



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

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 Ramona Larson
Board Member Robert Stern
Board Member Steve Helfer- Non-voting member this meeting
Board Member Kirsten Hildebrand – Non-voting member this meeting

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Assistant Director Jac Zader, Inspection Supervisor Gregg Golden, Matthew Jahns of Refined Renovations, and interested public.

2) Approve meeting minutes of June 2, 2022

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

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

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.

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.

Assistant Director of Community Development Zader explained that the applicant is requesting a variance to Section 58-249 of the City of Mequon Municipal Code in order to install ground mounted solar panels. The designed plan is contrary to code due to not conforming to the 75' front setback. These panels are greater than 6" in height, therefore regulated by code. Mr. Zader explained that the applicant has other options for placement of the panels on the property, mainly to install the panels on the roof or at the south end of the driveway. This home has not been designated as a historic home so additional panels on the roof is a plausible solution. Due to these options staff is asserting there is no hardship therefore recommending denial of the variance.

Mr. Zader confirmed that the current home is powered by electricity, that solar power is not the only power to the home. Exhibit A was entered into the record, a drawing of the proposed panels.

Mr. Matthew Jahns spoke on behalf of the applicant. He stated that the home currently has solar panels on the roof, however, there are not enough to power the home with 100% solar power which is the goal of the owner. He claims that the design before the Board is the only location on the parcel in which the panels can be constructed. He asserts that the roof is not feasible due to the home being architecturally significant, and not wanting to detract from the aesthetics. He also explained that the roof is not large enough and is not slanted in the correct direction to allow enough panels to be installed for 100% solar power to the house. The south side of the home is not an option because in order for the panels to get adequate sunlight, 100 year old oak and maple trees would need to be cut down. The Board asked if fewer panels could be installed or if two rows of panels could be installed consistent with the municipal code? Mr. Johns stated that these are not feasible options.

Daniel Sabie of 11503 Shorecliff Lane stated he is a neighbor and suggested installing the panels on the bluff for morning sunlight. He also cautioned the Board about setting a precedent that could lead to more structures built in the front setbacks.

Mr. Zader stated that refraining from adding more panels on the roof and not constructing the panels on the south side of the driveway are choices, therefore there is no hardship in this case.

Motion to close the public hearing.

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

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

- The home is powered by electricity, solar power is not their only option
- The home is not historically protected and the owner could install more panels on the roof
- There is enough room on the south side of the driveway to install the panels
- A combination of more panels on the roof and panels on the south side of the driveway could potentially accomplish the owner's goal of energy independence\
- The hardship is self-imposed

Motion to deny the petition by Mr. Ryan requesting a variance from Section 58-249 in order to install ground mounted solar panels that exceed the required front setback.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Board Member Massey

SECONDED BY: Board Member Stern

AYES: Massey, Russell, Flanagan, Larson, Stern

The following appeal was not heard as the appellant asked for a postponement prior to the meeting.

- 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

Motion to adjourn at 6:48 PM.

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

MOVED BY: Board Member Flanagan

SECONDED BY: Board Member Stern

AYES: Massey, Russell, Flanagan, Larson, Stern

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved March 2, 2023