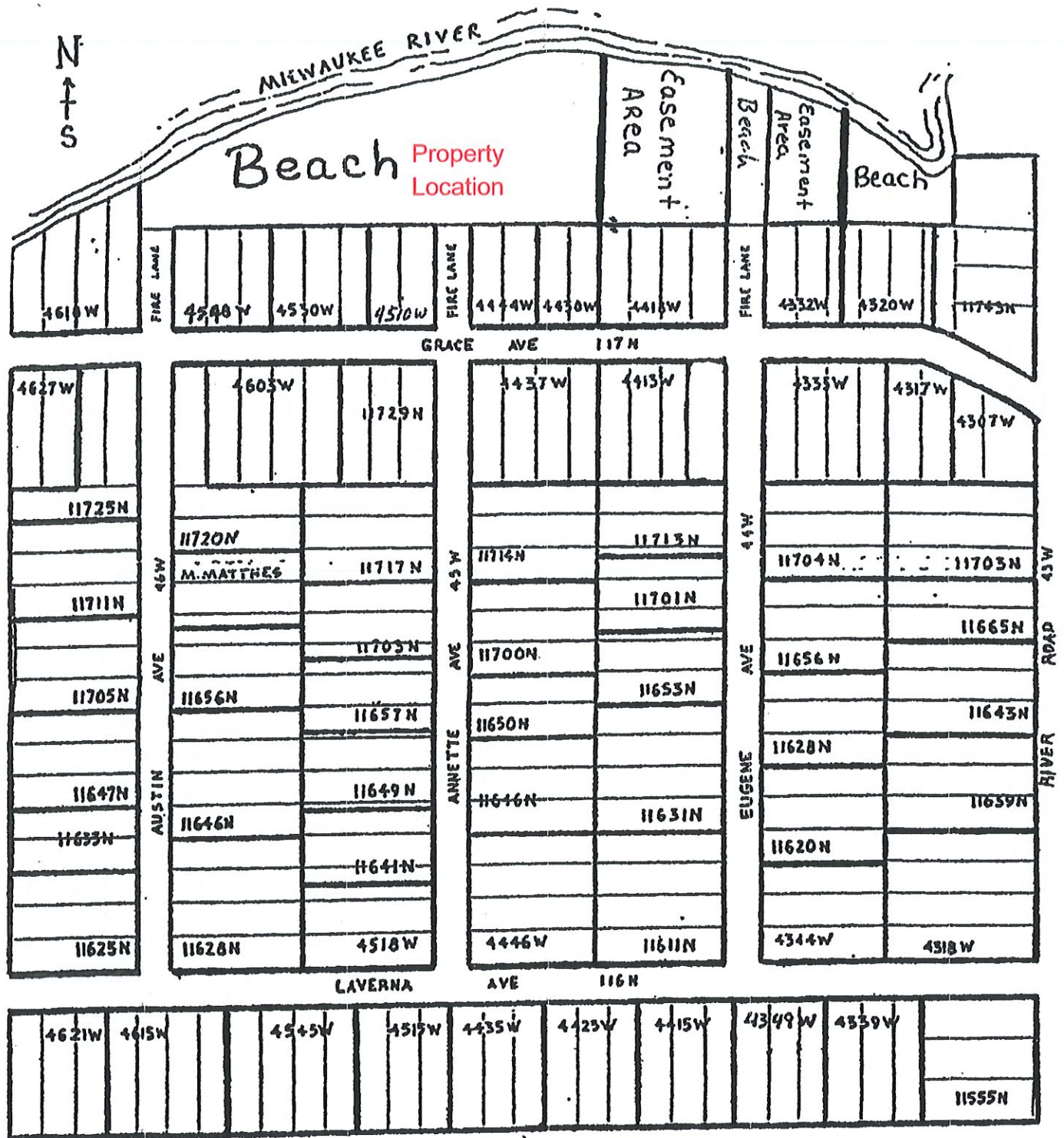
Community Terrace, Inc.

"Beach" / Easement Area Rules

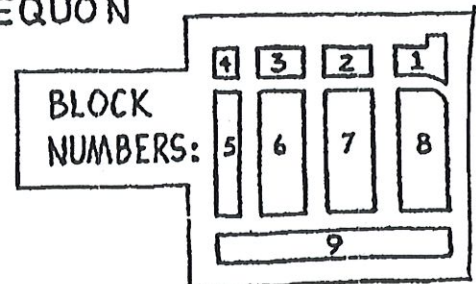
1. No children under the age of ten (10) years shall be permitted on the Beach / Easement Area unless accompanied by a person over twelve (12) years of age.
2. No use of the personal property at 4332 West Grace Avenue (Easement Area) or 4418 W. Grace Avenue (Easement Area) shall be permitted by Community Terrace, Inc., which personal property shall include but not be limited to the picnic tables and pier existing on the property. Such other personal property that the owners of 4332 West Grace Avenue (Easement Area) or 4418 W. Grace Avenue (Easement Area) shall hereinafter place on the property, such other personal property shall not consume an unreasonable portion of the Easement Area nor shall it unreasonably interfere with the use of the Easement Area. It is further understood that Community Terrace, Inc. shall not place any permanent personal property in the Easement Area.
3. No consumption of alcoholic beverages shall be permitted in the Easement Area. However, nothing contained herein shall prohibit the transport across the Easement Area of closed alcoholic beverages. Alcoholic beverages are permitted in the Beach Area.
4. No fires shall be started, created or maintained within the Easement Area. Bon fires are allowed on the Beach Area with a permit from the City of Mequon and the prior written approval of the Community Terrace, Inc. Board. For safety reasons, bon fires must be monitored at all times and must be completely extinguished before they are left unattended.
5. No installation of piers by Community Terrace shall be permitted. For safety reasons, launching of watercraft shall be permitted only from flat areas of the Easement Area.
6. No snowmobiling or use of other motorized vehicles shall be permitted in the Easement Area without the express written consent of the owners of 4332 West Grace Avenue (Easement Area) or 4418 W. Grace Avenue (Easement Area). Snowmobiling, with caution, is permitted in the Beach Area.
7. All dogs are to be leashed as required by all applicable statutes of the State of Wisconsin or local ordinances of the City of Mequon and all persons using the Beach / Easement Area shall be required and hereby agree to immediately clean and remove all excrement left by their dogs on the Beach / Easement Area.
8. No jumping and/or diving is allowed the the Beach / Easement Area into the Milwaukee River which is adjacent to the Beach / Easement Area.
9. A 10:00 p.m. curfew shall be observed for all activities in the Beach / Easement Area.
10. Swimming in the Beach Area is at your own risk.
11. Use of the Beach Area is limited to Community Terrace, Inc. members and guests of members.
12. The Community Terrace, Inc. Board must be notified of events / parties planned in the Beach Area.
13. The Community Terrace, Inc. Board must be notified in writing and written approval must be given prior to any changes being made to the commonly owned Beach property. This includes modifications such as adding plantings and / or removal of trees or brush.
14. The Beach Area shall not be used for storage of personal property, e.g. firewood, boats, etc.
15. All refuse shall be placed in proper containers.

Revised and Approved at the September 19, 2000 Annual Meeting of Community Terrace, Inc.

Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)



COMMUNITY TERRACE — MEQUON
NO. 58



Property Address: 4430 W. Grace Ave, Mequon, WI 53092 Page 3 of 9, WB-11

116 **CLOSING** This transaction is to be closed no later than August 11, 2015
 117 at the place selected by Seller, unless otherwise agreed by the Parties in writing.

118 **CLOSING PRORATIONS** The following items, if applicable, shall be prorated at closing, based upon date of closing values:
 119 real estate taxes, rents, prepaid insurance (if assumed), private and municipal charges, property owners association
 120 assessments, fuel and no others

121 **CAUTION: Provide basis for utility charges, fuel or other prorations if date of closing value will not be used.**

122 Any income, taxes or expenses shall accrue to Seller, and be prorated at closing, through the day prior to closing.

123 Real estate taxes shall be prorated at closing based on [CHECK BOX FOR APPLICABLE PRORATION FORMULA]:

124 ☒ The net general real estate taxes for the preceding year, or the current year if available (Net general real estate
 125 taxes are defined as general property taxes after state tax credits and lottery credits are deducted) (NOTE: THIS CHOICE
 126 APPLIES IF NO BOX IS CHECKED)

127 ☐ Current assessment times current mill rate (current means as of the date of closing)

128 ☐ Sale price, multiplied by the municipality area-wide percent of fair market value used by the assessor in the prior
 129 year, or current year if known, multiplied by current mill rate (current means as of the date of closing)

130 **CAUTION: Buyer is informed that the actual real estate taxes for the year of closing and subsequent years may be**
 131 **substantially different than the amount used for proration especially in transactions involving new construction,**
 132 **extensive rehabilitation, remodeling or area-wide re-assessment. Buyer is encouraged to contact the local assessor**
 133 **regarding possible tax changes.**

134 ☐ Buyer and Seller agree to re-prorate the real estate taxes, through the day prior to closing based upon the taxes on
 135 the actual tax bill for the year of closing, with Buyer and Seller each owing his or her pro-rata share. Buyer shall, within 5
 136 days of receipt, forward a copy of the bill to the forwarding address Seller agrees to provide at closing. The Parties shall
 137 re-prorate within 30 days of Buyer's receipt of the actual tax bill. Buyer and Seller agree this is a post-closing obligation
 138 and is the responsibility of the Parties to complete, not the responsibility of the real estate brokers in this transaction.

139 **LEASED PROPERTY** If Property is currently leased and lease(s) extend beyond closing, Seller shall assign Seller's rights
 140 under said lease(s) and transfer all security deposits and prepaid rents thereunder to Buyer at closing. The terms of the
 141 (written) (oral) **STRIKE ONE** lease(s), if any, are N/A

142 Insert additional terms, if any, at lines 165-172 or 435-442 or attach as an addendum per line 434.

143 **RENTAL WEATHERIZATION** This transaction (is) (is not) **STRIKE ONE** exempt from Wisconsin Rental Weatherization
 144 Standards (Wis. Admin. Code Ch. Comm 67). If not exempt, (Buyer) (Seller) **STRIKE ONE** ("Buyer" if neither is stricken) shall
 145 be responsible for compliance, including all costs, with Wisconsin Rental Weatherization Standards. If Seller is responsible for
 146 compliance, Seller shall provide a Certificate of Compliance at closing.

147 **REAL ESTATE CONDITION REPORT** Wisconsin law requires owners of property which includes 1-4 dwelling units to
 148 provide Buyers with a Real Estate Condition Report. Excluded from this requirement are sales of property that has never been
 149 inhabited, sales exempt from the real estate transfer fee, and sales by certain court-appointed fiduciaries, (for example,
 150 personal representatives who have never occupied the Property). The form of the Report is found in Wis. Stat. § 709.03. The
 151 law provides: "§ 709.02 Disclosure . . . the owner of the property shall furnish, not later than 10 days after acceptance of the
 152 contract of sale . . . to the prospective Buyer of the property a completed copy of the report . . . A prospective Buyer who does
 153 not receive a report within the 10 days may, within 2 business days after the end of that 10 day period, rescind the contract of
 154 sale . . . by delivering a written notice of rescission to the owner or the owner's agent." Buyer may also have certain rescission
 155 rights if a Real Estate Condition Report disclosing defects is furnished before expiration of the 10 days, but after the Offer is
 156 submitted to Seller. Buyer should review the report form or consult with an attorney for additional information regarding
 157 rescission rights.

158 **PROPERTY CONDITION REPRESENTATIONS** Seller represents to Buyer that as of the date of acceptance Seller has no
 159 notice or knowledge of Conditions Affecting the Property or Transaction (lines 64-114) other than those identified in Seller's
 160 Real Estate Condition Report dated 6/24/2015, which was received by Buyer prior to Buyer
 161 signing this Offer and which is made a part of this Offer by reference **COMPLETE DATE OR STRIKE AS APPLICABLE** and

162 **INSERT CONDITIONS NOT ALREADY INCLUDED IN THE CONDITION REPORT**

163 **ADDITIONAL PROVISIONS/CONTINGENCIES** **ADDITIONAL PROVISIONS - LOCATION OF CLOSING:** Buyer and
 164 Seller agree that this transaction is to be closed at the place designated by Buyer's mortgagee or listing broker.

165 Buyer acknowledges receipt of Community Terrace
 166 Subdivision.
 167 This is a cash offer.
 168 Buyer to provide letter from financial institution verifying
 169 adequate funds to support sale price within 1 day of
 170 accepted offer.

Attachment: Ketterhagen appeal packet 11-04-21 (6772 : Ketterhagen BOA packet)



11333 N. Cedarburg Rd 60W
Mequon, WI 53092-1930
Phone (262) 236-2925
Fax (262) 242-9655
mhadley@ci.mequon.wi.us

INSPECTION DIVISION

October 5, 2021

Omer Ben Avraham
4430 W Grace Ave
Mequon, WI 53092

Dear Mike:

I am writing regarding the property you own at 4430 W Grace Ave and the denial of your building permit application, to add an addition that is zoned R-4/FW. The following reasons explain the decision for denial.

- 1) Section 58-239 R-4 (k) Lot coverage. Not more than 15 percent of the lot may be covered by buildings or structures.
The proposed additions shall bring the lot coverage to approximately 28.2% over the allowed lot coverage.

Please remember the following information if you decide to request a variance:

1. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
2. The hardship cannot be self-created.
3. The Board of Appeals is to evaluate the hardship considering the purpose of the zoning restriction at issue.
4. A variance cannot be contrary to the public interest.
5. The property owner bears the burden of proving unnecessary hardship.

I have enclosed an application for the Board of Appeals which should be returned to the City Clerk with a check for \$215.00.

If you have any further questions, feel free to call me at 262-236-2925 during normal business hours.

Respectfully,

Mike Hadley

Mike Hadley
Building Inspections Supervisor

cc: Pa Phouala Vang, City Planner
City of Mequon City Clerk's Office
Karen Heil, Inspections Coordinator

Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)

PLAT OF SURVEY

OWNER:
HomeMe, LLC
3250 NE 1ST AVENUE, UNIT 1119
MIAMI, FL 33137

LEGAL DESCRIPTION

LOTS FIVE (5) AND SIX (6), IN BLOCK TWO (2) IN COMMUNITY TERRACE, A SUBDIVISION OF A PART OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP NINE (9) NORTH, RANGE TWENTY-ONE (21) EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

ADDRESS: 4430 WEST GRACE AVENUE

TAX ID: 14-058-02-05-000

SETBACK INFORMATION:

Front Setback: 50' or average of neighboring properties and required setback per 58.416(d)(1)(a)
 $50' + 34.9'/2 = 42.45$ feet

Side Setback: 20 feet or 75% of required setback in non-conforming use per 58.416 (e)(3)(a)
 $20' \times 75\% = 15$ feet

Rear Setback: 20 feet

LEGEND

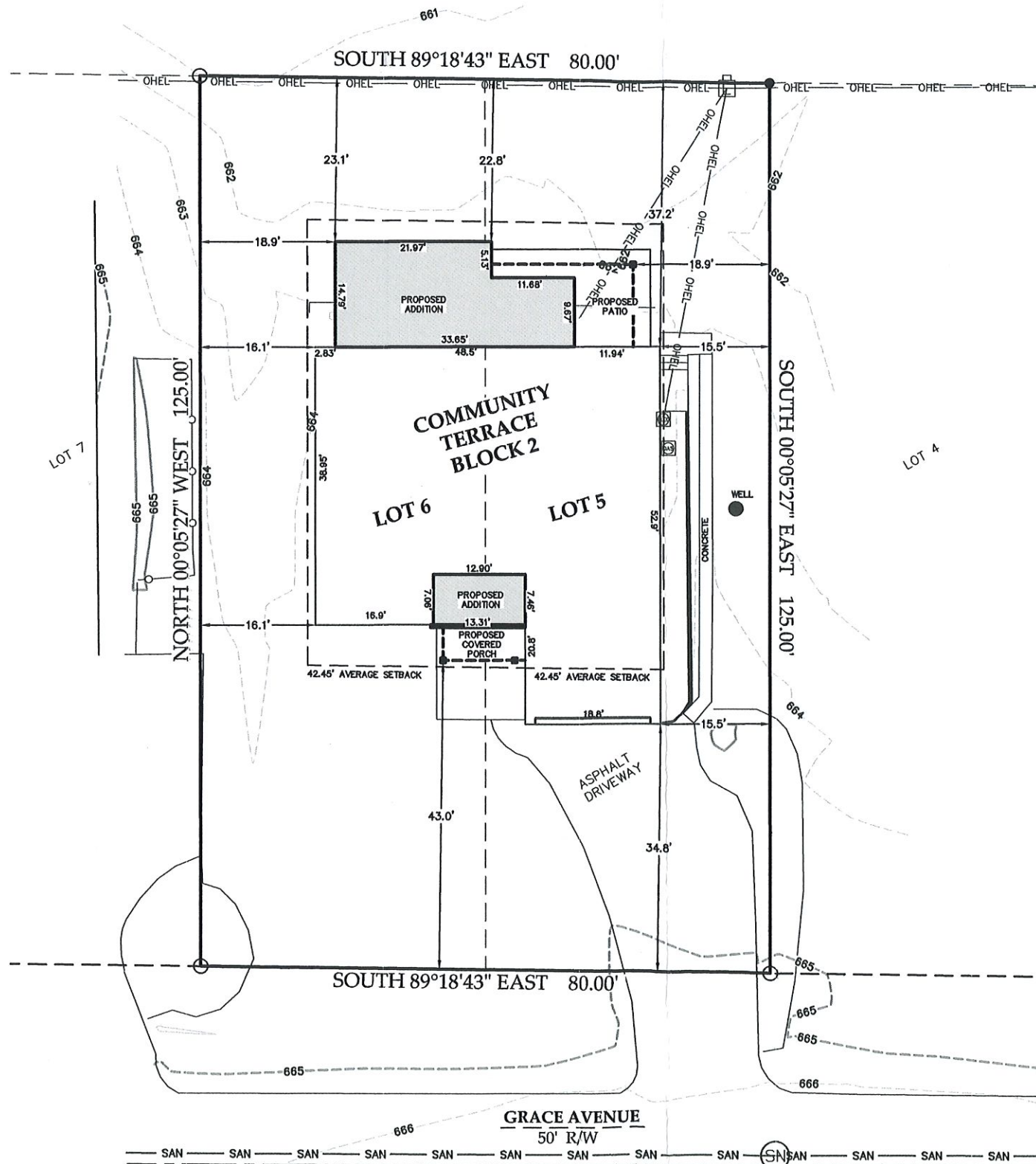
- 1" IRON PIPE FOUND
- 3/4"x18" REBAR WEIGHING 1.13 LBS/FOOT SET.
- (RECORDED AS)



SEPTEMBER 15, 2021

SURVEYED BY JOSEPH W. DAVID
MAPPED BY J. SCOTT HENKEL, PLS

REVISED 10/5/21
REVISED 9/20/21



LEGEND:

- 898 --- EXISTING MINOR CONTOUR.
- 895 --- EXISTING MAJOR CONTOUR.
- OHEL --- OVERHEAD ELECTRIC LINE.
- BuEL --- BURIED ELECTRIC LINE.
- BuTel --- BURIED TELEPHONE LINE.
- FO --- FIBER OPTIC LINE.
- GAS --- GAS LINE.
- SAN --- SANITARY SEWER MAIN OR LATERAL.
- WAT --- WATER MAIN OR SERVICE.
- STORM SEWER LINE.
- (ELEC) --- ELECTRIC METER.
- (GAS) --- GAS METER.
- (G) --- GAS VALVE.
- (F) --- FIRE HYDRANT.
- (P) --- POWER POLE.
- (SN) --- SANITARY SEWER MANHOLE.
- (ST) --- STORM SEWER MANHOLE.
- (S) --- STORM SEWER INLET.
- (T) --- TELEPHONE PEDESTAL.
- (TRAN) --- TRANSFORMER.
- (W) --- WATER VALVE.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNER OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN 1 YEAR FROM THE DATE HEREON.

I HEREBY CERTIFY THAT 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 DIMENSION OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY, AND THAT I HAVE COMPLIED WITH WISCONSIN CHAPTER A-E 7.

4430 GRACE AVENUE, MEQUON
PLAT OF SURVEY
DATED: SEPTEMBER 20, 2021

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants

122 Wisconsin Street, West Bend, Wisco
Phone (262) 346-7800; www.quameng

SCOPE OF WORK:

1. ADD ENTRY AREA THAT ENCLOSES EXTERIOR GARAGE SERVICE ENTRANCE, CREATES BETTER CIRCULATION AND BECOMES MORE INVITING.
2. REMODEL ENTIRE HOME TO UPDATE FEATURES, TAKE ADVANTAGE OF NEW ENERGY CODES AND CREATE MORE SPACE.
3. ADDITION TOWARD NORTH END TO TAKE ADVANTAGE OF NATURAL VIEWS, CREATE MORE INVITING SPACE AND MAXIMIZE THE VALUE OF THE HOME.
4. UPDATE THE MECHANICALS, WINDOWS AND INSULATION OF HOME TO MAXIMIZE ENERGY EFFICIENCY.

SQUARE FOOTAGE:
 EXISTING (w/ GARAGE): 2,020 SF
 ENTRY ADDITION: 78 SF
 REAR (NORTH RIVER
 SIDE) ADDITION: 428 SF
 TOTAL SF w/ ADDITIONS 2,526 SF

COVERED PORCH AREAS:	
FRONT (SOUTH) ENTRY:	98 SF
REAR (NORTH) PATIO:	191 SF
TOTAL SF ALL AREAS	2,819 SF

TOTAL AREA OF LOT: ~10,000 SF (0.23 ACRES)
 EXISTING SFH: 2,020 SF (20.2% LOT COVERAGE)
 PROPOSED ADDITIONS: 506 SF (+5.1% ADDED TO LOT)
 PROPOSED COVERED
 PORCH AREAS: 289 SF (+2.9% ADDED TO LOT)
 TOTAL LOT COVERAGE
 w/ EXISTING & PROPOSED: **28.2%**

WISCONSIN 1 & 2 FAMILY UNIFORM DWELLING CODE (UDC)
Chs. SPS 320 - 325 w/ PERMITTED EXCEPTIONS BY CITY OF MEQUON
CODE ENFORCEMENT OFFICIALS

A100 COVER SHEET
A101 FLOOR PLAN
A102 DEMOLITION PLAN
A103 ROOF PLAN
A104 ELEVATIONS
A105 SECTIONS & DETAILS
C100 ARCHITECTURAL SITE PLAN
S100 FOUNDATION PLAN

The map displays the project location at 1430 Grace Ave, Mequon, WI 53092, marked with a red pin. An arrow points from the text "PROJECT LOCATION" to this pin. The map shows the Milwaukee River flowing along the top and left sides. To the left of the project location is Laurentia Cottage, marked with a blue pin. The surrounding area includes several streets: Grace Ave, W Lawrence Ave, W Country View Dr, and W Parkview Dr. A north arrow is located in the bottom right corner of the map.

1. ALL WORK SHALL BE DONE IN A SAFE AND WORKMANLIKE MANNER AND IN STRICT ACCORDANCE WITH THE STATE BUILDING CODES, NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES, REGULATIONS, ORDINANCES AND AUTHORITIES HAVING JURISDICTION.
2. ALL SUBCONTRACTORS ARE RESPONSIBLE FOR HAVING A THOROUGH KNOWLEDGE OF ALL DRAWINGS AND SPECIFICATIONS AND MUST TAKE THE TIME TO ACQUAINT THEMSELVES WITH THIS KNOWLEDGE DOES NOT RELIEVE THEM OF ANY RESPONSIBILITY FOR PERFORMING THEIR WORK PROPERLY. NO CONTRACTOR, COMPANY OR PERSON SHALL BE ALLOWED BECAUSE OF CONDITIONS THAT OCCUR DUE TO FAILURE TO FAMILIARIZE WORKERS WITH THIS KNOWLEDGE.
3. COORDINATE ALL WORK INDICATED BY ARCHITECTURAL.
4. PRIOR TO COMMENCEMENT OF ANY OPERATION, EACH CONTRACTOR SHALL EXAMINE WORK PERFORMED BY OTHERS TO WHICH THEIR WORK RELATES AND REPORT TO THE ARCHITECT ANY CONDITIONS PREVENTING SATISFACTORY ACCOMPLISHMENT OF THEIR WORK. STARTING WORK OF ANY OPERATIONS SHALL INDICATE ACCEPTANCE OF ALL CONDITIONS.
5. MATERIALS AND NOTES COMPLY TO SEVERAL DRAWINGS MAY BE NOTED ON ANY ONE DRAWING. CONTRACTORS SHALL BE RESPONSIBLE FOR ENTIRE SET OF DOCUMENTS.
6. EACH CONTRACTOR SHALL KEEP WORK AREA CLEAN AND FREE OF DEBRIS AND IS TO REMOVE ALL TRASH AND DEBRIS FROM THE CONSTRUCTION AREA DAILY. NO FLAMMABLE MATERIALS OR LIQUIDS MAY BE STORED IN THE WORK AREA.
7. THE GENERAL CONTRACTOR SHALL RESPOND TO ALL REQUIREMENTS OF THE ARCHITECT FOR VERIFICATIONS, RESPONSES AND SUBMISSIONS.
8. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFIC REQUIREMENTS AND ALL SUBCONTRACTORS ARE TO INSURE THAT ALL MANUFACTURER WARRANTIES WILL BE HONORED.
9. DETAIL SCALE DRAWINGS. CONTRACTOR SHALL RELY ON WRITTEN DIMENSIONS AS GIVEN. LARGE SCALE DETAILS SHALL GOVERN OVER SMALL SCALE DETAILS.

ADA	AMERICANS W/ DISABILITIES ACT STANDARDS
AFF	ABOVE FINISH FLOOR
ARCH	ARCHITECTURAL
BFF	BELOW FINISH FLOOR
BO	BOTTOM OF
BRG	BEARING
CJ	CONTROL JOINT
CL	CENTERLINE
CMU	CONCRETE MASONRY UNIT
CONT	CONTINUOUS
DIA	DIAMETER
DLO	DAYLIGHT OPENING (NATURAL LIGHT THRU WINDOWS)
EIFS	EXTERIOR INSULATION AND FINISH SYSTEM
EL	ELEVATION
ELEC	ELECTRICAL
EQ	EQUAL
EX	EXISTING
FF	FINISH FLOOR
FFE	FINISH FLOOR ELEVATION
FRP	FIBERGLASS REINFORCED PLASTIC
GA	GAUGE
GC	GENERAL CONTRACTOR
GWB	GYPSUM WALL BOARD (DRYWALL)
HDR	HEADER
MAX	MAXIMUM
MECH	MECHANICAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MO	MASONRY OPENING
MTL	METAL
MTRL	MATERIAL
NTS	NOT TO SCALE
OC	ON CENTER
OH	OPPOSITE HAND
PEMB	PRE ENGINEERED METAL BUILDING
PLAM	PLASTIC LAMINATE
PT	PRESSURE TREATED
REF	REFERENCE
RO	ROUGH OPENING
SF	SQUARE FOOT (or SQUARE FOOTAGE)
SM	SIMILAR
STRUC	STRUCTURAL
T	TEMPERED GLASS
TO	TOP OF
UNO	UNLESS NOTED OTHERWISE
TYP	TYPICAL

CONSULTANT:

KETTERHAGEN
ARCHITECTURE LLC

2821 VIRGINIA STREET
RACINE, WI
T: 262.822.9104
SteveK@ketterhagenarch.com

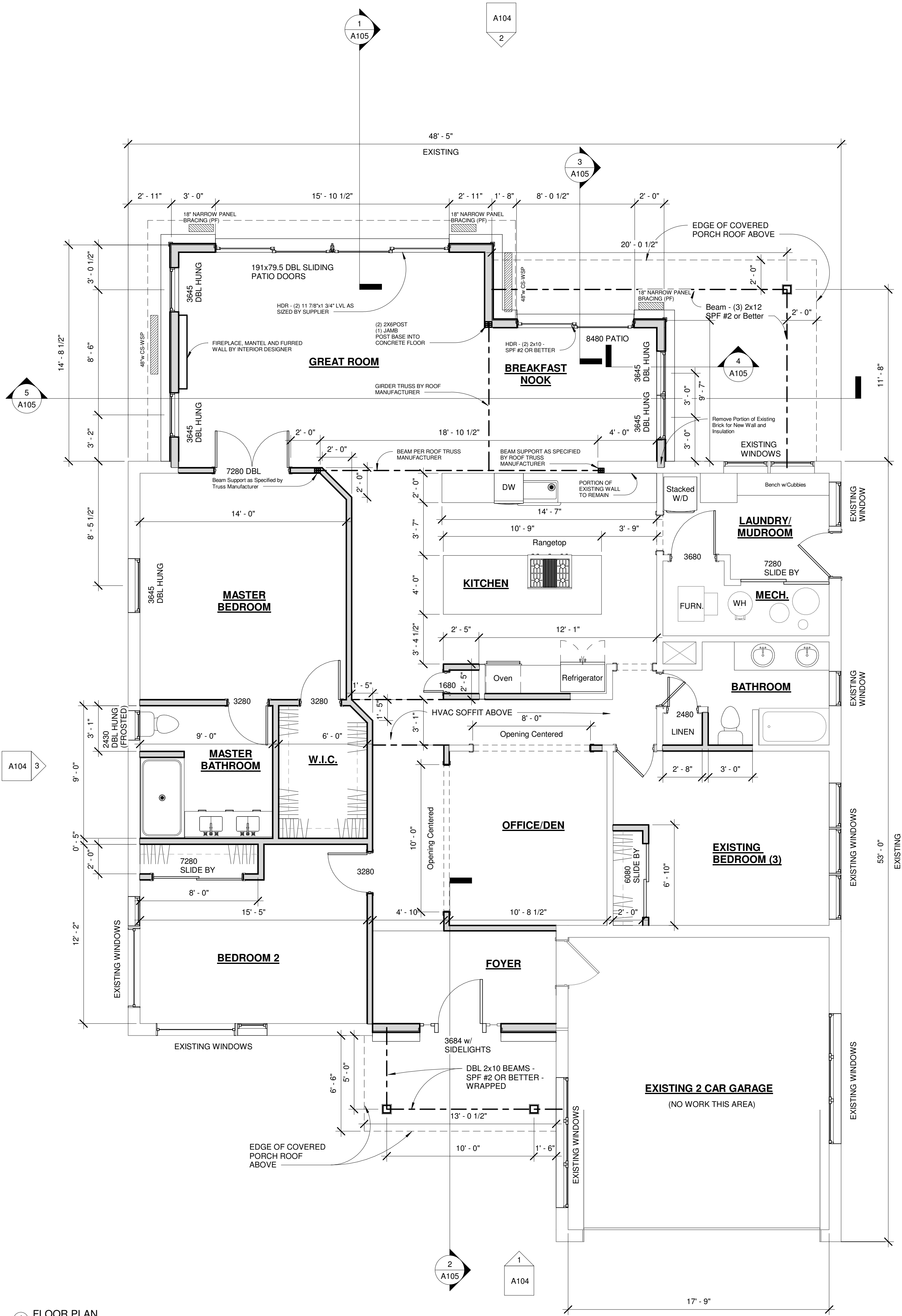
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PROJECT NUMBER:	21-009
DRAWN BY:	SPK
CHECKED BY:	SPK

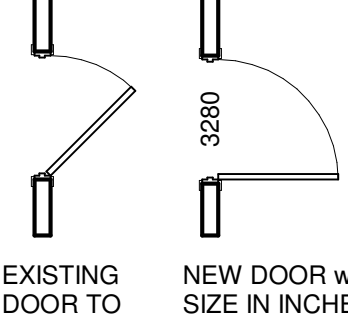
DATE: 20 SEPTEMBER 2021

A100

1 FLOOR PLAN
1/4" = 1'-0"



DOOR SYMBOLS



FLOOR PLAN NOTES

- ALL PLAN DIMENSIONS ARE TO FACE OF STUDS WHEN DRYWALL HAS BEEN REMOVED FOR EXISTING WALLS OR WHEN STUDS ARE INSTALLED FOR NEW WALLS. OTHERWISE, UNLESS NOTED, DIMENSIONS FROM EXISTING WALLS ARE FROM FINISH SURFACE.
- EXISTING HOUSE AND ADDITIONS ARE SLAB-ON-GRADE WITH FROST FOUNDATION WALLS AND FOOTINGS. ADDITION FOOTINGS TO HAVE A MINIMUM 3" EXTRUDED POLYSTYRENE OR 2" POLYISOCYANURATE INSULATION. MINIMUM R-15 RATED.
- EXISTING FULL BATHROOM DOES NOT HAVE A 32" DOOR. A 32" DOOR IS PROVIDED IN THE NEW MASTER BATHROOM.
- KITCHEN SHALL BE DESIGNED BY INTERIOR DESIGNER - KITCHEN CABINETS, SPECIALTY APPLIANCE FIXTURES, SINK AND DISHWASHER ARE CURRENTLY SHOWN AS PLACE HOLDERS, AND SHOWN ONLY TO INDICATE CODE MINIMUMS SHALL BE MAINTAINED. OWNER HAS NOT DETERMINED FINAL KITCHEN DESIGN FOR THESE ITEMS. THIS WILL OCCUR AFTER PERMIT IS ISSUED.
- ALL EXISTING WINDOWS (LABELED ON PLAN) ARE INTENDED TO BE REPLACED WITH ENERGY EFFICIENT WINDOWS WITH DOUBLE PANE, LOW 'E' COATED GLAZED SASHES WITH U-FACTOR 0.29.

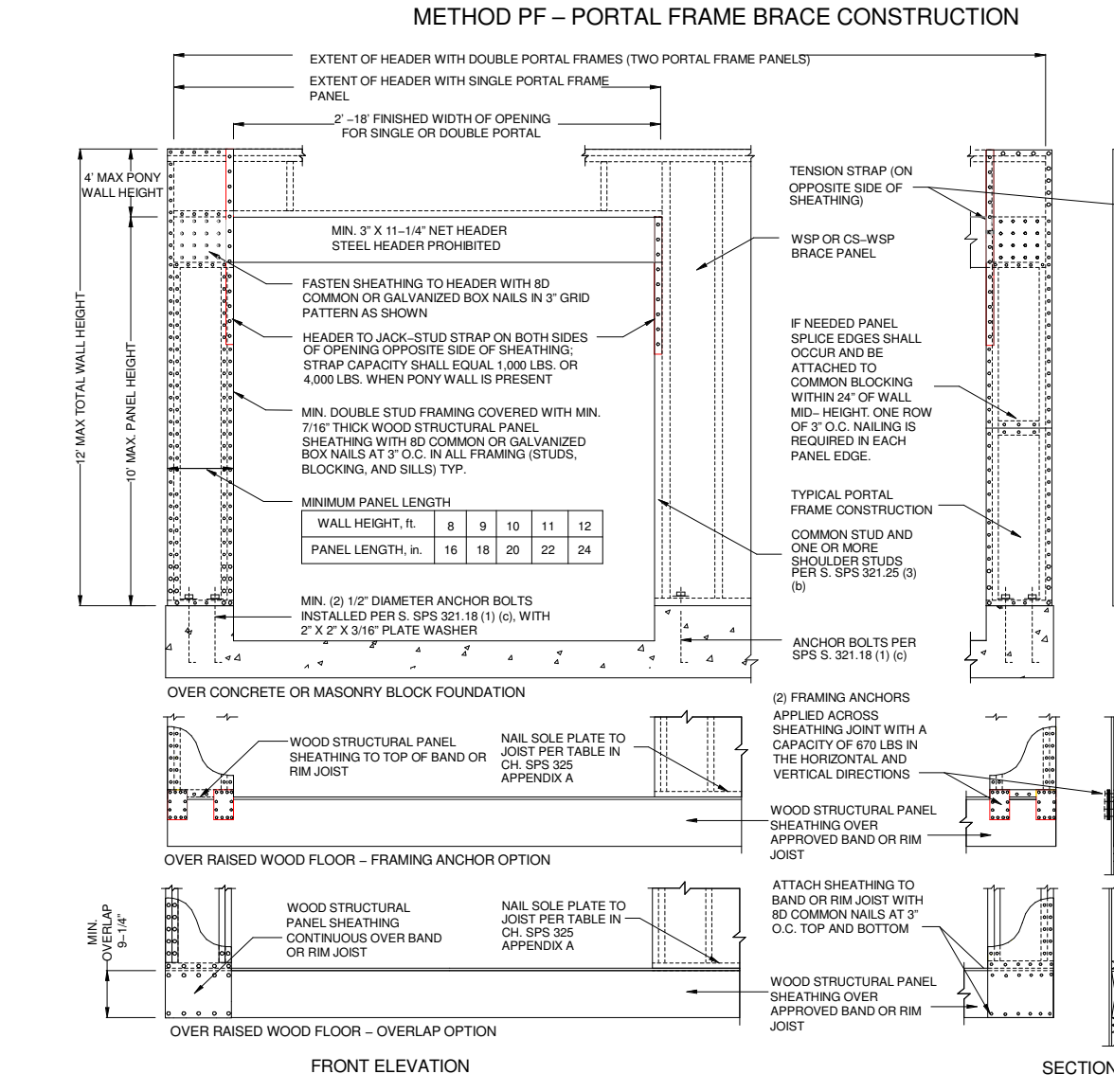


Table 321.25-a, b MINIMUM WIDTHS OF CS-WSP AND CS-SFB BRACED WALL PANELS				
Maximum Opening Height Adjacent to Braced Wall Panel		Minimum Width of Full-Height Braced Wall Panel (inches)		
5'-4"	6'-8"	8' Tall Wall	9' Tall Wall	10' Tall Wall
24	32	27	30	36
36	48	30	33	39
48	60	33	36	42
60	72	36	39	45
72	-	39	42	48
-	-	42	45	51
-	-	45	48	54
-	-	48	51	57
-	-	51	54	60
-	-	54	57	63
-	-	57	60	66
-	-	60	63	69
-	-	63	66	72

aThe interior side of all exterior walls shall be sheathed with minimum 1/2-inch gypsum wallboard unless otherwise permitted to be excluded by this subsection. All edges of panel-type wall bracing, except horizontal joints in GB bracing, shall be attached to framing or blocking.

bThe actual measured wall height shall include stud height and thickness of top and bottom plates. The actual wall height shall be permitted to exceed the listed nominal values by not more than 4 1/8 inches. Tabulated bracing amounts in SPS 321.25 (b) (c) are based on a 10-foot nominal wall height for all bracing methods and shall be permitted to be adjusted to other nominal wall heights not exceeding 12 feet in accordance with footnotes to Table 321.25-I or Table 321.25-J.

cL.B. is not permitted for walls supporting a roof and two floors. Two L.B. braces installed at a 60° angle from horizontal shall be permitted to be substituted for each 45° angle L.B. brace.

dBracing with CS-WSP and CS-SFB shall have sheathing installed on all sheathable surfaces above, below, and between wall openings.

eEach braced panel may contain no more than one hole, having a maximum dimension of no more than ten percent of the least dimension of the panel, and confined to the middle three-fourths of the panel.

Table 321.25-G BRACING METHODS, I						
Material	Minimum Brace Material Thickness or Size	Maximum Nominal Wall Height	Minimum Braced Wall Panel Width or Brace Angle		Connection Criteria	
			Intermittent Bracing Methods		Minimum Fasteners	Maximum Spacing
LIBc	1x4 wood brace					
Let-in bracing	(or approved metal brace installed per manufacturer instructions)	10'	45° angle and maximum 16" o.c. stud spacing		2-8d common nails or 3-8d box nails (2 3/8" long x 0.113" diameter)	Per stud and top and bottom plates
DWB	1/2" (1" nominal) for maximum 24" o.c. stud spacing	10'	48°		2-8d box nails (2 3/8" long x 0.113" diameter) or 2 - 1 3/4" long 16-gage staples	Per stud and top and bottom plates
WSP	3/8" for maximum 16" o.c. stud spacing	10'	48°	6d common nail or 8d box nail (2 3/8" long x 0.113" diameter); or 7/16" - or 1/2"-crown 16-gage staples, 1 1/4" long	6" edges, 12" field (nails); 3" edges, 6" field (staples)	
Wood structural panel	7/16" for maximum 24" o.c. stud spacing					
SFB	1/2" for maximum 16" o.c. stud spacing	10'	48°	1 1/2" long x 0.120" diameter galvanized roofing nails or 1"-crown 16-gage staples, 1 1/4" long	3" edges, 6" field	
Structural fiber-board sheathing	1/2" for maximum 16" o.c. stud spacing					
GB	1/2" for maximum 24" o.c. stud spacing	10'	96°	5d cooler nails, or #6 screws	7" edges, 7" field (including top and bottom plates)	
Gypsum board (installed on both sides of wall)						
CS-WSPd	3/8" for maximum 16" o.c. stud spacing;	Continuous Sheathed Bracing Methods				
Continuous sheathed WSP	7/16" for maximum 24" o.c. stud spacing	12'	Refer to Table 321.25-H	Same as WSP	Same as WSP	
CS-SFBd	1/2" for maximum 16" o.c. stud spacing			Same as SFB	Same as SFB	
Continuous sheathed SFB						
Narrow Panel Bracing						

Floor Plan

DATE: 20 SEPTEMBER 2021
SHEET:

A101

Avraham SF Residence Alteration & Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

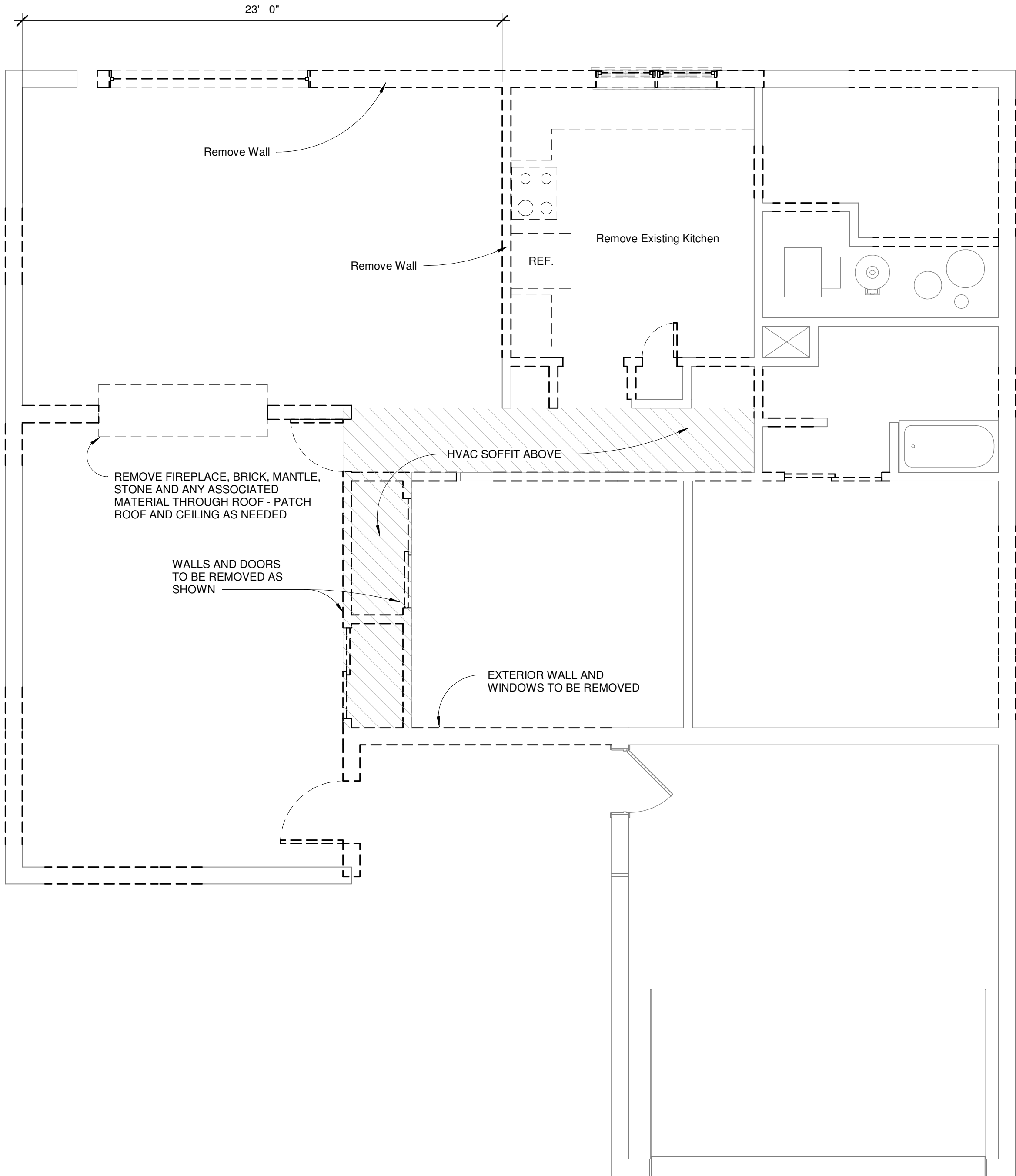
REVISIONS:

PROJECT NUMBER: 21-009
DRAWN BY: TK
CHECKED BY: SPK

DATE: 20 SEPTEMBER 2021
SHEET:

A101

① First Floor Demo
1/4" = 1'-0"



Avraham SF Residence Alteration & Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

REVISIONS:

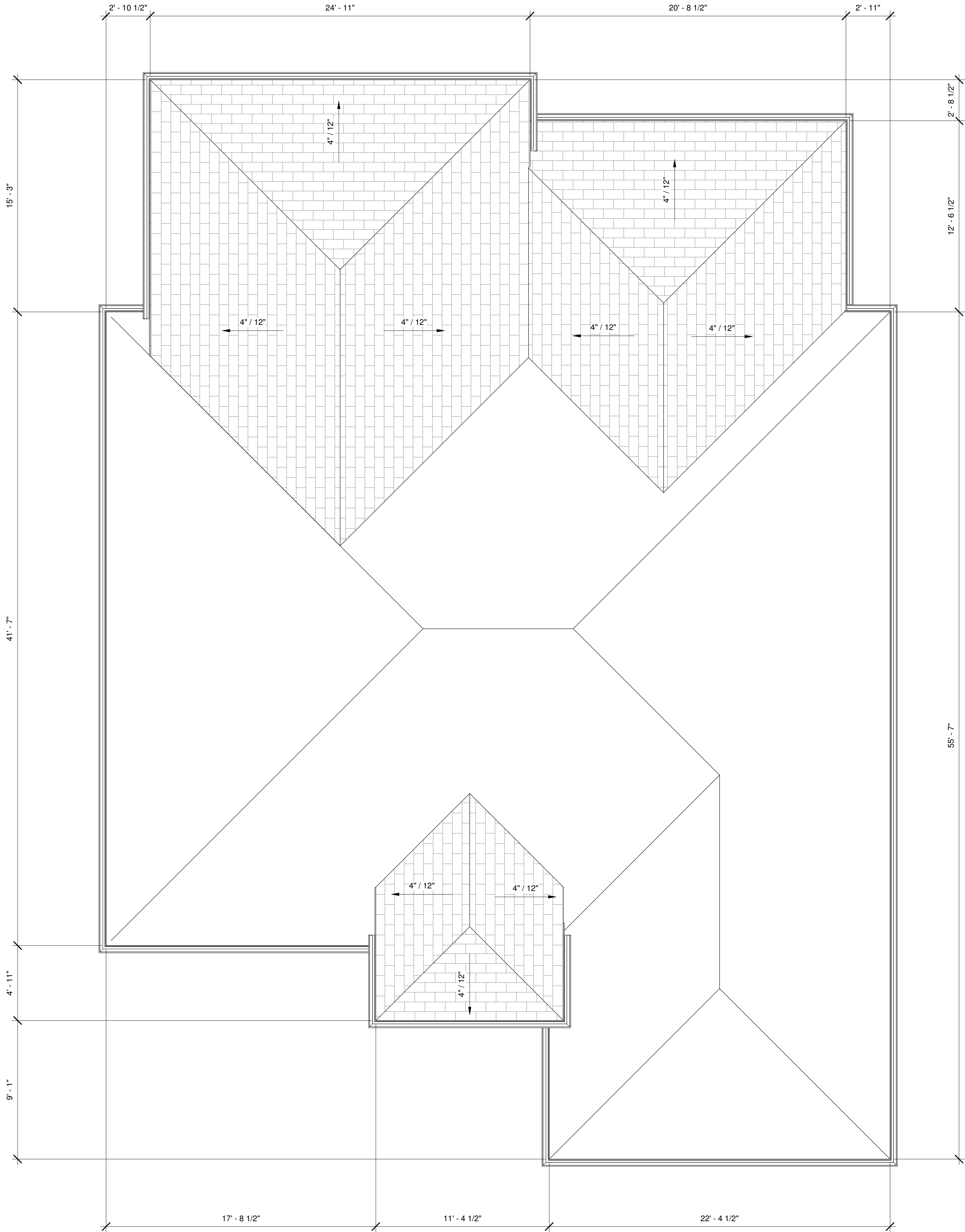
PROJECT NUMBER: 21-009
DRAWN BY: Author
CHECKED BY: Checker

Demolition Floor Plan

DATE: 20 SEPTEMBER 2021
SHEET:

A102

1 Roof Plan
1/4" = 1'-0"



Avraham SF Residence Alteration & Additions
4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

REVISIONS:

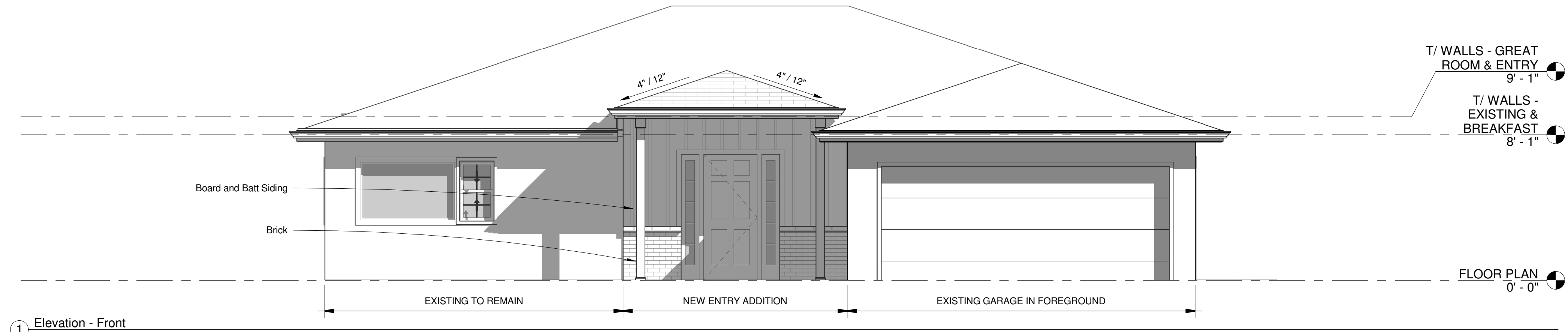
PROJECT NUMBER: 21-009
DRAWN BY: Author
CHECKED BY: Checker

Roof Plan

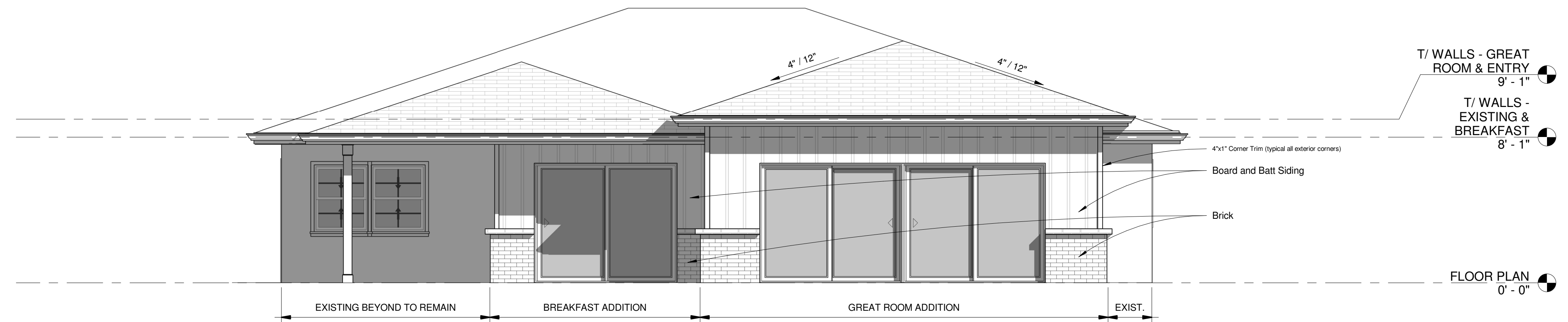
DATE: 20 SEPTEMBER 2021
SHEET:

A103

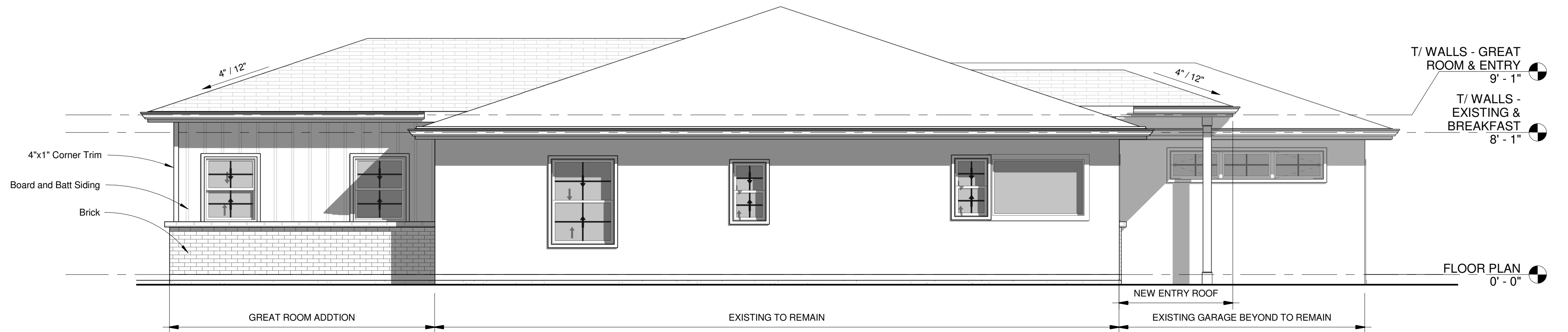
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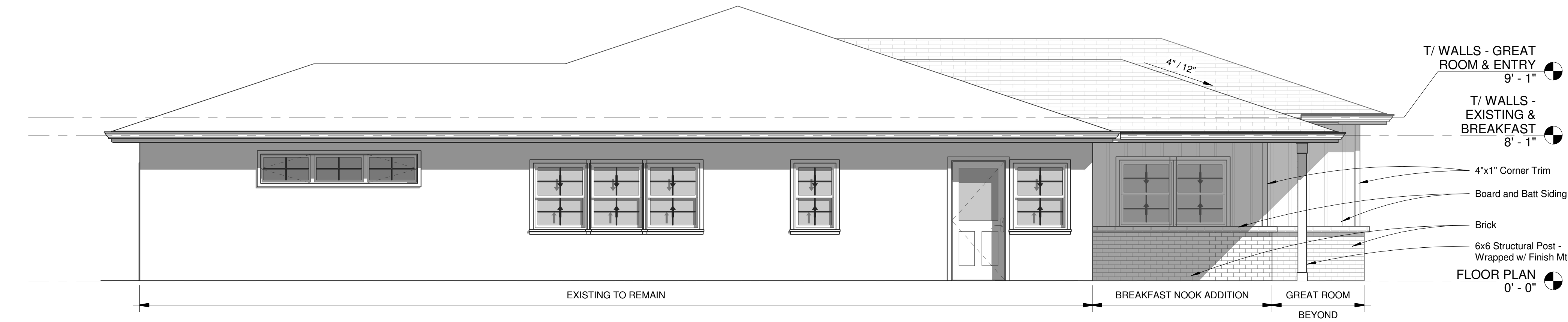
① Elevation - Front
1/4" = 1'-0"



② Elevation - Back
1/4" = 1'-0"



③ Elevation - Side - b
1/4" = 1'-0"



④ Elevation - Side - a
1/4" = 1'-0"

Avraham SF Residence Alteration &
Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

REVISIONS:

PROJECT NUMBER: 21-009
DRAWN BY: TK
CHECKED BY: SPK

Elevations

DATE: 20 SEPTEMBER 2021
SHEET:

A104

Avraham SF Residence Alteration & Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

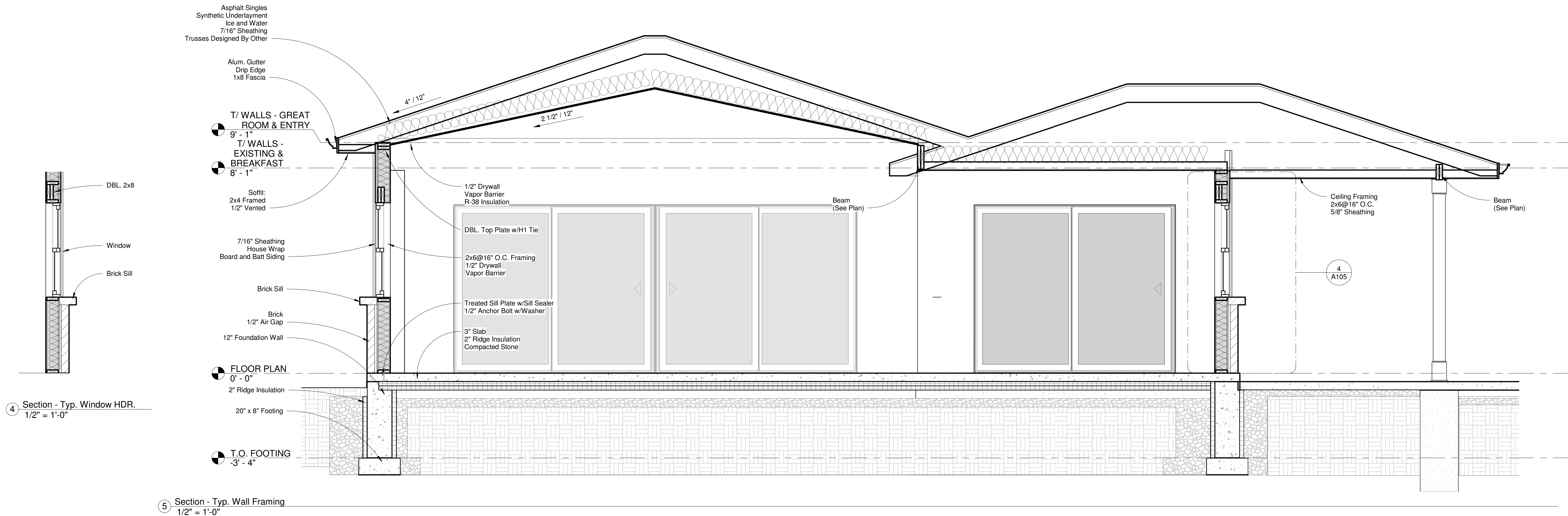
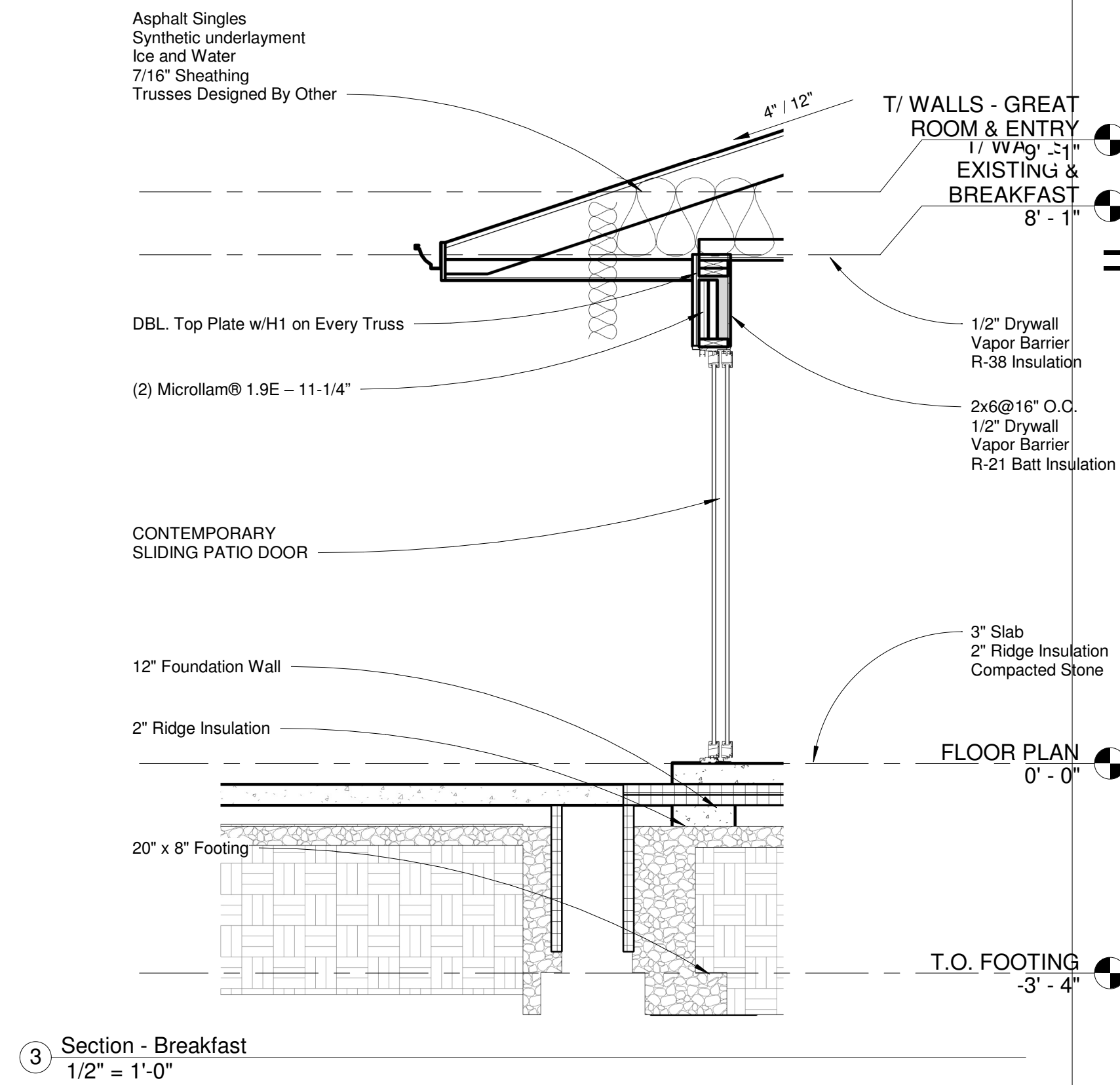
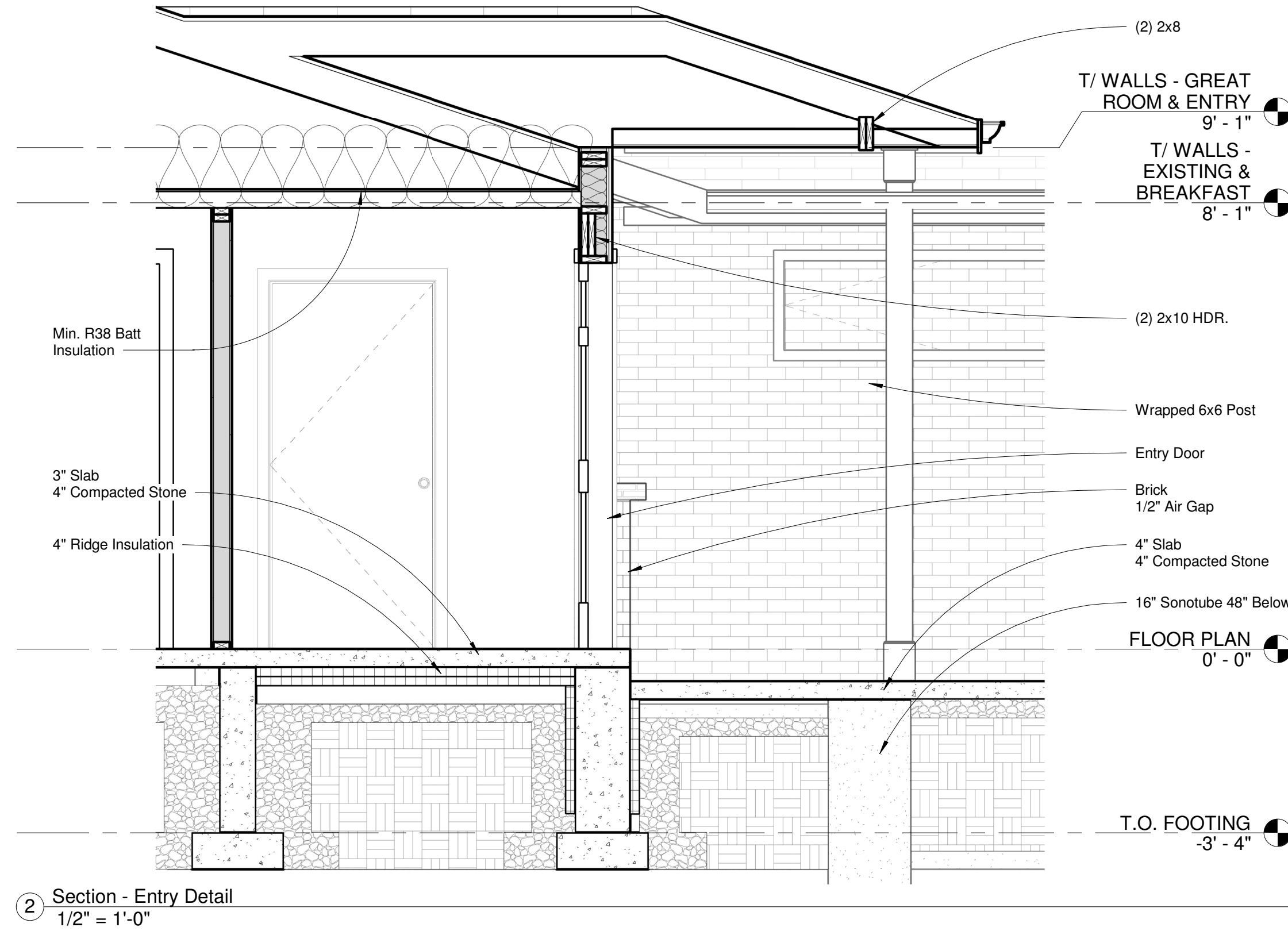
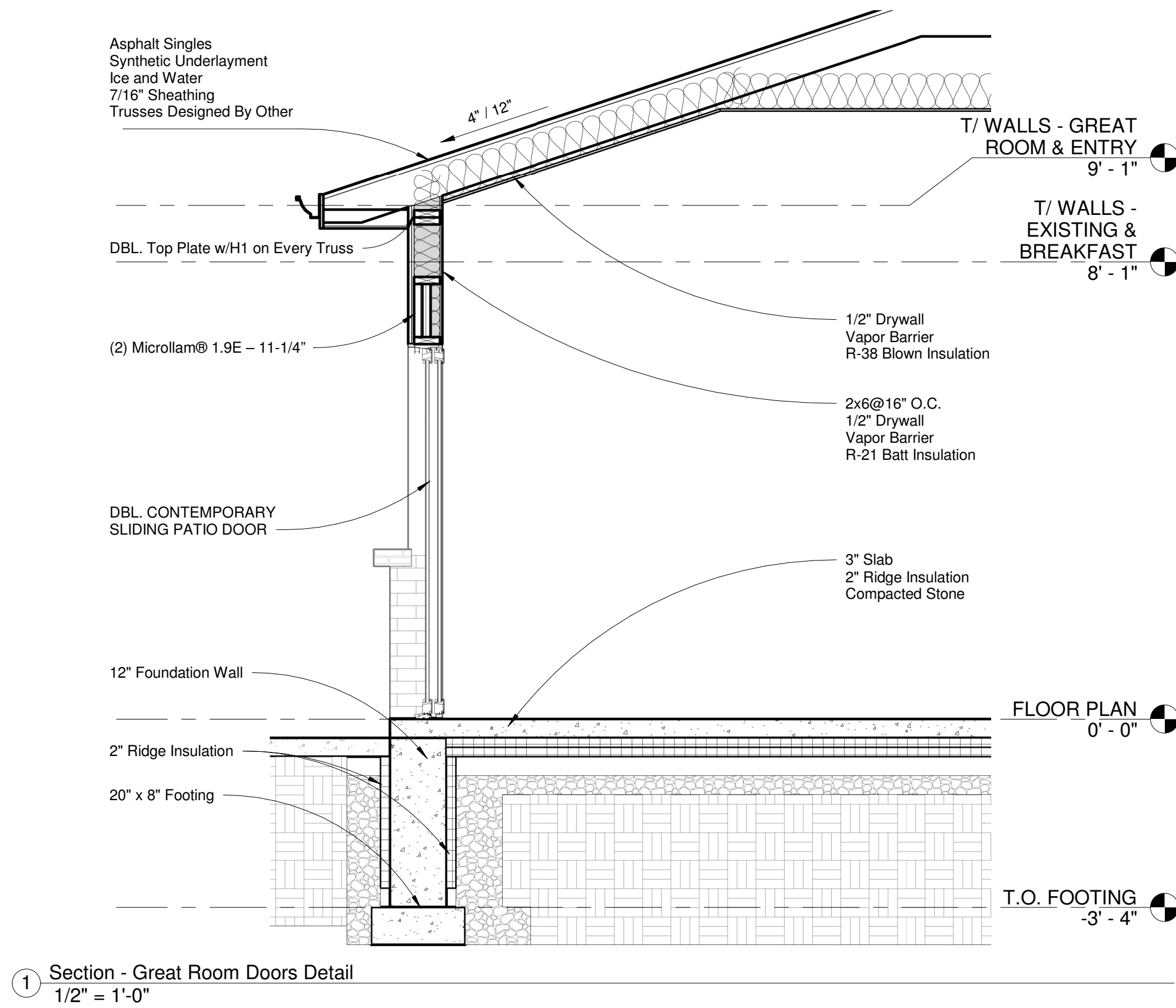
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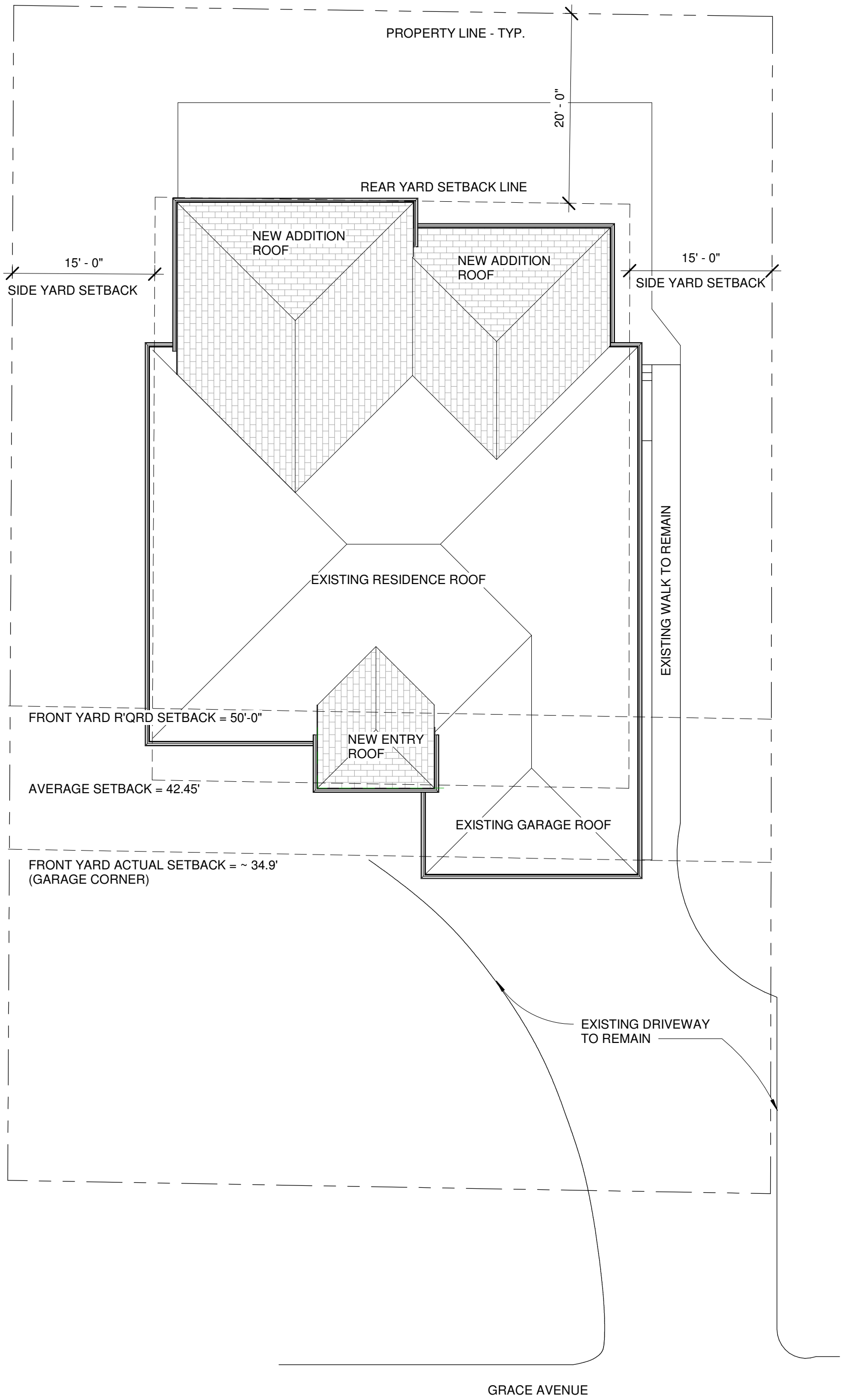
PROJECT NUMBER: 21-009
DRAWN BY: Author
CHECKED BY: Checker

Sections & Details

DATE: 20 SEPTEMBER 2021
SHEET:

A105





1 Site Plan
1" = 10'-0"

Avraham SF Residence Alteration & Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

REVISIONS:

PROJECT NUMBER: 21-009
DRAWN BY: Author
CHECKED BY: Checker

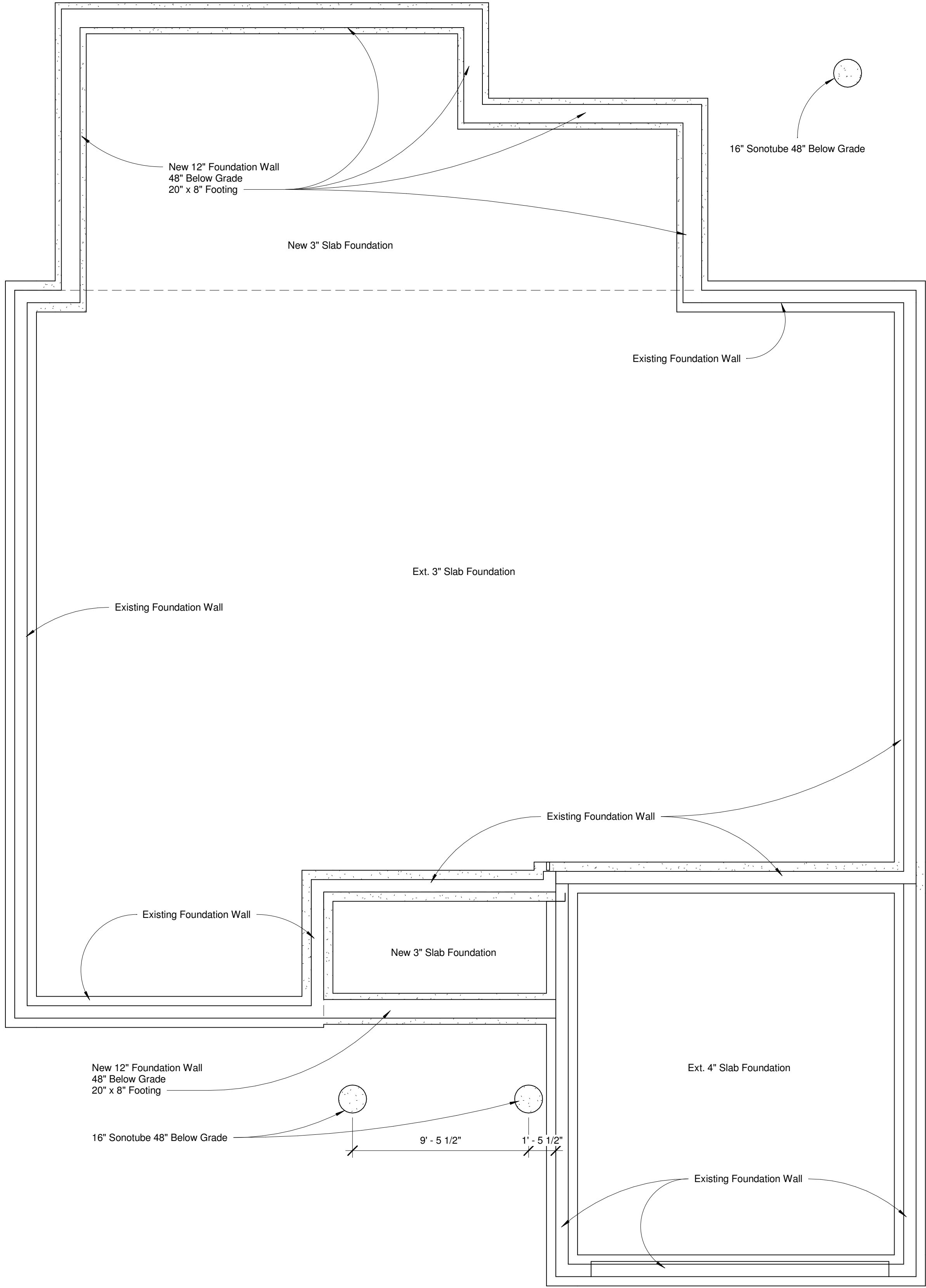
Site Plan

DATE: 20 SEPTEMBER 2021
SHEET:

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1 FOUNDATION PLAN
1/4" = 1'-0"



KETTERHAGEN
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FACILITIES PLANNING RESIDENTIAL DEVELOPMENT

Avraham SF Residence Alteration & Additions

4430 W. Grace Avenue - Mequon, Wisconsin

CONSULTANT:

REVISIONS:

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 21-009

DRAWN BY: Author

CHECKED BY: Checker

Foundation Plan

DATE: 20 SEPTEMBER 2021
SHEET: 3.a

S100

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Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)



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Department of Community Development: Inspections Division

MEMORANDUM

To: Board of Appeals
From: Mike Hadley, Building Inspection's Supervisor
Date: October 19, 2021
Subject: Avraham Appeal for property located at 4430 W Grace Avenue

Background: The appellant is requesting a variance to exceed the maximum 15% allowed lot coverage located at 4430 W Grace Avenue

Variance:

The appellant is requesting a variance to Section 58-249 R-4 zoning district Lot coverage.

- (k) Not more than 15 percent of the lot may be covered by buildings or structures.

Zoning: Suburban Residential Detached: R-4

Per Section 58-62 Continuance of use (e) see exhibit. The current structure already exceeds the maximum lot coverage by 5.2%. The proposed addition adds an additional 8% lot coverage to this parcel, thus requiring a variance.

Current square footage = 2,020

Proposed finished square footage = 2,819

The lot coverage requirement is to ensure oversized structures are not placed disproportionately to the lot and ample greenspace is available.

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.

In Staff's opinion, in the variance request, the appellant does state that current R-4 zoning has a minimum of $\frac{3}{4}$ acre or 32,670 square feet requirement. The structure currently sits on 0.23 acres or approximately 10,000 square feet.

Staff Recommendation:

Staff recommends denial of the appeal.

Mike Hadley

Mike Hadley, Building Inspection's Supervisor Department of Community Development:
Inspections Division

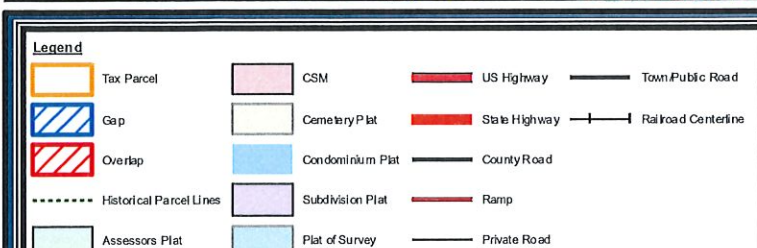
Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)

Exhibit 1**Sec. 58-62. - Continuance of use.**

- a) Any established use of a structure or land that is designated legal nonconforming prior to February 18, 1994, or the enactment of an amendment to this chapter shall continue to be classified as legal nonconforming subsequent to the effective date of the ordinance from which this chapter is derived and may be continued in conformance with section 58-63.
- (b) Any established lot that is classified as legal nonconforming prior to February 18, 1994, or the enactment of an amendment to this chapter shall continue to be classified as legal nonconforming subsequent to February 18, 1994, or the enactment of an amendment to this chapter and may be used in accordance with section 58-63.
- (c) All lots classified as legal conforming prior to February 18, 1994, or the enactment of an amendment to this chapter shall continue to be classified and considered as legal conforming subsequent to the change.
- (d) All structures classified as legal conforming and legal nonconforming prior to February 18, 1994, or the enactment of an amendment to this chapter shall be classified and considered as legal conforming subsequent to the change. Any established structure that is damaged or destroyed may be rebuilt at its previous size and location unless located within the city's ultimate road right-of-way or within a documented easement area. Such damaged or destroyed structures that are located within the city's ultimate road right-of-way or within a documented easement area shall be rebuilt in accordance with a planning commission approved location.
- (e) Expansions and/or additions to structures shall be subject to the setback and offset regulations of this chapter.
- (f) Residential development zoned with an overlay group project (OGP) zoning prior to February 18, 1994, or the enactment of an amendment to this chapter shall continue to be regulated by the specific lot size, setback, offset, and lot width regulations originally approved in accordance with the OGP plan.



Attachment: Ketterhagen appeal packet_11-04-21 (6772 : Ketterhagen BOA packet)



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Packet Pg. 32

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation.

Sec. 58-239. - R-4 suburban residential detached district.

- (a) *Purpose.* The R-4 district is intended to provide for medium sized lot single-family detached residential development within the area designated on the land use plan map as "urban service area." The district regulations are designed to accommodate moderately large homes in a manner which efficiently utilizes potential public water and sewerage facilities.
- (b) *Permitted uses.*
 - (1) Single-family detached dwellings.
 - (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-4 district.
 - (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
 - (4) Long-term rental of a structure described in subsection (b)(1).
- (c) *Permitted accessory uses.*
 - (1) Private garages, carports, and paved parking areas shall be allowed provided that no garage or carport shall be erected prior to the erection of the principal building to which it is accessory. Garages and storage structures shall conform to the following:
 - a. Except as otherwise specifically provided below, no more than one principal garage; either attached or detached, shall be permitted on a lot.
 - b. Any property having a residence without an attached garage shall be permitted one principal detached garage not to exceed 800 square feet in area.
 - c. Any property having a residence which was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side shall be permitted one principal detached garage not to exceed 675 square feet in area, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.
 - d. Any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area provided the parcel is not divisible under the current zoning classification. If the parcel is divisible under the current zoning classification, the structure shall not exceed one percent of the property's minimum lot size zoning requirement.
 - e. Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.
 - (2) Home occupations and professional offices which are clearly incidental to the principal residential use subject to the following:
 - a. The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises and one additional person not a resident on the premises.
 - b. No article or service shall be sold or offered for sale on the premises.
 - c. The home occupation shall not normally generate customer or client traffic to the residential premises.
 - d. Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjoining residential properties.
 - e. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.
 - f. The home occupation shall not include outside storage of materials or other operational activity due to offensive noise, vibration, smoke, dust, odors, heat or glare which may create a nuisance or be otherwise with the surrounding residential area.
 - (3) Private outdoor recreational facilities normally accessory to a residential use.
 - (4) Short-term rental of a structure described in subsection (b)(1).
- (d) *Conditional uses.*

- (1) Public and private schools, child day care.
- (2) Churches and religious institutions.
- (3) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions of section 58-238 regarding, among other things, effective screening from public view with all season vegetation.
- (4) Additional attached non-income producing living accommodation with separate baths and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
- (5) Public or private outdoor recreational facilities.
- (6) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).
- (e) *Lot size.* The minimum lot size shall have an area of not less than three-fourths acre (32,670 square feet) with all or part of the lot being devoted to permitted residential use.
- (f) *Dwelling standards.* Single-family dwellings within the R-4 district shall have a 1,600 square foot minimum living area 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).
- (g) *Building height.*
 - (1) The height of any dwelling unit shall not exceed 42 feet.
 - (2) The height of accessory structures shall not exceed 15 feet.
- (h) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 130 feet.
- (i) *Minimum building setback.* All structures within the R-4 district shall be set back from the ultimate road right-of-way as follows:
 - (1) Local streets, 50 feet.
 - (2) Expressways-freeways, 200 feet.
 - (3) Primary arterials, 100 feet.
 - (4) Secondary arterials, 80 feet.
 - (5) Local arterials, 70 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line.

(k) *Lot coverage.* Not more than 15 percent of the lot may be covered by buildings or structures.

(Code 1957, § 3.07(6); Ord. No. 92-767, 8-4-1992; Ord. No. 96-878A, 6-11-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2001-1008, 3-13-2001; Ord. No. 2001-1017, § X, 5-8-2001; Ord. No. 2003-1066, § VI, 8-12-2003; Ord. No. 2005-1132, § IV, 3-8-2005; Ord. No. 2005-1143, § 7, 9-13-2005; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2014-1417, § I, 4-8-2014; Ord. No. 2014-1430, § I(Att.), 10-14-2014; Ord. No. 2015-1445, § I(Att.), 4-14-2015; Ord. No. 2016-1487, § II, 1-10-2017; Ord. No. 2019-1543, Exh. B, 4-9-2019)