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Office of the City Clerk

BOARD OF APPEALS
Thursday, November 4, 2021
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 William Komisar
Board Member Ramona Larson
Board Member Joseph Russell
Board Member Robert Stern
Board Member Thomas Flanagan -- **Excused**
Board Member Lori Kornblum -- **Excused**

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

2) Approve meeting minutes of May 20, 2021

Motion to approve meeting minutes of May 20, 2021.

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

MOVED BY: Board Member Komisar

SECONDED BY: Board Member Stern

AYES:	Massey, Komisar, Larson, Stern
ABSTAIN:	Russell

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

Applicant: Steve Ketterhagen
Owner: Omar Ben Avraham
Address: 4430 W. Grace Avenue

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

All parties appearing before the Board of Appeals were sworn.

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

Inspection Supervisor Hadley stated that the appellants are requesting a variance to zoning district lot coverage. The current structure is 2,020 square feet and already exceeds the maximum lot coverage by 5.2%. The proposed addition will be 2,819 square feet and adds another 8% lot coverage to the parcel. He added that the existing lot is only .23 acres or approximately 10,000 square feet and the proposed work does meet all setback requirements and there will be no issues with flood fringe. Mr. Hadley explained that the city's ordinance is meant to ensure that oversized structures are not placed disproportionately on lots.

Steve Ketterhagen, who represents the homeowner, stated that the property was purchased for its views of the river and neighborhood. It is old and dated, contrary to neighboring properties that have been built and/or updated. The intent is to expand towards the river and create a better and more obvious entry. He noted that when the R-4 lot coverage zoning went into effect this property was already non-conforming. The property abuts the beach and it is the contention of the appellant that the property will not look over built because of the beach area. Building a second story was cost prohibitive at this time.

Exhibit #1, which was three existing /proposed photographs of the outside of the property, was read into the record.

The property owner, Mr. Ben Avraham, stated that the current home is small and ugly and the proposal will benefit the neighborhood aesthetically and will raise property values.

The following residents spoke against approving the variance: James Fox and Steve Peterman citing the need for an update, but the additional square footage would be over build for the beach property.

The following residents spoke in favor of approving the variance: Keith Plambeck and Michael Krchma commenting on conformity to setbacks, patio and driveway placement, partial ownership of beach property and the project will not encroach on anyone's views.

Bill Wandsnider did not express an objection to the plans but hoped that counter measures can be used to mitigate ground water runoff.

The property owner, Mr. Avraham, stated he wants a house as aesthetically pleasing, updated and as large as the other homes in the area.

Further Board discussion ensued on the lot coverage and building permit histories, as known, of the neighboring properties to the west of the subject property.

Motion to close the public hearing.

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

AYES: Massey, Komisar, Larson, Russell, Stern
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Board discussion ensued:

- This small lot would not be approved now with current rules.
- Unfair to hold the current owners to today's standards.
- Not asking for a significant increase in size.
- Aesthetically pleasing from street side and beach side.
- Request for variance would not be contrary to public interest, nor impact public safety, nor impact anyone's view.
- Non-conforming lots can create a hardship.

Motion to approve the variance to exceed the allowable lot coverage.

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

AYES: Massey, Komisar, Larson, Russell, Stern
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4) Adjourn

Motion to adjourn at 7:23 PM.

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

AYES: Massey, Komisar, Larson, Russell, Stern
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Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 03-03-22