



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 5, 2024
6:00 PM
Christine Nuernberg Hall

Agenda

- 1) **Call to Order**
- 2) **Approve meeting minutes of November 7, 2024**
- 3) **Hear evidence concerning; debate, deliberate and decide the request of:**
 - a. **Applicant:** Jeremy Gonzalez
 - Owners:** Jeremy Gonzalez
 - Appeal:** Opportunity will be given to all interested in being heard concerning the petition by Jeremy Gonzalez to request a variance for a shed and dog run at the property located at 11329 N Meadowbrook Drive.
- 4) **Ordinance:**
 - a. Ordinance 2024-1672 - An Ordinance to Amend Section 58-41(g) of the Mequon Municipal Code Related to the Issuing of Decisions by the Board of Appeals
- 5) **Adjourn**

Dated: December 5, 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, 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.

Attachment: 11.7.24 Stuewe Minutes DRAFT (9894 : BOA minutes)

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

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

Attachment: 11.7.24 Stuewe Minutes DRAFT (9894 : BOA minutes)

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

Attachment: 11.7.24 Stuewe Minutes DRAFT (9894 : BOA minutes)

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: JEREMY GONZALEZ Address: 11329 N. MEADOWBROOK DR
City/zip: MEQUON, WI 53097

Owner: SAME AS ABOVE Address: _____
City/zip: _____

Contact Person/Name: JEREMY GONZALEZ
Phone Number: 414-708-8397 Email: ggonzalez375@yahoo.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: S8-299
regarding:

11329 N. MEADOWBROOK DR.
(street address or legal description)

in order to: LEAVE CURRENTLY LOCATED SHED AND DOG KENNEL
IN PLACE, AND ALSO ALLOW FOR DOG KENNEL TO EXCEED SIZE
LIMITS DUE TO THE DOG BEING A CURRENT MILWAUKEE POLICE K9
WORKING DOG IN NEED OF A LARGER KENNEL FOR EXERCISE.

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>Caroline [Signature]</u>	Received Date: <u>8-16-24</u>
Parcel #: <u>14-088-16-04-000</u>	Hearing Date: <u>12-5-2024</u>
Zoning District: <u>R2B</u>	Receipt #:
Alderman & District #: <u>3 Dale Mays</u>	Published: <u>11-21-24</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.

Attachment: Gonzalez Appeal (9893 : Gonzalez application)

To The Board of Appeals,

My name is Jeremy Gonzalez and I'm writing this letter to document my request for a variance to the decision of permit denials for a shed and fencing currently on my property, located at 11329 N Meadowbrook Dr.

On May 17th, 2024, I received a letter from the City of Mequon notifying me that my request for building permits of a shed and fencing on my property were denied. The shed was previously installed as of last year and the fencing was installed approximately 7 years ago.

I now have updated measurements and photographs since the denial letter was received but was told I would have to file for this variance prior to any decisions being made. Regarding the shed, I believe it falls in the guidelines of the set back location given the difficulty measuring due to the wooded area that surrounds it. I did not believe we needed a permit at the time because we already had a shed on our property and we were just replacing it with a newer less of an eye sore one. The neighbor to the rear of our location does not have an issue with the shed as they knew about it prior to it being placed and granted us permission to have the shed delivered through their property due to the hills located in ours. The neighbor to the north of us is the same neighbor that does not have an issue with the dog kennel. As for the location we chose for the shed, given the slope and hills located in the rear of our property, we felt the best place to locate the shed was in the rear of our property where we have the flattest terrain and the shed would not be in the center of the yard.

As for the fencing for the dog enclosure, it is closest to my residence and was agreed upon with my neighbor prior to being installed. The size is larger than the 150 square feet due to the fact that the dog is a Police K9 for the City of Milwaukee and was necessary to have space for exercise while he is not on duty and being kept inside the kennel. When he is kept in the kennel all he does is pace back and forth near the edges of the kennel and is constantly getting the exercise a working dog requires. The largest allowed dog enclosure of 10ft x 15ft would not be sufficient for him as he is currently a working dog. The K9 is rarely inside the kennel or left unattended but was a requirement for me to have since I am a currently his handler as a Milwaukee Police Officer. I also have updated photographs of the location of this kennel as well. As for its location, it is the closest it could actually be to our residence while still in a grassy area as the rear of our residence is all concrete prior to grassy hills. The location of the kennel is the closest flat area of grass we could put the kennel into.

I did not know at the time but now understand there is a penalty for the non-application for the building permits at the time of installation. I would appreciate a decision granting variance and conforming decisions so we can rectify these violations, pay the fees, and move on from this inconvenience. I have also included names, addresses, and signatures of surrounding neighbors that reside at adjoining property lines that are aware and are not concerned with the location of the shed or dog kennel.

I, a current and neighboring resident, to the residence in question at 11329 N Meadowbrook Dr., am fully aware of the shed located on the property of Jeremy and Christine Gonzalez. I am aware the location of such shed is on their property and am not in objection to the shed being located in its current state. I do not object to a variance being granted to leave such shed in its place.

- | Print Name: | Address: | Signature: | Date: |
|------------------------|--------------------------|------------------|--------|
| 1. NEEL WAGNER | 8709 W.P. | <i>W. Wagner</i> | 7/9/24 |
| 2. VERA SHEVYREV | 8718 W. P. | <i>VERA</i> | 7/9/24 |
| 3. Gary & Sandy | 11323 N. Meadowbrook | <i>S. Norton</i> | 7-9-24 |
| 4. David & Betty Grift | 11304 N. Meadowbrook Dr. | <i>D. GRITT</i> | 7/9/24 |

I, a current and neighboring resident, to the residence in question at 11329 N Meadowbrook Dr., am fully aware of the shed located on the property of Jeremy and Christine Gonzalez. I am aware the location of such shed is on their property and am not in objection to the shed being located in its current state. I do not object to a variance being granted to leave such shed in its place. I am also aware of the location of a dog kennel on the property and am completely comfortable with the location of the dog kennel and have not had a problem with said kennel for the last 7 years. I would also not object to the variance being granted to leave the fence at its current location.

- | Print Name: | Address: | Signature: | Date: |
|------------------|---------------------------|----------------------|--------|
| 1. Joan Giuliani | 11341 N Meadowbrook Drive | <i>Joan Giuliani</i> | 7-9-24 |

Hopefully with all that has been explained in this letter combined with the signatures from surrounding neighbors and payment of proper fees, a variance can be granted to leave the shed and dog kennel in the current locations.

Thank you,
Jeremy Gonzalez

Attachment: Gonzalez Appeal (9893 : Gonzalez application)



11333 N. Cedarburg Road
 Mequon, Wisconsin 53092
 Phone: (262) 236-2924
 Fax: (262) 242-9819

www.ci.mequon.wi.us

Office of Community Development

May 17, 2024

Jeremy Gonzalez
 11329 N. Meadowbrook Dr.
 Mequon, WI 53097

Dear Mr. Gonzalez,

I am writing to inform you that the building permit application for a shed and dog run at 11329 N. Meadowbrook Dr. has been denied. The proposed shed does not meet the 18.75' reduced offset for an R-2B sub-standard lot as outlined in Section 58-249 of the Mequon Code of Ordinances (attachment A). The proposed dog run does not comply with Section 58-532(c)(2) of the Mequon Code of Ordinances:

Sec. 58-532. - Specific requirements—Animal-related uses, businesses and structures.

(c) Dog houses and runs.

(1) One dog house of less than 50 square feet shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. No such dog house may be more than six feet in height. Any such dog house shall satisfy the requirements of section 58-519.

(2) One dog run of no more than 150 square shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. Any such dog run shall satisfy the requirements of section 58-519.

Pursuant to Section 58-41, you may appeal an order, requirement, decision, or determination made by the Enforcement Officer, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the order, requirement, decision, or determination, 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.

I understand that the shed and dog run have already been constructed. It is recommended that you schedule an appointment to meet with me at City Hall to discuss what options are available. City Hall hours are Monday-Friday from 8:00 am to 4:30 pm.

Pursuant to Section 58-41, you may appeal an order, requirement, decision, or determination made by the Enforcement Officer, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the order, requirement, decision, or determination, 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.

Respectfully,

Greg Golden

Greg Golden
 Building Inspections Supervisor

Cornerstone Land Surveying, Inc.
 Plat of Survey

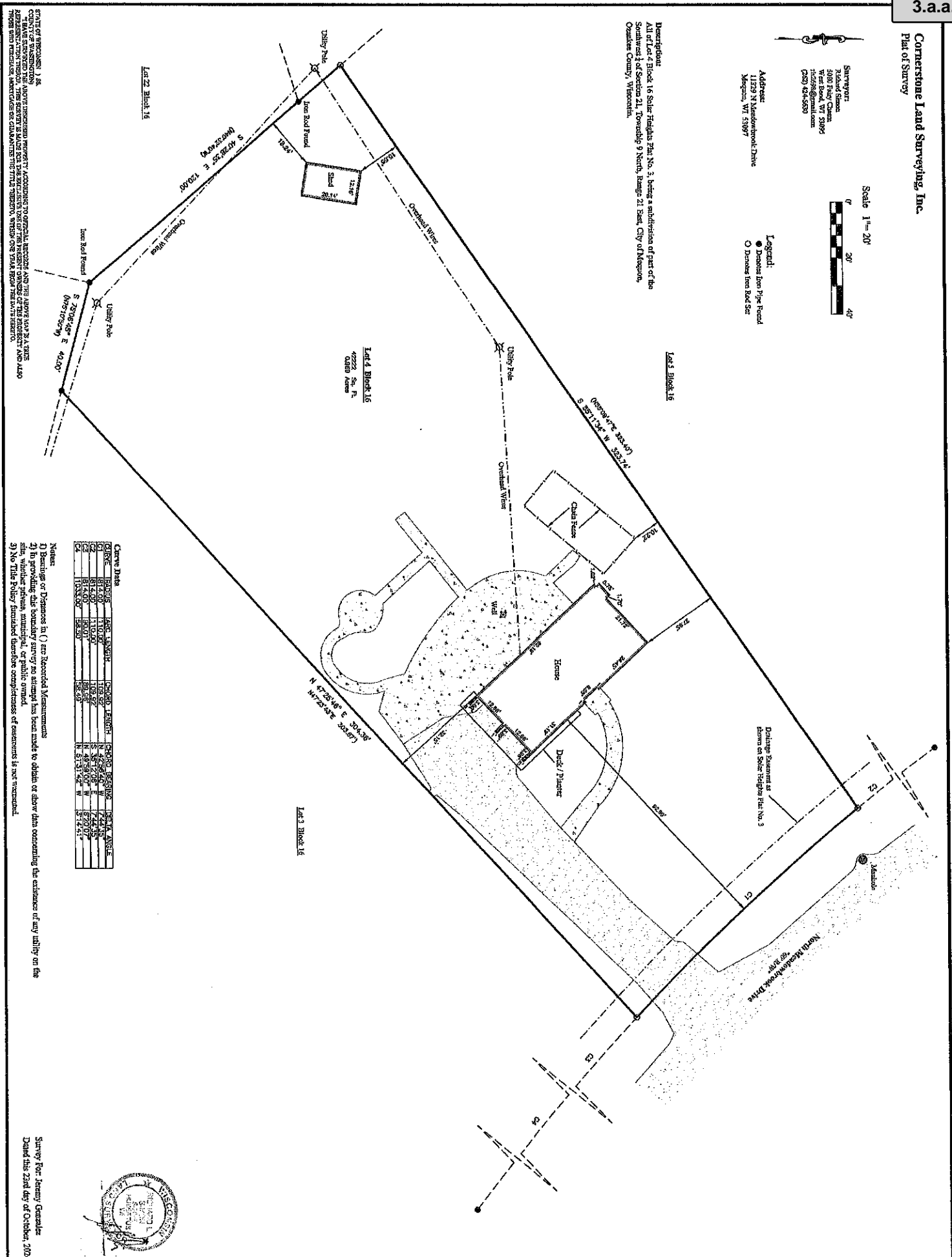
Scale 1" = 20'

Surveyor:
 Richard Brown
 5080 Fudge Creek
 West Road, WI 53992
 Phone: (262) 464-6890

Address:
 11229 N Mendota Park Drive
 Menasha, WI 53957

Legend:
 ● Ditches Iron Pipe Found
 ○ Ditches Iron Rod Set

Description:
 All of Lot 4 Block 16 Solar Fields Tract No. 1, being a subdivision of part of the Southwest 1/4 of Section 21, Township 9 North, Range 21 East, City of Menasha, Outagamie County, Wisconsin.



Drive Data

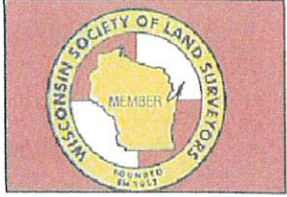
Curve	BEARING	CHORD LENGTH	CHORD BEARING	CHORD BEARING	BEAT	ANGLE
1	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	1	100.00
2	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	2	100.00
3	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	3	100.00
4	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	4	100.00
5	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	5	100.00
6	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	6	100.00
7	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	7	100.00
8	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	8	100.00
9	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	9	100.00
10	S 87°17'44\"	110.00	N 10°00'00\"	N 10°00'00\"	10	100.00

Notes:
 1) Bearings or Distances in () are Recorded Measurements
 2) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
 3) No Title Policy furnished therefore completeness of easements is not warranted.



Survey For: Jeremy Gonzalez
 Dated this 2nd day of October, 2024.

Cornerstone Land Surveying, Inc.
Richard Simon PLS# 2698
5080 Fairy Chasm
West Bend, WI 53095
(262) 424-5630
(262) 251-2507
rls2698@gmail.com
www.cornerstonelandsurvey.com



Owner as shown on Ozaukee County Records

JEREMY M GONZALEZ
11329N MEADOWBROOK DR
MEQUON, WI 53097

Contact

Name: Jeremy Gonzalez
Phone number: 414-708-8397
Email: G0nz0_375@yahoo.com

Survey

1037572
LOT 4 BLK 16 SOLAR HEIGHTS PLAT NO 3

Description of Services

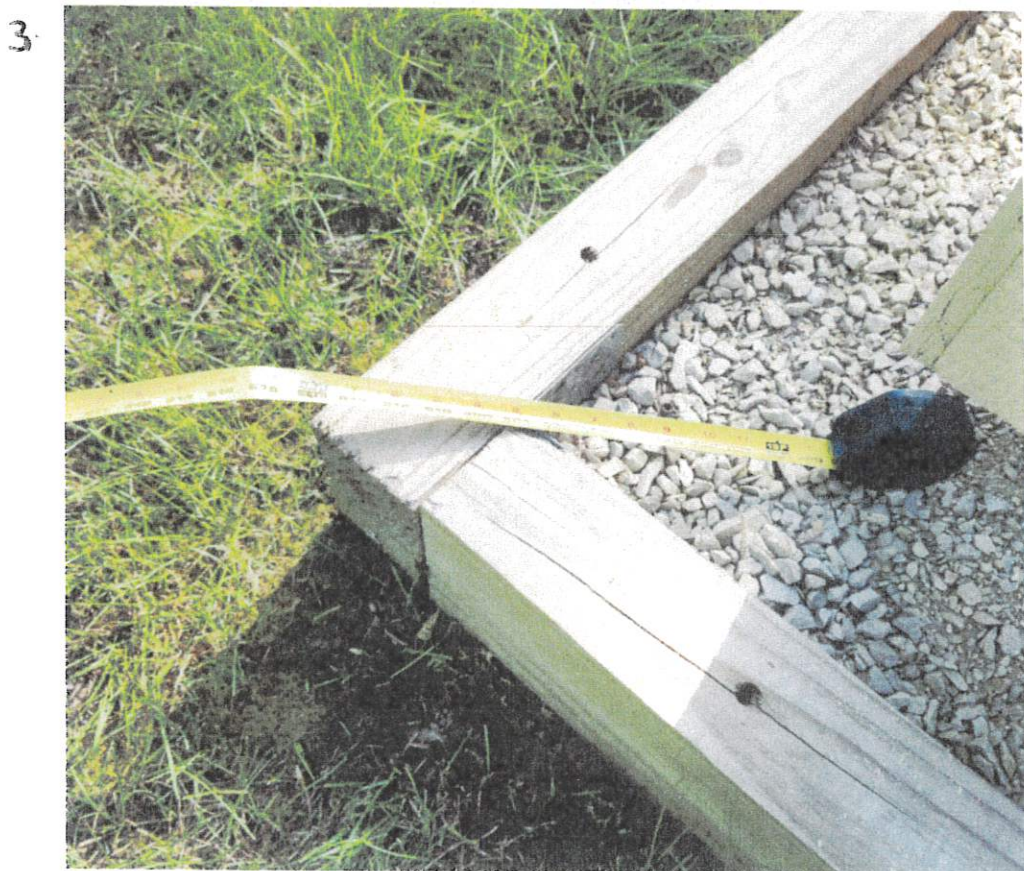
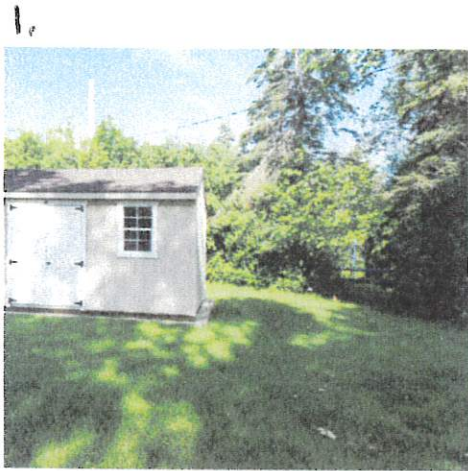
Plat of Survey

Find & Locate existing property corners. Set any property corners not in and determined good. Locate existing improvements buildings, concrete, blacktop, etc. Provide client with a Plat of Survey of property showing monumentation as either found or set, located improvements in relation to property lines.

Bill to Date on 10-23-2024 = \$950.00

Payable by Cash or Check
Net 30 Days

Attachment: Gonzalez Appeal (9893 : Gonzalez application)



- 1.) NORTHERN END OF SHED TO WOODED AREA
- 2.) MEASURED AREA FROM SHED TO WOODED AREA
- 3.) APPROXIMATE 19.2 FT

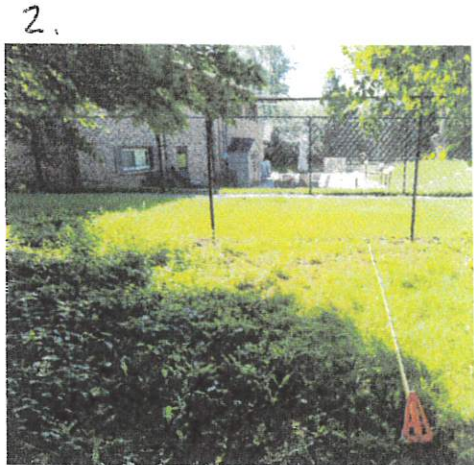
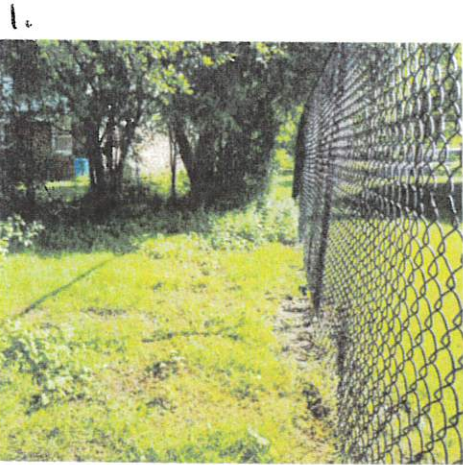


- 1.) WESTERN AREA OF SHED INTO WOODED AREA
- 2.) APPROXIMATE 22 FT FROM SHED INTO WOODED AREA



- 1.) OVERALL KENNEL RIGHT OUT BACK
- 2.) KENNEL IS CLOSEST TO MY RESIDENCE
- 3.) NEXT TO MY RESIDENCE FACING WEST

Attachment: Gonzalez Appeal (9893 : Gonzalez application)



- 1.) BRUSH AREA BETWEEN PROPERTIES
- 2.) MEASUREMENT INTO BRUSH AREA
- 3.) APPROXIMATE 12.6 FT

Attachment: Gonzalez Appeal (9893 : Gonzalez application)



Attachment: Gonzalez Appeal (9893 : Gonzalez application)

- 1.) K9 NOX w/ DEPARTMENT BADGE
- 2.) K9 NOX IN HIS KENNEL

MILWAUKEE POLICE DEPARTMENT

Specialized Patrol Division Patrol Canine Unit

June 5, 2024

APPLICATION

Vacancies currently exist in the **Patrol Canine Unit** within the **Specialized Patrol Division** for **Night shift** assignments for the rank of **POLICE OFFICER**. The resulting list from this testing process can be placed on explosive detection canine unit.

The Milwaukee Police Department Patrol Canine unit is comprised of teams of trained officers and canines in tracking, narcotics detection, suspect apprehension and handler protection. The teams are used to maximize public safety while minimizing distributions to the public.

Members interested in being considered for this assignment must submit an application indicating their qualifications relevant to selection criteria (attached) and a resume via the Human Resources SharePoint Site (accessible via any Department computer on the Department's Directives Intranet); this will ensure timely delivery of the information to the Human Resources Division. Applicants must have a minimum of 5 years of service as a Police Officer with the City of Milwaukee as of June 17, 2024. Any officer who has previously submitted a written request and wishes to be considered for this assignment must re-apply.

Applications will be accepted until **4:00 P.M. Friday July 5, 2024**.

A brief description of the duties and responsibilities of the assignments, along with the criteria to be considered by the Department in making this assignment, is attached. Women and minorities are encouraged to apply. Candidates will not be considered for the assignment to the Specialized Patrol Division if they have been the subject of a

Explosive Detection Canine – (PO)
June 5, 2024
Page 3 of 12

The application process consists of a management evaluation phase, physical fitness test, firearms test, home visit and oral interview panel. Applicants must successfully complete each phase in order to continue to the next phase, and upon completing all phases, may be considered for assignment to the Canine Unit.

SELECTION CRITERIA

The criteria to be utilized by management in the selection for assignment to the Specialized Patrol Division as a Canine Handler shall be as follows:

- Interest in the assignment and willingness to work irregular hours with minimal notice.
- A minimum of five years active service as a police officer with the Milwaukee Police Department as of June 17, 2024.
- Departmental evaluations and supervisor recommendations to include performance, disciplinary records, commendations, and letters of appreciation.
- Member's attendance.
- Willingness and ability to respond to off duty/call – up assignments.
- Ability and history of working independently and in a team setting.
- Ability to work effectively with other law enforcement agencies, federal partners and private entities.
- Thorough familiarity with federal and state laws relating to arrest and search and seizure.
- Ability to exercise good judgment in investigative and post-investigative activities.
- Effective interpersonal communication skills and the ability to work well with others (Supervisors and peers).
- Ability to function effectively during high-stress situations.
- Excellent report-writing capabilities.
- Successful completion of an evaluation process to assess a candidate's

Explosive Detection Canine – (PO)
June 5, 2024
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aptitude for the assignment.

The assignment requires the handler to take the canine to their residence; therefore; officers will be responsible for the care and upkeep of canines at home. A potential applicant should take the following into consideration:

- The applicant should consider the effect this assignment could have on his/her family member's, family pets living at his/her residence (a member should not file an application should this be problematic).
- Applicants who reside in the city of Milwaukee must own his/her residence, have a garage for parking a take-home squad and shall have an acceptable fenced enclosure that is approved by the Commanding Officer of the Specialized Patrol Division or designee prior to receiving department canine. Applicants must be willing to have a kennel erected in the yard or basement of the residence (such kennel shall remain the property of the Department). The type and location of the kennel will be at the discretion of the department.
- Applicants who DO NOT reside in the city of Milwaukee must own his/her residence will be required to obtain a personally owned kennel to transport the canine to and from SPD in his/her personal vehicle, as a department take home squad is not authorized outside the city limits. Applicants must be willing to have a kennel erected in the yard or basement of the residence (such kennel shall remain the property of the Department). The type and location of the kennel will be at the discretion of the department.
- Applicant will treat the canine as a working dog and not a pet. A working dog has certain traits and are breed for specific duties. When not treated as a working dog this diminishes the skills and abilities of the working dog causing the team to be ineffective and will result in the immediate removal of the team.
- Applicant will be sent to an approved training facility and upon graduation will be monitored in accordance with NAPWDA standards. This will be conducted by the trainer, other handlers and the supervisor of the unit.
- Applicant will keep daily training logs will be kept and available for inspection.
- Applicant will be removed if it is determined the team is ineffective and non-deployable.

Explosive Detection Canine – (PO)
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sustained disciplinary action resulting in suspension(s) causing a break in service of three (3) cumulative days or more, within the previous 5 years to the date this announcement is posted.

All members applying for this assignment will be initially evaluated by their commanding officers. Members recommended for this assignment by their commanding officers will be further evaluated by the Specialized Patrol Division personnel and such other supervisors assigned to the evaluation process.

DUTIES OF THE ASSIGNMENT:

Officers assigned to the Specialized Patrol Division, as a Canine Handler will be responsible for performing the following duties:

- Patrol canines are needed for tracking of suspects and if need be apprehension of the suspect.
- Assisting department members with investigations by conducting searches for evidence of firearm related offenses.
- Participating in ongoing training to maintain canine/handler skills.
- Maintaining current canine training and deployment records.
- Maintaining a yearly canine team certification.
- Maintaining a kennel at the officer's residence that may be erected in the yard or basement.
- Preparing of canine related reports as they relate to the deploying of the canines.

The foregoing is a summary of the assignment primary duties and responsibilities; it is not meant to be all-inclusive or limiting in any way. Officers assigned to the Specialized Patrol Division as a canine handler will be required to perform a variety of other duties not specified above.

Sec. 58-519. - Keeping of domestic animals.

All stables, barns, pens poultry houses, coops, riding arenas, hives, other similar structures for keeping domestic animals and yards in which domestic animals are kept or permitted to be kept within the city shall be maintained in good repair and in a clean and sanitary condition, devoid of insect infestations and rodents and other vermin and free from odor nuisances. The exterior of all such structures shall be whitewashed or painted periodically to maintain them in a clean and sanitary condition. All domestic animals kept by any person shall be provided adequate food and water. All domestic animals shall be kept in compliance with applicable federal and state law.

(Ord. No. 2019-1543, Exh. A, 4-9-2019)

Sec. 58-532. - Specific requirements—Animal-related uses, businesses and structures.

- (a) *Animal hospitals and veterinary clinics.* An animal hospital or veterinary clinic is an establishment that provides medical services to animals and limited boarding facilities and shall comply with the following:
- (1) Such an establishment may not be located adjacent to any existing restaurant, grocery or food service within the same building.
 - (2) Such an establishment shall provide one or more designated outdoor areas for the animals as they arrive and leave the facility and for any walks. These outdoor areas shall be properly signed and maintained daily, screened from public view and any adjacent residential use and located within close proximity to the parking area. The size of these outdoor areas shall be determined by the size of the facility, number of staff members and number of animals served.
 - (3) All boarding shall be enclosed within the building.
 - (4) No animal shall be allowed to be left unsupervised between the hours of 10:00 p.m. and 6:00 a.m. in a building that contains residential units.

(b) *Bee hives.* See specific requirements set forth above for bees.

(c) *Dog houses and runs.*

(1) One dog house of less than 50 square feet shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. No such dog house may be more than six feet in height. Any such dog house shall satisfy the requirements of section 58-519.

(2) One dog run of no more than 150 square shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. Any such dog run shall satisfy the requirements of section 58-519.

(d) *Kennels.*

(1) A kennel may not be located adjacent to any existing restaurant or grocery within the same building.

(2) Kennels shall be operated in accordance with the following requirements:

a. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

b. The quarters in which animals are kept shall be maintained in accordance with section 58-519.

c. Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.

d. Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.

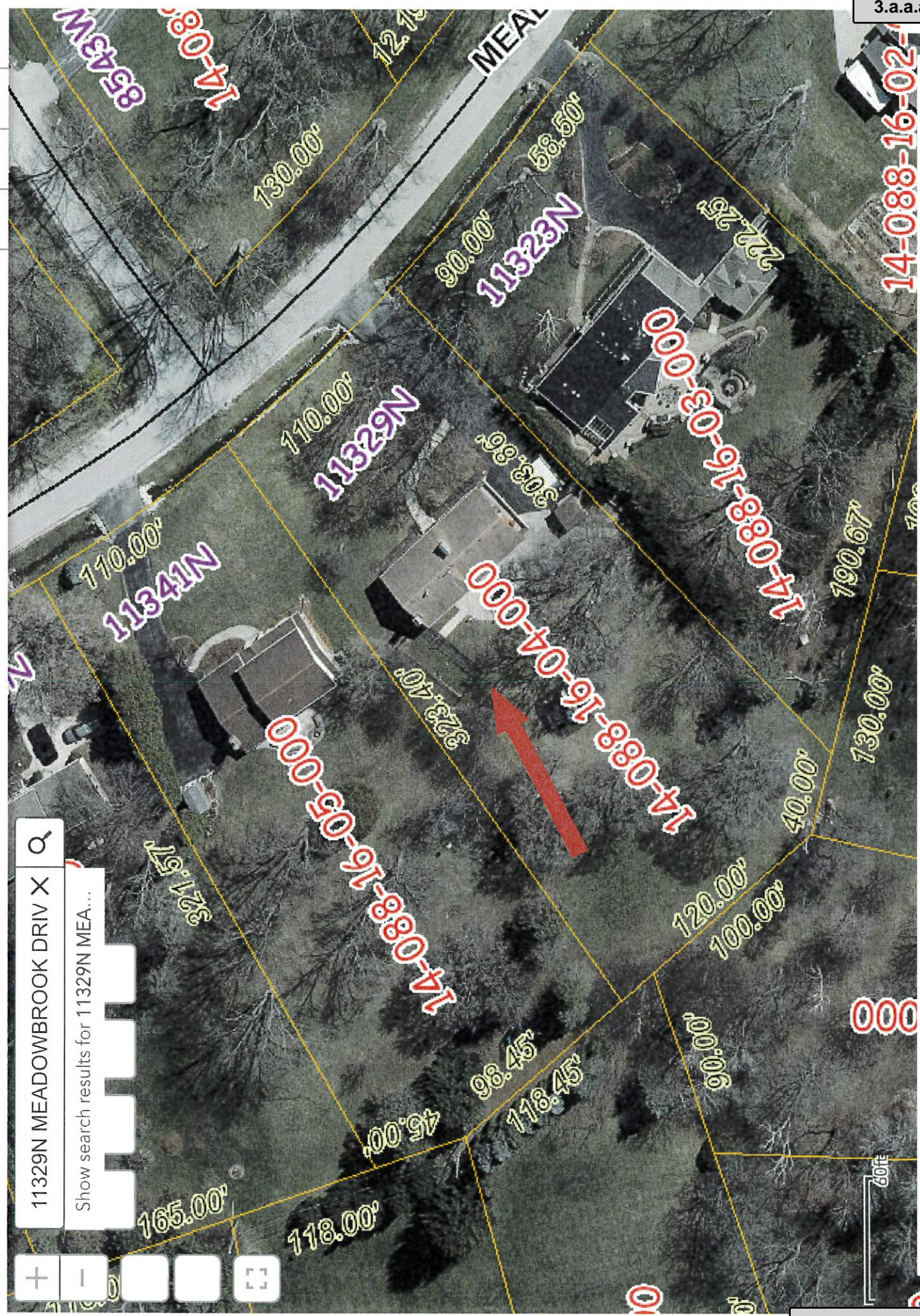
e. Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered metal containers until final disposal.

f. Yards, pens, premises and animals shall be kept free of insect infestations.

- g. No odor nuisance shall be permitted.
 - h. All animal pens or enclosures shall be sufficiently large to permit confined animals freedom of movement.
- (3) All dogs over five months of age kept at a kennel must be licensed by the city or, if a dog is kept commercially at the kennel, by the municipality in which the owner of the dog resides.
- (4) Whenever a kennel creates a nuisance or has a substantial adverse effect upon the reasonable enjoyment of surrounding properties, the planning commission may, after holding a public hearing, rescind its original approval and require the owner to reduce the number of dogs on the property or discontinue the kennel operation.
- (e) *Pet daycares.* A pet daycare may not be located adjacent to any existing restaurant, grocery or food service within the same building. All dogs over five months of age kept at a pet daycare must be licensed either by the city or by the municipality in which the owner of the dog resides.
- (f) *Pet store.* A store that sells pets may not be located adjacent to any existing restaurant, grocery or food service within the same building.
- (g) *Pet supply stores, pet grooming facilities and pet daycares.* A pet grooming service or pet supply store that allows pets to enter with customers may not be located adjacent to any existing restaurant, grocery or food service within the same building.
- (h) *Stables, barns, poultry houses, riding arenas and other similar structures for animals.*
- (1) The standards described in this subsection only relate to such structures used in connection with allowed producing animals and not for structures used for other agricultural purposes or nonagricultural purposes. Structures used for such other purposes may not be used to keep animals unless they meet these standards.

- (2) No building housing producing animals shall be closer than 50 feet to any lot line except for chicken enclosures on residentially zoned properties, which are governed by the specific standards for chickens set forth above.
- (3) Except for exterior enclosures for equine animals, exterior enclosures and buildings in which producing animals are housed at a residentially zoned property (other than animals kept in a primary residence) shall be located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines.
- (4) Additional requirements are set forth above for domestic animals kept at a residentially zoned property.
- (5) For structures less than 1,000 square feet, the design is subject to staff approval. If more than 1,000 square feet, the design is subject to planning commission approval. Other district standards, such as lot coverage ratio, apply.
- (6) If in an A-1 or A-2 district or subject to an OA overlay, and if on a parcel of 40 acres or more (or two or more contiguous parcels with the same owner with an aggregate of 40 acres or more), the application processing fee will be waived. The common council has approved this waiver to minimize the burden to the city's farmers and to encourage agricultural pursuits.
- (7) The standards in this subsection shall not apply to any structure lawfully used in connection with allowed producing animals as of the date of the enactment of the ordinance from which this subsection is derived.

(Ord. No. 2019-1543, Exh. A, 4-9-2019; Ord. No. 2021-1609, § I(Att.), 12-14-2021; Ord. No. 2024-1659, § II, 3-12-2024)



11329N MEADOWBROOK DRIV X

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11333 N. Cedarburg Road
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 Phone: 262-242-3100
 Fax: 262-242-9655

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Office of Inspections

TO: Board of Appeals
FROM: Greg Golden, Building Inspections Supervisor
DATE: November 20, 2024
SUBJECT: Appeal of Jeremy Gonzalez 11329 N. Meadowbrook Drive

Background: The appellant is requesting three variances. Two variances are related to the side and rear yard offsets for a garden shed which has already been installed without a permit. The appellant's third variance is related to the maximum size permitted for a dog run, also installed without a permit.

Variances:

Variance #1 and Variance #2: The appellant is requesting a side and a rear yard offset variance to Section 58-237 R-2B single family suburban residential district.

Per Table 58-249 Technical requirements of residential districts, the R-2B zoning district requires the following (see R-2B column of Exhibit 1):

· Required rear yard offset=	25'
· Proposed rear yard offset for shed=	18.2'
· Required side yard offset =	25'
· Required offset with adjusted allowance reduction* =	19.3'
· Proposed side yard offset for shed =	15.5'

*58-416(e)(3)(a) exception is applied due to the subject lot not meeting the minimum average width of 175' as follows: Average lot width/minimum lot width = percent reduction (not to exceed 75%). In this case, the calculation is as follows: $135'/175'=77\% \times 25'=19.3'$

Variance #3: The appellant is also requesting a variance to Section 58-532(c)(2):

(2) One dog run of no more than 150 square (feet) shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. Any such dog run shall satisfy the requirements of section 58-519.

The current dog run installed is approximately 600 square feet. The appellant is requesting a variance to allow a 600 square foot dog run.

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.

Variance #1 and Variance #2 The appellant’s variance application includes a survey confirming a side yard offset of 15.5 feet (19.3’ required) and a rear yard offset of 18.2’ (25’ required).

Based on staff’s analysis, the appellant could relocate the shed 7’ to the east and 4’ to the south to achieve compliance with the required offsets. In addition, the appellant does not substantiate a unique condition to the property, nor have they identified a hardship that is not self-imposed. It should also be noted that had the appellant applied for a building permit prior to the installation of the shed, City staff would have identified the required offset(s) and informed the appellant.

Variance #3: The appellant is currently employed as a City of Milwaukee police officer who is also in charge of a K-9 officer. Staff reached out to the appellant for documentation regarding the dog run requirements for officers housing a K-9 officer. The pertinent portion of what the appellant provided can be seen in Exhibit 2. There is no specific size outlined in the provided documentation. It only states that “applicants must be willing to have a kennel erected in the yard or basement of the residence.” This does not create a unique hardship to the requirements set forth in Section 58-532(c)(2).

Staff Recommendation:

Variance #1: Staff recommends **denial** of the variance for a reduction to the side yard offset due to lack of hardship.

Variance #2: Staff recommends **denial** of the variance for a reduction to the rear yard offset due to lack of hardship.

Variance #2: Staff recommends **denial** of the variance to increase the maximum size permitted for a dog run due to lack of hardship.

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	Conservation	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM

Attachment: Gonzalez Appeal (9893 : Gonzalez application)

	Design									
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%

Attachment: Gonzalez Appeal (9893 : Gonzalez application)

* 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)

Attachments:

11329 N. Meadowbrook Dr. Exhibit 2 (PDF)

Exhibit 2

Explosive Detection Canine – (PO)
June 5, 2024
Page 4 of 12

aptitude for the assignment.

The assignment requires the handler to take the canine to their residence; therefore; officers will be responsible for the care and upkeep of canines at home. A potential applicant should take the following into consideration:

- The applicant should consider the effect this assignment could have on his/her family member's, family pets living at his/her residence (a member should not file an application should this be problematic).
- Applicants who reside in the city of Milwaukee must own his/her residence, have a garage for parking a take-home squad and shall have an acceptable fenced enclosure that is approved by the Commanding Officer of the Specialized Patrol Division or designee prior to receiving department canine. Applicants must be willing to have a kennel erected in the yard or basement of the residence (such kennel shall remain the property of the Department). The type and location of the kennel will be at the discretion of the department.
- Applicants who DO NOT reside in the city of Milwaukee must own his/her residence will be required to obtain a personally owned kennel to transport the canine to and from SPD in his/her personal vehicle, as a department take home squad is not authorized outside the city limits. Applicants must be willing to have a kennel erected in the yard or basement of the residence (such kennel shall remain the property of the Department). The type and location of the kennel will be at the discretion of the department.
- Applicant will treat the canine as a working dog and not a pet. A working dog has certain traits and are breed for specific duties. When not treated as a working dog this diminishes the skills and abilities of the working dog causing the team to be ineffective and will result in the immediate removal of the team.
- Applicant will be sent to an approved training facility and upon graduation will be monitored in accordance with NAPWDA standards. This will be conducted by the trainer, other handlers and the supervisor of the unit.
- Applicant will keep daily training logs will be kept and available for inspection.
- Applicant will be removed if it is determined the team is ineffective and non-deployable.

Explosive Detection Canine – (PO)
June 5, 2024
Page 2 of 12

sustained disciplinary action resulting in suspension(s) causing a break in service of three (3) cumulative days or more, within the previous 5 years to the date this announcement is posted.

All members applying for this assignment will be initially evaluated by their commanding officers. Members recommended for this assignment by their commanding officers will be further evaluated by the Specialized Patrol Division personnel and such other supervisors assigned to the evaluation process.

DUTIES OF THE ASSIGNMENT:

Officers assigned to the Specialized Patrol Division, as a Canine Handler will be responsible for performing the following duties:

- Patrol canines are needed for tracking of suspects and if need be apprehension of the suspect.
- Assisting department members with investigations by conducting searches for evidence of firearm related offenses.
- Participating in ongoing training to maintain canine/handler skills.
- Maintaining current canine training and deployment records.
- Maintaining a yearly canine team certification.
- Maintaining a kennel at the officer's residence that may be erected in the yard or basement.
- Preparing of canine related reports as they relate to the deploying of the canines.

The foregoing is a summary of the assignment primary duties and responsibilities; it is not meant to be all-inclusive or limiting in any way. Officers assigned to the Specialized Patrol Division as a canine handler will be required to perform a variety of other duties not specified above.



www.ci.mequon.wi.us

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

Office of City Attorney

TO: Board of Appeals
FROM: Brian Sajdak, City Attorney
DATE: November 22, 2024
SUBJECT: ORDINANCE 2024-1672 An Ordinance to Amend Section 58-41(g) of the Mequon Municipal Code Related to the Issuing of Decisions by the Board of Appeals

Background

The purpose of this item is to obtain the Board's input on a proposed change to the provisions of the Municipal Code relating to the finalization of decisions of this Board. By way of background, the Code presently provides that the Board's written decision be completed within 10 days of the hearing, which is the circulated for 5 days and finalized. In other words, the decision is issued 15 days after the hearing.

Analysis

There are a couple of challenges to this approach. First, based upon the current meeting schedule wherein the Board meets on the first Thursday of the month, other business required at that time of the month often creates additional demands on this office's time. Within the City of Mequon, I am responsible for reviewing all resolutions and ordinances that are placed on the Common Council agenda of its meeting on the second Tuesday of the month. That agenda usually goes out on the Thursday before the meeting. As such, much of the time between a hearing before this Board and the Common Council meeting is spent getting items ready for Council consideration. In addition, each of the other municipal entities the City Attorney's firm represents likewise have meetings of their governing bodies during this same time period. In short, the first part of the month is an extremely busy time which requires balancing competing needs.

The second challenge to the current Code is that it ignores the potential complexity of a case. In a complex case, there may be additional legal research necessary to add legal standards to a proposed decision. Similarly, some cases might require obtaining a transcript to appropriately complete the decision. The Walanta decision earlier this year is an example of this. In these circumstances, obtaining a transcript and completing the decision within 10 days would be extremely difficult.

Based upon these issues, I am proposing a change to the code. The proposed change provides an additional few days to complete the decision. It also provides for a process to deviate from the typical process where appropriate. These changes are shown in the proposed ordinance in the packet. All told, the proposed change adds five days to the process.

There may be some members who are concerned about extending the time for completing a decision. However, the proposed code does not run afoul of any legal requirement or standard. Under the controlling statute, Wis. Stat. § 62.23(7)(e)6, the only requirement is that the Board decide the appeal “within a reasonable time.” A survey of other Wisconsin municipalities reveals that most communities fall one of two categories: those that either expressly or impliedly adopt the statutory language of “within a reasonable time” and those that utilize 30 days. Out of 30 other municipalities surveyed, 12 use reasonable time, 13 use 30 days, 2 use 15 days, and 3 use 60 days. These are listed in the attached chart. The proposed keeps the City’s typical process below the 30 days used by many. At the same time, it provides flexibility where it is needed.

Recommendation

A motion to recommend approval of the proposed change to the Common Council.

Attachments:

Chart of Other Community Standards (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2024-1672

An Ordinance to Amend Section 58-41(g) of the Mequon Municipal Code Related to the Issuing of Decisions by the Board of Appeals

RECITALS

A. Under Wis. Stat. § 62.23(7)(e) the City is authorized to establish various rules and procedures related to the operation of the Board of Appeals, provided ultimately that any decision issued by the Board is issued within a reasonable time.

B. The Common Council previously adopted section 58-41(g) of the Mequon Municipal Code which provides for a timeline for the Board of Appeals to issue decisions on matters it hears.

C. Based upon various considerations raised by the City Attorney, the Common Council desires to amend this timeline to provide additional flexibility while still meeting the statutory requirement of reasonableness.

D. The Board of Appeals recommended approval of these changes at its meeting on December 5, 2024.

E. The Planning Commission recommended approval of these changes at its meeting on January ____, 2025.

F. The Public Welfare Committee recommended approval of these changes at its meeting on February 11, 2025.

G. A Public Hearing on the proposed changes was held on February 11, 2025.

H. Based upon the information provided by the City Attorney, the recommendations of the Board of Appeals, Planning Commission and the Public Welfare Committee, and the testimony provided at the Public Hearing, the Common Council finds that the proposed changes are appropriate and in the best interests of the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 58-41(g) of the Mequon Municipal Code is amended to read as follows (NOTE: Added text is **bold underlined**; Deleted text is struck-through):

58-41(g) *Decision*. **The board shall issue its decision within a reasonable time upon the final conclusion of the hearing. In general, the board's decision should be issued utilizing the following process:** The attorney representing the board or

the chair ~~shall~~should render a written decision within ~~ten~~fifteen days after completion of the hearing. The city clerk ~~shall~~should promptly circulate the decision to all members of the board who were present for the hearing for their review. The decision shall be deemed final unless, prior to the close of business on the fifth day following such circulation, a member who voted in the majority files a written objection with the city clerk. Upon receipt of an objection, the city clerk shall schedule another meeting of the board for the purposes of considering the objection and finalizing the decision. Within two business days following such additional meeting, the board shall file the final decision with the city clerk. This general process may be extended with the concurrence of the chair based upon the complexity of the case, the need to obtain and utilize a transcript of the hearing, workload, or similar considerations except that the process shall not extend beyond 60 days without approval fo the full board.

SECTION II

The terms and provision of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: Andrew Nerbun, Mayor

Date Approved: December 5, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on December 5, 2024.

Caroline Fochs, City Clerk

Published: _____

Chart of Comparable Communities

15 Days:	Lannon	New Berlin		
30 Days:	Germantown	Franklin	Greenfield	Cedarburg
	Elkhorn	Glendale	Hartland	Pewaukee
	Sun Prairie	Thiensville	Verona	Wauwaukee
	Oconomowoc ¹			
60 Days:	Grafton	Oshkosh	Wausau	
“Reasonable Time”	Madison	Delafield	Middleton	Middleton
	Waukesha			
“Per Statute”	Brown Deer	Fitchburg		
None:²	Beloit	Green Bay	Menomonee Falls	Random Lake
	West Allis	Wauwatosa		

¹ Authorizes additional time if approved by Board and Applicant

² With none, the statutory timeline ultimately applies