



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 7, 2024
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order**
- 2) Approve meeting minutes of October 3, 2024**
- 3) Hear evidence concerning; debate, deliberate and decide the request of:**
 - a. Applicant:** Jason Stuewe
 - Owners:** Jason and Kate Stuewe
 - Appeal:** Opportunity will be given to all interested in being heard concerning the petition by Jason and Kate Stuewe to request a variance to Mequon Municipal Code Section 58-238, Table 58-249 to build an addition at 10808 N Cedarburg Rd.
- 4) Adjourn**

Dated: November 7, 2024

/s/ Kathleen Massey, Chair

.....
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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BOARD OF APPEALS
Thursday, October 3, 2024
6:00 PM
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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

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.

Attachment: 20241031_packet (9822 : BOA packet)

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. Alderman 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 these guidelines. Since this property needed a new CSM, the Planning Commission made determinations based on the new agreement. The Board feels that there is not a conflict or hardship to the appellant. As this driveway falls between a public roadway and private driveway, the Board wants to make a decision that will serve the most people.

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

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Jason Stuewe Address: 10808 N Cedarburg Road
 City/zip: Mequon, WI 53092

Owner: Jason and Kate Stuewe Address: 10808 N Cedarburg Road
 City/zip: Mequon, WI 53092

Contact Person/Name: Jason Stuewe

Phone Number: 414-719-0822 Email: jastuewe@gmail.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: Section 58-238, Table 58-249 regarding:

10808 N Cedarburg Road, Mequon, WI 53092

(street address or legal description)

in order to: Build an addition while maintaining site drainage to accomodate the family vehicles while maintaining the character of the home in regards to orientation, architectural style, scale, and massing.

APPLICANT MUST PROVIDE:

Application form

\$250 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)

FOR OFFICE USE ONLY

Receiving Officer: <u>Carolyn Fuchs</u>	Received Date: <u>9-26-24</u>
Parcel #: <u>14-050-05-16-000</u>	Hearing Date: <u>11-7-24</u>
Zoning District: <u>R-3 R-3/FFD</u>	Receipt #: _____
Alderman & District #: <u>4 Hanover</u>	Published: <u>10-24-24</u>

- c: 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.

September 24, 2024

Jason and Kate Stuewe
10808 N Cedarburg Rd
Mequon, WI 53092

City of Mequon
Board of Appeals
11333 N Cedarburg Rd
Mequon, WI 53092

TO: The Board of Appeals, City of Mequon, WI

We, the homeowners at 10808 N Cedarburg Road in Mequon, WI respectfully request a variance to allow for an 86 sq ft (4.3') side yard setback adjustment due to unique and challenging conditions in order to allow for an addition to our existing residence.

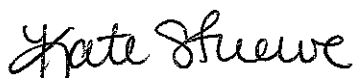
- The parcel is an existing non-conforming parcel where the lot width does not meet current city ordinances.
- Due to the unique nature of the house placement and orientation of the property lines, the house sits askew resulting in a challenging use of the available site area. Allowing a side yard setback variance will allow for this old farmhouse to retain original charm and character.
- The site drainage limits the location of the addition. A large portion of the lot sits within the floodplain, and is surrounded by 2 creeks that provide site drainage for the adjacent residential development west of the street and neighboring properties to the north and south. The sheet drainage from north to south combined with existing shallow grades and minimal pitch restricts any addition from occurring in front of the existing elevation and south of the ridge line without major re-grading of the existing and what appear to be recent improvements.
- The property line in which the side yard set back is established is encumbered with a significant encroachment from the neighboring property and proves to be a challenging site to built upon. The encroachment and associated improvements represent precedent and historical reference for the adjoining properties and challenging site.
- The scale of the side-yard setback accounts for the unique placement and orientation of the house in relation to the property lines. The requested variance is for 86 square feet or 0.06% of the lot area. It is due to the property lines and orientation of the existing house alignment that this issue exists. The rear of the proposed addition sits well within the stipulated side yard setback, however the front corner is unable to fit within these stipulated confines.
- A new garage is required to fit the existing homeowner's vehicles as the existing garage door does not allow for one of the vehicles to fit nor does the garage area meet the minimum requirements to house the number of vehicles owned by the family.

Thank you for your time and consideration.

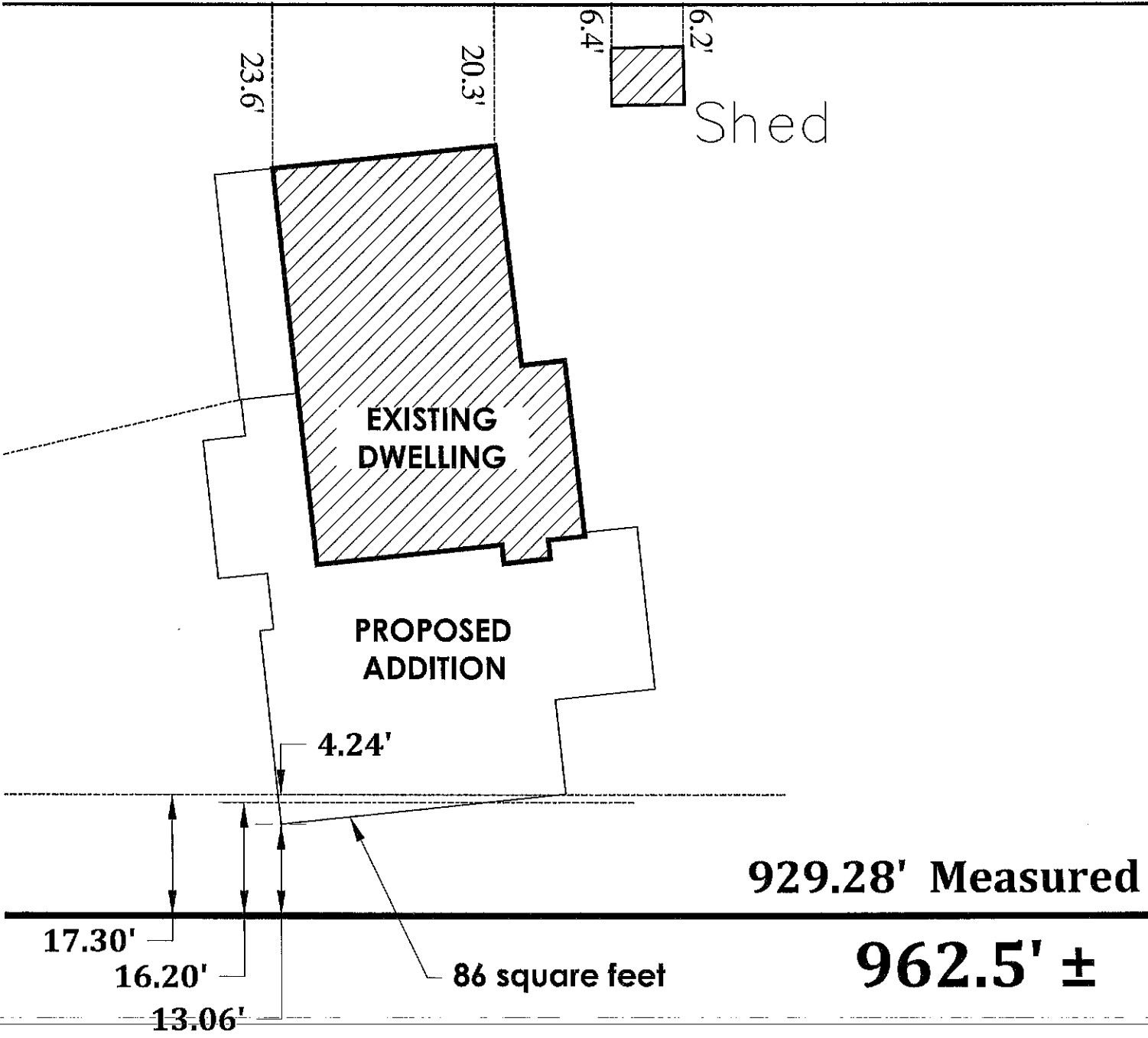
Respectfully,



Jason and Kate Stuewe



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Attachment: 20241031_packet (9822 : BOA packet)



Attachment: 20241031_packet (9822 : BOA packet)





11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
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Office of Community Development

TO: Board of Appeals
FROM: Kim Tollefson, Director of Community Development
DATE: November 7, 2024
SUBJECT: Jason and Kate Stuewe Appeal

Background: The appellant is requesting a side yard offset variance to build an addition to an existing single-family dwelling within the allowed side offset from the code required 17.3 feet to a proposed offset of 13.1 feet.

Variance:

The appellant is requesting a side yard offset variance to Section 58-238 R-3 single family suburban residential district.

Per Table 58-249 Technical requirements of residential districts, the R-3 zoning district requires the following (see R-3 column of Exhibit 1):

- | | |
|--|-----------|
| • Required side yard offset = | 20 feet |
| • Required offset with adjusted allowance reduction* = | 17.3 feet |
| • Proposed offset = | 13.1 feet |

*58-416(e)(3)(a) exception is applied due to the subject lot not meeting the minimum average width of 150' as follows: Average lot width/minimum lot width = percent reduction (not to exceed 75%). In this case, the calculation is as follows: $130'/150' = 86.7\% \times 20' = 17.3'$

Analysis

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.

The appellant's variance application states the existing garage does not accommodate the number of vehicles owned by the family. The proposal is a 1,380 square foot garage addition. The City of Mequon Code of Ordinances does not have a minimum size requirement related to the size of a garage and does not prohibit the use of the driveway for parked vehicles; therefore, this is a self-imposed hardship.

Based on staff's analysis, the appellant could reduce the addition 4.2 feet to meet the required offset. In addition, the appellant does not substantiate a unique condition to the property, nor have they identified a hardship that is not self-imposed.

Staff Recommendation:

Staff recommends **denial** of the appeal.

Attachments:

Exhibit 1 (PDF)

EXHIBIT 1**Sec. 58-249. Technical requirements of residential districts.**

(a) *Generally.* Table 58-249 sets forth the technical requirements for each residential zoning district.

Table 58-249	R-1									
	Estate Lot Design	Conservation	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Minimum Lot Size	5.0 acres (217,800 sq. ft.)	0.75 acres (32,670 sq. ft.)	2.5 acres (108,900 sq. ft.)	2.0 acres (87,120 sq. ft.)	1.5 acres (65,340 sq. ft.)	1.0 acre (43,560 sq. ft.)	0.75 acres (32,670 sq. ft.)	0.5 acres (21,780 sq. ft.)	1.0 acre (43,560 sq. ft.)	One-bedroom units, 6,000 square feet (i.e., 7.26 units per acre) Two-bedroom units, 7,000 square feet (i.e., 6.2 units per acre) Three-bedroom units, 10,000 square feet (i.e., 4.35 units per acre)
Density	N/A	One dwelling per five acres	N/A	N/A	N/A	N/A	N/A	N/A	Four units per acre	N/A
Minimum Living Area										
Single-family dwelling units	1,800 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,800 sq. ft.	1,400 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,400 sq. ft.	N/A	N/A
One-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000 sq. ft.	900 sq. ft.
Two-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,200 sq. ft.	1,100 sq. ft.
Three-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,400 sq. ft.	1,300 sq. ft.
Maximum Building Height*										
Dwelling Height	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.
Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Minimum Average Lot Width and Minimum Average Lot Length	300 ft.	N/A	200 ft.	200 ft.	175 ft.	150 ft.	130 ft.	120 ft.	150 ft.	150 ft.
Minimum Building Setbacks										
Local Streets	100 ft.	See text	50 ft.	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 feet (planning commission may vary to no less than 25 feet)
Expressways—Freeways	100 ft.	See text	200 ft.	75 ft.	200 ft.	200 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Primary Arterials	100 ft.	See text	100 ft.	75 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Secondary Arterials	100 ft.	See text	80 ft.	75 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.
Local Arterials	100 ft.	See text	70 ft.	75 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.
Minimum Building Offset										
Generally,	30 ft.	30 ft.	25 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft. (side); 35 ft. (rear)	15 ft.
Building or structures housing livestock	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	N/A	N/A	N/A
Maximum Lot Coverage Percentage	5%	10%	10%	10%	15%	15%	15%	20%	30%	30%

*See section 58-418(d)

(b) *Explanations.* As used in Table 28-248:

- (1) Minimum living area shall be 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).
- (2) Minimum building setback shall be measured from the ultimate right-of-way line of each public street, road, or highway which abuts the subject property.
- (3) Minimum building offset shall be measured from each side and rear lot line other than a lot line subject to a minimum building setback.
- (4) Maximum lot coverage percentage shall be the percentage of a property covered by buildings and structures.

(c) *Special maximum lot coverage standards.*

- (1) Maximum lot coverage percentage shall not apply to a residential planned unit development unless the common council determines otherwise in the ordinance that creates the planned unit development.
- (2) If a property is in the R-1 through R-3 zoning districts and the property is smaller than the minimum lot size for the zoning district in which it is located, the maximum lot coverage percentage shall be the percentage applicable to the zoning district with a minimum lot size smaller than, but closest in size to, the property.

(Ord. No. 2021-1591, § I(Exh. A), 6-8-2021)

Sec. 58-238. - R-3 single-family suburban residential district.

The R-3 district is intended to provide for large lot single-family residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

(Ord. No. 2021-1591, § I(Exh. A), 6-8-2021)

