



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, December 1, 2022
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of June 2, 2022
- 3) Hear evidence concerning; debate, deliberate and decide the request of:
 - a) Applicant: Mike Ryan
Owner: Mike Ryan
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Mike Ryan requesting a variance from Section 58-249 of the City of Mequon Code of Ordinances in order to install ground mounted solar panels that exceed the required front setback at 11724 N. Shorecliff Avenue.
 - b) Applicant: Nancy Tolocko
Owner: Nancy Tolocko
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko requesting a variance from Section 58-38 (c) of the City of Mequon Code of Ordinances in order to retain the deck that was constructed without obtaining a permit at 12656 N. Shoreland Parkway.
- 4) Adjourn

Dated: November 23, 2022

/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.



draft

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Office of the City Clerk

BOARD OF APPEALS
Thursday, June 2, 2022
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 Joseph Russell
Board Member Thomas Flanagan
Board Member Steve Helfer
Board Member Kirsten Hildebrand -- **Absent**
Board Member Ramona Larson -- **Absent**
Board Member Robert Stern -- **Absent**

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Director Kim Tollefson, press and interested public.

2) Approve meeting minutes of April 7, 2022

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

AYES:	Massey, Russell, Flanagan
ABSTAIN:	Helfer

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

Applicant: Lemel Homes
Owner: Greg Devorkin
Address: 13130 N. West Shoreland Drive
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Lemel Homes on behalf of Greg Devorkin requesting a variance from Table 58-249 R-2 Column of the City of Mequon Code of Ordinances in order to

Attachment: BOA draft minutes_06-02-22 (7941 : June 2, 2022 BOA draft minutes)

construct a new home that exceeds the required setback from local streets at 13120 N. West Shoreland Drive.

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

All parties appearing before the Board of Appeals were sworn.

Community Development Director Tollefson stated that the appellant is requesting a variance to the front yard setback in the R-2 zoning district in order to build a new dwelling. The code states the setback should be 75 feet from the ultimate right-of-way. Planning Commission recommended the variance. There are thirty-one specimen trees on the property and the appellant wants to remove five. The appellant modified their garage plans and saved one tree, so only four trees are to be removed. Planning Commission recommended removal of the four trees, however, that violates the setback code. She further stated that no homes on the subject block currently comply with the setback code except one. The City is a proponent of natural resources, and thus attempts to save clusters of trees. Hardship must be proven in order to remove trees. Staff recommends approval of the variance.

Chairman Massey read into the record Exhibit 1 which was an email from Mr. Ed Bangs, Jr. against approving the variance.

Mr. Todd DeLonge, representing Lemel Homes, stated that a lot of thought went into designing the new home to avoid the trees. The garage was pushed forward and away from the river to save more trees. The proposed plans would also allow the structure to be placed further away from other trees as well. In his opinion, approval of the variance will not affect the neighborhood negatively. Their river setback is similar to others on the river. They will be putting money into city trees. He stated the four-car garage will be needed to house boats and cars and the shed will be removed.

Motion to close the public hearing.

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

AYES:	Massey, Russell, Flanagan, Helfer
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Motion to go into open session.

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

Attachment: BOA draft minutes_06-02-22 (7941 : June 2, 2022 BOA draft minutes)

AYES:	Massey, Russell, Flanagan, Helfer
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Board discussion ensued:

- Lot is the hardship.
- Only 22.5 feet of the garage will be in the setback, not the whole house.
- Granting the variance is the best solution.
- The proposed 65-foot setback for the 22.5 feet of the house exceeds the surrounding homes.
- The benefits of saving a tree is worth the “cost” of the setback.

Motion to approve the front setback of 65 feet from the ultimate right of way in order to save one tree.

RESULT:	Approved by Roll Call Vote [Unanimous]
MOVED BY:	Board Member Russell
SECONDED BY:	Board Member Flanagan

AYES:	Massey, Russell, Flanagan, Helfer
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4) Adjourn

Motion to adjourn at 6:33 PM.

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

AYES:	Massey, Russell, Flanagan, Helfer
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Respectfully Submitted,
Kathy Andrykowski
 Deputy Clerk

Attachment: BOA draft minutes_06-02-22 (7941 : June 2, 2022 BOA draft minutes)

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: Mike Ryan Address: 11724 N. Shorecliff Lane
 City/zip: Mequon, 53092

Owner: Mike Ryan Address: 11724 N. Shorecliff Lane
 City/zip: Mequon, 53092

Contact Person/Name: Matthew Jahns
 Phone Number: (262) 441-0619 Email: matthew@refinedrenovations.ca

TO THE BOARD OF APPEALS:

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

11724 N. Shorecliff Lane

(street address or legal description)

in order to: obtain a building permit for ground mounted
solar panels

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)

FOR OFFICE USE ONLY

Receiving Officer: <u>Kathy Andrykowski</u>	Received Date: <u>10/13/22</u>
Parcel #: <u>151 020 013 001</u>	Hearing Date: <u>12/1/22</u>
Zoning District: <u>R-2</u>	Receipt #: <u>003602-0179</u>
Alderman & District #: <u>Ald. M. Gierl / Dist 5</u>	Published: <u>11/17/22</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.



11333 N. Cedarburg Road
Mequon, Wisconsin 53092
Phone: (262) 236-2903
Fax: (262) 242-9819

www.ci.mequon.wi.us

Department of Community Development

September 13, 2022

Mike Ryan
11724 N. Shorecliff Lane
Mequon, WI 53092

RE: Denial of Building Permit Application

Dear Mr. Ryan,

Thank you for submitting a building permit application for the ground mounted solar panels at 11724 N. Shorecliff Avenue. The permit application has been denied because the proposed front setback of 50' exceeds the required 75' front setback for Shorecliff Park Subdivision (*Municipal Code Section 58-249*).

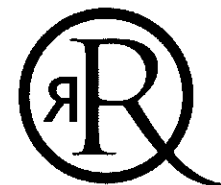
This letter serves as an official letter of denial. Pursuant to Section 58-41, you may appeal this decision should you believe the decision to be an erroneous interpretation or application of the law or if you believe your property meets the criteria to qualify for a variance. An appeal may be taken by the applicant within 30 days of the date of this letter by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal and paying the prescribed fee. More information regarding the appeals process and application form can be found on the City Website at www.ci.mequon.wi.us/bc-appealsboard. Please feel free to reach out to the City Clerk's office should you have any questions while going through the appeals process.

Sincerely,

A handwritten signature in black ink that reads "Laurie Miller". The signature is fluid and cursive, with the first name "Laurie" being more prominent than the last name "Miller".

Laurie Miller
Planner

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)



REFINED
RENOVATIONS

October 7, 2022

Matthew Jahns
9730 W. Bluemound Rd.
Wauwatosa, WI 53226
(262)441-0619
Matthew@refinedrenovations.com

Board of Appeals
Mequon City Hall
11333 N. Cedarburg Road
Mequon, WI 53092

Dear Members of the Board of Appeals,

I am writing to you today to discuss a variance for the ground mounted solar panels proposed at 11724 N. Shorecliff Avenue. This home was designed by local architect Russell Barr Williamson, who designed the Eagles Ballroom and worked closely with Frank Lloyd Wright, before forging his own successful design practice spanning many decades. We have been invested for multiple years in the upkeep and continual improvement of this home in order to honor its character and history. I hope our thoughtfulness in the reasons for this appeal is evident to you throughout this letter.

The reasons outlined below explain how we landed on the proposed location for the solar panels. We are limited on space to add more solar panels. In a previous project we installed as many solar panels on the roof as we could to remain hidden so as to not spoil the architect's original design. The complex roof angles prevent installation of other hidden solar panels. The property is also populated with large tree canopies, limiting the amount of accessible sunlight. Our suggested location of the panels is the only feasible location with direct sunlight, it is also hidden from the road with a dense treeline surrounding the property which helps to not disturb the view for locals. The treeline also extends around to the north side of the property screening the panels from the northern neighboring house. In addition, the neighboring house does not have direct views of this area from living spaces. Their garage is located closest to the property line. We plan to further bolster the screening with additional landscaping such as arbor vitae and other dense/opaque plants.

We do not feel there is another practical space to locate these solar panels while not disturbing the visual appearance of the property. We are requesting that a variance be considered to allow us to build according to our original plan. I thank you for your time and consideration

Sincerely yours,

Matthew Jahns

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)

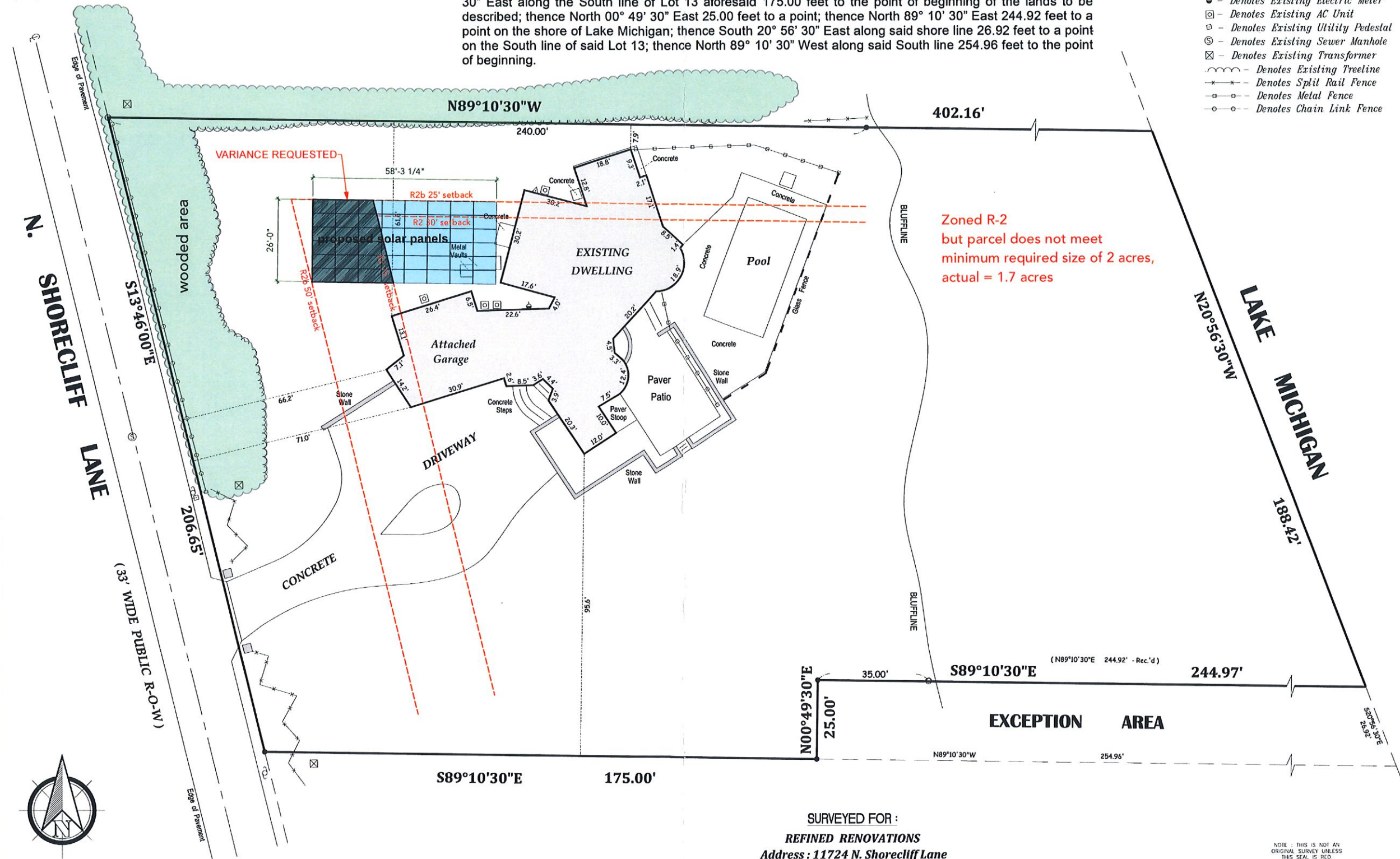
SURVEYING ASSOCIATES, INC.
MEMBER OF WISCONSIN SOCIETY OF LAND SURVEYORS
& NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

sai@wi.rr.com
2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443
MARC C. PASSARELLI P.L.S.

PLAT OF SURVEY

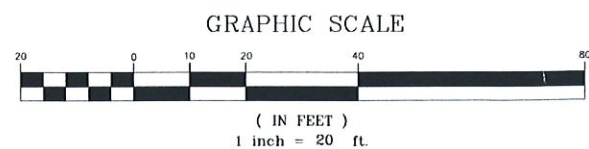
LOT 13, in SHORECLIFF PARK COMPANY SUBDIVISION (sometimes also spelled Shorcliff), in the East ½ of Section 20, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, excepting therefrom that portion commencing at the Southwest corner of said Lot 13; thence South 89° 10' 30" East along the South line of Lot 13 aforesaid 175.00 feet to the point of beginning of the lands to be described; thence North 00° 49' 30" East 25.00 feet to a point; thence North 89° 10' 30" East 244.92 feet to a point on the shore of Lake Michigan; thence South 20° 56' 30" East along said shore line 26.92 feet to a point on the South line of said Lot 13; thence North 89° 10' 30" West along said South line 254.96 feet to the point of beginning.

- LEGEND**
- - Denotes Found Iron Pipe
 - - Denotes Set 3/4" Rebar
 - ⊙ - Denotes Existing Power Pole
 - △ - Denotes Existing Gas Meter
 - ⊕ - Denotes Existing Electric Meter
 - ⊞ - Denotes Existing AC Unit
 - ⊠ - Denotes Existing Utility Pedestal
 - ⊡ - Denotes Existing Sewer Manhole
 - ⊞ - Denotes Existing Transformer
 - - Denotes Existing Tree Line
 - - Denotes Split Rail Fence
 - - Denotes Metal Fence
 - - Denotes Chain Link Fence



"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 dimensions of all structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof; and as to them I warrant the accuracy of said survey map.

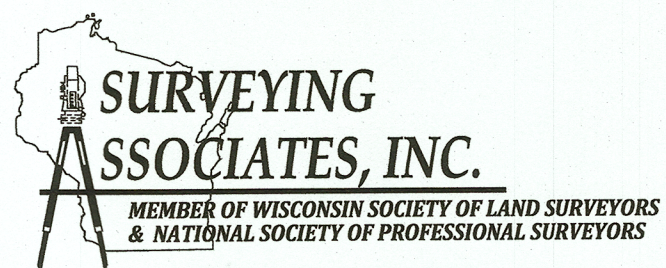


SURVEYED FOR :
REFINED RENOVATIONS
Address : 11724 N. Shorecliff Lane

AREA OF PROPERTY
76,957 Sq. Ft. / 1.767 Acres
(Computed from Legal Description,
Actual Shoreline Not Field Located)

05/17/2022 NAS / MJS 05/27/2022 MCP 36312
FIELD WORK DATE FIELD WORK BY DATE DRAFTED DRAFTED BY JOB NUMBER

NOTE : THIS IS NOT AN ORIGINAL SURVEY UNLESS THIS SEAL IS RED.



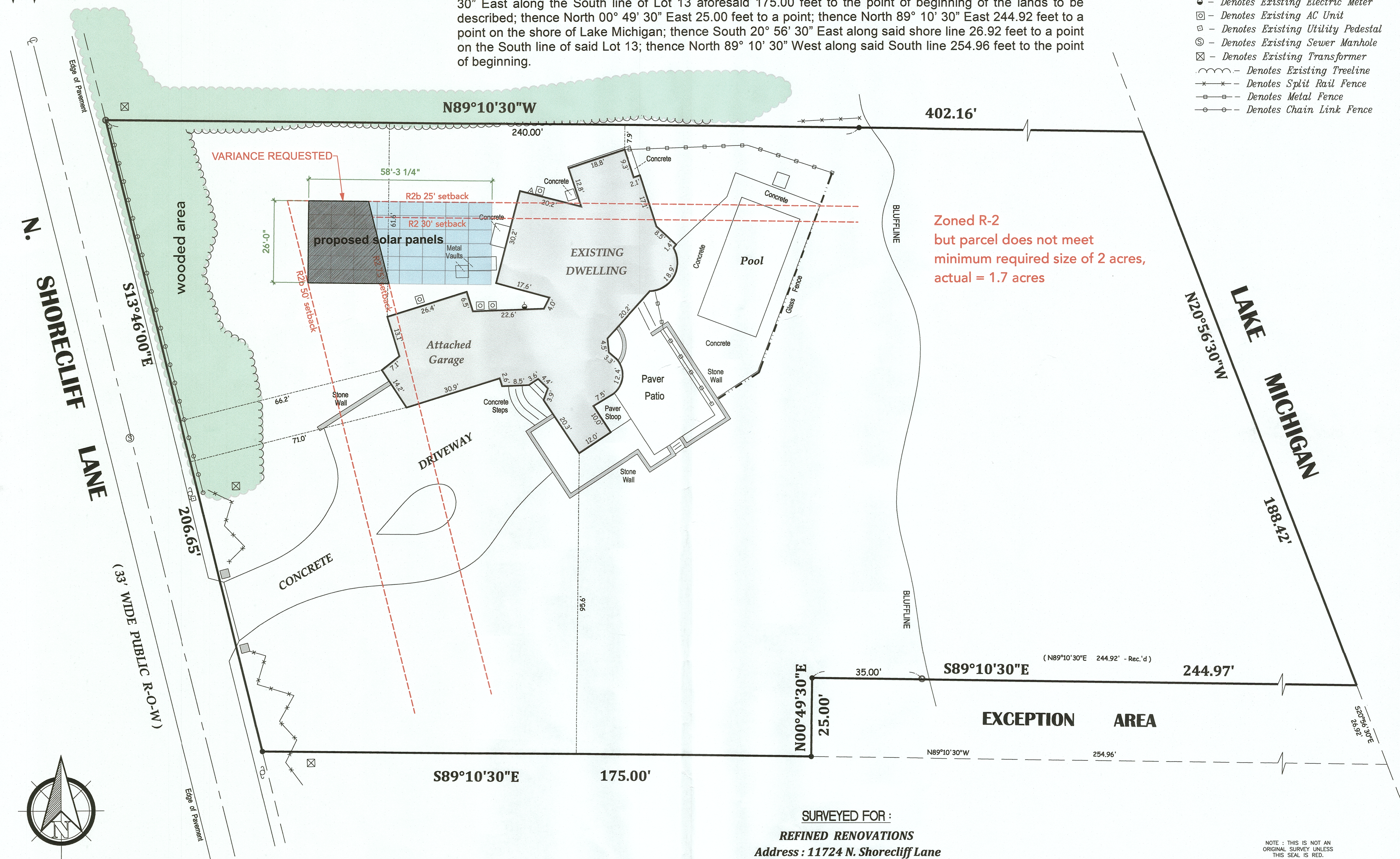
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MARC C. PASSARELLI P.L.S.

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LEGEND

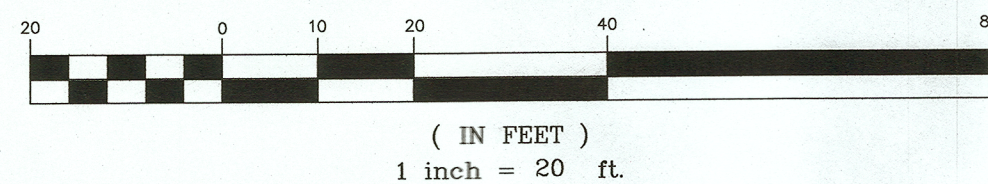
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- - Denotes Existing Treeline
- - Denotes Split Rail Fence
- - Denotes Metal Fence
- - Denotes Chain Link Fence



SURVEYED FOR:
REFINED RENOVATIONS
Address: 11724 N. Shorecliff Lane

AREA OF PROPERTY
76,957 Sq. Ft. / 1.767 Acres
(Computed from Legal Description,
Actual Shoreline Not Field Located)

GRAPHIC SCALE



"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 dimensions of all structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

"This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof; and as to them I warrant the accuracy of said survey map.

WISCONSIN REGISTERED LAND SURVEYOR

05/17/2022
FIELD WORK DATE

NAS / MJS
FIELD WORK BY

05/27/2022
DATE DRAFTED

MCP
DRAFTED BY

36312
JOB NUMBER



9730 Bluemound Rd, Ste 10
Wauwatosa, WI 53226
TEL: 262.441.0619
www.refinedrenovations.net

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Existing house looking north



Existing house looking north close up



Looking west



Existing roof line and solar panels
(roof angles and misc. mechanical penetrations prevent more panels on roof)

PROJECT INFO / LOCATION:

**Ryan Residence
Solar Panel Installation**
11724 North Shorecliff Lane, Mequon, WI 53092

DATE:
10/12/2022

REVISIONS:
1

SHEET TITLE:
Photos

SHEET: 18X24

A1.1

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)



Looking south towards house



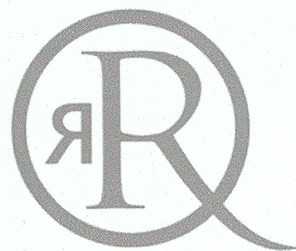
Looking east



Looking west towards treeline at road



Proposed solar array mounting system style



REFINED
RENOVATIONS

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Wauwatosa, WI 53226
TEL: 262.441.0619
www.refinedrenovations.net

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PROJECT INFO / LOCATION:

Ryan Residence
Solar Panel Installation
11724 North Shorecliff Lane, Mequon, WI 53092

DATE:

10/12/2022

REVISIONS:



SHEET TITLE:

Photos

SHEET: 18X24

A1.2



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Board of Appeals
FROM: Kim Tollefson, Director of Community Development
DATE: December 1, 2022
SUBJECT: Ryan FY Setback Solar Panel

Background: The appellant is requesting a variance to Section 58-249 of the Mequon Code of Ordinances related to the front yard setback in the R-2 single-family zoning district. Section 58-249 states that the minimum building setback shall be 75 feet from the ultimate right of way. The applicant is requesting a 25 ft variance to install ground mounted solar panels. The solar panels will cover 58' – 3 ¼" x 26'-0", over 1,500 square feet, of the front yard.

Analysis: The applicant's hardship is self-imposed. The applicant states that the home already has solar panels installed on the roof and that the applicant would like to add more. The home is served by public utilities and does not require solar panels as a sole source of electricity.

The applicant states that he does not want to add additional solar panels on the roof because he would prefer to hide the additional panels from public view as to not detract from the character of the home. The installation of the proposed solar panels in the front yard will be visible from the road during the winter months when the trees have lost their leaves, contradicting the applicants desire to protect the panels from public view. The Zoning Code does not require solar panels to be hidden from public view. Further, the matter of character-site or architecture-, is not a factor of consideration for a variance. The property is not a designated historic landmark, and therefore, is not protected by Article X (Historic Landmarks and Historic Districts) of the Municipal Code and not prohibited from placing solar panels on the roof.

The applicant states that the proposed location is the only available location on the property that has access to direct sunlight due to the number of trees and area dedicated to an existing pool, its surrounding concrete deck and paver patio. There are locations available on the roof that have access to direct sunlight. In addition, the City does not require a home to have a patio, pool, or deck and therefore this area would be a suitable site for the additional solar panels. There is also a suitable location for additional solar panels in the side yard, south of the home. The appellant has choices for locations of the panels other than the front yard setback. The appellant also has the ability to install solar panels in the proposed location but limit the amount of panels to just the area between the home and the required 75 feet setback line (shown in light blue on the appellant's site plan).

Recommendation: Staff recommends denial of the variance. The applicant's hardship is self-imposed.

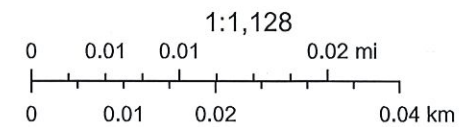
Attachments:
11724 N Shorecliff w Setbacks (PDF)

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)

City of Mequon



11/23/2022, 10:15:52 AM



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										

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)

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										

Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)

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)

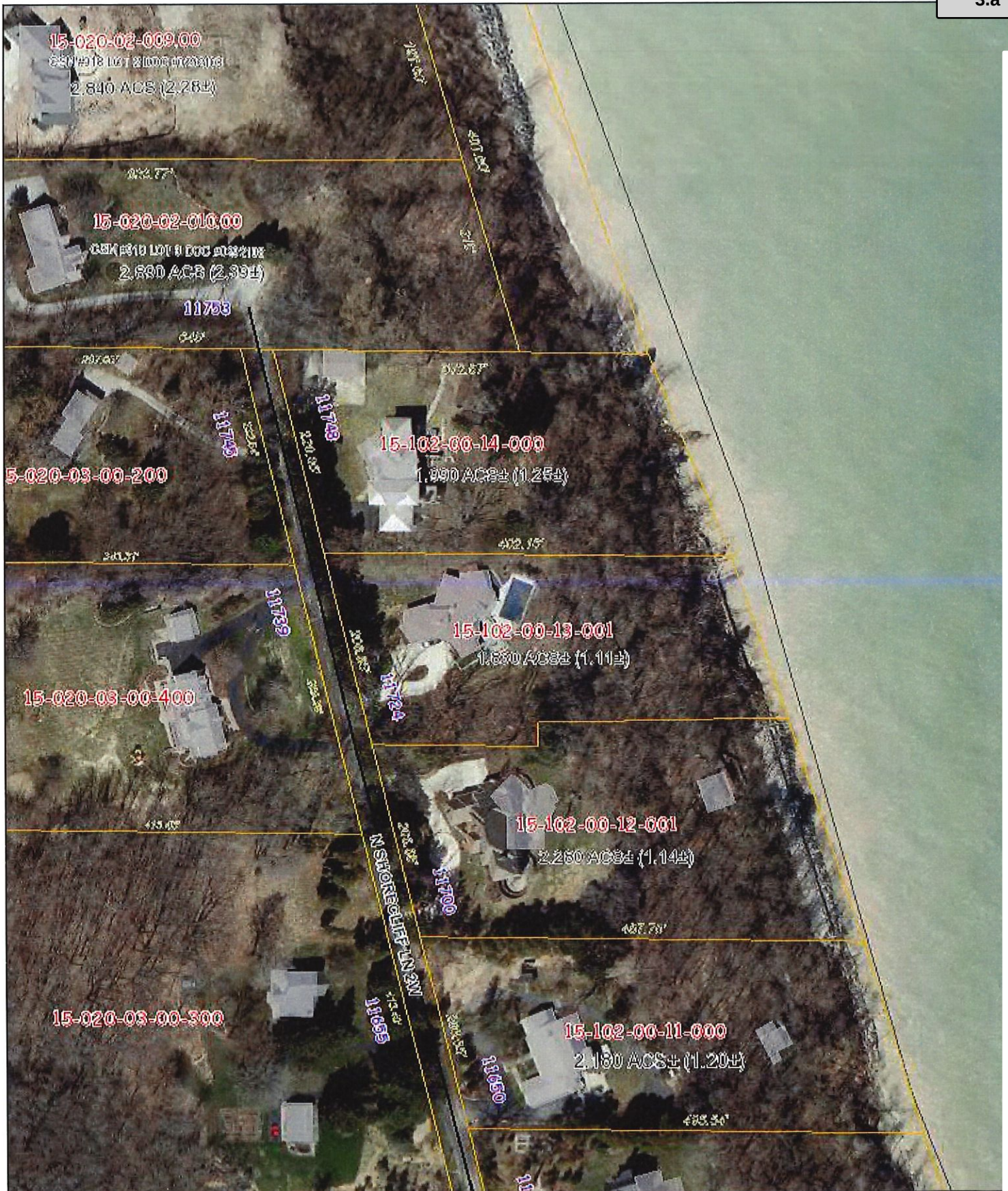
(b) *Explanations.* As used in Table 28-248:

- (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)



Attachment: Ryan BOA packet_12-01-22 (7944 : Ryan BOA packet_12-01-22_solar panels)

Legend

	Tax Parcel		CSM		US Highway		Town/Public Road
	Gap		Cemetery Plat		State Highway		Railroad Centerline
	Overlap		Condominium Plat		County Road		Ramp
	Historical Parcel Lines		Subdivision Plat		Private Road		
	Assessors Plat		Plat of Survey				

Product of the LAND INFORMATION OFFICE

10/19/2022, 2:33:33 PM

10/19/2022, 2:33:33 PM

0 0.0075 0.15 0.03 0.045 0.06
mi

DISCLAIMER: This map is not a substitute for an actual field survey or other

