



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, July 2, 2020
6:00 PM

Agenda

ELECTRONIC MEETING NOTICE: Pursuant to the current recommendation of the CDC limiting the size of public gatherings and the various federal and state orders implementing that recommendation, and to help protect our community from the Coronavirus (COVID-19) pandemic, this meeting will be held virtually through the GoToMeeting platform with each member accessing the meeting remotely. Citizens may also join the meeting online or by phone.

Please go to <https://global.gotomeeting.com/join/673871517> to join the meeting online or call into the meeting by dialing [1-866-899-4679](tel:1-866-899-4679) and enter access code 673-871-517.

WRITTEN PUBLIC COMMENTS may be made in writing in advance of the meeting. Written comments should be directed to the City Clerk's Office at least 2 hours prior to the meeting by email at cfochs@ci.mequon.wi.us or addressed to the intended committee. Written public comment may also be deposited in the drop box at City Hall on 11333 N. Cedarburg Road, Mequon at least 2 hours prior to the meeting. Comments received timely will be forwarded to all members of the body for their consideration.

VERBAL PUBLIC COMMENTS and PUBLIC HEARING APPEARANCES will be accepted only from members of the public who register in advance. Registration shall be made by sending an email to City Clerk Caroline Fochs at cfochs@ci.mequon.wi.us or by leaving a message at 262-236-2912 no later than two hours prior to the meeting.

Reasonable accommodations will be made for those citizens who are unable to attend the meeting in the methods identified above upon at least two hours' notice. Notice can be given to the City Clerk's Office at 262-236-2914.

- 1) Call to Order, Roll Call
- 2) Approve meeting minutes of June 4, 2020
- 3) Hear evidence concerning; debate, deliberate and decide the request of:

Applicant: Rory Palubiski of FEIN Design, LLC
Owners: Jim and Terry O'Shaughnessy

Appeal: Requesting variances from Section 58-236(i), 58-236 (g)(2), 58-236(c)(1)(d), and 58-418(d) of the Mequon Code of Ordinances in order to decrease the setback from the front property line from 82 feet to 80.9 feet, increase the height of an accessory structure from 15 feet to 22 feet, and keep the existing accessory structure in addition to the new detached garage at 3207 W. Donges Bay Road.

4) Adjourn

Dated: June 19, 2020

/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. 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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Virtual Meeting
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

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Office of the City Clerk

BOARD OF APPEALS
Thursday, June 4, 2020 - 6:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

- Chair Kathleen Massey
- Vice Chair William Komisar
- Board Member Ramona Larson
- Board Member Joseph Russell
- Board Member Robert Stern
- Board Member Thomas Flanagan
- Board Member Lori Kornblum – **Excused**

Also Present: Attorney Brian Sajdak, City Clerk Caroline Fochs, Community Development Assistant Director Jac Zader, Building Inspector Mike Hadley, John Geidel of Willard Geidel & Son, Chair of the Architectural Board Roger Davison, Kealoha Schupp from U.S. Legal Support, press and interested public.

Chairman Massey explained the rules of virtual meeting per Mayor Wirth's Proclamation.

All parties appearing before the Board of Appeals were sworn.
A complete transcript of the proceedings can be made available upon request.

2) Approve meeting minutes of February 6, 2020

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

| |
|--|
| AYES: Massey, Komisar, Larson, Russell, Stern |
|--|

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

Applicant: John Geidel of Willard Geidel & Son
Owners: Dave and Lori Kroening
Appeal: Requesting an appeal of the Architectural Board decision of April 27, 2020 for the property at 5510 W. Sunnyside Drive regarding siding of home.

Attachment: Draft Minutes_06-04-20_Kroening (5256 : BOA minutes 06-04-20)

Hearing no objection, Chairman Massey opened the public hearing.

Chairman Massey stated the appeal.

Community Development Assistant Director Zader stated that this hearing is for an appeal of an Architectural Board decision from April 27, 2020. At that meeting the applicant went before the Board regarding a 220 sf. addition to the Kroening's home. It was approved at that time with the condition that the entire house be sided with vinyl. A previous addition from 1972 is sided in vinyl, however, the original house has the original shake siding. The appellant feels that residing the entire house in vinyl is overly burdensome, hence this appeal. City staff recommends approval of the applicant's appeal on the condition that if any future additions would occur the entire house would have to be resided in vinyl by removing the shake sidings and matching the vinyl. The proposed addition is roughly 26% of the facade and there are already two types of siding on the home.

Mr. Mike Hadley, City Building Inspector, was sworn in. He stated that the west side of the proposed addition would be viewable from the street. John Geidel confirmed that the proposal is to maintain the existing siding on the west and north sides. None of the facades would change. The vinyl side of the house is the back side, the right and left side are the existing siding, and they are also taking from the back of the home to blend in with what is currently there. He confirmed the addition is on the back side which faces a street and the new addition is extending the old addition to the west.

Mr. Davison, Chair of the Architectural Board, stated that the decision of the Board was based on the consistency of elevations from the guidelines. All sides of the structure shall exhibit design continuity. The siding on the home is a vermiculite siding, which is no longer available because it contains asbestos. The Board ruled the siding should be the same over the entire house, maintain consistency of all elevation surfaces, and avoid hazardous environmental risks.

The Board of Appeals questioned if the guidelines only applied to front facades. Mr. Davison explained that the Architectural Board interprets the guidelines as meaning all elevations should be proportionate and equal in the use of whatever the existing materials are.

Mr. Zader agreed that the interpretation of the guidelines is that all elevations should be all the same if the materials exist. The City should try to strike a balance between the guidelines and the existing conditions of the house, keeping in mind availability of materials, economics of the owner, and spirit and intent of ordinance. There are no restrictions on reusing the siding. Once it is painted it is encapsulated and acceptable to reuse. The Board of Appeals questioned the definition of continuity. Does it need to be identical or can it be similar enough to appear matching?

Motion to close the public portion of the hearing.

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

AYES: Massey, Komisar, Larson, Russell, Stern

Board discussion included the following:

- The guidelines for continuity are vague and ambiguous and it would be unfair to impose them on the appellant.
- Putting the shake siding on the side that is already shake sided would be aesthetically consistent.
- The current guidelines do not support the decision of the Architectural Board.
- If there are future changes to this home then something different will have to be done, i.e. entirely resided.

Motion to accept the 26.76% allowance of the 220 sf of vinyl siding for the proposed addition with the condition that any future addition of any size would require the entire home to be sided with vinyl siding.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Board Member Komisar
SECONDED BY: Board Member Stern

AYES: Massey, Komisar, Larson, Russell, Stern

4) Adjourn

Motion to adjourn at 6:47 PM.

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

AYES: Massey, Komisar, Larson, Russell, Stern

Respectfully Submitted,
Kathy Andrykowski

BOARD OF APPEALS VARIANCE APPLICATION

CITY OF MEQUON, WISCONSIN

Applicant: FEIN DESIGN, LLC Address: 1124 N. CRAWFORD ROAD
City/zip: MEQUON 53092

Owner: JIM & TERRY O'SHAUGHNESSY Address: 3207 W. DONAGHS BAY F
City/zip: MEQUON 53092

Contact Person/Name: RORY PALUBSKI

Phone Number: 262.238.0774 Email: rory@feindesigns.com

TO THE BOARD OF APPEALS:

The above hereby requests a variance to City of Mequon Code Sec. #: 58-236(i)(g2)(c7.)
regarding: 58-418(d)
3207 W. DONAGHS BAY ROAD
(street address or legal description)

in order to: PROPERLY POSITION THE
PROPOSED OUTBUILDING GARAGE.

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>6/11/2020</u> |
| Parcel #: <u>14-036-02-00-200</u> | Hearing Date: <u>7/2/2020</u> |
| Zoning District: <u>R-2</u> | Receipt #: <u>003161-0018</u> |
| Alderman & District #: <u>District 7, Ald. K. Schneider</u> | Published: <u>6/18/20</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: O'Shaughnessy variance appeal_07-02-20 (5260 : BOA materials_O'Shaughnessy_07-02-20)



11333 N. Cedarburg Rd 60W
 Mequon, WI 53092-1930
 Phone (262) 236-2921
 Fax (262) 242-9655

www.ci.mequon.wi.us

INSPECTION DIVISION

June 9, 2020

Rory Palubiski
 11124 N Cedarburg Road
 Mequon, WI 53097

Dear Mr. Palubiski:

I am writing in regard to the building permit application for an addition to the existing dwelling and an accessory structure for property located at 3207 W Donges Bay Road. The proposed accessory structure does not comply with the required setback from the front property line. In addition, the property currently contains an accessory structure along the east property line. The code allows for only one detached structure if the home contains an attached garage. Based on this information, a variance, through the Board of Appeals, is required. It is my understanding based on your permit application you are requesting commencement of this process.

Applicable code sections related to the application:

Section 58-236(i) states that a 75-foot setback is required from the front property line.

Section 58-236(g)(2) states that the height of an accessory structure shall not exceed 15 feet.

Section 58-236(c) (1) (d) states that a property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area.

Section 58-418 (d) states that the maximum height of any structure may be increased up to ten feet if offset and setbacks are increased by one foot for each additional foot of structural height exceeding the standard district requirement.

Based on these code sections, the proposed garage which is shown at 22 feet in height is required to be setback 82 feet from the front property line. The plan shows the proposed building at 80.9 feet. In addition, the existing structure would need to be razed prior to issuance of a building permit.

Please remember the following information if you decide to request a variance:

1. The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.
2. The hardship cannot be self-created.
3. The Board of Appeals is to evaluate the hardship in light of the purpose of the zoning restriction at issue.
4. A variance cannot be contrary to the public interest.
5. The property owner bears the burden of proving unnecessary hardship.

I have enclosed an application for the Board of Appeals which should be returned to the City Clerk with a check for \$215.00.

If you have any further questions, feel free to call me at 262-236-2904 during normal business hours.

Attachment: O'Shaughnessy variance appeal_07-02-20 (5260 : BOA materials_O'Shaughnessy_07-02-20)

Respectfully,

Jac Zader
Assistant Director of Community Development

cc: City of Mequon City Clerks Office

enclosure/kh

Attachment: O'Shaughnessy variance appeal_07-02-20 (5260 : BOA materials_O'Shaughnessy_07-02-20)

3207 W. Donges Bay Rd.
 Mequon, WI 53092
 June 10, 2020

City of Mequon
 Board of Zoning Appeals
 11333 N. Cedarburg Rd. 60W
 Mequon, WI 53092

Appeal from Denial of Building Permit
 3207 W. Donges Bay Rd.

Our appeal addresses two separate issues. First, we request a variance of 14 inches toward the North lot line of our property, which we desire to minimize stress on two classic sugar maple trees. Second, we request a waiver of the requirement that we demolish and remove an historic garage before we are permitted to construct a new, detached garage. I will address each in turn.

Background

We have resided in Mequon since 1992, at first on Waterleaf Drive and, since 1999, on Donges Bay Road. We purchased the current property even though both the house and yard were in serious disrepair. The house and property date back to the 1930's and little maintenance had been done for many years. However, we saw the potential the land held for us.

My wife oversaw a large-scale remodeling of the home, adding over 3,000 square feet in living space. I personally removed over 2000 buckthorn trees as we began our landscaping project. We have undertaken substantial landscaping, having planted over fifty trees of eight different species. We have worked with a master arborist at Wachtel Tree Science to prescribe programs to maintain both the new and the many existing trees, some dating back many decades. We also have planted several gardens, including a courtyard facing north from our home. These gardens include many flowering bushes in addition to hundreds of plants, both annuals and perennials. Many visitors have described our home as "park like." In sum, we are dedicated to maintaining our home and yard as committed stewards.

My wife and I are now in our early 70's. She wants a first-floor master, both to avoid the necessity of climbing stairs to our current bedroom and to "age in place" as she describes our future in Mequon. We searched throughout the county for a new home that would suit those objectives but could not find a home with the atmosphere and environment we now enjoy. Thus, we have worked diligently with the firm of Fein Design to create an architectural design meeting our needs so we can renovate and remain in the home we love.

Our Plan

We have designed a new floorplan that entails demolishing two garages and rooms above them, then constructing in that footprint a master bedroom suite with an adjacent caretaker's

room for the time when that will become inevitable. A basement recreation rooms will be constructed below the main structure so our grandchildren will have a place to play and relax. The new plan also calls for a laundry room near the bedrooms and closet areas, a pantry and a small office for me. An attached two-car garage rounds out the main house renovation.

We are also including a new, detached garage. It has three bays: one for my car, one for a wood and metal-working shop, and one for storage of off-season items such as yard furniture and some garden sculptures, and lawn equipment (currently stored in an original detached garage near Donges Bay Road. This garage also has a partial loft dedicated to my shop for working on sporting equipment. The garage has been designed and sized for the functions it is intended to perform.

Our architectural plans have been submitted to the Architectural Review Board. Not only were those plans approved in toto, board members were highly complimentary of the design and what we propose to do to improve our overall property.

Pertinent to this appeal, I have worked slavishly with Fein Design to locate the detached garage in a position on the property that is architecturally compliant and complementary to our home following renovation. I have similarly been equally careful in working with our long-standing master arborist (of Wachtel Tree Science) to position the structure between two magnificent sugar maple trees to minimize the stress on them, both during construction and thereafter. I am assured that our preferred placement achieves that aim.

Required Variance

The following decision by the Assistant Director of Community Development is the basis for our appeal:

“the proposed garage which is shown at 22 feet in height is required to be setback 82 feet from the front property line. The plan shows the proposed building at 89.9 feet.”

The optimal position for the proposed, detached garage requires a 14 inch variance northward, toward Donges Bay Road. There are no other questions of noncompliance. To the west, we border a greenspace along the roadway so there are no neighbors anywhere in that line of sight. Thus, it is only the 14 inch movement of the garage that is at issue.

We were advised by the city representative we should make the garage narrower and/or reduce its height. Neither is a workable solution. In the time-honored sense of form following function, reducing the width of the garage reduces its utility for the purposes outlined above. Making it shorter not only conflicts architecturally with compatibility with the roof lines of the home, the loft would be unusable for its purpose for lack of headroom.

There is an unusual aspect to the positioning of the proposed garage vis-s-vis our northern boundary, toward Donges Bay Road. Mr. Michael Geis visited our property to approve my removal of several trees to accommodate the new garage. He and I had met a few years ago when the DPW removed some bushes that have grown near Donges Bay Road since the time the property was homesteaded. He had them removed because, as I have been told, they spanned into the right-of-way. Mr. Geis more recently informed me that the right-of-way off

Donges Bay Road is skewed south because of the way the roadway has been located, encroaching deeply into our property while leaving a comparatively scant right-of-way northward. It seems from these facts that, had the road been properly positioned, I would need no variance at all! Stated otherwise, we are requesting a 14 inch variance into the town's right-of-way. It appears to me to be illogical to require strict compliance to honor an unfortunate misallocation of the town's right of way. On the contrary, granting the requested 14 inch variance accommodates all pertinent goals with no harm, actual or perceived, to any resident or the City at large.

Proposed Waiver

Our home has a detached garage near Donges Bay Road. It was constructed decades ago as an expedient for the prior owners during winter snowstorms. When we acquired the property in 1999 the driveway was crushed stone. That material makes it difficult to clear snow. Rather than contend with those problems, a garage was built near the roadway where the owner could park his car rather than risk being snowed in were he to park in the attached garage some several hundred feet away. Thus, the structure bears some historic significance.

We have paved the driveway so snow removal is no longer a potential problem. We use the old garage as a storage shed for off-season items and yard equipment. We have been told that, as a precondition to obtaining a permit to construct the new garage, we must first demolish the existing structure. To do so serves no essential municipal purpose whereas it creates the hardship of having no place to store items currently sheltered there out of the elements during construction (presently estimated to be approximately 12 months).

My request is two-fold. First, I request we be allowed to retain the historic outbuilding that has existed for as long as this property has been inhabited. If that reasonable request is denied, then I request we be permitted to construct a building that can house those items once the new structure is completed.

Compliance With Code Formalities

I have been provided with a series of code formalities to underlie our request for a variance. These are addressed immediately below.

The hardship must be based on conditions unique to the property rather than considerations personal to the property owner.

There are two factors unique to our property that need to be taken into account. First, the city's right-of-way extends deeper into our property than would normally be the case as explained to me by Mr. Geis. Second, we are striving mightily to reduce stress on two trees by moving the structure 14 inches toward that skewed right-of-way. Both factors are unique to our property.

The hardship cannot be self-created.

This factor is self-evident from the foregoing description of our situation. Both the positions of the trees and the right-of-way are decades old and not in any manner the result of any action on our parts.

The Board of Appeals is to evaluate the hardship in light of the purpose of the zoning restriction at issue.

I assume the purpose of the setback is to provide an adequate and uniform space between a structure and the adjacent roadway. If my assumption is correct or approximately correct, a variance of 14 inches toward the roadway (the difference between 82 feet and 80.9 feet) is so slight a deviation as to be unnoticeable. We have landscaped the entire northern boundary of our property adding some 22 trees and bushes, thus obscuring the sight lines into our yard. Taking that into account along with the peculiar right-of-way location, it is difficult to envision how those 14 inches should be dispositive.

A variance cannot be contrary to the public interest.

There are no neighbors near the location of the detached garage, so any issue of public interest would be the public interest at large. Mequon prides itself as a City of Trees that carefully protects native species such as our two sugar maples. It seems sensible to state that the public interest in protecting trees when balanced against a 14 inch variance would favor granting the requested variance, not denying it.

The property owner bears the burden of proving unnecessary hardship.

I believe we have established a hardship required for the requested variance when balancing all the factors in favor of that variance when compared with the mere 14 inches of movement of the proposed structure.

Waiver for the existing garage.

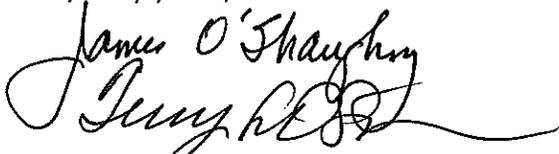
The City has issued its order that "the existing structure would need to be razed prior to issuance of a building permit." First, we believe the existing garage should be grandfathered due to its historical significance to our property. Second, and quite independently, razing that garage as a precondition to building another is pure economic waste. Additionally, that requirement serves no essential municipal purpose. If we are denied our request to grandfather the garage, it can serve the valuable purpose of housing items that otherwise would be exposed to the elements during construction, doubtlessly damaging them. Once a new shelter for that property is in place the existing garage can be razed then. The demand by the Assistant Director of Community Development under these circumstances strikes me as arbitrary and capricious. Thus, we ask for a waiver of that demand.

Summary

We are asking for a commonsense application of sound judgment to facilitate our proposed renovation. We are long-time Mequon residents striving to continue our residency under terms and circumstances suitable to our goal of aging in place and enjoying our remaining years in a

place we love. On the other hand, denying our modest requests serves no serious or fundamental municipal purpose. Thus, we ask you grant our request for a modest 14 inch variance and waive the requirement that we demolish a perfectly good garage as a precondition to completing the execution of our renovation plans.

Very truly yours,

A handwritten signature in black ink, appearing to read "James O'Shaughnessy" and "Terry O'Shaughnessy" in a cursive script.

James and Terry O'Shaughnessy



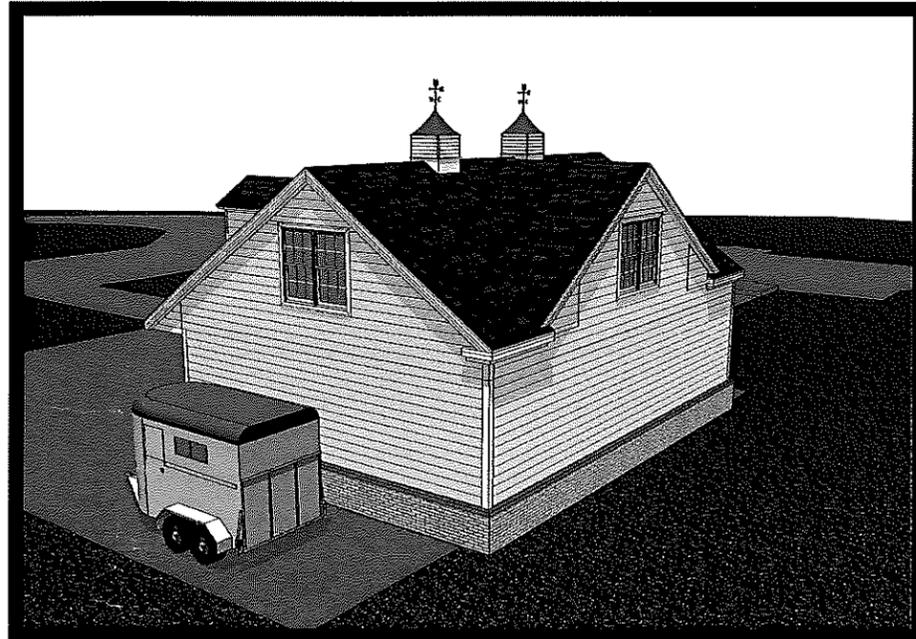
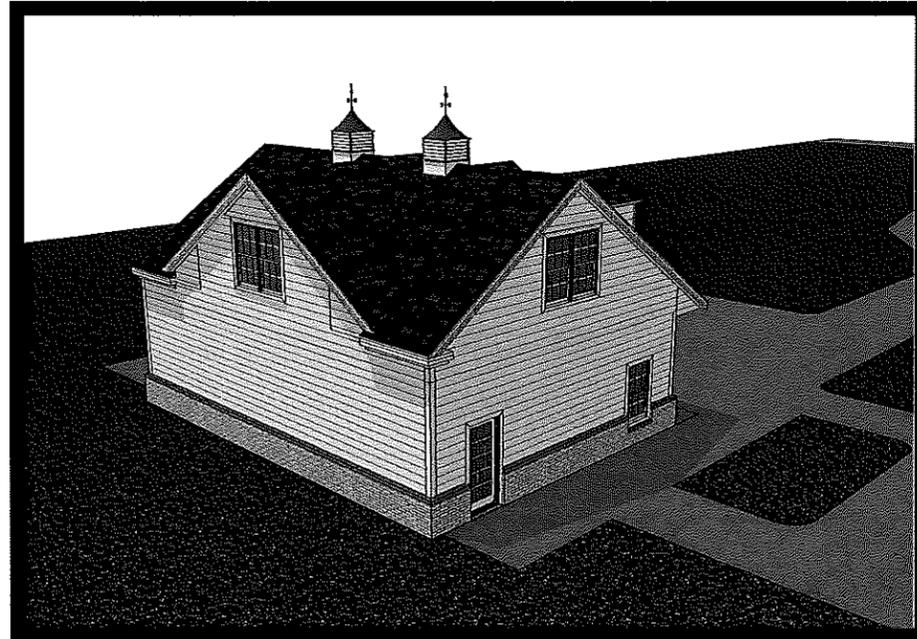
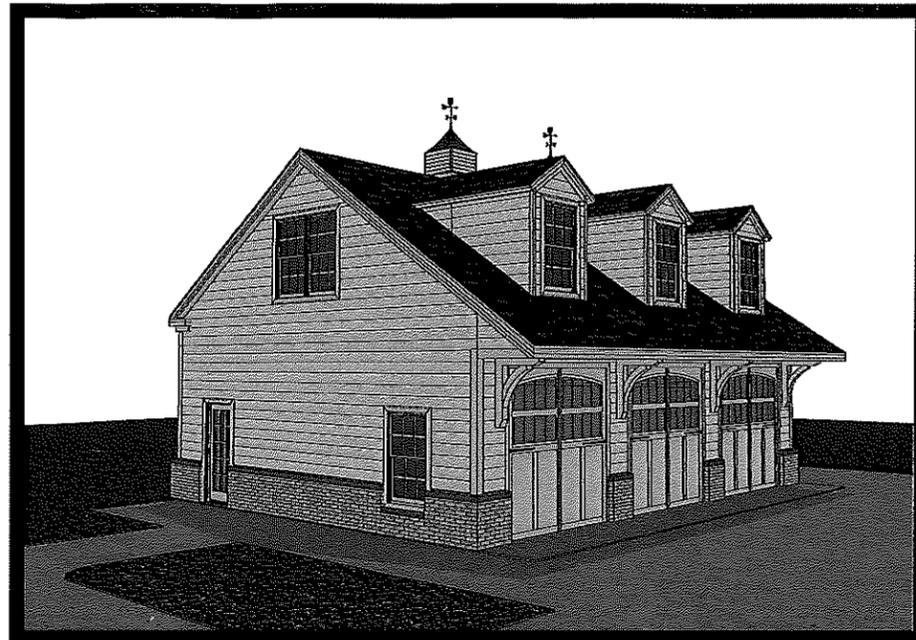
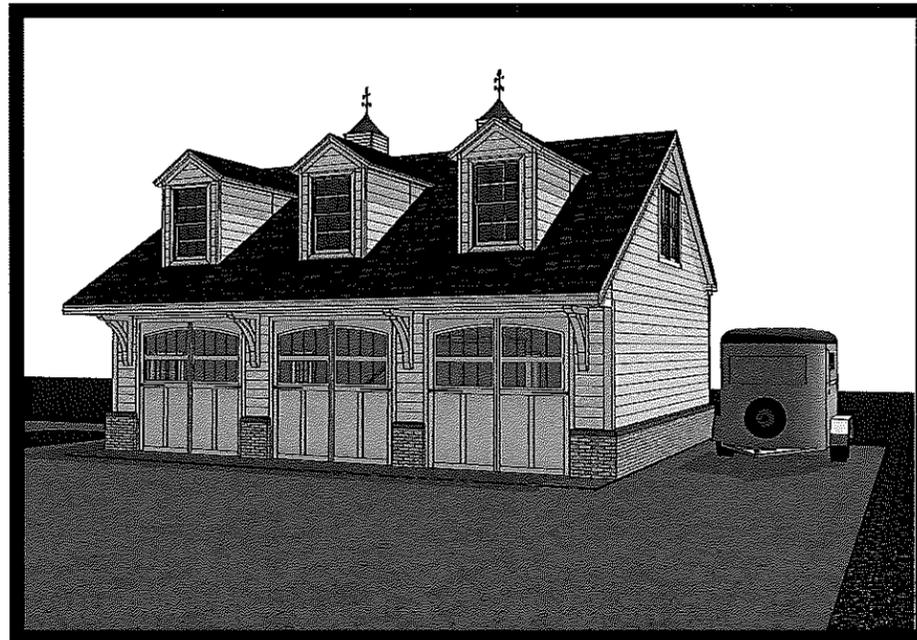
fein design

residential
design-build

11124 north cedarburg road
suite #350
mequon, wisconsin 53092
(262) 238-0774
www.feindesigns.com

contacts

RORY
cell : (414) 881 - 1936
CATIE
cell : (262) 483 - 4342



proposed construction drawings for :
THE O'SHAUGHNESSY RESIDENCE
3201 WEST DONGES BAY ROAD
MEQUON, WISCONSIN

sheet contents :
PROPOSED OUTBUILDING

date :
04.13.2020
revisions :

project number
2011

sheet number
COVER

EXTERIOR PERSPECTIVES

NOT TO SCALE - FOR CONCEPTUAL DESIGN PURPOSES ONLY

© DRAWINGS COPYRIGHT TO FEIN DESIGN, LLC

Attachment: O'Shaughnessy variance appeal_07-02-20 (5260 : BOA materials_O'Shaughnessy_07-02-20)

SHEET INDEX:

| | |
|----------|---|
| COVER | PROPOSED EXTERIOR PERSPECTIVES |
| SHEET 1 | SITE PLAN, SHEET INDEX, COMM' NOTES, PROJECT DATA |
| SHEET 2 | PROPOSED FOUNDATION PLAN, NOTES |
| SHEET 3 | PROPOSED MAIN LEVEL FLOOR PLAN, NOTES |
| SHEET 4 | PROPOSED UPPER LEVEL FLOOR PLAN, NOTES |
| SHEET 5 | PROPOSED FRONT & REAR ELEVATIONS, NOTES |
| SHEET 6 | PROPOSED SIDE ELEVATIONS, NOTES |
| SHEET 7 | PROPOSED ROOF PLAN, SECTION, NOTES |
| SHEET 8 | PROPOSED BUILDING SECTIONS, NOTES |
| SHEET 9 | INTERIOR ELEVATION, PERSPECTIVES, NOTES |
| SHEET 10 | PROPOSED MAIN & UPPER LEVEL ELECTRICAL PLANS, NOTES |

NOTE:
THIS BUILDING TO CONFORM TO ALL APPLICABLE CODES ACCORDING TO THE WISCONSIN UNIFORM DWELLING CODE.
ALL CONTRACTORS ARE RESPONSIBLE FOR KNOWING THE CODES - COMM 20 THRU COMM 25.

NOTE:
DIMENSIONS MAY NOT BE EXACT. ALL CONTRACTORS AND SUPPLIERS TO FIELD VERIFY ANY AND ALL MEASUREMENTS PRIOR TO CONSTRUCTION AND / OR FABRICATION. CONTRACTORS AND SUPPLIERS TO MAINTAIN DESIGN INTENT.

NOTICE:
IT IS UNDERSTOOD THAT THE PLANS AND SPECIFICATIONS CONTAINED HEREIN WERE DRAWN UP FOR THE OWNER(S) AND ARE THE PROPERTY OF BOTH THE OWNER(S) AND FEIN DESIGN, LLC. THESE DOCUMENTS ARE FOR THE SOLE USE OF FEIN DESIGN, LLC FOR THE CONSTRUCTION OF THIS PROJECT AND USE OF THESE DRAWINGS BY ANY OTHER PARTY VOIDS ANY RESPONSIBILITY OF FEIN DESIGN, LLC OF GENERAL REPRESENTATION.

NOTE:
ALL MICROLAM BEAMS SHOULD BEAR BOLD TO FOUNDATION OR BEAM BELOW. CARPENTER TO PROVIDE BLOCKING WHERE NEEDED.

NOTE:
ALL TRUSS LAYOUTS AND DESIGNS TO BE PROVIDED BY THE TRUSS MANUFACTURER(S). DESIGNER HAS PROVIDED A CONCEPTUAL LAYOUT AND DESIGN OF THE TRUSSES. CARPENTER TO USE TRUSS MANUFACTURER PROVIDED SHOP DRAWINGS.

NOTE:
ROUGH CARPENTER TO PROVIDE 6" OF FRAMING (OR AS MUCH AS POSSIBLE OVER 4" OF FRAMING) BEFORE DOOR OPENINGS (PERPENDICULAR TO ADJACENT WALL).

NOTE:
LUMBERYARD AND / OR STRUCTURAL ENGINEER TO VERIFY AND PROVIDE PROPER WALL BRACING SPECIFICATIONS PER WISCONSIN UNIFORM DWELLING CODE 3125.

NOTE:
ALL MECHANICAL LOCATIONS WILL BE VERIFIED BY THEIR RESPECTED INSTALLER. THEY MAY NEED TO BE RELOCATED FOR OPTIMAL EFFICIENCY, PER SITE.

NOTE:
ALL INTERIOR WALLS TO BE MADE OF 2x4 CONSTRUCTION. ALL EXTERIOR WALLS TO BE MADE OF 2x6 CONSTRUCTION.
INTERIOR WALLS SCALE OUT AT 4-1/2" (1/2" + 3-1/2" + 1/2")
EXTERIOR WALLS SCALE OUT AT 6-1/2" (1/2" + 5-1/2" + 1/2")

NOTE:
FLOOR JOIST SUPPLIER TO VERIFY STRUCTURAL LAYOUTS WITH DESIGNER PRIOR TO FABRICATION.

NOTE:
LUMBERYARD AND/OR WOOD SUPPLIER TO VERIFY ALL BEAM AND MICRO-PLAN SIZES INCLUDING ALL RELEVANT HANGER SIZES AND SPECIFICATIONS.

NOTE:
PROPOSED WINDOWS DRAIN HERE ARE TO BE USED AS A DESIGN GUIDE ONLY. WINDOW SUPPLIER TO VERIFY ALL SIZES WITH DESIGNER PRIOR TO FABRICATION. WINDOW SUPPLIER WILL BE LIABLE FOR INCORRECTLY BUILT WINDOWS.

PROJECT DATA:

WINDOWS & EXTERIOR DOORS
SUPPLIER TO VERIFY ALL WINDOWS AND SUBMIT A LIST TO THE DESIGNER AND OWNER PRIOR TO ORDERING - FOR VERIFICATION PURPOSES. ALL HARDWARE TO BE DETERMINED BY OWNER. WINDOWS TO BE CLAD EXTERIOR - COLOR VERIFIED BY OWNER. WINDOWS TO BE WOOD INTERIOR - PAINT GRADE (PRIMED) - VERIFY w/ OWNER. SUPPLIER TO PROVIDE SHOP DRAWINGS FOR ALL WINDOWS. WINDOWS ARE LABELED WITH 'MARVIN' SIZES. OWNER TO VERIFY STYLE OF ALL EXTERIOR DOORS & GARAGE DOORS.

INTERIOR DOOR
SEE FLOOR PLAN FOR PROPOSED DOOR SIZES (3068 = 3'-0" x 6'-8")
INTERIOR DOOR & FRAME TO BE STEEL
OWNER TO VERIFY HINGES & HARDWARE
HARDWARE TO HAVE KEYPAD LOCK - VERIFY DETAILS w/ OWNER

LVT or VINYL FLOOR
SEE FLOOR PLAN FOR AREAS DESIGNATED TO RECEIVE LVT or VINYL FLOORING. OWNER TO VERIFY MATERIAL(S), STYLE, AND LAYOUT.

CONCRETE FLOOR
SEE FLOOR PLAN FOR AREAS DESIGNATED TO RECEIVE CONCRETE FLOORING. OWNER TO VERIFY STYLE AND LAYOUT.

WALL TEXTURE
DRYWALL WORK TO BE 1/2" ON WALLS AND 5/8" ON CEILING(S)
(DRYWALL CONTRACTOR TO VERIFY EXACT TEXTURE & MATERIAL w/ OWNER / BUILDER)

TRIM
ALL MOLDINGS - FINISH CARPENTER & LUMBERYARD TO VERIFY WITH OWNER/DESIGNER. PAINT-GRADE MATERIAL TO BE INSTALLED - VERIFY WITH OWNER/DESIGNER.

- MAIN LEVEL BASE - 1"x6" 'AZEK' - VERIFY w/ OWNER
- UPPER LEVEL BASE - VERIFY w/ OWNER
- CASING - VERIFY w/ OWNER
- SHOE - 1/2" deep x 3/4" high

INSTALL SHOE IN ALL VINYL FLOOR AREAS ONLY.
FINISH CARPENTER TO CONFIRM ALL DETAILS WITH DESIGNER PRIOR TO INSTALLATION.

STAIRCASE DETAILS
CLOSED STAIR DESIGN DETAILS AND FRAMING. OWNER & DESIGNER TO CONFIRM WITH ROUGH & FINISH CARPENTERS.

INSULATION
CORBOND FOAM INSULATION PER CODE REQUIREMENTS
-BID AS ALTERNATE-
BATT INSULATION PER CODE REQUIREMENTS

HVAC SYSTEM
HVAC CONTRACTOR TO REVIEW OPTIONS FOR HEATING & COOLING. VERIFY LAYOUTS w/ PROPOSED DESIGN. REUSE EXISTING MINI-SPLIT FROM EXISTING GARAGE FOR UPPER LEVEL.

ELECTRICAL
ELECTRICAL CONTRACTOR TO VERIFY PROPOSED CONDITIONS and POWER SUPPLY. VERIFY OUTDOOR CONNECTION AND LOCATION OF ELECTRIC METER. PEDESTAL ELECTRICAL LAYOUT TO BE REVIEWED WITH THE OWNER. FUTURE OUTDOOR LIGHTING TO BE PROPERLY PREPARED DURING CONSTRUCTION.

EXTERIOR & INTERIOR VENEERS
ALL EXTERIOR MATERIALS & COLORS TO BE VERIFIED AND APPROVED BY OWNER.
ALL NEW EXTERIOR MATERIALS TO MATCH EXISTING DETAILS IF POSSIBLE.
ALL INTERIOR MATERIALS & COLORS TO BE VERIFIED AND APPROVED BY OWNER.

NOTICE:
TO ALL CONTRACTORS BIDDING THIS PROJECT

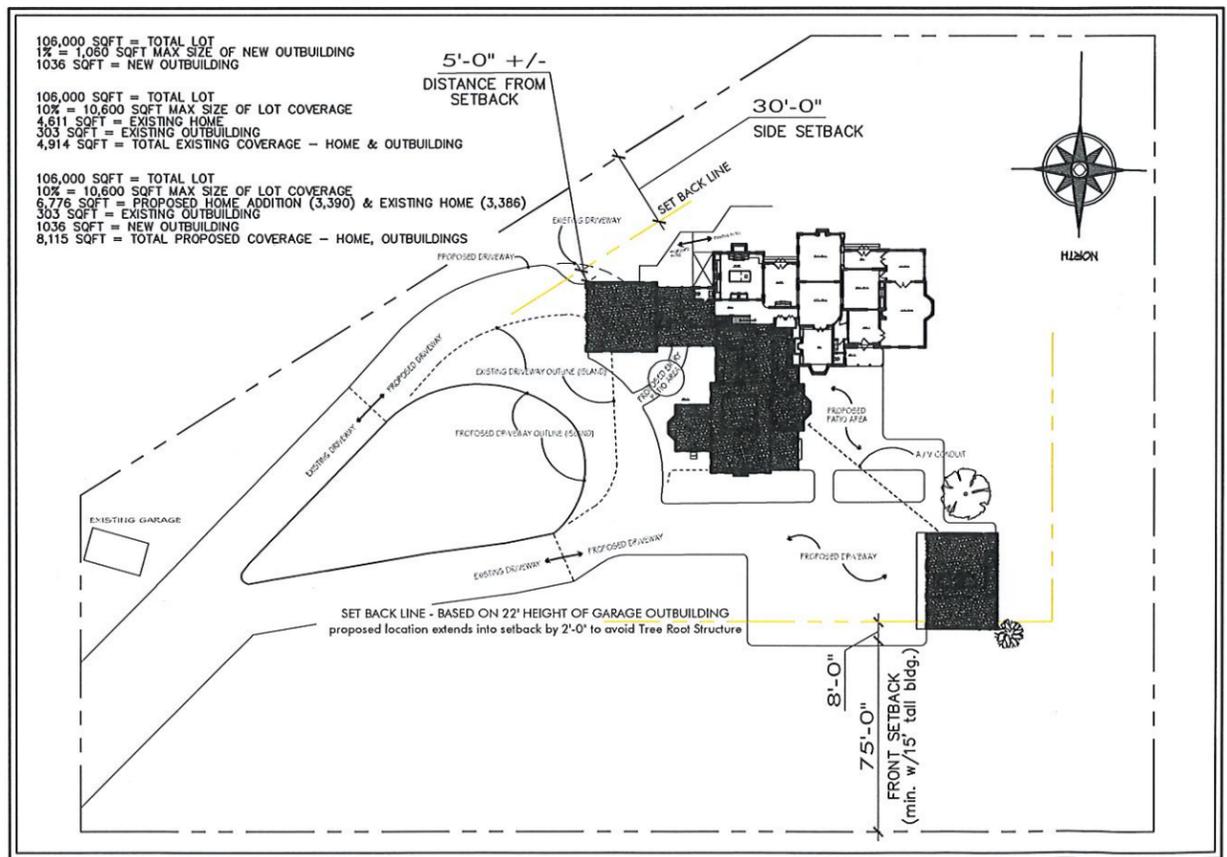
ENORMOUS ATTENTION AND EXERTION HAVE GONE INTO THE ARCHITECTURAL DESIGN OF THESE DRAWINGS. FOR THIS REASON, FEIN DESIGN ASSUMES NO RESPONSIBILITY FOR ANY DAMAGES, INCLUDING STRUCTURAL FAILURES, DUE TO DEFICIENT WORKMANSHIP BY ANY CONTRACTORS AND / OR SUPPLIERS.

CONTRACTORS TO NOTIFY FEIN DESIGN IMMEDIATELY IF ANY ERRORS ARE FOUND IN THE PRINTS THEMSELVES.

CONTRACTORS TO VERIFY ALL PARTS OF THESE PRINTS PERTAINING TO THEM.

LUMBERYARDS TO REVIEW STRUCTURAL LAYOUTS AND CALCULATIONS BASED ON PROPOSED DESIGN AND CONFIRM FOR APPLICATION.

ALL RELEVANT CONTRACTORS INVOLVED WITH THIS PROJECT TO PROVIDE FEIN DESIGN WITH ONE (1) BOTTLE OF SCOTCH - AGED 10 YEARS (MINIMUM) ONLY IF THEY DO NOT REMARK ABOUT THIS NOTE WHICH IS INTENDED TO MAKE SURE THAT THE CONTRACTOR HAS REVIEWED THESE DOCUMENTS AND BROUGHT TO THE DESIGNERS ATTENTION ANY FORESEEABLE CONCERNS SO THAT THESE CONCERNS MAY BE DEALT WITH PRIOR TO CONSTRUCTION.



SITE PLAN

NOT TO SCALE

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proposed construction drawings for :
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3201 WEST DONGES BAY ROAD
MEQUON, WISCONSIN

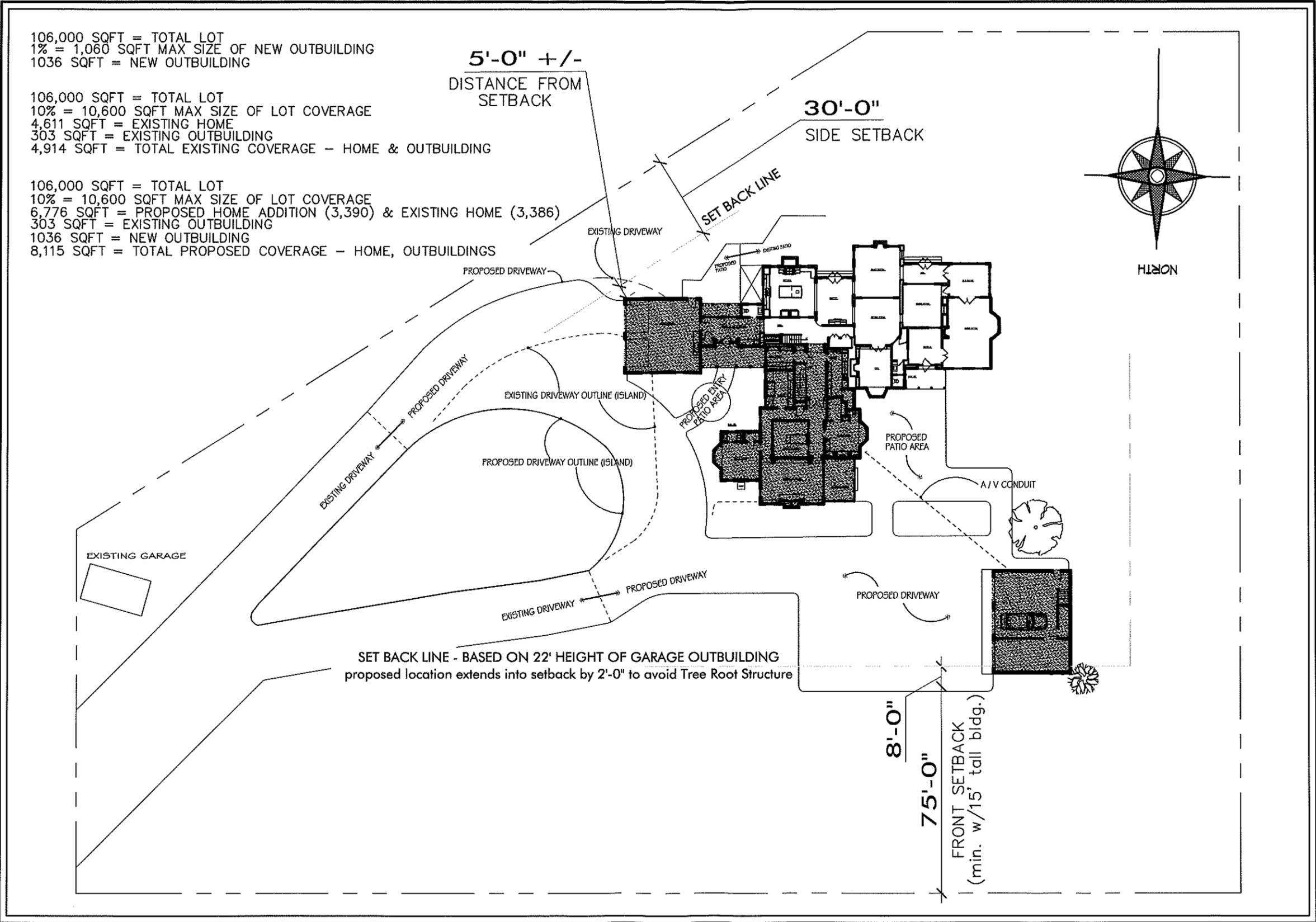
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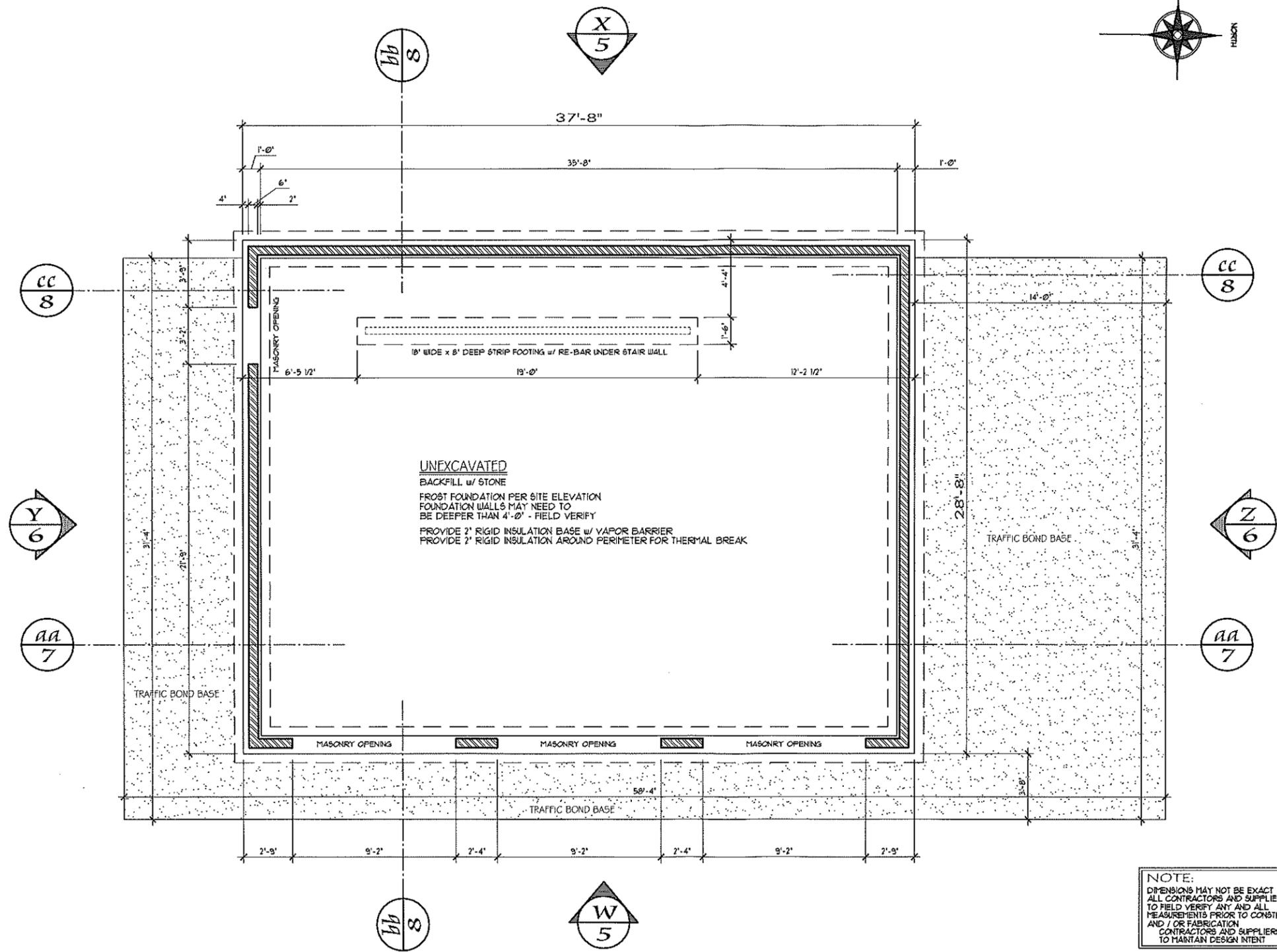
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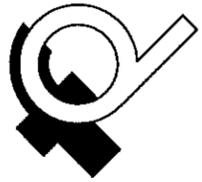
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PROPOSED FOUNDATION PLAN

SCALE - 1/4" = 1'-0"

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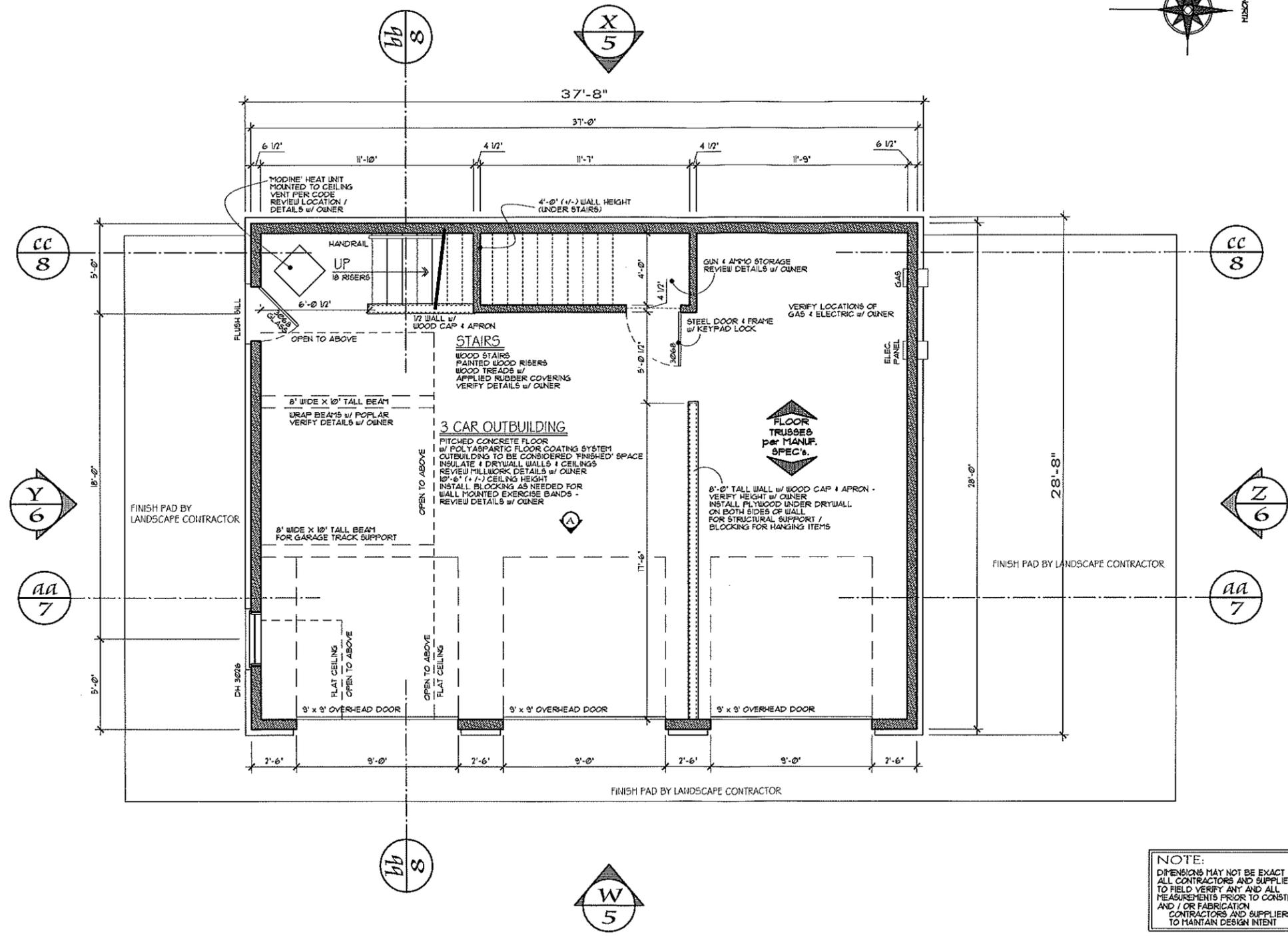
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NOTE:
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 ALL CONTRACTORS AND SUPPLIERS
 TO FIELD VERIFY ANY AND ALL
 MEASUREMENTS PRIOR TO CONSTRUCTION
 AND / OR FABRICATION
 CONTRACTORS AND SUPPLIERS
 TO MAINTAIN DESIGN INTENT

PROPOSED MAIN LEVEL FLOOR PLAN

1036 SQ.FT. SCALE - 1/4" = 1'-0"



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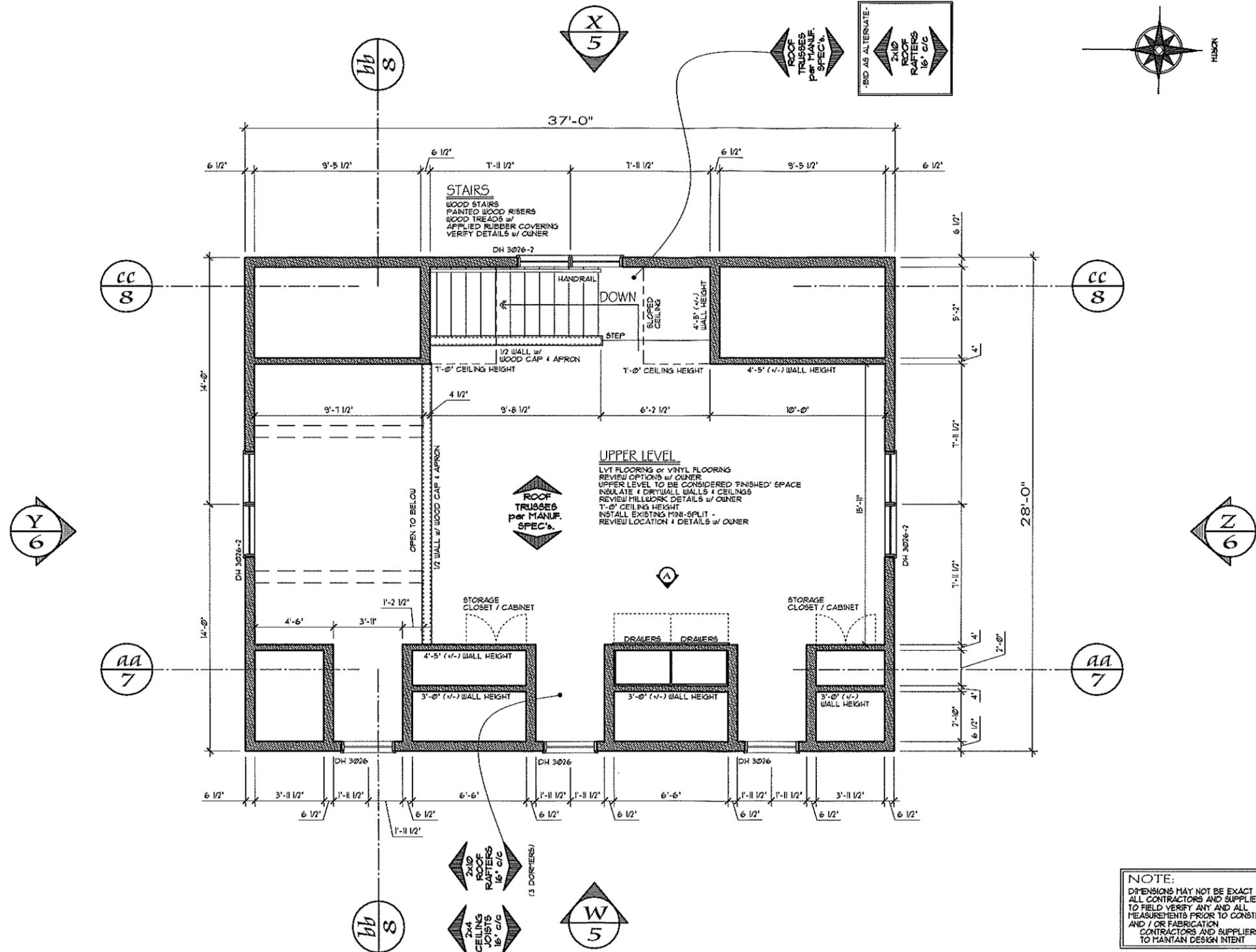
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PROPOSED UPPER LEVEL FLOOR PLAN

635 SQ.FT.

SCALE - 1/4" = 1'-0"

NOTE:
 DIMENSIONS MAY NOT BE EXACT
 ALL CONTRACTORS AND SUPPLIERS
 TO FIELD VERIFY ANY AND ALL
 MEASUREMENTS PRIOR TO CONSTRUCTION
 AND / OR FABRICATION
 CONTRACTORS AND SUPPLIERS
 TO MAINTAIN DESIGN INTENT

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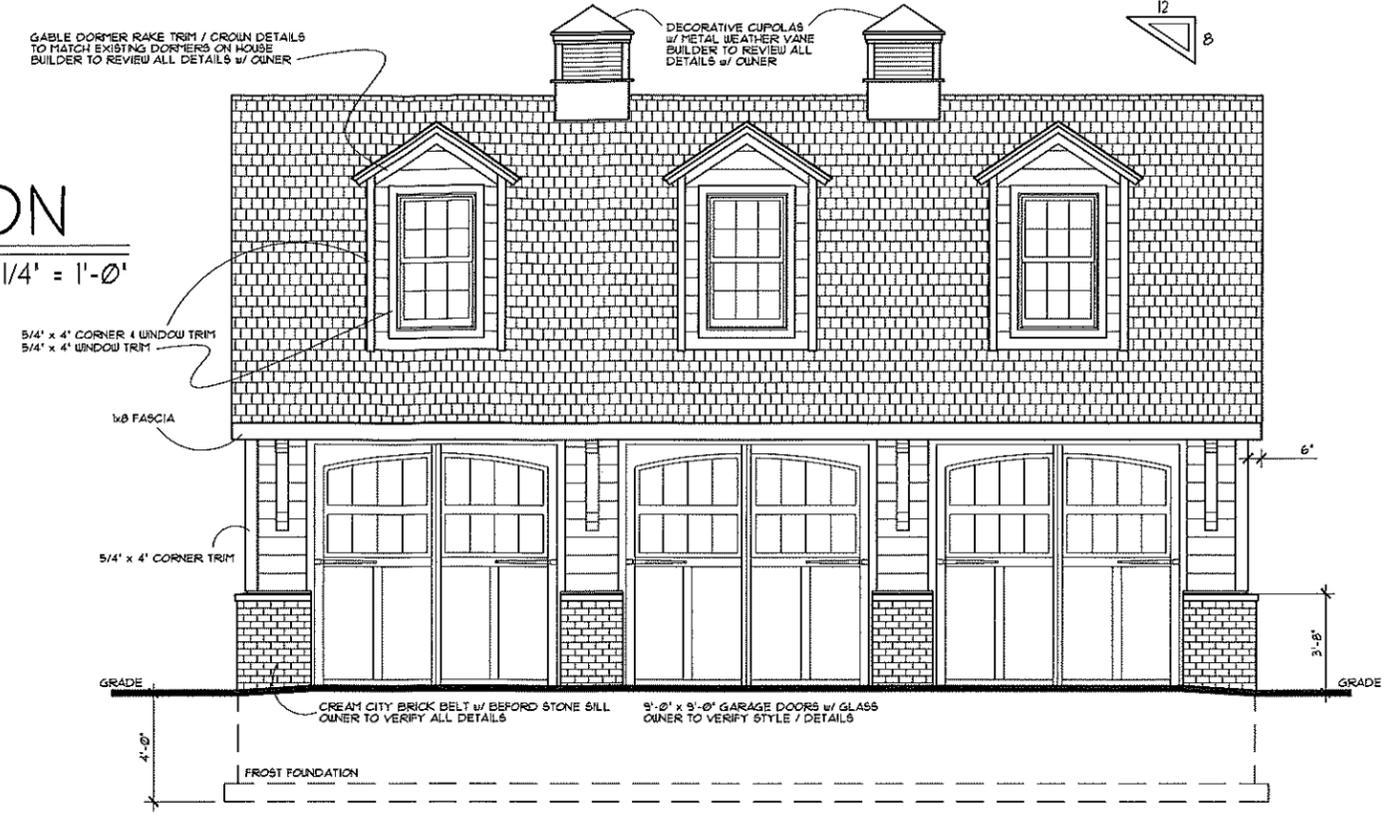
W

FRONT ELEVATION

EASTERN FACING

SCALE - 1/4" = 1'-0"

- EXTERIOR NOTES:**
- * 3 DIMENSIONAL ASPHALT SHINGLES
 - * PLYWOOD CEDAR SOFFIT - TO MATCH HOUSE
 - * FASCIA & TRIM DETAILS TO MATCH HOUSE
 - * 3/4" x 8" EXPOSED CEDAR SIDING
 - * 5/4" x 6" & 5/4" x 4" CORNER TRIM BOARDS
 - * 5/4" x 4" WINDOW & DOOR TRIM
 - * CREAM CITY BRICK w/ BEDFORD STONE SILL TO MATCH HOUSE

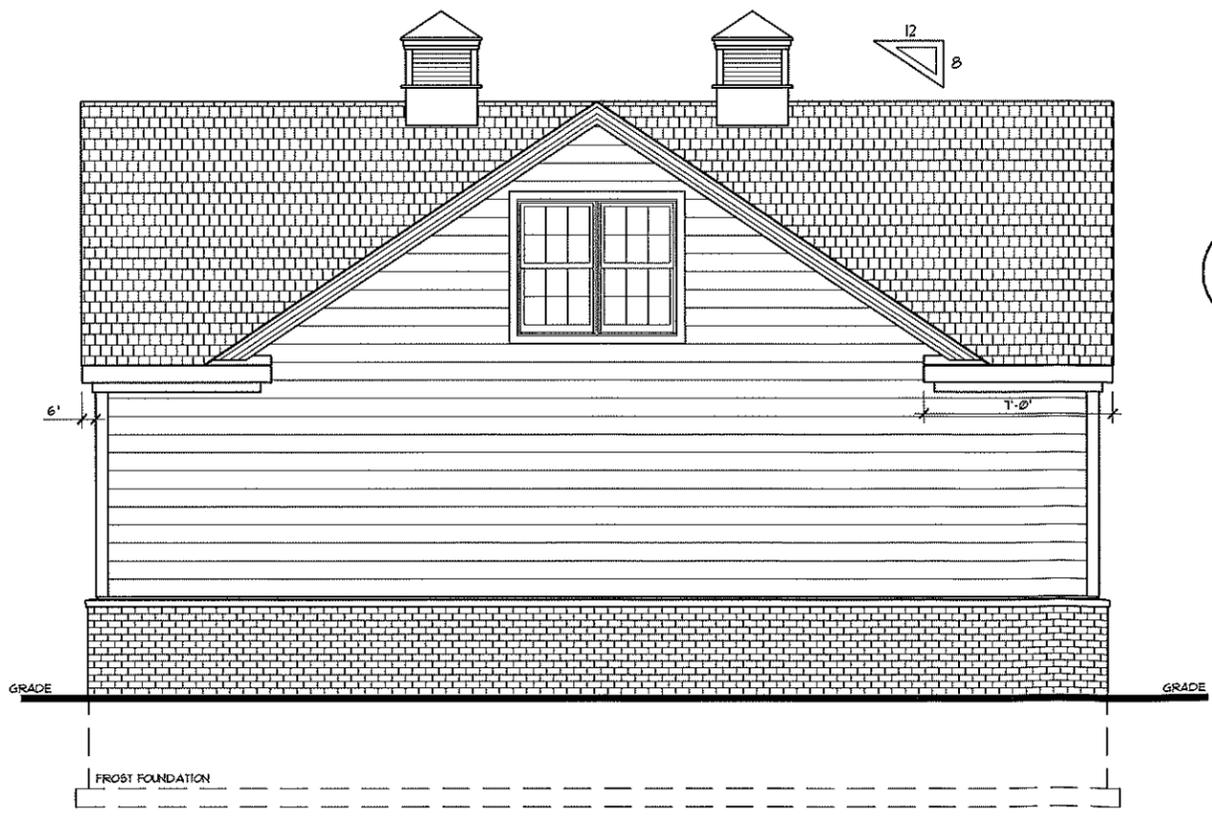


X

REAR ELEVATION

WESTERN FACING

SCALE - 1/4" = 1'-0"



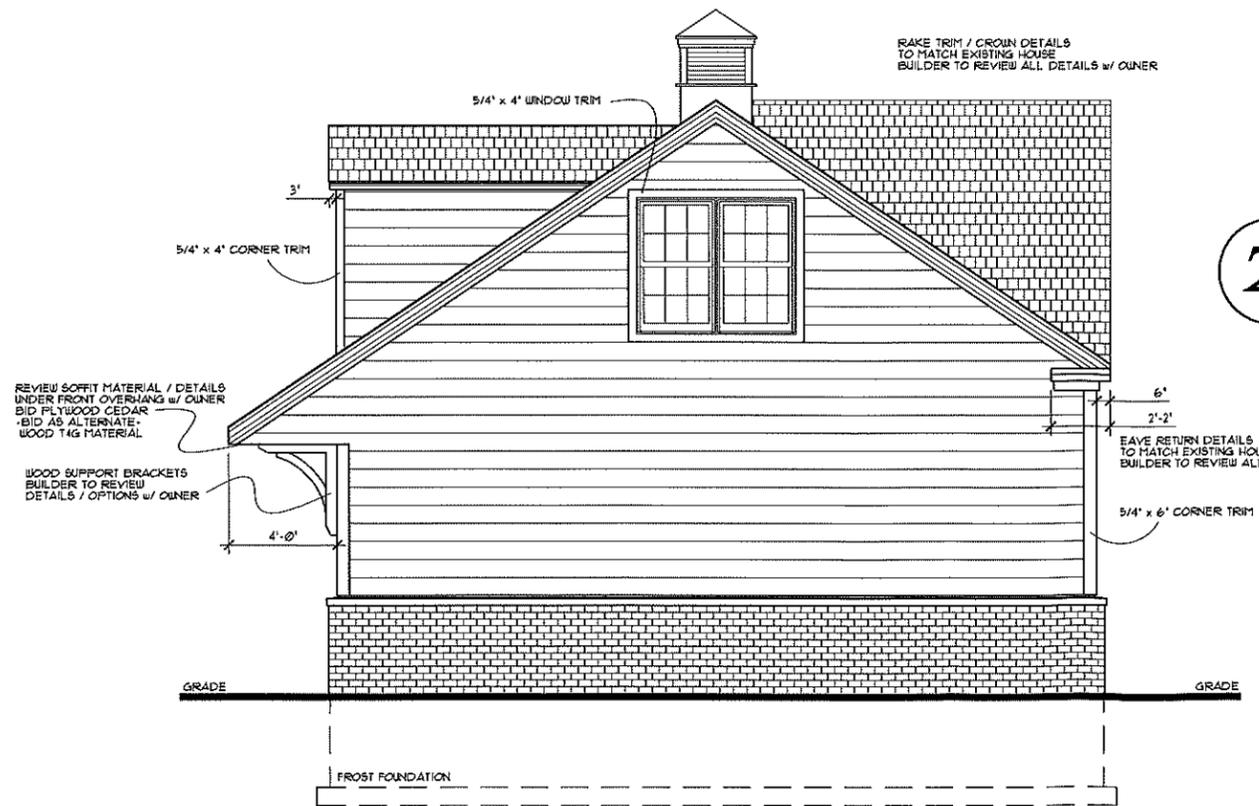
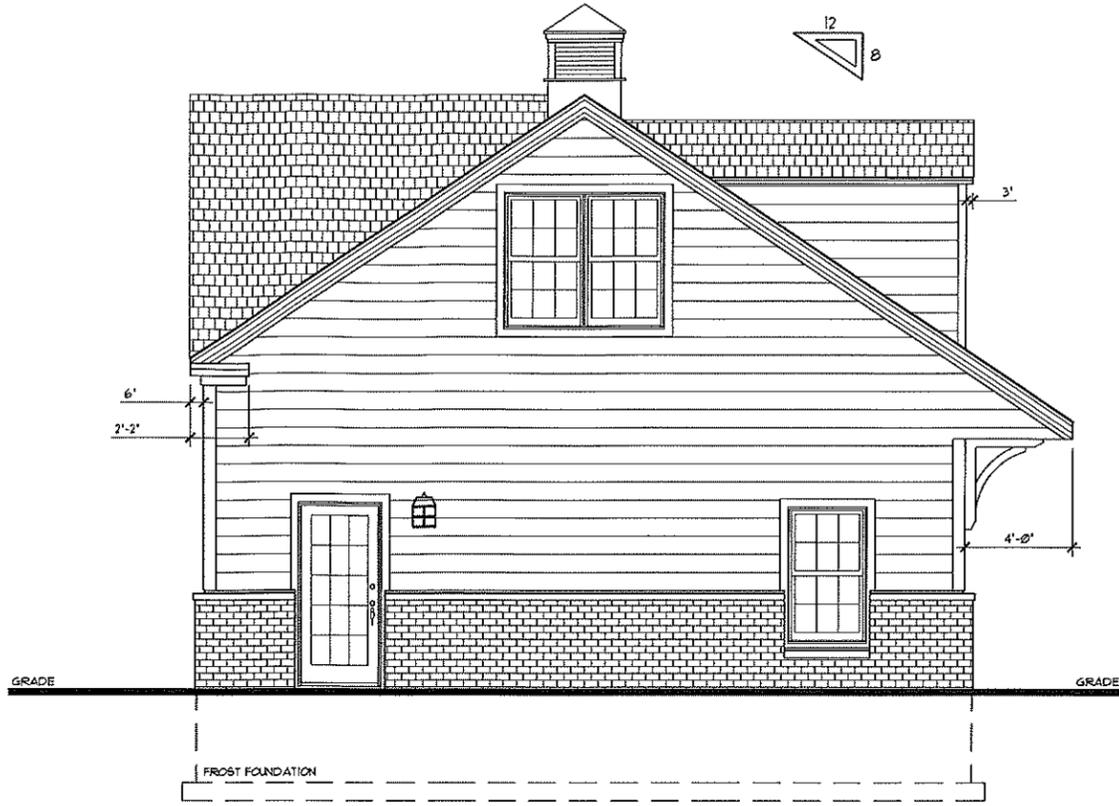
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SIDE ELEVATION

SOUTHERN FACING

SCALE - 1/4" = 1'-0"

- EXTERIOR NOTES:**
- * 3 DIMENSIONAL ASPHALT SHINGLES
 - * FLYWOOD CEDAR SOFFIT - TO MATCH HOUSE
 - * FASCIA & TRIM DETAILS TO MATCH HOUSE
 - * 3/4" x 8' EXPOSED CEDAR SIDING
 - * 5/4" x 6' & 5/4" x 4' CORNER TRIM BOARDS
 - * 5/4" x 4' WINDOW & DOOR TRIM
 - * CREAM CITY BRICK w/ BEDFORD STONE SILL TO MATCH HOUSE



Z

SIDE ELEVATION

NORTHERN FACING

SCALE - 1/4" = 1'-0"



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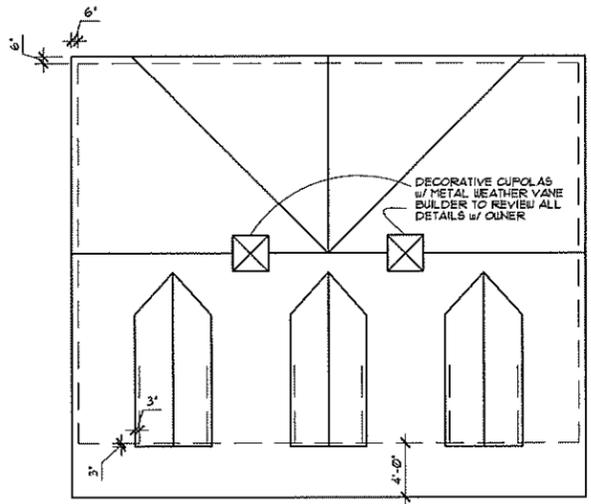
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NOTE:
 ONLY WHERE NEEDED PROVIDE:
 5' SEAMLESS ALUMINUM GUTTERS
 AND
 4' ALUMINUM DOWNSPOUTS
 BID 'LEAF GUARD' GUTTER SYSTEMS
 VERIFY DETAILS / LOCATIONS w/ OWNER
 OWNER TO VERIFY COLOR & STYLE
 BURY ALL DOWNSPOUTS

NOTE:
 ALL TRUSS LAYOUTS AND DESIGNS
 TO BE PROVIDED BY THE
 TRUSS MANUFACTURER(S)
 DESIGNER HAS PROVIDED A CONCEPTUAL
 LAYOUT AND DESIGN OF THE TRUSSES
 CARPENTER TO USE TRUSS MANUFACTURER
 PROVIDED SHOP DRAWINGS

NOTE:
 LUMBERYARD AND/OR WOOD SUPPLIER
 TO VERIFY ALL BEAM AND MICROLAM SIZES
 INCLUDING ALL RELEVANT HANGER SIZES
 AND SPECIFICATIONS

NOTE:
 ROOF STRUCTURE TO COMPLY WITH
 THE REQUIREMENTS OF COMM 21.02 (3)

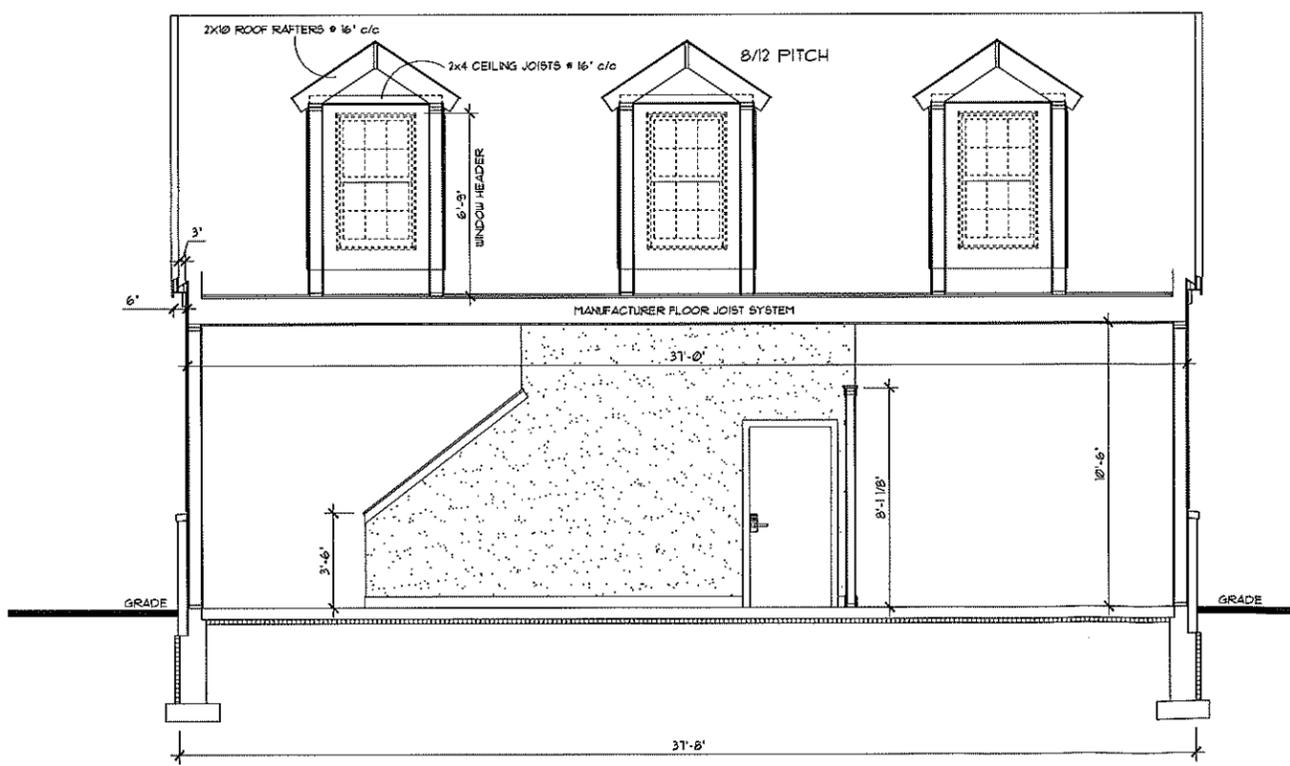
NOTE:
 PROVIDE 'ICE-N-WATER SHIELD' OVER
 ENTIRE GARAGE ROOF PERIMETER
 AND IN ALL VALLEYS AND PENETRATIONS

NOTE:
 CARPENTER TO VERIFY WITH DESIGNER
 THE PROPER ROOF STRUCTURAL LAYOUT
 LUMBERYARD TO VERIFY AS WELL

NOTE:
 PROVIDE ROOF VENTILATION
 PER CODE REQUIREMENTS

ROOF PLAN

SCALE - 1/8" = 1'-0"



aa GARAGE

SCALE - 1/4" = 1'-0"

WINDOWS:
 LOW E, ARGON GAS FILLED SINGLE AIR SPACE
 WITH CLAD EXTERIOR AND WOOD INTERIOR
 CLAD COLOR TO BE VERIFIED BY OWNER

PROVIDE ROOF VENTILATION PER CODE REQUIREMENTS
 PREFORMED VENT TUBES BY INSULATION CONTRACTOR
 BETWEEN ROOF STRUCTURE
 RIDGE VENT SYSTEM PER CODE REQUIREMENTS
 40 YEAR DIMENSIONAL SHINGLE ROOFING
 1/2" APA-RATED ROOF SHEATHING WITH CLIPS
 ON 15# FELT UNDERLAYMENT

CONVENTIONAL FRAMING and / or TRUSS ROOF SYSTEM
 SEE PLANS FOR PROPOSED SPECIFICATIONS & LAYOUTS
 FINAL LAYOUTS TO BE PROVIDED BY TRUSS MANUFACTURER/LUMBERYARD

PROVIDE 'ICE-N-WATER SHIELD' SYSTEM BY GRACE
 OVER ENTIRE PERIMETER OF ROOF DECKING (SIX FEET FROM EDGE)

1x8 WOOD FASCIA BOARD
 PLYWOOD CEDAR SOFFIT SYSTEM WITH VENTILATION PER CODE

5' SEAMLESS ALUMINUM GUTTERS AND 4' ALUMINUM DOWNSPOUTS
 (FIELD VERIFY WHERE NEEDED - ONLY INSTALL WHERE NEEDED)
 GUTTERS TO HAVE 'LEAF GUARD' SYSTEM - VERIFY DETAILS w/ OWNER
 EXCAVATOR TO BURY DOWNSPOUTS
 UNDERGROUND AND DRAIN TO DAYLIGHT

SIDING VENEER PER ELEVATIONS -
 8' EXPOSED CEDAR SIDING
 WITH 5/4" x 4" & 5/4" x 6" CEDAR TRIM BOARDS
 ON 'HYDRO-GAP' DRAIN-ABLE HOUSE-WRAP (or equal)
 and 1/2" APA-RATED 'OSB' EXTERIOR WALL SHEATHING
 2x6 WALL STUDS (@ 16" c/c)
 WITH POLY VAPOR BARRIER and 1/2" DRYWALL
 SPRAY FOAM INSULATION PER CODE
 - BID AL ALTERNATE - BATT INSULATION DETAILS PER CODE
 (LUMBERYARD TO VERIFY ALL MATERIALS w/ OWNER)
 (SEE EXTERIOR ELEVATIONS)

MAIN & UPPER LEVEL TO BE CONSIDERED FINISHED SPACES
 (INSULATE & DRYWALL)

CREAM CITY BRICK VENEER PER ELEVATIONS
 MASON TO VERIFY STONE SILL &
 ALL FLASHING DETAILS WITH DESIGNER

FINISH FLOORING ON
 3/4" T & G 'OSB' GOLD SERIES FLOOR DECKING ON
 MANUFACTURER FLOOR JOIST SYSTEM - w/ PERIMETER INSULATION

2X6 TREATED MUD SILL - VERIFY
 WITH METAL FASTENING STRAPS OR ANCHORS PER CODE (4'-0" c/c)
 AND SILL SEALER APPLIED (TYPICAL)

POURED CONCRETE FOUNDATION WALL SYSTEM

FROST FOUNDATION (UNEXCAVATED)
 12" POURED CONCRETE WALL
 2 - #4 REBAR AT THE TOP AND BOTTOM
 2 - #4 REBAR VERTICALLY INSTALLED
 MASON TO VERIFY ALL REINFORCING DETAILS WITH DESIGNER
 5' CONCRETE SLAB - OVER VAPOR BARRIER
 R-5 RIGID INSULATION UNDER SLAB
 R-5 RIGID INSULATION ON EXTERIOR WALL PERIMETER (PER CODE)
 TAR BACKPLASTER WEATHER-FROOF PRIOR
 TO RIGID INSULATION BEING APPLIED

EXCAVATOR TO DIG FOUNDATION TO FULL FOOTING DEPTH &
 BACKFILL WITH NO. 1 STONE AROUND DRAIN-TILE FOOTINGS
 BACKFILL WITH EXISTING GRADE SOILS FULL WALL HEIGHT

24" x 8" CONTINUOUS CONCRETE FOOTINGS
 FOOTING TO BE BELOW LOCAL FROST LINE
 VERIFY WITH FOUNDATION PLAN AND PER SITE CONDITIONS
 AS FOUNDATION HEIGHT MAY BE INCREASED

SECTION NOTES



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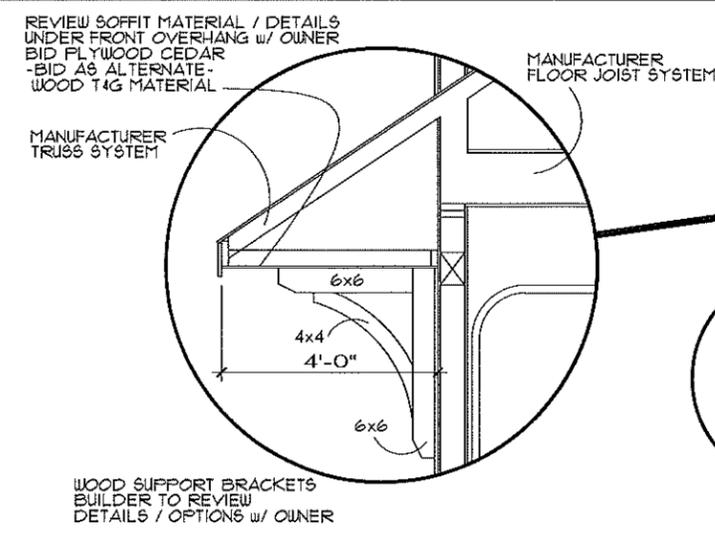
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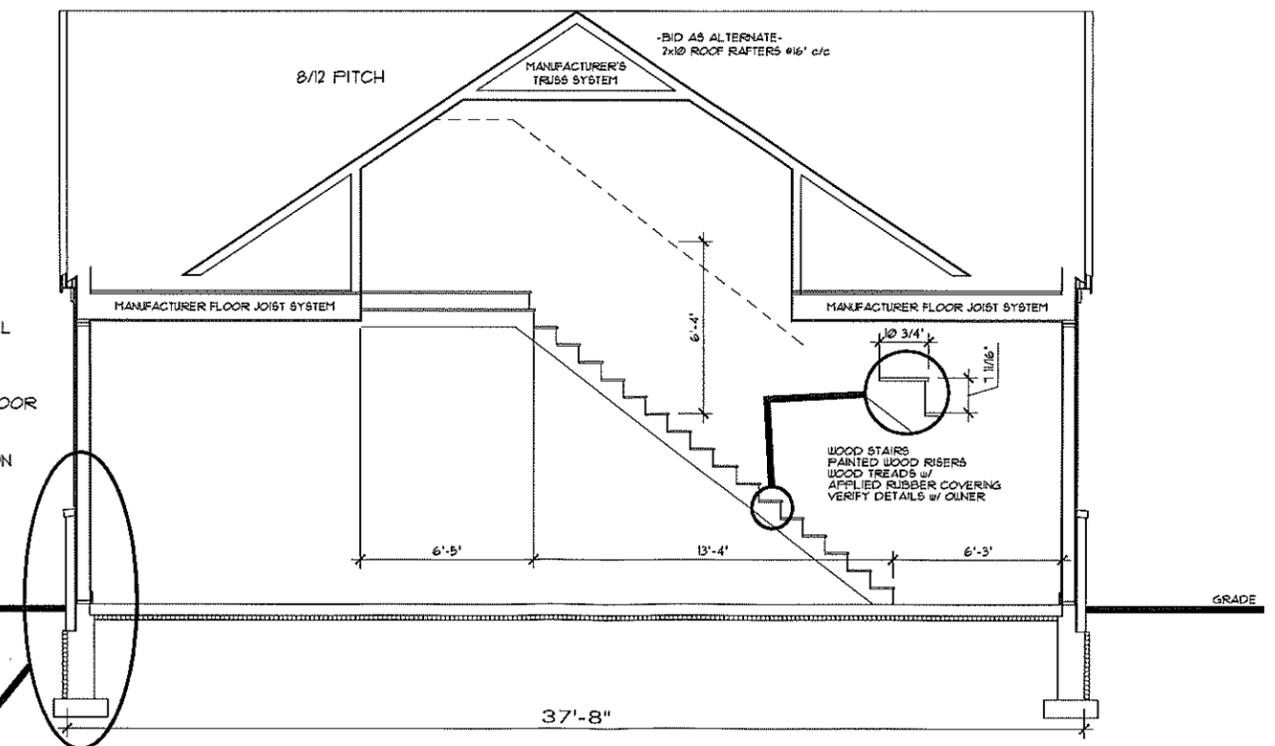
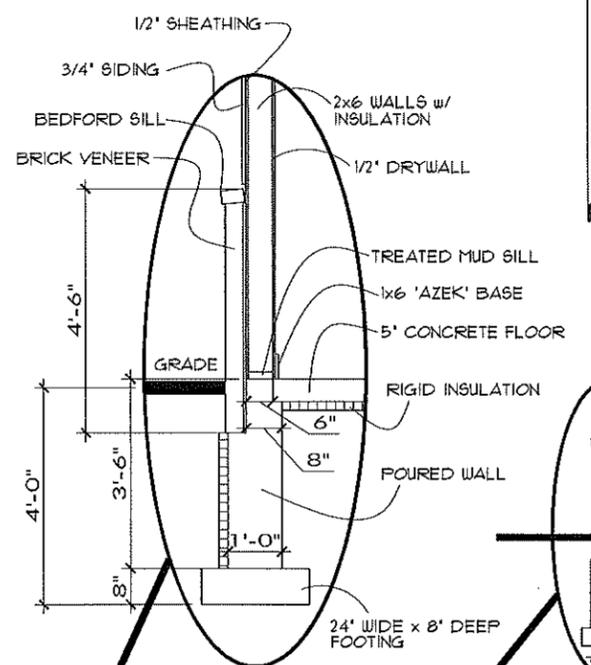
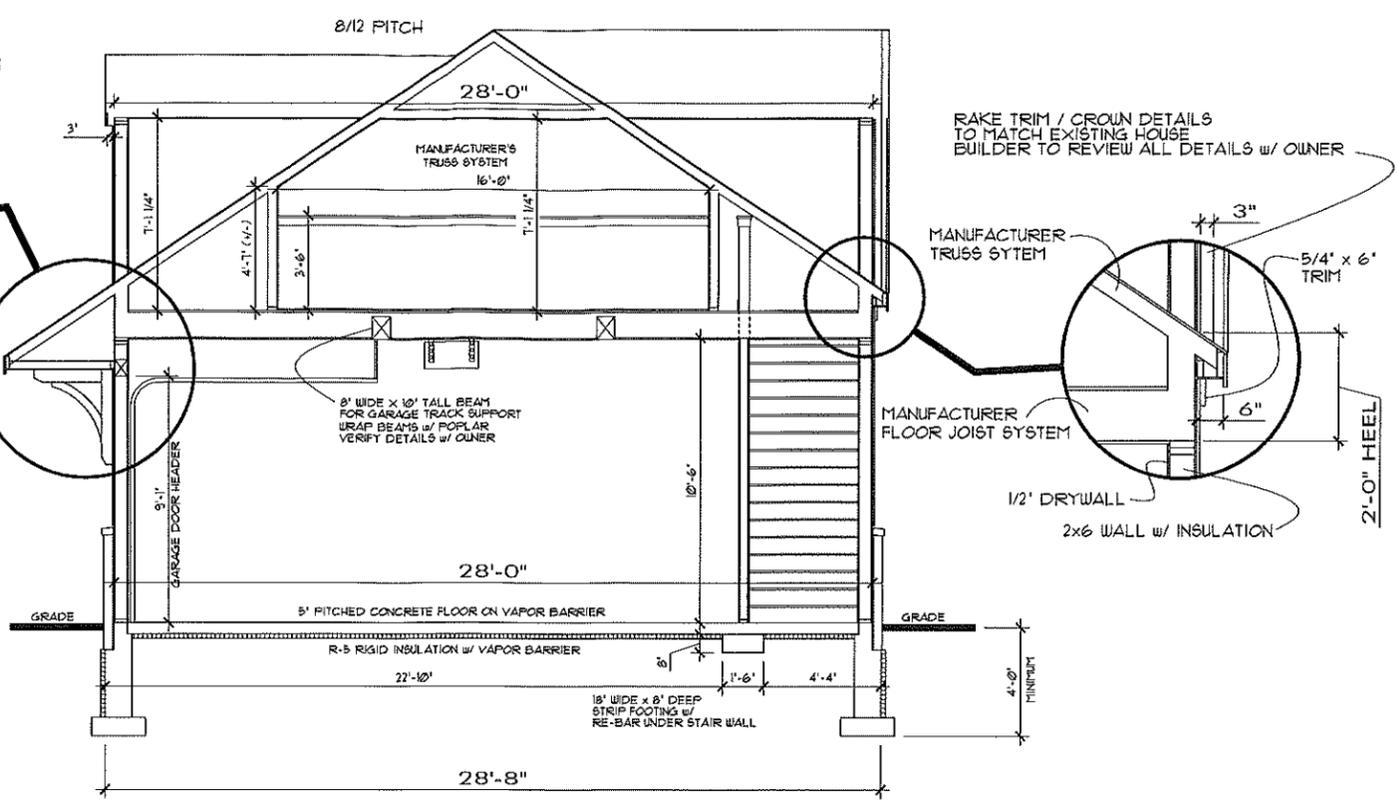
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WOOD SUPPORT BRACKETS
BUILDER TO REVIEW
DETAILS / OPTIONS w/ OWNER

bb **GARAGE**
SCALE - 1/4" = 1'-0"



cc **GARAGE**
SCALE - 1/4" = 1'-0"



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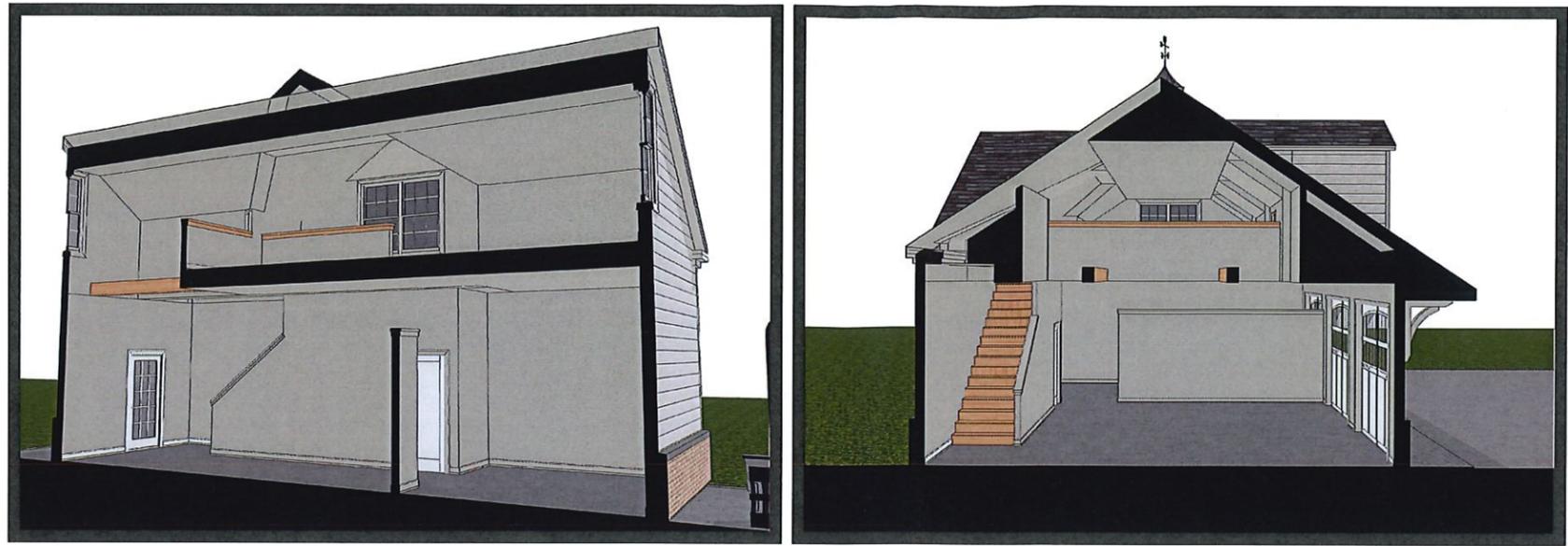
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INTERIOR PERSPECTIVES

NOT TO SCALE - FOR CONCEPTUAL DESIGN PURPOSES ONLY



A INTERIOR ELEVATION

SCALE - 1/4" = 1'-0"



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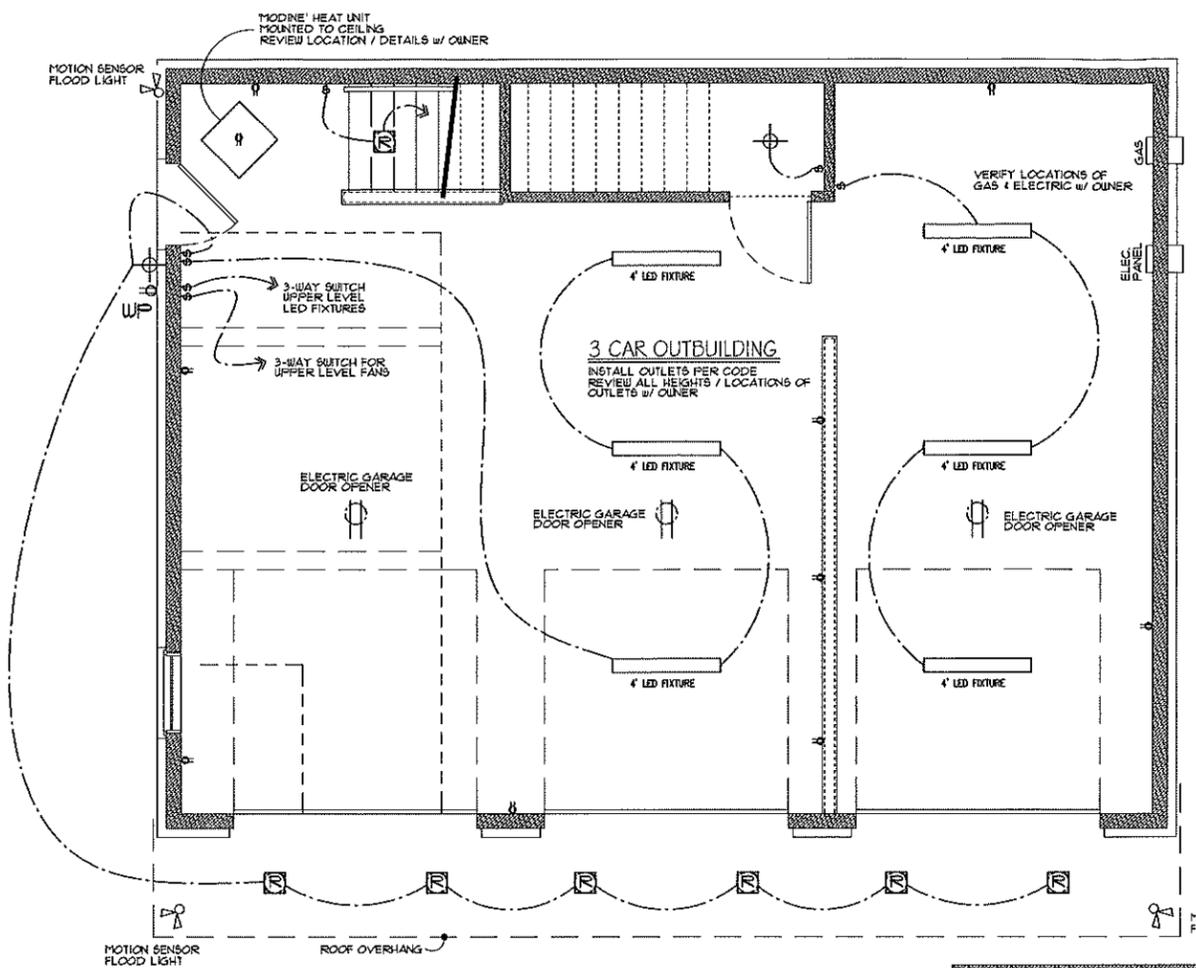
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MAIN LEVEL ELECTRICAL PLAN

SCALE - 1/4" = 1'-0"

NOTE:
REVIEW LIGHTING DETAILS FROM HOUSE TO OUTBUILDING w/ OWNER

NOTE:
NECESSARY CONTRACTORS TO VERIFY MECHANICAL SPEC'S w/ OWNER

NOTE:
ALL MAIN LIGHT FIXTURE SWITCHES TO ACCOMMODATE DIMMERS (OWNER TO VERIFY EXACT SWITCH LOCATIONS)

NOTE:
OWNER TO VERIFY WITH ELECTRICAL CONTRACTOR FOR PROPER SWITCHING & LIGHTING FOR ALL LIGHT FIXTURES - CONFIRM WITH DESIGNER

NOTE:
SMOKE & CARBON MONOXIDE ALARMS SHALL BE INSTALLED PER 'COMM' 2109 & 21091 & 'COMM' 28. FIELD VERIFY LOCATION(S) AND AMOUNT NEEDED

NOTE:
ELECTRICAL CONTRACTOR TO REVIEW EXISTING ELECTRICAL LAYOUT WITH PROPOSED DESIGN. REVIEW w/ OWNER / DESIGNER

NOTE:
APPROP. CONTRACTOR TO VERIFY WITH OWNER THE LOCATION FOR FUTURE TECHNOLOGY & SOUND COMPONENT WIRING

NOTE:
ELECTRICAL CONTRACTOR TO VERIFY WITH BUILDER THE LOCATION OF ELECTRICAL FIXTURES AND THE HEIGHTS ABOVE THE FINISH FLOOR, etc.

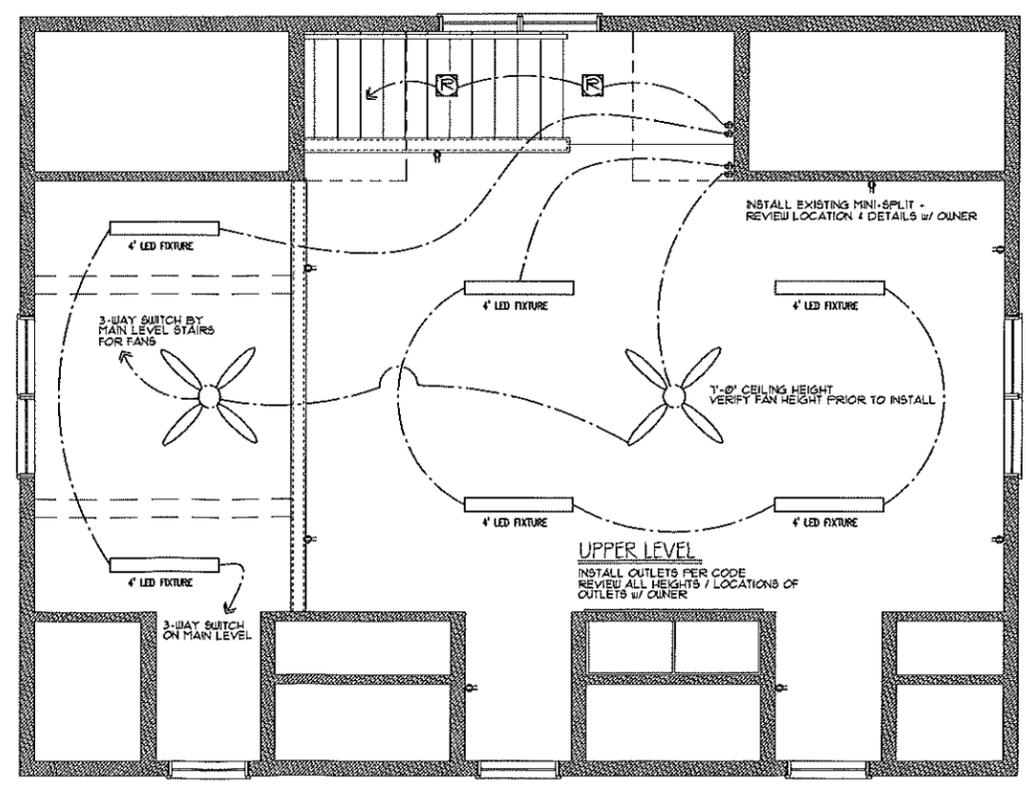
ALARM SYSTEM NOTE:
OWNER TO VERIFY ALL DETAILS OF EXISTING HOME ALARM SYSTEM & COORDINATE ANY SYSTEM MODIFICATIONS BASED ON NEW DESIGN

NOTE:
OUTLETS SHOWN ON PLAN ARE FOR REFERENCE ONLY. ELECTRICIAN TO PROVIDE OUTLETS PER CODE & DISCUSS ADDITIONAL OUTLET LOCATIONS WITH OWNER.
SWITCHES LABELED TO SWITCHED OUTLETS TO BE DISCUSSED w/ OWNER AS TO WHICH OUTLETS ARE TO BE SWITCHED

| LEGEND | |
|--------|--------------------------------|
| | RECESSED CAN |
| | LIGHT FIXTURE |
| | OUTLET (verify GFI / switched) |
| | WEATHER PROOF OUTLET |
| | SWITCH (verify dimmer) |

UPPER LEVEL ELECTRICAL PLAN

SCALE - 1/4" = 1'-0"



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Department of Community Development: Inspections Division

MEMORANDUM

To: Board of Appeals
From: Mike Hadley, Building Inspector
Date: June 17, 2020,
Subject: Request for variance at 3207 W Donges Bay Road

Background: The applicant submitted a building permit for 1,800 square foot detached accessory structure on April 13, 2020. After several discussions with staff regarding the proposal, the applicant decided to go forward with the proposal as submitted knowing it was non-compliant with the code. Staff denied the building application on June 9, 2020 (see attached letter).

Variance(s)

The applicant is requesting multiple variances to 1) allow the accessory structure to encroach on the front yard setback along Donges Bay Road. 2) to allow the existing accessory structure to remain in perpetuity or if that is denied, until the proposed garage is completed. 3) to allow for the existing garage to remain until new garage is complete.

Variance #1 Front Yard Setback

Based on the proposed height of the structure, the setback from the Donges Bay right of way is 82 feet. Based on the plan submitted, the structure is shown to be located 80.9 feet from the property line. The applicant states that the variance is justified based on two conditions unique to the property. First, the applicant claims the city right of way extends deeper into the property than normally would be the case. He references correspondence with the City Forester, Mike Gies as evidence of this situation. Second, the applicant states that the reason for the variance of 14" is based on lessening impact on two existing trees that are located in the area of the proposed structure.

With regard to the right of way issue, staff reached out to speak with the City Forester and confirmed that what he was referring to was the width of the right of way along Donges Bay in general. The attached Exhibit A shows the right of way along Donges Bay Road at 100 feet. This is consistent among all parcels that have dedicated the appropriate amount of right of way (Right of Way is dictated per a Common Council approved Ordinance). For parcels that haven't dedicated the required right of way, the setback is measured from the ultimate right of way so all parcels will be at the same setback line. In addition, the center line of Donges Bay Road is slightly skewed to the south which results in less right of way on the south end of the road than on the north. Staff does not find a hardship related to the right of way width that is unique to this property.

The decision to keep the structure away from the existing trees is supported by the city since at least one of the trees is classified as specimen tree per city ordinance. However, it is clear there are other ways to maintain the distance from the trees and meet the setback for an accessory structure. The applicant has the ability to reduce the height of the structure or reduce the width of

Attachment: O'Shaughnessy variance appeal_07-02-20 (5260 : BOA materials_O'Shaughnessy_07-02-20)

the building or a combination of both. The plan shows 10'6" walls for the first floor and 7'1" ceiling clearance on the second floor. The plan also shows 2'6" returns on each end of the garage wall. A slight modification to all or some of these elements could bring the plan into compliance without impacting the design of the building or the trees. The desire to have a garage of this size and height is self-created and contrary to the criteria needed to approve the variance.

Variance #2 Allowance of Existing Accessory Structure

Since the code does not permit more than once accessory structure, the existing garage will need to be removed. The applicant is requesting a variance to keep the existing garage on the property stating that is historic and that the requirement to raze the structure is arbitrary and capricious. The applicant did not submit any evidence of the historic status. The structure is not listed as a local landmark by the Mequon Landmarks Commission. Based on this, staff does not believe a variance is justified based on the historic nature of the structure. Staff does not regard this requirement to being arbitrary and capricious. On the contrary, the code is clear with regard to this requirement. The decision by the applicant to construct a larger structure is self-created and contrary to the criteria need to approve the variance. This situation is also not unique to this property. The inspections division gets numerous requests similar to this which results in an existing structure being removed.

Variance #3 Existing Accessory Structure Temporary

The applicant is requesting that if Variance #2 is denied, the applicant would be allowed to keep the existing structure until the proposed structure is completed. The applicant states that this requirement results in the hardship of having items currently in the building will be required to be stored outside and exposed to the elements. The code does allow the use of temporary storage containers (PODS) for up to 18 months which can alleviate the storage issue. In the past, staff did allow for exiting buildings to remain until completion of the new building, but it has resulted in numerous enforcement issues and lack of compliance. Based on this, staff no longer provides or recommends this option.

Staff Comment

While the request to deviate from the front setback seems relatively innocuous, staff does not believe the applicant provides rationale for being granted a variance. An approval of the variances could set a precedent for further instances where requests for minor unsubstantiated code deviations could appear in front of the Board. With regard to the removal of the detached garage, the applicant does not provide any justification that is not self-created or economic in nature to why the variance should be granted and accordingly recommends denial.

Mike Hadley

Mike Hadley, Building Inspector

Department of Community Development: Inspections Division

City of Mequon

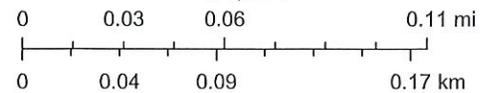


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|-----------------------|-------------------------------|-----------------------|
| — Hundred Block Lines | Overlap | Highways |
| Parcels | Tax Parcel | — US Highway |
| Road Reservation | ----- Historical Parcel Lines | — State Highway |
| Road Right-of-Way | Local Roads | — County Road |
| Condominium | — Private Road | — Ramp |
| Gap | — Town/Public Road | — Railroad Centerline |



Sec. 58-236. - R-2 rural residential detached district.

(a) *Purpose.* The R-2 district is intended to provide for large lot single-family detached residential development of a semi-rural nature in areas where public water or sewerage facilities are not reasonably available. This district shall generally serve as a transition between the urban and rural service area illustrated on the land use plan map. Additionally, this district is appropriate for development adjacent to rivers, streams, Lake Michigan, and other sensitive environmental areas.

(b) *Permitted uses .*

- (1) Single-family detached dwellings.
- (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-2 district
- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).

(c) *Permitted accessory uses .*

- (1) Private garages, carports, and paved parking areas shall be allowed provided that no garage or carport shall be erected prior to the erection of the principal building to which it is accessory. Garages and storage structures shall conform to the following:
 - a. Except as otherwise specifically provided below, no more than one principal garage; either attached or detached, shall be permitted on a lot.
 - b. Any property having a residence without an attached garage shall be permitted one principal detached garage not to exceed 800 square feet in area.
 - c. Any property having a residence which was constructed prior to year 2003 with an attached garage in which two full-sized personal automobiles cannot reasonably be stored side-by-side shall be permitted one principal detached garage not to exceed 675 square feet in area, provided no such garage structure shall be sited in front of an existing residence or in such other location as shall unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties.
 - d. Any property may have, in addition to any permissible garage, one detached storage structure not exceeding one percent of the property area provided the parcel is not divisible under the current zoning classification. If the parcel is divisible under the current zoning classification, the structure shall not exceed one percent of the property's minimum lot size zoning requirement.
 - e. Enclosed vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as an area not to exceed 300 square feet.
- (2) Home occupations and professional offices which are clearly incidental to the principal residential use subject to the following:
 - a. The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises and one additional person not a resident on the premises.
 - b. No article or service shall be sold or offered for sale on the premises.
 - c. The home occupation shall not normally generate customer or client traffic to the residential premises.
 - d. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

- e. The home occupation shall not include the conducting of any retail or wholesale business on the premises of sand, gravel, stone, topsoil or peat moss for commercial purposes.
 - f. The home occupation shall not include outside storage of materials or other operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat or glare which may create a nuisance or be otherwise incompatible with the surrounding residential area.
- (3) Private outdoor recreational facilities normally accessory to a residential use.
 - (4) Short-term rental of a structure described in subsection (b)(1).
- (d) *Conditional uses*.
- (1) Public or private outdoor recreational facilities.
 - (2) Public and private schools, child day care.
 - (3) Churches and religious institutions.
 - (4) Private lodges and clubs.
 - (5) Commercial use of historically significant structures.
 - (6) Country inns (i.e. bed and breakfast facilities) and country restaurants.
 - (7) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
 - (8) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.
 - (9) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (10) Wholesale greenhouses, wholesale nurseries, and landscape contracting businesses.
 - (11) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).
- (e) *Lot size*. The minimum lot size shall have an area of not less than two acres.
- (f) *Dwelling standards*. Single-family dwellings within the R-2 district shall have a 1,800-square-foot minimum living area 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).
- (g) *Building height*.
- (1) The height of any dwelling unit shall not exceed 42 feet.
 - (2) The height of accessory structures shall not exceed 15 feet.
 - (3) The height of farm structures shall not exceed 60 feet.
- (h) *Lot width and lot length*. The minimum average lot width and minimum average lot length shall be 200 feet.
- (i) *Minimum building setback*. No building or structure, hereafter erected, shall be placed closer than 75 feet to the ultimate right-of-way line of any public street, road, or highway upon which the subject property abuts.

- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 30 feet to a side line. Buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line.
- (k) *Lot coverage.* Not more than ten percent of the lot may be covered by buildings or structures.

(Code 1957, § 3.07(3); Ord. No. 92-767, 8-4-1992; Ord. No. 96-878A, 6-11-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2001-1008, 3-13-2001; Ord. No. 2001-1017, § VII, 5-8-2001; Ord. No. 2003-1066, § III, 8-12-2003; Ord. No. 2005-1143, § 4, 9-13-2005; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 1417, § I, 4-8-2014; Ord. No. 2014-1430, § I(Att.), 10-14-2014; Ord. No. 2015-1445, § I(Att.), 4-14-2015; Ord. No. 2016-1487, § II, 1-10-2017; Ord. No. 2019-1543, Exh. B, 4-9-2019)

Sec. 58-418. - Height regulations.

- (a) *Maximum height.* No structure shall be erected or structurally altered to a height in excess of that specified in the structure's zoning district except as provided below in this section.
- (b) *Determining height.* The height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the building.
- (c) *Exceptions.* The following shall be exempted from the height regulations of all districts:
- (1) Chimneys and flues.
 - (2) Accessory farm buildings, not to exceed 60 feet in height on lots of three acres or more in area.
 - (3) Electrical transmission and distribution facilities.
 - (4) Silos for agricultural purposes.
 - (5) Subject to the approval of the planning commission, cooling towers, elevator bulk heads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, and necessary mechanical appurtenances.
 - (6) Radio and television antennas. In no case, however, shall any radio or television antenna be erected or structurally altered to an overall height in excess of 25 feet or to a height in excess of five feet above the highest point on the roof of the principal structure located on the same property, whichever is greater. Furthermore, the overall height shall not exceed the distance measured in a straight line to the nearest property line.
 - (7) Television antennas intended for the common use of a subdivision, group project development, or multiple family development or for use in conjunction with a closed circuit television system serving a school, church, public utility facility, public administrative office, public service building or other similar type of facility shall be subject to the approval of the building inspector. Except as otherwise regulated herein, such television antennas shall not be erected or structurally altered to a height in excess of 35 feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.
 - (8) Radio towers and antennas, provided that such towers and antennas are intended for the use of appropriately licensed amateur radio operators or for use as part of a commercial or industrial enterprise being conducted on an appropriately zoned property, shall be subject to the approval of the building inspector. Except as otherwise regulated herein, such radio towers or antennas shall not be erected or structurally altered to a height in excess of 75 feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.

(9) Structures for which height regulations are prohibited by state law.

(d) *Increase permitted.* The maximum height of any structure may be increased up to ten feet if offset and setbacks are increased by one foot for each additional foot of structural height exceeding the standard district requirement.

(Code 1957, § 3.03(7); Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2016-1488, § I(Att.), 1-10-2017)