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Office of the City Clerk

BOARD OF APPEALS
Thursday, November 7, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order

Present:

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

Also present: City Attorney Sajdak, City Clerk Fochs, Assistant Director of Community Development Zader and interested public.

2) Approve meeting minutes of October 3, 2024

Chair Massey requested three changes and the minutes were approved with those modifications.
Motion to approve the meeting minutes of October 3, 2024.

RESULT: **Approved [Unanimous] as amended**
MOVED BY: Board Member Massey
SECONDED BY: Board Member Stern

AYES:	Massey, Helfer, Larson, Stern
ABSTAIN:	Flanagan

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

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.

Before beginning the proceedings, Chair Massey was asked to enter two letters into evidence that were provided by the applicant. The first letter became Exhibit 1 and was dated 11/2/2024 from Sam and Kaitlyn Nigro at 10800 N. Cedarburg Rd. (owners of the property south of the Stuewe's property). Exhibit 2 was a letter dated 11/5/2024 from Lauren Burkey and Jared Hansen at 10814 N. Cedarburg Rd. (residents next door to the Stuewe home).

All parties appearing before the Board of Appeals were sworn. Chairman Massey explained the guidelines for the Board of Appeals and began the meeting.

Assistant Director of Community Development Zader said the applicant had requested a side yard offset variance to build an addition and garage. The required side yard offset is 20 feet and the proposed offset would be 13.1 feet. The City denied the permit and recommended that a deed restriction be applied to account for the setback allowance.

The Board asked for clarification regarding the technical requirements regarding the offset necessary within the zoning districts. Assistant Director Zader explained that the width of the Stuewe's lot makes the property a non-conforming lot. The houses around the Stuewe property are staggered which allows for more space around each home.

Applicant Stuewe said his original letter did not completely outline the hardships faced with his property. One factor is that the side yard is already an encumbered property with part of the neighbor's garage encroaching on the Stuewe property. The Stuewe's have worked with the surrounding neighbors throughout the process and are agreeable to one neighbor's request to add trees to help keep the visual appeal.

The stamped survey by a Civil Engineer was submitted as Exhibit 3 for the record to identify where the neighboring property encroaches on the Stuewe property. He said this sets precedence that a four-foot encroachment will not noticeably impact neighboring property.

The Stuewe family has vehicles and home maintenance equipment they would like to store in the new garage. They tried to create a plan that limits encroachment while working with an older home on a non-conforming lot. The addition would provide necessary storage because they get water in their basement; this makes the garage storage an essential alternative to exposing items to a wet basement. There is only a buildable area of 10.5% of the lot, and they want to preserve what they can of the 100+ year old home. A no-build deed restriction would create hardship and lower the property value for the homeowner and neighbor.

Stuewe asked the Board to consider other hardships including that the lot has: over 50,000 square feet of flood plain, 295.6 square feet of encroachment over the property line, 4,769 square feet of no-build easement restrictions, drainage from the subdivision across the street that runs into the front area of the house.

The "newer" part of the house needs major updates, and the existing garage has structural issues. Their plan is to convert the existing garage area into kitchen space and home office and then add a new garage to accommodate the vehicle and other storage needs. Additional photos were submitted as Exhibit 4.

The meeting was opened to Board Member questions. They reviewed the plan for the addition and looked at the 4.24-foot corner of the proposed garage that would encroach on the neighboring side yard/lot.

City Attorney Sajdak referred to the survey shown on agenda packet page 9 to review the current No Build Land Covenant that is in place for the property at 10802 N. Cedarburg Rd. Stuewe does not want to further encumber themselves or their neighbor with an additional No Build Land Covenant (as the value of the land decreased by 10% due to this covenant). The Board reviewed the steps for putting a No Build Land Covenant in place.

The Board then discussed several other options such as grading the land or area around the home, shortening the interior space and/or garage space, moving the garage further to the rear or using a different configuration of garage doors to minimize the width.

Motion to close the public portion of the hearing.

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

AYES:	Massey, Flanagan, Helfer, Larson, Stern
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The Board considered whether the uniqueness of this property was a factor. The Board was reminded that their decision needed to be based on the hardship of the property not on the needs of a homeowner. The size of the addition/garage space could be slightly smaller and stay within the property boundary.

Motion to grant the variance.

RESULT: **Approved by Roll Call Vote [3 to 2]**
MOVED BY: Board Member Stern
SECONDED BY: Board Member Flanagan

AYES:	Flanagan, Larson, Stern
NAYS:	Massey, Helfer

The Board added a friendly amendment to the motion that the homeowner will plant trees along the property line.

Motion to grant the amended variance.

RESULT: **Approved by Roll Call Vote [3 to 2]**
MOVED BY: Board Member Stern
SECONDED BY: Board Member Flanagan

AYES:	Flanagan, Larson, Stern
NAYS:	Massey, Helfer

4) Adjourn

Motion to adjourn.

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

AYES:	Massey, Flanagan, Helfer, Larson, Stern
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Respectfully Submitted,

Beth Kong
Deputy Clerk