

Shorewood Board of Appeals Meeting Agenda

May 10, 2016 at 5:30 P.M.

Shorewood Village Hall Court Room
3930 N. Murray Avenue, Shorewood, WI 53211



1. Call to Order.
2. Roll Call.
3. Statement of Public Notice.
4. Approval of April 12, 2016 meeting minutes.
5. Attorney to Review the Standards by which the Board of Appeals must abide.
6. Public Hearing: Appeal of denial of application for construction of driveway and parking slab at residential property 1627-29 E. Menlo Blvd.
7. Public Hearing: Appeal of notice to remove prohibited window signs at commercial property 4496 N. Oakland Avenue.
8. Public Hearing: Appeal of denial to construct a building addition within the zoning side yard setback at residential property 1900 E. Beverly Rd.
9. Adjournment.

PLEASE BE ADVISED THAT A REPRESENTATIVE OF THE APPLICANTS FOR THE ABOVE ITEMS MUST BE PRESENT AT THIS MEETING.

Dated at Shorewood, Wisconsin, this 6th day of May, 2016

Village of Shorewood
Tanya O'Malley, WCMC
Village Clerk-Treasurer



**Public Hearing Notice
Board of Appeals
Village of Shorewood**

PLEASE TAKE NOTICE that a meeting of the Village of Shorewood **Board of Appeals** will be held on **Tuesday, May 10, 2016 at 5:30 P.M.**, in the Shorewood Village Hall Court Room, 3930 N. Murray Avenue, Shorewood, WI 53211, at which time the following matter(s) will be considered:

1. Appeal of denial of building application for construction of driveway and parking slab at residential property 1627-29 E. Menlo Blvd. Legal Description Ravinia Park Subdivision NE Qtr Section 9 Township 7 Range 22 E all except the E 9.061FT of Lot 16 Blk 1 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID 275-1187-000
2. Appeal of notice to remove prohibited window signs at commercial property 4496 N. Oakland Avenue. Legal Description J H Myers & H B Walkers Subdivision NW Qtr Section 3 Township 7 Range EXC W 7FT Taken for N Oakland Ave Lot 28 Blk 3 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID 237-0232-000.
3. Appeal of denial of building application to construct building addition within the zoning side yard setback at residential property 1900 E. Beverly Rd. Legal Description Merrill & Dupres Subdivision NW ¼ Sec 10 Township 7 Range 22E., E 39FT of Lot 6 Blk 4 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID 276-0433-000.

PLEASE BE ADVISED THAT A REPRESENTATIVE OF THE APPLICANTS FOR THE ABOVE ITEMS MUST BE PRESENT AT THIS MEETING.

Dated at Shorewood, Wisconsin, this 21st day of April 2016

Village of Shorewood

Tanya O'Malley
Village Clerk, WCMC

Publish April 28, 2016

May 9, 2016



To: Board of Appeals- Meeting May 10, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals – 4496 Oakland Ave

A Board of Appeals application was received by business owner Keith Marquardt, appealing the Village of Shorewood enforcement order to remove prohibited signs hung in three of the windows from the Kensington Liquor business at 4496 N. Oakland Avenue.

The business is located at the southeast corner of Oakland Ave and Kensington Blvd. There are four windows along Oakland and one large one along Kensington. Within three of the Oakland windows the business has displayed three large internally illuminated box sign in each pane.

The sign types is a box sign that is internally illuminated and is prohibited per sign code 445-20 F “Illuminated signs. Internally illuminated box signs and standard channel letter signs are prohibited.”

The size of the signs is also in violation of sign code 445-11 that says window signs cannot occupy more than 10% of a single window pane and no more than 25% of the entire window area. The prohibited signs occupy greater than 50% of a single window pane and the total area that all window signs far exceed the 25% limit.

On March 10, 2016 the business was sent an enforcement correction order to remove the signs. The Board of Appeals application was received April 11, 2016.

Materials provided:

1. BOA application
2. Pictures
3. Sign code
4. Enforcement letter dated 3/10/16



BOARD OF APPEALS APPLICATION

Village of Shorewood
 Planning & Development Department
 3930 N. Murray Avenue, Shorewood, WI 53211
 Phone (414) 847-2640 Facsimile (414) 847-2648
www.villageofshorewood.org

Village of Shorewood
 04/11/2016 3:41:32 PM
 Ref 00026133
 Receipt 114836
 Amount \$150.00

26133

The Board of Appeals has the authority to grant exceptions, variances or review appeals regarding Village official code interpretations. A *Variance* allows dimensional variations for items within the zoning code. Use variances are prohibited. *Special Exceptions* are granted for allowed uses when certain conditions must be met.

OFFICE USE ONLY	
PERMIT #	16-0602 FEE: \$150.00
DATE RECEIVED:	4-11-16
SCHEDULED MEETING:	5-10-2016
TAX KEY #	

Property Address 4496 N. Oakland Ave. Shorewood, WI. 53211			
Owner's Information		Applicant Information	
Name Keith Marquardt	Name Keith Marquardt		
Address 4496 N. Oakland Ave.	Address 3803 S. Rutland Ave.		
City/State/Zip Shorewood, WI. 53211	City/State/Zip St. Francis, WI. 53235		
Phone #414-332-3600	Alt # 414-617-3581	Phone # 414-239-8939	Alt # 414-617-3581
Email keith@kensingtonliquor.net	Email keith@kensingtonliquor.net		
Check if prefer Board of Appeals Meeting Agenda Emailed:		<input type="checkbox"/> OWNER	<input type="checkbox"/> APPLICANT

I/We are requesting a: (refer to guidelines for explanation)

- variance
 appeal to interpretation to allow
 special exception

Describe in detail the reason you are applying for a Board of Appeals application:

Appeal the request to remove the three custom box signs from the front windows of my business facing Oakland Avenue.

MATERIALS REQUIRED WHEN APPEAL IS PROPERTY-BASED (FIVE COLOR COPIES OF EACH) :

- Picture – Of front of property taken from street curb
 Picture(s) – Of property area in question
 Property survey marked with appropriate dimensions

Variance Granting Criteria

1. Describe how the hardship is due to physical limitations (lot shape, lot size, grade, drainage, neighboring uses, access, etc.) of the property rather than the circumstances of the appellant (economic, family, personal, and physical [other than certified disability] hardships are not considered, nor are the nature, condition or configuration of structures or improvements on the property):

2. Describe how unnecessary hardship exists because compliance is unreasonably burdensome. The hardship must be unique to the property and cannot be self-created.

The signs (custom steel frames bolted to inside of window with lexon panels) were placed in the window for security because the windows are very large for a liquor store and also to block most of the sun to prevent product spoilage.

3. Describe how you think the granting of this variance would **not** harm public interest such as public safety, the environment, property values, etc.:

I feel the signs are more eye appealing than the bright neons and cardboard that was in the windows before I bought the store. I constantly get compliments from customers about how nice the signs look. Panels can be replaced at times to change the look of the store.



RESIDENTIAL INSPECTION REPORT ACTION REQUIRED

Date: 03/10/2016

Kensington Liquor
Keith Marquardt
4496 N. Oakland Avenue
Shorewood, WI 53211

Property Address: 4496 N OAKLAND AVE
Tax Key: 237-0232-000

Dear Keith:

In accordance with the Village of Shorewood's signage code a recent inspection of the above referenced address revealed the following deficiencies.

<u>CODE REFERENCE</u>	<u>CODE DEFICIENCY</u>
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445-11 Window and Decal Signs	
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Window signs shall be limited to one location on the primary display windows or doors. Signs can occupy up to 10% of the glass area of a single pane and up to 50% of the transom area. Signs may not exceed 25% of the entire window area excluding the transom.	
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445-20F Prohibited Signs	
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Internally illuminated box signs are prohibited.	
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Responsibilities of owner:

Action Required:

Remove the three internally illuminated box signs from the front windows of your business, facing Oakland Avenue. Ensure that no more than 25% of your windows are covered in signage.

COMPLETION DATE: March 21, 2016

INSPECTION REPORT ACTION REQUIRED



Failure to respond to this letter will result in re-inspections that may trigger forfeitures after the date indicated above.

EXTENSION

If an extension is needed to comply with this order, please forward a written request, addressed to the undersigned, stating your phone number, your mailing address, the action you are taking towards compliance and the anticipated completion date.

APPEAL

If after discussions with staff you find that you are not in agreement with the enforcement of the above listed violations, it is your right to appeal to Shorewood's Board of Appeals within **30 days** of receipt of this order. The Board of Appeals meets once a month. Forms and explanations are available at the Planning & Development Department at Village Hall or online on the Village website villageofshorewood.org under Application Forms.

REINSPECTION FEES

In accordance with section 326-18 of the Village Code, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$50 for the first reinspection, \$75 for the second, \$150 for the third, and \$250 for the fourth and all subsequent reinspections. Reinspection fees will be invoiced, or if unpaid, a lien shall be applied upon the real estate where the reinspections were made and shall be assessed and collected as a special tax.** If you wish to contest the assessment of a reinspection fee, contact the inspector.

**INSPECTION REPORT
ACTION REQUIRED**

Respectfully,

A handwritten signature in black ink that reads "Ericka Lang". The signature is written in a cursive, flowing style with a long horizontal stroke at the end of the name.

Ericka Lang
Planning Director
Planning & Development Department
3930 N. Murray Avenue
Shorewood, WI 53211
414.847.2647
elang@villageofshorewood.org



INDIA PALE ALE
PREPARED IN MILWAUKEE
IPA
INDIA PALE ALE

BOSTON LAGER

STOP

Various liquor bottles including bottles of whiskey, rum, and other spirits are displayed on a shelf inside the window.

KENSINGTON LIQUOR

Plus the Refreshment
Plus the Refreshment
EXIT ONLY!
ENTRANCE DOOR

100% OVER 21 ONLY

FATIRE

BLUE MOON

GRAB your Guinness

SUMMER SHANDY

HELP WANTED



KENSINGTON LIQUOR





ROAD
CLOSE



4496

Doosfish Head
Great Brewed Ales

Come in and see our newest arrivals of Rose wine

Blue Ribbit
Pabst Blue Ribbon

HELP
WANTED
LAKEFRONT

SHRETTIN
LAKEFRONT

LAKEFRONT
BREWERY, INC.

LAKEFRONT
BREWERY, INC.

INDIA PALE ALE

BREWED IN MILWAUKEE
for people who like beer.

IPA
INDIA PALE ALE

KENNS



Handcrafted in San Diego, CA



Village of Shorewood, WI
Monday, May 9, 2016

Chapter 445. Signs

§ 445-11. Window and decal signs.

- A. Window signs shall be limited to one location on the primary display windows or doors. Professionally painted or vinyl-applied decal signs may be mounted within the transom or at the lower section of the storefront window. Decal signs can occupy up to 10% of the glass area of a single pane located at the lower section and occupy up to 50% of the transom area; signs may not exceed 25% of the entire window area excluding the transom. Grease paint is strictly prohibited on all windows and doors.
- B. Window signs shall not require a sign permit and approval by the Design Review Board.

§ 445-20. Prohibited signs.

- A. General. No person shall paint, paste or otherwise fasten any paper or other material, grease paint, stencil or write any number, sign, name or any disfiguring mark on any building, sidewalk, curb, gutter, or street, any post, pole or tree, or any other sign, fence or other structure, nor shall any of said objects be defaced in any manner, unless sanctioned by the provisions of this chapter or other provisions of the Village Code or by the Planning and Zoning Administrator or Building Inspector in carrying out or on any public work or construction.
[Amended 2-25-2008 by Ord. No. 1935]
- B. Beacon and flashing-type devices. No flashing, alternating, rotating or swinging sign, whether illuminated or not, shall be permitted hereunder. No flashing, alternating, rotating or swinging flood, spot or beacon light shall be permitted for illuminating any sign or any structure for the purpose of advertising.
- C. Flood or spot lights. No flood or spot light shall be located and directed in such a manner as to cause a glare or light to be directed to surrounding buildings and premises.
- D. Obstruction of traffic control devices. It shall be unlawful to erect or maintain any sign which constitutes a traffic hazard or is a detriment to traffic safety by obstructing the vision of drivers or detracting from the visibility and prominence of any official traffic control device.
- E. Miscellaneous. The use of any banner, pennant, flag, balloons, streamers or other similar media for advertising or identification purposes shall be strictly prohibited, except as may be permitted to promote special events for a period not to exceed 30 days, and which shall be subject to the written approval of the Village Manager.
- F. Illuminated signs. Internally illuminated box signs and standard channel letter signs are prohibited. This does not include individually pin-mounted reverse illuminated solid-faced channel letter signs, often called "halo-lit signs."
- G. Advertising vehicles are prohibited, subject to the following exceptions:
 - (1) Vehicles parked on public or private property used solely for business use for the purpose of transporting or delivering goods or providing services directly related to the business being advertised on the vehicle.
 - (2) Vehicles temporarily parked on public or private property for the purpose of delivering goods or providing services.
- H. Portable signs are prohibited except as enumerated in § 445-10 of this chapter.
- I. Freestanding pole-mounted signs are prohibited.
- J. Backlit and vinyl plastic awning signs are prohibited.
- K. Billboards are prohibited.
- L. Electronic message board signs are prohibited except where explicitly provided for within the Code.
[Amended 11-3-2014 by Ord. No. 2045]

May 9, 2016



To: Board of Appeals- Meeting May 10, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals – 1627-29 E. Menlo Blvd

The Village received a Board of Appeals application on April 19, 2016 from Ms. Bianca Costanzo who owns a duplex at 1627-29 E. Menlo Blvd. The Planning & Development Department received a building application to replace the driveway and rear parking slab. The application was denied because all single family and two family dwellings must provide a garage. Ms. Costanzo is appealing the denial of redoing the parking slab.

The property is located in the R-6 Zoning District; Village code section 535-9-F (4) Site Restrictions states: “Driveway shall not be constructed unless they lead to a garage” and Village code section 535-47 A. (4) (b) Schedule of requirements states: “ Two-family dwellings: one space in an approved garage per dwelling unit” requiring a Two-family dwelling to have a two car garage and allows up to a two-car parking slab.

The lot is legally nonconforming. Residential lots in the R-6 district must be a minimum of 40 feet in width per 535-19F(3). The lot is 35.939 feet wide per the attached survey.

Many pictures are provided to show the steep grade change to the rear of the property. A contour map is provided and shows that there is an eight foot drop down from the existing parking slab.

The code requires a two-car garage, which equates to a garage that is a minimum of 20’ x 20’. This width does not allow for any storage. If a garage would be erected in the existing slab location, it would leave 14.9 feet to enter and exit the garage, making it difficult for the western vehicle to maneuver.

The garage at 1627-29 previously had been removed and not replaced. The building permit application for the driveway replacement has been denied due to the driveway not leading to a garage.

Materials provided:

1. BOA application
2. Pictures
3. Zoning code sections
4. Enforcement letter
5. Contour map
6. Block map



BOARD OF APPEALS APPLICATION

Village of Shorewood
 Planning & Development Department
 3930 N. Murray Avenue, Shorewood, WI 53211
 Phone (414) 847-2640 Facsimile (414) 847-2648
www.villageofshorewood.org

The Board of Appeals has the authority to grant exceptions, variances or review appeals regarding Village official code interpretations. A *Variance* allows dimensional variations for items within the zoning code. Use variances are prohibited. *Special Exceptions* are granted for allowed uses when certain conditions must be met.

OFFICE USE ONLY	
PERMIT #	FEE: \$150.00
DATE RECEIVED:	
SCHEDULED MEETING:	
TAX KEY #	

Property Address **1627 & 29 E. Menlo Blvd., Shorewood, WI 53211**

Owner's Information	Applicant Information	Contractor?	YES	NO
Name Bianca Costanzo	Name Same information to the left.			
Address 1629 E. Menlo Blvd.	Address			
City/State/Zip Shorewood, WI 53211	City/State/Zip			
Phone # 608-206-0228 Alt # N/A	Phone #	Alt #		
Email bianca.costanzo@uwmalumni.com	Email			
Check if prefer Board of Appeals Meeting Agenda Emailed:		<input checked="" type="checkbox"/> OWNER	APPLICANT	

I/We are requesting a: (refer to guidelines for explanation)

variance

special exception

appeal to interpretation to allow

Describe in detail the reason you are applying for a Board of Appeals application:

As a recent homeowner, closed on the property (at the above address, which is owner-occupied) July 1, 2015, I was never informed of the code and zoning requirements that the property required a garage. The property underwent two Village of Shorewood code compliant inspections in 2013 and 2015, in which the code compliant inspections never indicated a code or zoning violation in regards to a garage.

MATERIALS REQUIRED WHEN APPEAL IS PROPERTY-BASED (FIVE COLOR COPIES OF EACH) :

- Picture – Of front of property taken from street curb
- Picture(s) – Of property area in question
- Property survey marked with appropriate dimensions

Variance Granting Criteria

1. Describe how the hardship is due to physical limitations (lot shape, lot size, grade, drainage, neighboring uses, access, etc.) of the property rather than the circumstances of the appellant (economic, family, personal, and physical [other than certified disability] hardships are not considered, nor are the nature, condition or configuration of structures or improvements on the property):

A garage (at the above address) would not function to the garage's full potential because the location of the garage would limit the two vehicles ability to park within the garage due to the turning radius into the garage from the driveway. If a vehicle were to park in the first spot, on the right hand side, a second vehicle would not be able to turn the vehicle around the building and pull into the garage parking spot. Additionally, the second vehicle, which would be parked on the left hand side, would not fit into the garage spot because the available garage slab that is already constructed does not provide enough room for two vehicles. Furthermore, the property is situated on a non-conforming parcel, with a width of 35.9 ft. The minimum width for parcels are 40 ft. With the limiting amount of width and the unobtainable turning radius, a garage would not function well with the size of the lot and available space.

Currently the parking slab allows for two vehicles to park side by side, with the addition of a garage there would only be one vehicle parking space. Therefore, the size and shape of the lot and available access to the parking slab does not allow for a garage to be efficiently used to its full potential.

2. Describe how unnecessary hardship exists because compliance is unreasonably burdensome. The hardship must be unique to the property and cannot be self-created.

I believe the compliance is unreasonably burdensome because the property is on a non-conforming parcel, indicating that the width of my lot is much smaller than the neighboring properties. The width size limits the size of the garage and location. Additionally, the turning radius from the 10 ft. width driveway to the back parking slab is quite sharp and difficult to make. If a garage was added, this would become a grand burden and would only allow for one vehicle to be parked within the garage. This property is a two-family dwelling, most families have at least one vehicle, thus creating a limitation in parking availability.

In addition, the property underwent two Village of Shorewood code compliant inspections in 2013 and 2015 that never indicated a code or zoning violation in regards to a garage, hence this situation now becoming an unnecessary hardship. If the prior owner would have known this information, all potential buyers would have been properly informed and decisions/discussions would have been had early on to resolve this issue. Although, this was never addressed and I was under the assumption that I as following all code and zoning requirements. Moreover, I thought I was making great strides to improving the property while following the proper channels.

3. Describe how you think the granting of this variance would **not** harm public interest such as public safety, the environment, property values, etc.:

I know that if the Village of Shorewood Board of Appeals would grant this variance, this would not affect the publics interests whatsoever because there has not been a garage at this property for at least 49 years. Within the 49 years, if this has not been raised as an issue amongst the public or the neighbors around the property, I strongly believe it will not become an issue.

OFFICE USE ONLY – Findings of the Board of Appeals after consideration of the criteria

Reason for Application:

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Applicant's Appeal Ruling	APPROVED	NOT APPROVED
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Reason for Ruling:

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* Please verify with the Planning and Development Department prior to placement on the Board of Appeals Agenda whether site plans or other documentation are required.

* A copy of the Board of Appeals Meeting Agenda will be mailed to the applicant/contractor unless otherwise indicated or emailed if an email is provided.

Applicant Signature



April 14, 2016

Ms. Bianca Costanzo
1627-29 E. Menlo Blvd.
Shorewood, WI 53211

Dear Ms. Costanzo,

Your building application for the replacement of the existing driveway and garage slab at property 1627-29 E. Menlo has been respectfully denied per Village Code 535-9 F. (4) and 535-47 A. (4) (b) . Your application was submitted April 11, 2016.

The property is located in the R-6 Zoning District; Village code section 535-9-F (4) Site Restrictions states: "Driveway shall not be constructed unless they lead to a garage" and Village code section 535-47 A. (4) (b) Schedule of requirements states: " Two-family dwellings: one space in an approved garage per dwelling unit" requiring a Two-family dwelling to have a two car garage and allows up to a two-car parking slab.

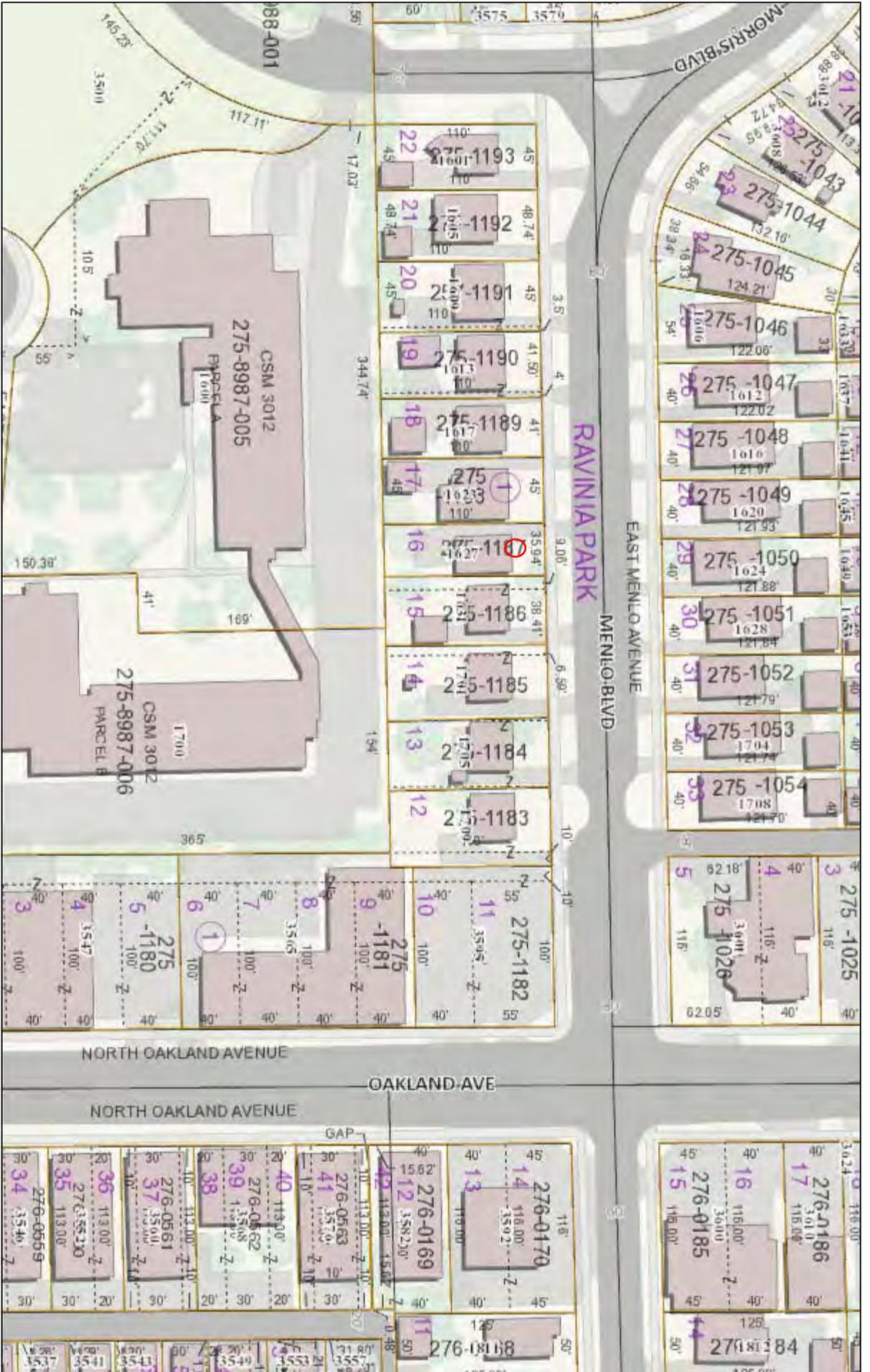
The garage at 1627-29 previously had been removed and not replaced. The building permit application for the driveway replacement has been denied due to the driveway not leading to a garage.

You do have the right to appeal this decision, or provide new plans for the replacement of the driveway to include the construction of a garage. (See attached Board of Appeals Application).

I may be reached at 414-847-2644 should you have any questions.

Respectfully,

David Henson
Building Inspector
Planning & Development Department
3930 N. Murray Ave.
Shorewood, WI 53211



April 19, 2016

- Address Numbers
- Parcel Boundary
- ROW
- Carto Line
- Easement
- MeanderLine
- CivilDivision
- Parcels
- ParcelLine
- Right of Way
- Extended Tie Line, Hook, or PT
- Milwaukee County Land Information Office
- ExParcelLine
- Railway
- Dimension, Identification, or Note Arrow
- TieLine

1:1,128



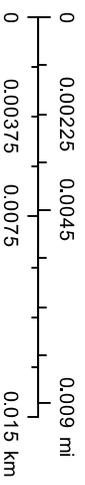


April 19, 2016

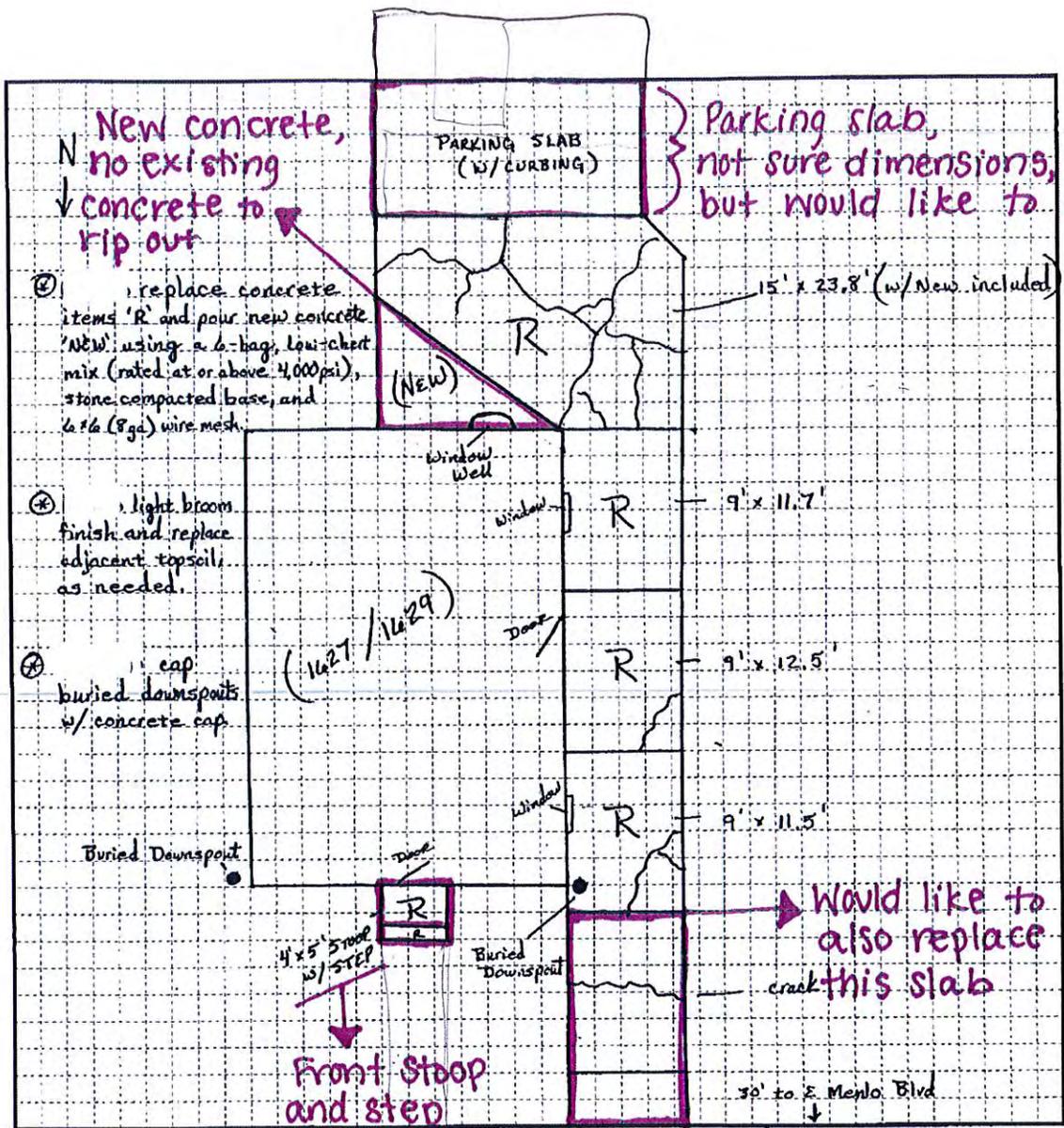
Address Numbers

Parcels

1:282



Milwaukee County Land Information Office



New concrete,
no existing
concrete to
rip out

Parking slab,
not sure dimensions,
but would like to replace

1) replace concrete items 'R' and pour new concrete 'NEW' using a 6-bag, low-chest mix (rated at or above 4,000 psi), stone compacted base, and 6 #6 (9ga) wire mesh.

2) light broom finish and replace adjacent topsoil as needed.

3) cap buried downspouts w/ concrete cap.

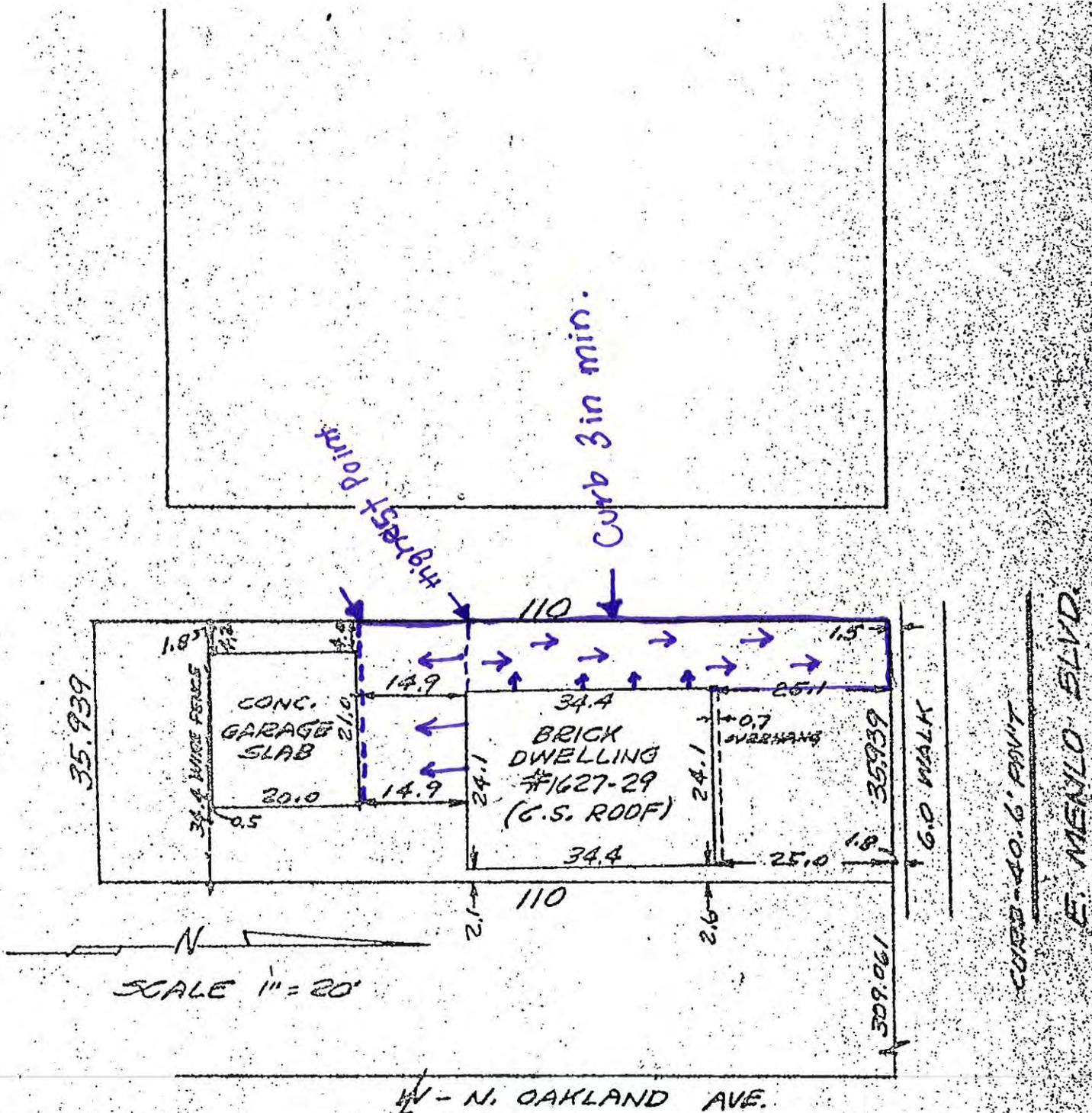
(1627/1629)

would like to also replace crack this slab

Front Stoop and step

30' to E. Maple Blvd

⊗ DRAWINGS NOT TO SCALE



Owner: Wisconsin Builders, Inc.

Eda Bldg.
5625 N. 91st St.
Milwaukee, Wisconsin 53225

Surveyed by
RICHARD J. LAMMI

PHONE
431-3730

SURVEYED FOR

First Federal Savings & Loan
Association
Mortgage Loan Department
30 North Water Street
Milwaukee, Wisconsin 53202

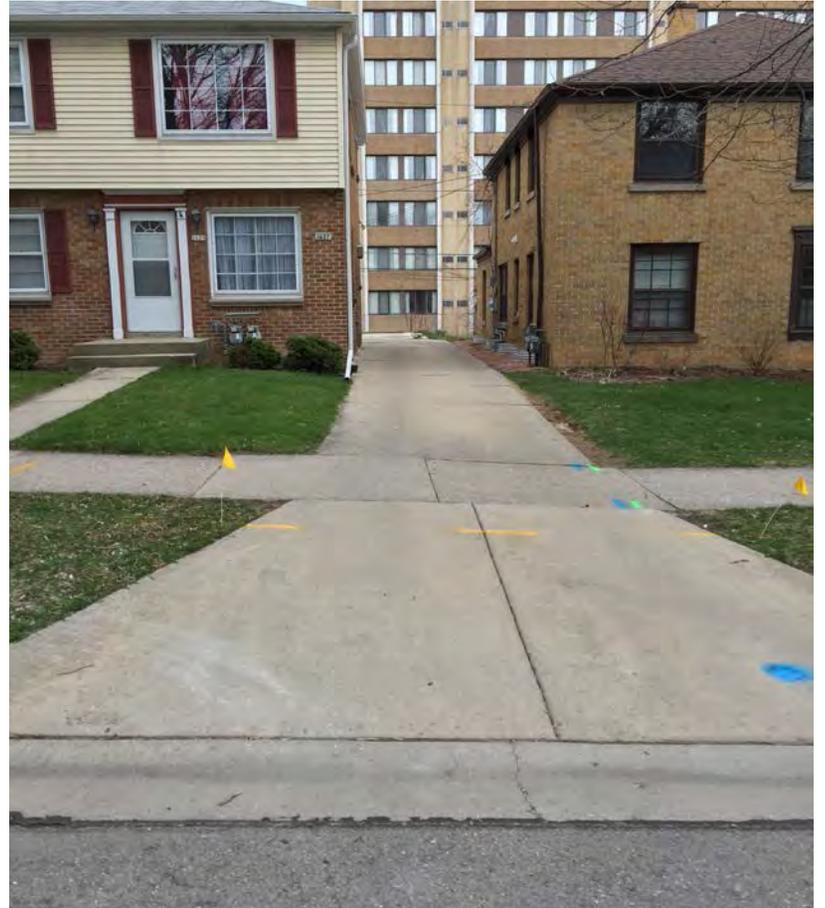
I Certify that I have surveyed the above described property and that the above plat is an accurate survey and a true representation thereof and correctly shows the exterior boundary lines, visible improvements relative to said boundary lines and location of principal buildings on said property

Richard J. Lammi

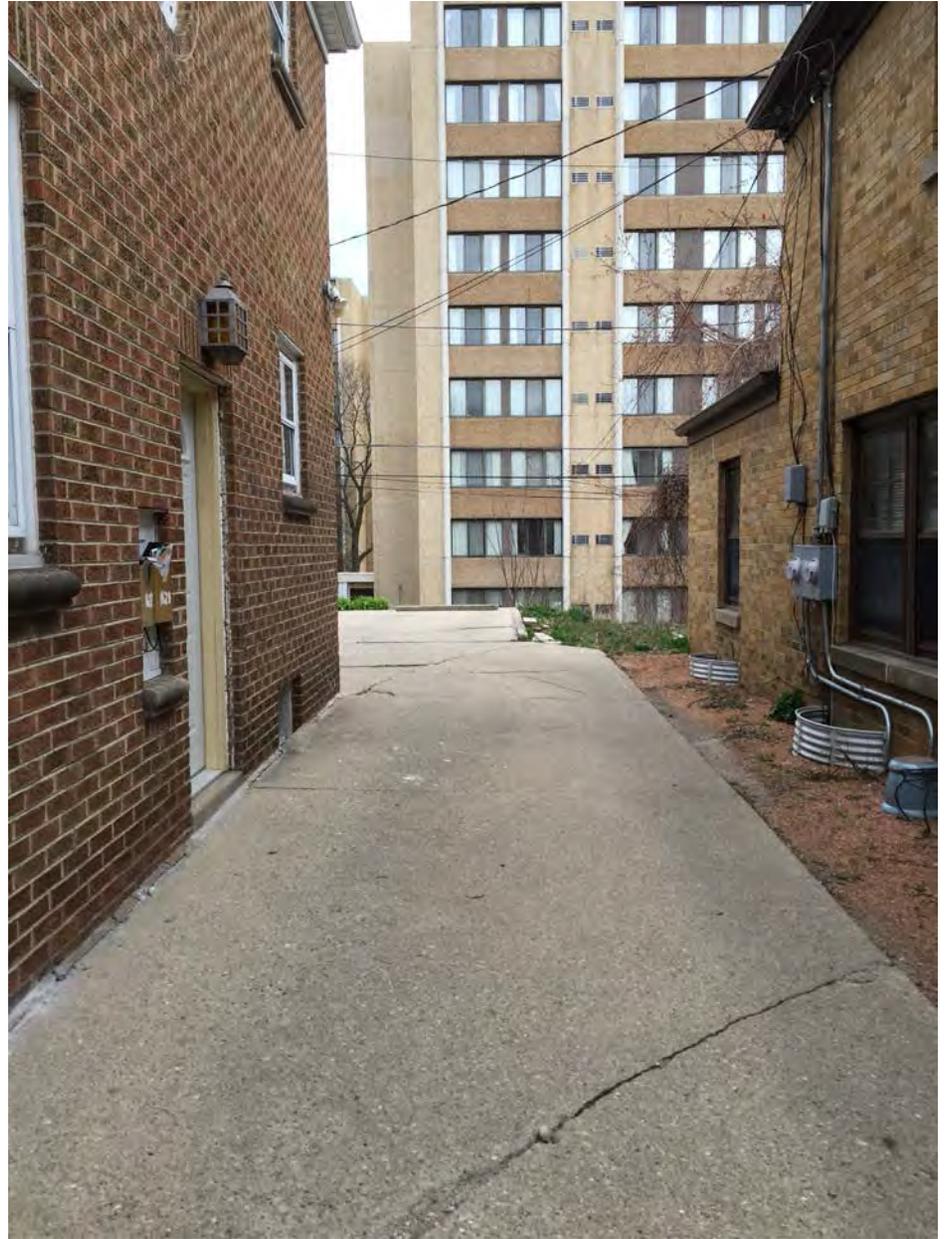
REGISTERED LAND SURVEYOR NO. 8-777 - STATE OF WISCONSIN



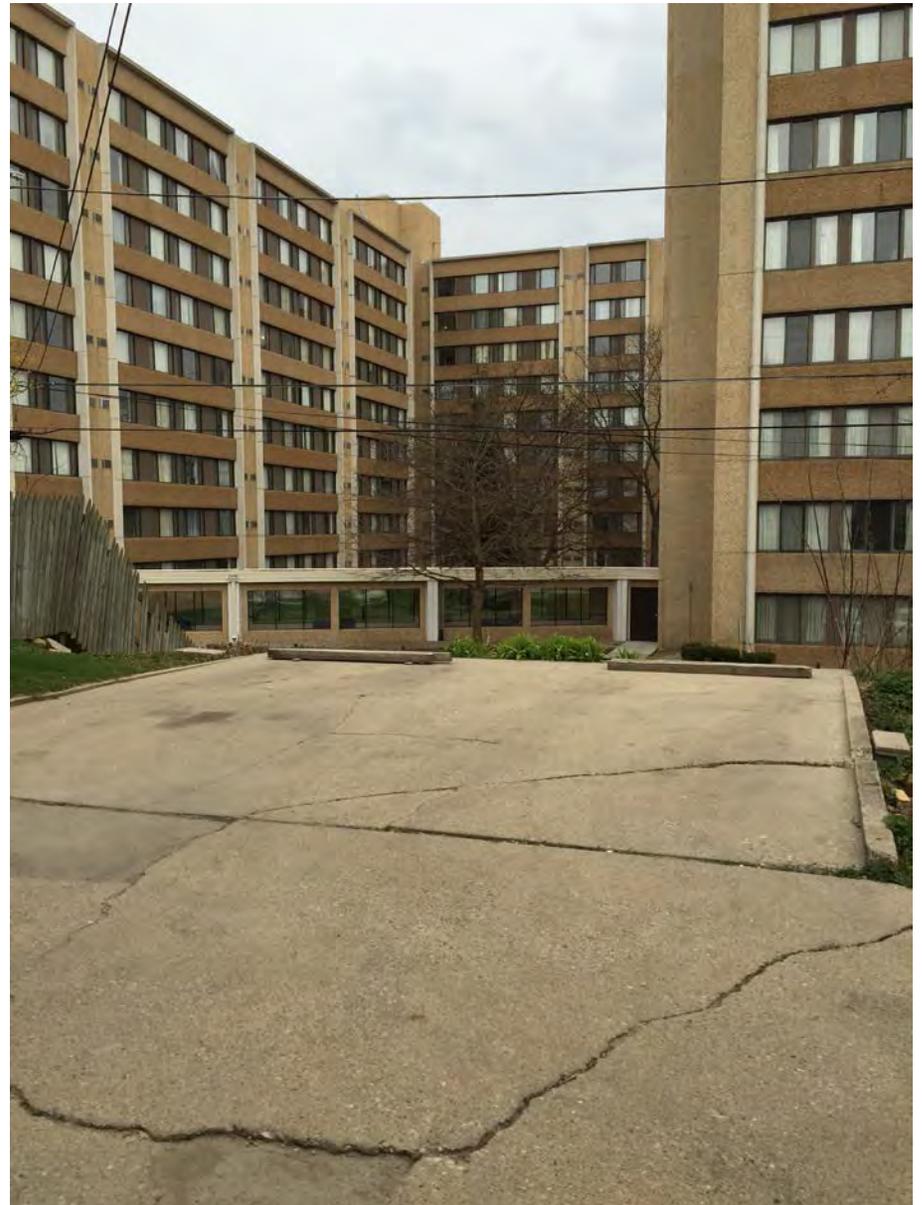
1627-29 E. Menlo



1627-29 E. Menlo Blvd



1627-29 E. Menlo Blvd



1627-29 E. Menlo Blvd



1627-29 E. Menlo Blvd



1627-29 E. Menlo Blvd









1609 E. Menlo Blvd



1701-03 E. Menlo Blvd



1709-11 E. Menlo Blvd



1705-07 E. Menlo Blvd



Chapter 535. Zoning

Article IV. Zoning Districts

§ 535-19. Residence districts.

Zones R-1 through R-10 serve the fully developed residential districts within the Village. Their primary intent is to maintain the particular character of each residential area, mainly with respect to building bulk, setback, and land coverage. As needed, additional measures are stated where topography restricts land usage.

- A. R-1 Lake Drive Residence District No. 1.
- (1) Principal use: one-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 100 feet (on North Lake Drive).
 - (b) Area, minimum: 24,000 square feet.
 - (4) Building:
 - (a) Area, minimum: 1,200 square feet.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 100 feet.
 - (b) Side, minimum: 10 feet.
 - (c) Rear: see specific requirements for bluff areas which follow hereafter.
 - (6) Lot coverage, maximum: 30% of land area for principal structure plus up to 10% for accessory structure.
 - (7) Additional requirements.
 - (a) All land between the water's edge of Lake Michigan and elevation 680 feet mean sea level shall not be included as part of the required land area under § **535-22C(2)** of this chapter.
 - (b) The rear setback shall be at least such distance as to ensure the stabilization of the bluff area; sufficient distance from the bluff area as to prevent injury or damage to adjacent property; and sufficient distance from the bluff area to provide for the natural runoff of surface and percolating water or provide for an approved drainage according to applicable law.
 - (c) A registered professional engineer hired by the owner of the lot shall certify to the Village that the footings and method of constructing any building or structure and the materials used therein are adequate from an engineering standpoint so as not to adversely disturb the natural runoff of surface and percolating water or create or add to a problem of erosion on the bank of the lake bluff and shall not adversely affect the structural integrity of any structure located on adjoining or adjacent lots.
- B. R-2 Lake Drive Residence District No. 2.
- (1) Principal use: one-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 60 feet (on North Lake Drive).
 - (b) Area, minimum: 8,000 square feet.
 - (4) Building:

- (a) Area, minimum: 1,200 square feet.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 50 feet or the average of existing setbacks on the west side of North Lake Drive as established between the two closest intersecting streets, whichever is less.
 - (b) Side:
 - [1] Interior, minimum: five feet.
 - [2] Street: 18% of the width of the lot but not less than 20 feet.
 - (c) Rear, minimum: five feet.
 - (6) Lot coverage, maximum: 30% of lot for principal structure on interior lot; 40% of lot for principal structure on corner lot; plus up to 10% for accessory structure.
- C. R-3 Lake Drive Residence District No. 3.
- (1) Principal use: one-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 60 feet (on North Lake Drive).
 - (b) Area, minimum: 8,000 square feet.
 - (4) Building:
 - (a) Area, minimum: 1,200 square feet.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 40 feet or the average of existing setbacks on the west side of North Lake Drive as established between the two closest intersecting streets, whichever is less.
 - (b) Side:
 - [1] Interior, minimum: five feet.
 - [2] Street: 16% of the width of the lot but not less than 15 feet.
 - (c) Rear, minimum: five feet.
 - (6) Lot coverage, maximum: 30% of lot for principal structure on interior lot; 40% of lot for principal structure on corner lot; plus up to 10% for accessory structure.
- D. R-4 Lake Drive Residence District No. 4.
- (1) Principal use: one-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 60 feet.
 - (b) Area, minimum: 18,000 square feet.
 - (4) Building:
 - (a) Area, minimum: 1,200 square feet.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 25 feet or the average of existing setbacks on the east side of North Lake Drive as established between the two closest intersecting streets extended, whichever is greater.
 - (b) Side, minimum: five feet.
 - (c) Rear: see specific requirements for bluff area which follow hereafter.

- (6) Lot coverage, maximum: 30% of lot for principal structure, plus up to 10% for accessory structure.
 - (7) Additional requirements.
 - (a) All land between the water's edge of Lake Michigan and elevation 680.00 feet mean sea level shall not be included as part of the required land area under § **535-22C(2)** of this chapter.
 - (b) The rear setback shall be at least such distance as to ensure the stabilization of the bluff area; sufficient distance from the bluff area as to prevent injury or damage to adjacent property; and sufficient distance from the bluff area to provide for the natural runoff of surface and percolating water or provide for an approved drainage according to applicable law.
 - (c) A registered professional engineer hired by the owner of the lot shall certify to the Village that the footings and method of constructing any building or structure and the materials used therein are adequate from an engineering standpoint so as not to adversely disturb the natural runoff of surface and percolating water or create or add to a problem of erosion on the bank of the lake bluff and shall not adversely affect the structural integrity of any structure located on adjoining or adjacent lots.
- E. R-5 Single-Family Residence District No. 1.
- (1) Principal use: one-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 50 feet.
 - (b) Area, minimum: 6,000 square feet.
 - (4) Building:
 - (a) Area, minimum: 1,200 square feet.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 25 feet or the average of existing setbacks on the side of the street where the property is located between the two closest intersecting streets, whichever is greater.
 - (b) Rear, minimum: three feet.
 - (c) Side:
 - [1] Interior, minimum: three feet.
 - [2] Street side: 25% of the width of the lot but not less than 10 feet, provided that the buildable width of the lot shall not be less than 20 feet.
 - (6) Lot coverage, maximum: 30% of lot for principal structure on interior lot; 40% of lot for principal structure on corner lot; plus up to 10% for accessory structure.
- F. R-6 One- and Two-Family Residence District No. 1.
- (1) Principal use: one- and two-family dwellings.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 40 feet.
 - (b) Area, minimum: 4,500 square feet.
 - (4) Building:
 - (a) Area, minimum:
 - [1] Single-family: 1,200 square feet.
 - [2] Two-family: 900 square feet per dwelling unit.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 25 feet or the average of existing setbacks on the side of the street where the property is located, between the two closest intersecting streets, whichever is greater.

- (b) Rear, minimum: three feet.
 - (c) Side:
 - [1] Interior, minimum: three feet.
 - [2] Street side: 25% of the width of the lot but not less than 10 feet, provided that the buildable width of the lot shall be not less than 20 feet.
 - (6) Lot coverage, maximum: 30% of lot for principal structure on interior lot; 40% of lot for principal structure on corner lot; plus up to 10% for accessory structure.
 - (7) Additional requirements. It shall be unlawful to construct a two-family dwelling on any vacant lot upon which no prior dwelling has been constructed or on a lot previously occupied by a single-family dwelling in this district.
- G. R-7 Townhouse Residence District.
- (1) Principal use: one-family dwelling units.
 - (2) Conditional uses: see Article **V**.
 - (3) Lot:
 - (a) Width, minimum: 20 feet per dwelling unit.
 - (b) Area, minimum: 2,000 square feet per dwelling unit and 25,000 square feet per townhouse development.
 - (4) Building:
 - (a) Area, minimum: 1,200 square feet per dwelling unit.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:
 - (a) Front, minimum: 15 feet.
 - (b) Rear, minimum: three feet.
 - (c) Side, minimum: six feet (applies to exterior wall of end dwelling unit measured to property line).
 - (6) Lot coverage, maximum: 40% of lot for principal structure plus 10% for accessory structure on interior lot; 50% for principal structure plus 10% for accessory structure on corner lot.
- H. R-8 Estabrook Homes Residential District.
- (1) Principal and accessory uses. In the residential area in this district, no building or premises shall be used and no building or structure shall be erected, altered or maintained which is arranged for, intended or designed to be used except for multiple-dwelling units not to exceed two stories in height, and with a garage or garages constructed in connection with and part of the plan of the multiple housing project, and which shall provide sufficient storage space for not less than one automobile for each family residing in such multiple dwelling or dwellings; such garage or garages shall be constructed underground, shall be of fireproof material and shall be adequately ventilated and lighted.
 - (2) Conditional uses. Within this district, a recreational clubhouse may be constructed, erected and maintained upon approval of the Village Plan Commission, subject to the following conditions:
 - (a) Written rules and regulations governing the use of the recreational clubhouse shall be posted at all times by the owner, in a conspicuous location, upon or within the recreational clubhouse.
 - (b) The use of the recreational clubhouse shall be limited to the residents of this district and their guests.
 - (c) A security system subject to the approval of the Village's Planning and Development Department shall be provided which shall be so designed as to prevent a child of tender years (under 10 years of age) from obtaining unsupervised access to the swimming pool area of the recreational clubhouse.
 - (d) The conditional use granted hereunder shall be subject to periodic review by the Plan Commission; the initial review shall take place within one year of original approval. Subsequent reviews shall occur at such times thereafter as the Plan Commission shall determine.
 - (3) Lot area, minimum: 2,000 square feet per family.
 - (4) Building:
 - (a) Area, minimum: see § 225-7F(2)(a), (b) and (c) of the Village Code.
 - (b) Height, maximum: 30 feet.
 - (5) Setback:

- (a) Front, minimum: 15 feet.
 - (b) Rear, minimum: 30 feet between buildings.
 - (c) Side yards. There shall be a minimum distance between such multiple-dwelling buildings of not less than 30 feet; provided, however, that a minimum distance between a recreational clubhouse and all other buildings or structures shall be no less than 20 feet.
- I. R-9 Apartment House District No. 1.
- (1) Principal use: multifamily dwellings (three dwelling units or more).
 - (2) Conditional uses: see Article **V**.
 - (3) Lot area: not less than 600 square feet per dwelling unit.
 - (4) Building:
 - (a) Area: see § 225-7F(2)(a), (b) and (c) of the Village Code.
 - (b) Height, maximum: 40 feet.
 - (5) Setback:
 - (a) Front, minimum: 15 feet.
 - (b) Rear: 20% of depth of lot, but not less than 20 feet for interior lot or 15 feet for corner lot.
 - (c) Side:
 - [1] Interior: 10% of width of lot but not less than five feet. For buildings more than 2 1/2 stories in height, each side yard shall be increased one additional foot in width for each story above the second floor.
 - [2] Street side: a twelve-foot setback shall be required on all corner lots.
- J. R-10 Apartment House District No. 2.
- (1) Principal uses: multifamily dwellings (three dwellings or more).
 - (2) Conditional uses: see Article **V**.
 - (3) Building:
 - (a) Area: see § 535-7F(2)(a), (b) and (c) of the Village Code.
 - (b) Height, maximum: 40 feet.
 - (4) Setback:
 - (a) Front, minimum: 15 feet.
 - (b) Rear: 20% of depth of lot but not less than 20 feet for interior lot or 15 feet for corner lot.
 - (c) Side:
 - [1] Interior: 10% of width of lot but not less than five feet. For buildings more than 2 1/2 stories in height, each side yard shall be increased one additional foot in width for each story above the second floor.
 - [2] Street side: a twelve-foot setback shall be required on all corner lots.

May 9, 2016



To: Board of Appeals- Meeting May 10, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals – 1900 E. Beverly Rd

The Village received a Board of Appeals application on April 20, 2016 from property owners Patrick Schroder and Holly Kaster, appealing the denial of a building application to put an addition onto the side of the single family house at 1900 E. Beverly Rd. The addition would be in the zoning side yard setback.

The property is located in the R-6 Zoning District; Village code section 535-19 F. (5) states:
Setback: (c) Side: [2] Street side: 25% of the width of the lot but not less than 10 feet, provided that the buildable width of the lot shall be not less than 20 feet.

The house currently does not meet the setback requirement as the survey indicates 8.21' at the SW corner and 7.6' at the NW corner. The proposed alteration to the 1st floor encroaches into the street side yard setback an additional 2' 11 1/4" (including roof overhang) lessening the setback to 4.6'. Therefore, the proposed addition and alteration is not permitted.

Materials provided:

1. BOA application
2. Pictures
3. Enforcement letter
4. Building plans
5. Survey
6. REFER TO THE CODE SECTION FROM OTHER AGENDA ITEM.



BOARD OF APPEALS APPLICATION

Village of Shorewood
 Planning & Development Department
 3930 N. Murray Avenue, Shorewood, WI 53211
 Phone (414) 847-2640 Facsimile (414) 847-2648
www.villageofshorewood.org

Village of Shorewood
 04/20/2016 1:17:27 PM
 Ref 00026215
 Receipt 115159
 Amount \$150.00

26215

The Board of Appeals has the authority to grant exceptions, variances or review appeals regarding Village official code interpretations. A *Variance* allows dimensional variations for items within the zoning code. Use variances are prohibited. *Special Exceptions* are granted for allowed uses when certain conditions must be met.

OFFICE USE ONLY	
PERMIT #	16-0678 FEE: \$150.00
DATE RECEIVED:	4.20.16
SCHEDULED MEETING:	
TAX KEY #276-0433-000	

Property Address 1900 E Beverly Road	
Owner's Information	Applicant Information Contractor? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Name Patrick Schroeder and Holly Kaster	Name Daniel Merkel
Address 1900 E Beverly Road	Address 4465 N. Frederick Ave.
City/State/Zip Shorewood, WI 53211	City/State/Zip Shorewood, WI 53211
Phone # 414-803-1882 Alt # 414-750-8229	Phone # 414-234-1570 Alt #
Email patrick@beverlyroad.com	Email designbuildworkshop@gmail.com
Check if prefer Board of Appeals Meeting Agenda Emailed:	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> APPLICANT

I/We are requesting a: (refer to guidelines for explanation)

variance special exception

appeal to interpretation to allow

Describe in detail the reason you are applying for a Board of Appeals application:

The existing residence, located on the northeast corner of Beverly and Cramer, is constructed over the setback line on the western edge. The owners would like to add a cantilevered bay to the kitchen wall, which would further encroach into the setback. The second floor bathroom will also be within the setback.

MATERIALS REQUIRED WHEN APPEAL IS PROPERTY-BASED (FIVE COLOR COPIES OF EACH):

Picture – Of front of property taken from street curb

Picture(s) – Of property area in question

Property survey marked with appropriate dimensions

Variance Granting Criteria

1. Describe how the hardship is due to physical limitations (lot shape, lot size, grade, drainage, neighboring uses, access, etc.) of the property rather than the circumstances of the appellant (economic, family, personal, and physical [other than certified disability] hardships are not considered, nor are the nature, condition or configuration of structures or improvements on the property):

The house is situated on a corner lot, which has a smaller buildable footprint than neighboring lots. The house is skewed 1.5 degrees on the lot.

2. Describe how unnecessary hardship exists because compliance is unreasonably burdensome. The hardship must be unique to the property and cannot be self-created.

The corner lot, while similar in width to neighboring lots, has a 13' reduction due to setbacks, versus mid block lots, which have a 6' reduction. The residence is also located 6' from the eastern setback, 3' further than required, thus pushing it further into the western setback.

3. Describe how you think the granting of this variance would not harm public interest such as public safety, the environment, property values, etc.:

The proposed bay will have no ill effect on the public way, as it will still be located 10'-0" from the sidewalk. The bathroom addition will be 9' above the public way, while still within the setback, it will be 11'-0" off the sidewalk. A larger kitchen and additional bathroom will increase the property's value.

OFFICE USE ONLY – Findings of the Board of Appeals after consideration of the criteria

Reason for Application:

Applicant's Appeal Ruling

APPROVED

NOT APPROVED

Reason for Ruling:

* Please verify with the Planning and Development Department prior to placement on the Board of Appeals Agenda whether site plans or other documentation are required.

* A copy of the Board of Appeals Meeting Agenda will be mailed to the applicant/contractor unless otherwise indicated or emailed if an email is provided.



Applicant Signature



April 20, 2016

Patrick Schroder & Holly Kaster
1900E. Beverly Rd.
Shorewood, WI 53211
414-803-1882
Patrick@beverlyroad.com

RE: 1900 E. Beverly Rd. addition

Dear Mr. Schroder & Mrs. Kaster

Your building permit application (P16-0676) for the attached garage addition and dwelling alteration at 1900 E. Beverly Rd. has been respectfully denied per Village Code 535-19 F.(5). Your application was submitted April 20, 2016.

The property is located in the R-6 Zoning District; Village code section 535-19 F. (5) states:

Setback:

(c) Side: [2] Street side: 25% of the width of the lot but not less than 10 feet, provided that the buildable width of the lot shall be not less than 20 feet.

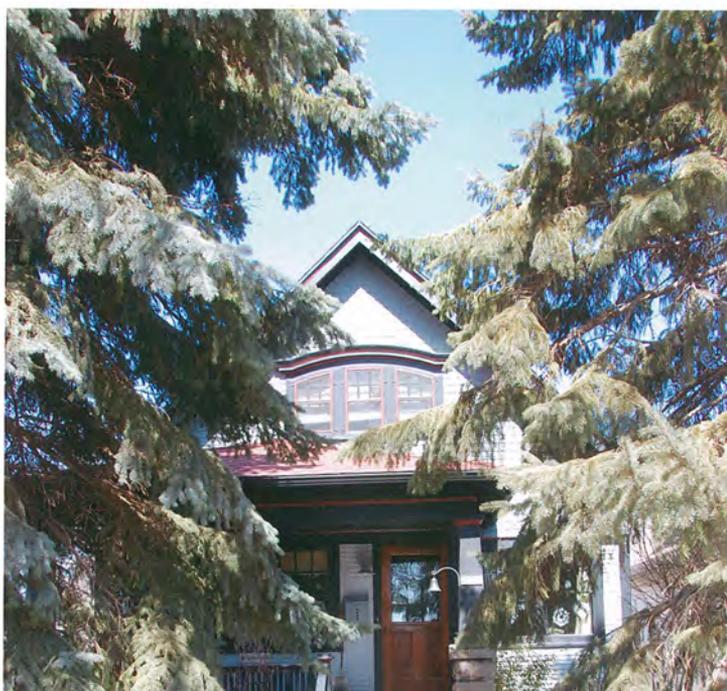
The house currently does not meet the setback requirement as the survey indicates 8.21' at the SW corner and 7.6' at the NW corner. The proposed alteration to the 1st floor encroaches into the street side yard setback an additional 2' 1 1/4" (including roof overhang) lessening the setback to 4.6'. Therefore, the proposed addition and alteration is not permitted.

Should you decide to appeal, please submit your Board of Appeals application and supporting materials on or before March 23, 2016. The next scheduled meeting will be held on April 12, 2016 at 5:30 pm. The applicant or a representative must be present for the application to be heard.

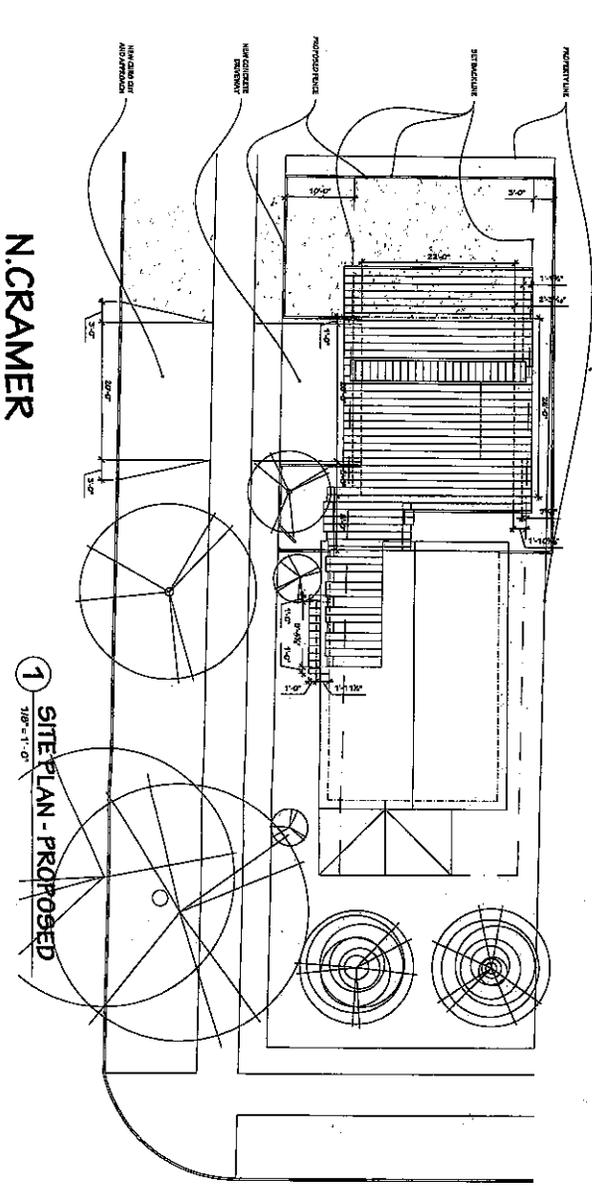
I may be reached at 414-847-2640 should you have any questions.

Respectfully,

Justin Burris
Building Inspector
Planning & Development Department
3930 N. Murray Ave.
Shorewood, WI 53211

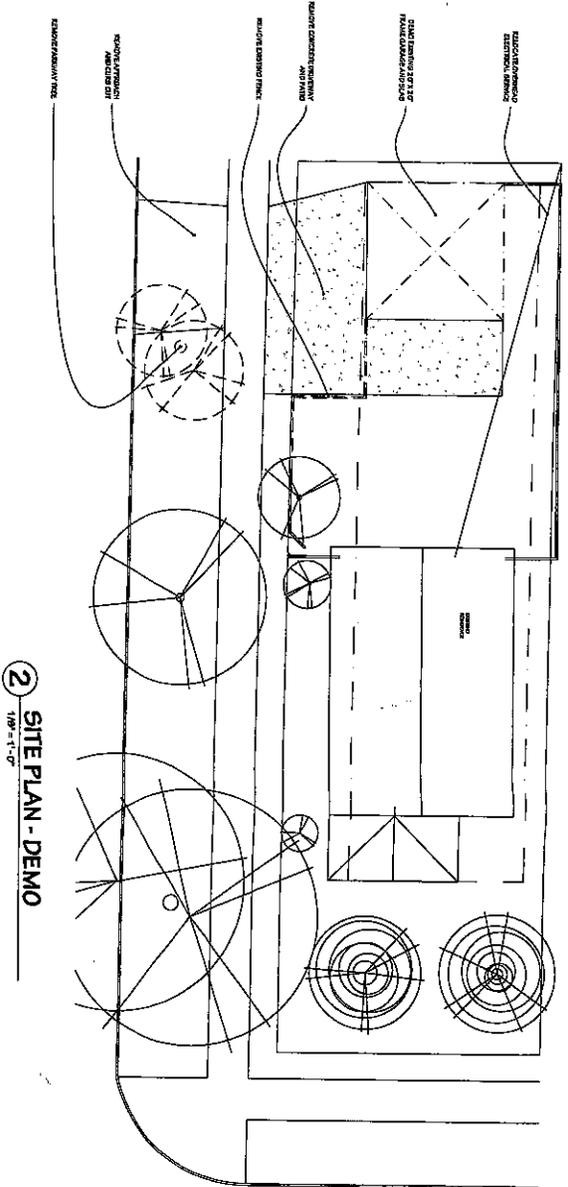






N. CRAMER

1 SITE PLAN - PROPOSED
1/8" = 1'-0"



E. BEVERLY

2 SITE PLAN - DEMO
1/8" = 1'-0"



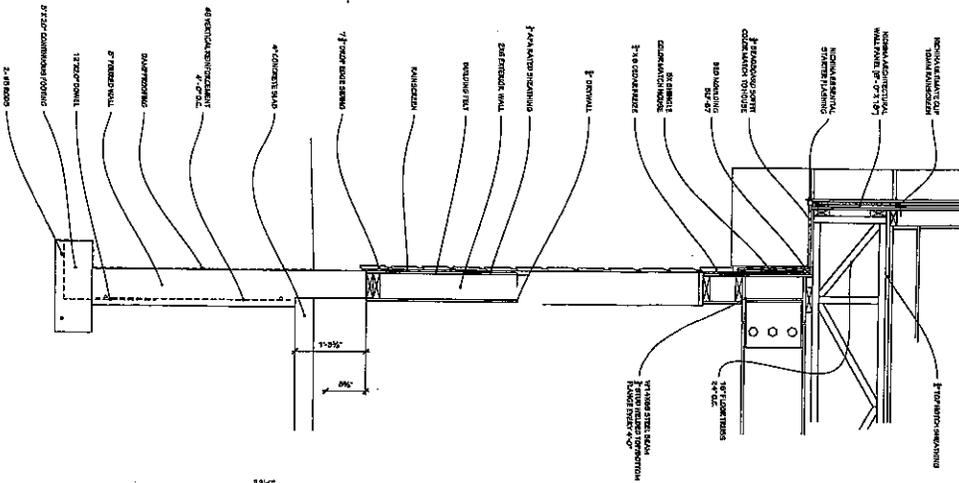
SITE PLAN
A1.1
<small> DRAWING NO. A1.1, 1/8" = 1'-0", 11/14/2018 PROJECT: 1800 EAST BEVERLY ROAD, SHOREWOOD, WI CLIENT: PATRICK SCHROEDER & HOLLY KASTER DESIGNER: DANIEL MERKEL DATE: 11/14/2018 </small>

Description	Date
OWNER APPROVAL	11/14/2018
DESIGN REVIEW	
CONSTRUCTION REVIEW	
PERMIT ISSUE	
CONSTRUCTION ISSUE	
ARCHITECTURAL REVIEW	
REVISIONS	

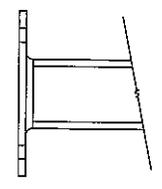
PATRICK SCHROEDER & HOLLY KASTER
 1800 EAST BEVERLY ROAD
 SHOREWOOD, WI 53211

ARCHITECTURE: PATRICK SCHROEDER & HOLLY KASTER
 1800 EAST BEVERLY ROAD, SHOREWOOD, WI 53211
 TEL: 414.234.1570
 WWW.PSKHOLLY.COM
 ALL RIGHTS RESERVED. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM PATRICK SCHROEDER & HOLLY KASTER.

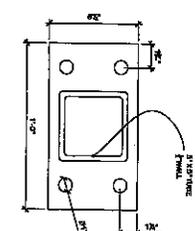

dbp
 design build
 workshop
 Daniel Merkel
 4465 N. Frederick Ave
 Shorewood, WI 53211
 414.234.1570
dmerk@dbpworkshop.com



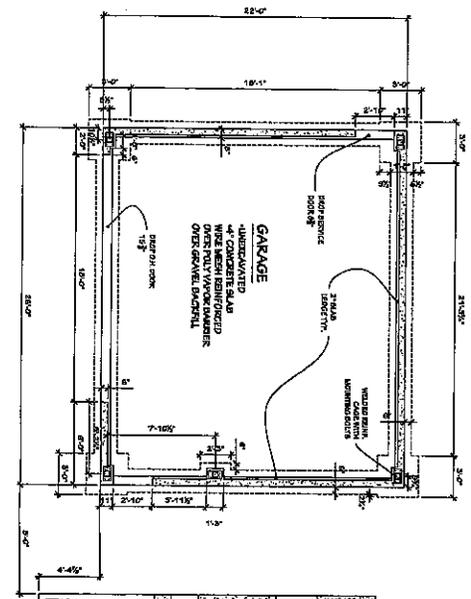
4 GARAGE SECTION
SCALE 1/4" = 1'-0"



3 STEEL POST ELEVATION
SCALE 3/8" = 1'-0"



2 STEEL POST PLAN
SCALE 3/8" = 1'-0"



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

NOTE:
ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

PATRICK SCHROEDER & HOLLY KASTER
1900 EAST BEVERLY ROAD
SHOREWOOD, WI 53211

Description	Date
OWNER REVIEW	10/20/17
CONSULTANT PROPOSALS	
BID ISSUE	
PERMIT ISSUE	
CONSTRUCTION ISSUE	
ARCHITECTURAL REVIEW	
REVISIONS	

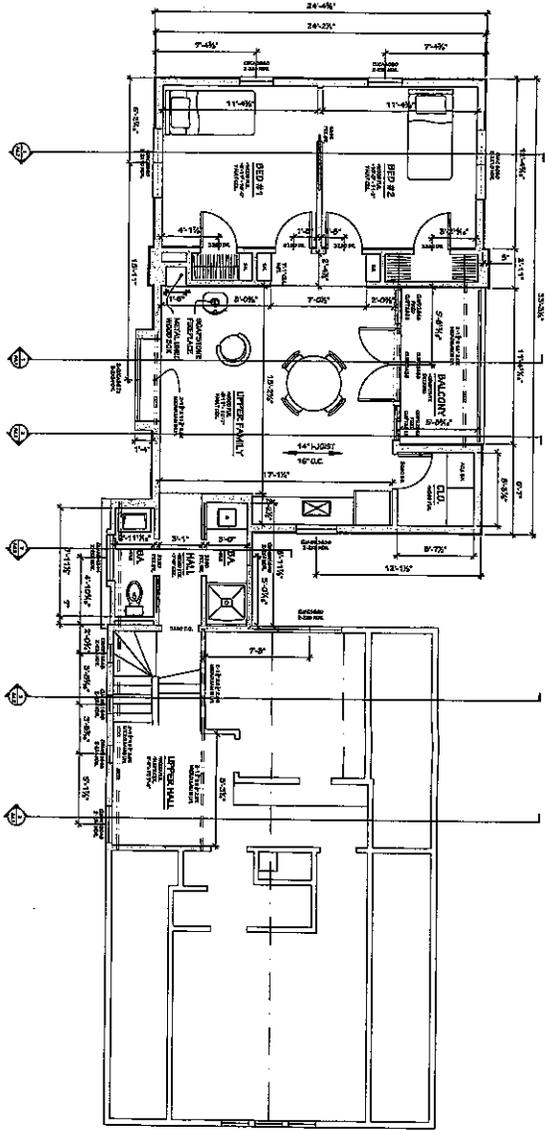
FOUNDATION

A2.1

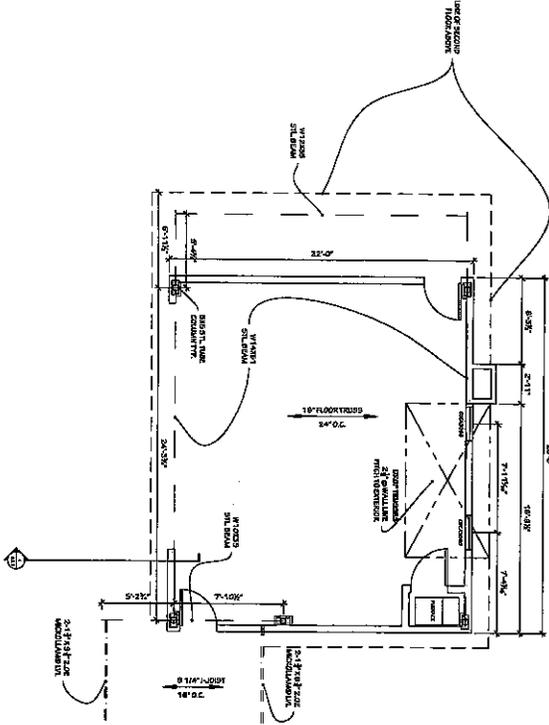
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db
design, build
workshop

Daniel Merkai
4465 N Frederick Ave
Shorewood, WI 53211
414.294.1570
design@dbworkshop.com



2 SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



1 FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

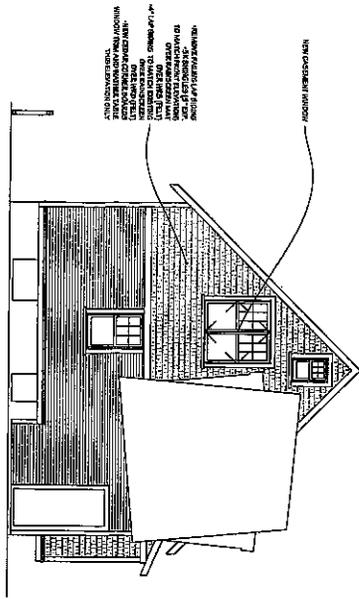
db
design build
workshop
Daniel Merkel
4465 N Frederick Ave
Shorewood, WI 53211
414.234.1570
daniel@designbuildworkshop.com

NOTE
ARCHITECTS AND ENGINEERS HAVE PERFORMED THE NECESSARY DESIGN AND CALCULATIONS TO BE SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LOCAL CODES.

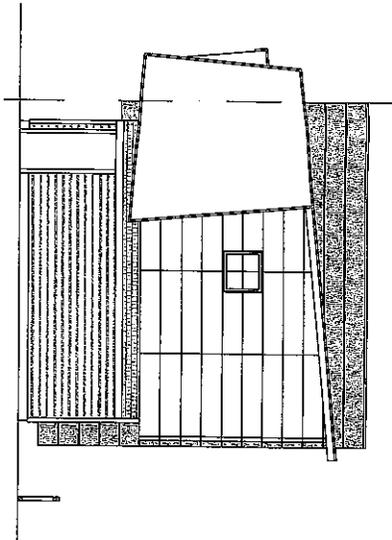
PATRICK SCHROEDER & HOLLY KASTER
1900 E. BEVERLY ROAD
SHOREWOOD, WI 53211

Description	Date
OWNER APPROVAL	11/20/15
REVISION	
CONSULTANT PROPOSALS	
NO ISSUE	
PERMIT ISSUE	
CONSTRUCTION ISSUE	
NOTED FOR REVIEW	
REVISIONS	

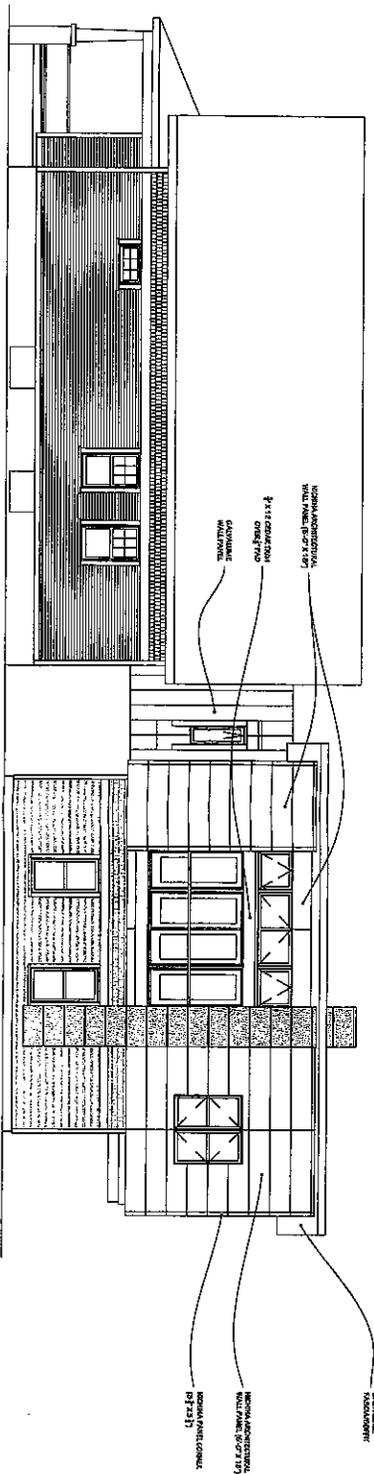
FLOOR PLANS
A2.2



3 NORTH ELEVATION
SCALE 1/4" = 1'-0"



2 SOUTH ELEVATION
SCALE 1/4" = 1'-0"



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

db design build workshop
Daniel Merkel
4465 N Frederick Ave
Shorewood, WI 53211
414.234.1570
designbuild@dbwp.com

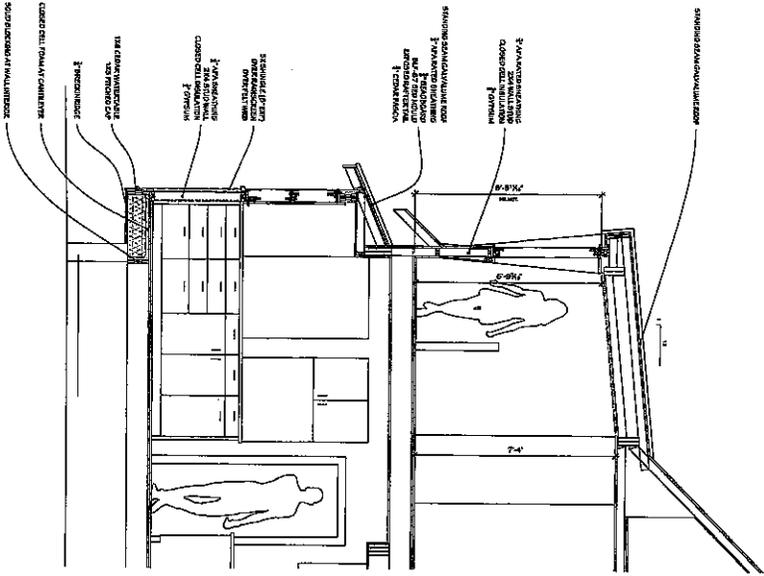
NOTE:
THIS DOCUMENT IS THE PROPERTY OF DESIGN BUILD WORKSHOP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DESIGN BUILD WORKSHOP. ALL WORK IS TO BE ACCORDING TO THE 2015 INTERNATIONAL RESIDENTIAL CODE BOOK.

PATRICK SCHROEDER & HOLLY KASTER
1900 E. BEVERLY ROAD
SHOREWOOD, WI 53211

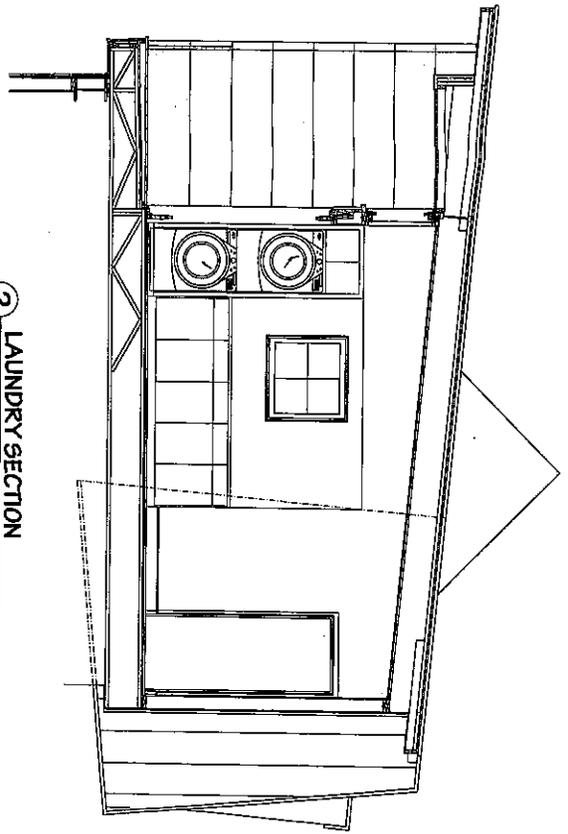
DATE	DESCRIPTION
10/08/2015	OWNER REFERENCE
	CONSULTANT PROPOSALS
	BID ISSUE
	PERMIT ISSUE
	CONSTRUCTION ISSUE
	ARCHITECTURAL REVIEW
	REVISIONS

ELEVATION
A3.2

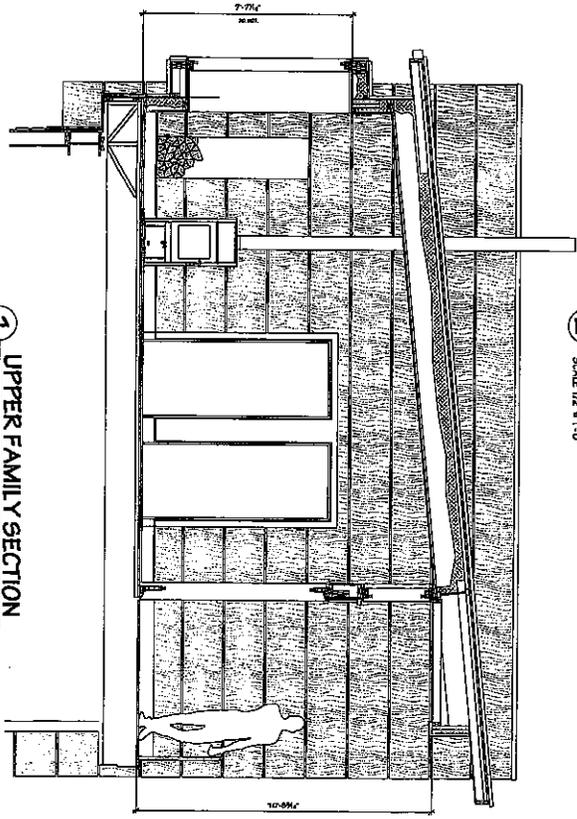
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3 STAIR/WINDOW SECTION
SCALE 1/2" = 1'-0"



2 LAUNDRY SECTION
SCALE 1/2" = 1'-0"



1 UPPER FAMILY SECTION
SCALE 1/2" = 1'-0"

db
w
design build
workshop
Daniel Merkel
4465 N Frederick Ave
Shorewood, WI 53211
414.234.1570
design@danmerkel.com

NOTE:
ATTENTION: THESE DOCUMENTS HAVE BEEN PREPARED BY THE DESIGNER AND THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

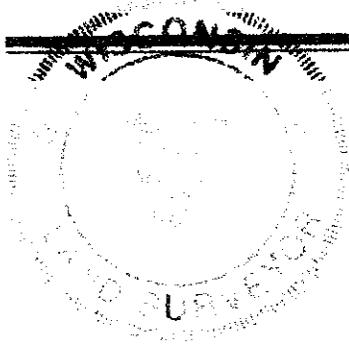
PATRICK SCHOEDER & HOLLY KASTER
1800 E. BEVERLY ROAD
SHOREWOOD, WI 53211

Preparation	LOAN
OWNER APPROVAL	REWORKS
CONSULTANT PROPOSALS	
NO ISSUE	
PERMIT ISSUE	
CONSTRUCTION ISSUE	
PROJECT REVIEW	
REVISIONS	

SECTIONS

A4.1

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WILLIAM H. SCHMITT, SURVEYOR
 RESIDENTIAL & COMMERCIAL SURVEYS
 445-3833 6330 W. APPLETON AVENUE
 MILWAUKEE, WISCONSIN 53210

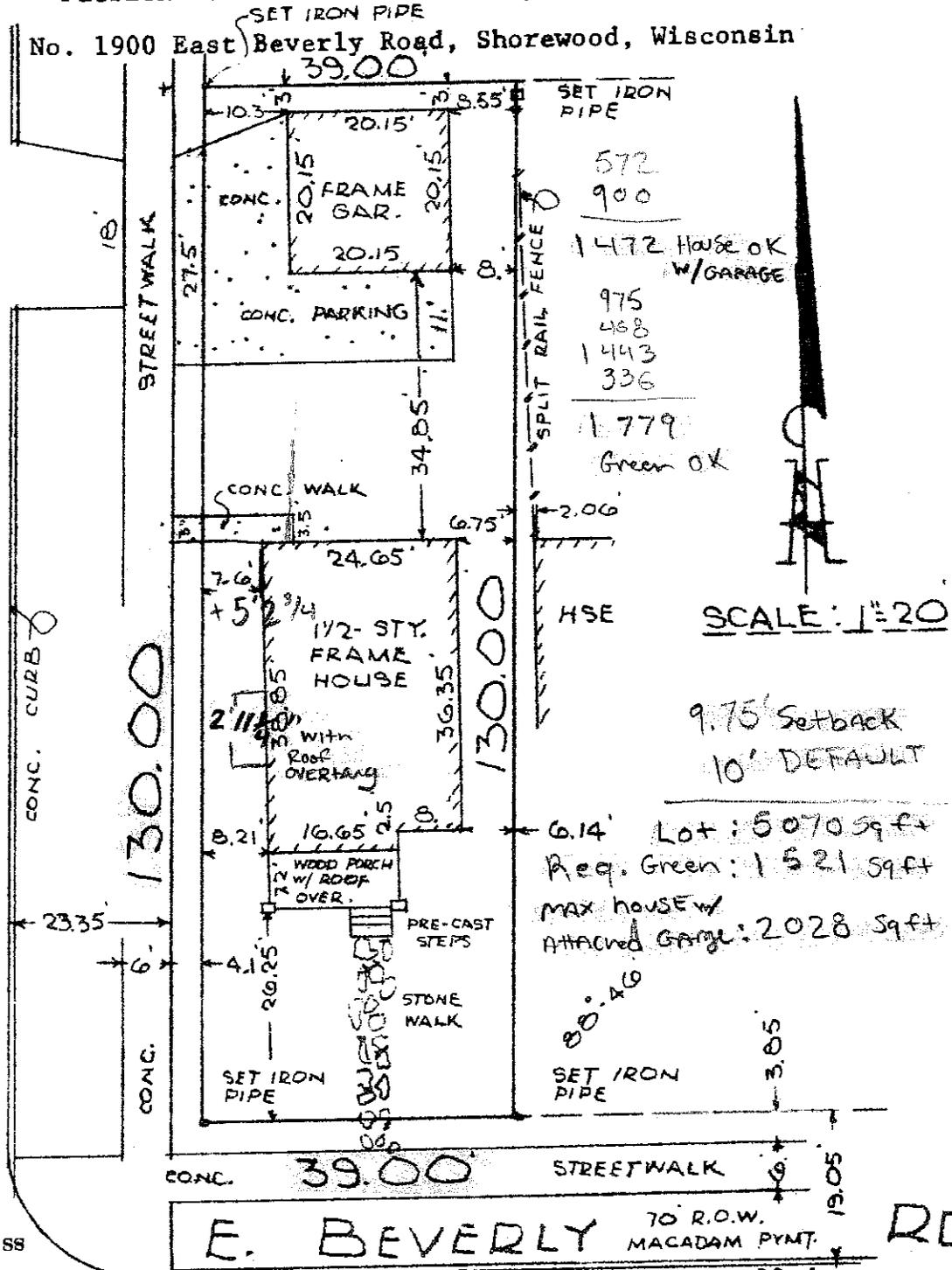
PLAT NO. **SCHROEDER & KASTER**

PLAT OF SURVEY

Description of lot or parcel of land ALL of Lot 6, except the West 6 feet thereof taken for street purposes, in Block 4 in "MERRILL AND DUPRES SUBDIVISION", in the Northwest 1/4 of Section 10, in Township 7 North, Range 22 East, in the Village of Shorewood, County of Milwaukee, State of Wisconsin.

Name and address of owner Patrick M. Schroeder and Holly A. Kaster
 Address of premises No. 1900 East Beverly Road, Shorewood, Wisconsin

N. CRAMER
 72' R.O.W.
 MACADAM PYMT.
 ST.



State of Wisconsin }
 County of Milwaukee } SS

I, WILLIAM H. SCHMITT, hereby certify that I have surveyed the above described property on the 23rd day of March, 2001, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

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

William H. Schmitt
 REGISTERED LAND SURVEYOR S-526

Village of Shorewood, WI
Wednesday, April 6, 2016

Chapter 535. Zoning

Article VII. Legal Nonconformity

§ 535-34. Classification and regulation.

For the purpose of administration, such nonconformity shall be classified and regulated as follows:

A. Nonconforming structure.

- (1) No such structure shall be expanded or enlarged if such expansion or enlargement will add to or increase the degree of nonconformity, unless such structure is made to conform to the regulations of the district in which it is located.
- (2) When such structure is damaged to the extent of more than 50% of its current assessed value as equalized, it shall not be restored except in conformity with the regulations of the district in which it is located. A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Nonconforming use of structure.

- (1) No such use shall be expanded or enlarged except in conformity with the use regulations of the district in which the structure is located.
- (2) Upon petition to and approval of the Plan Commission, such use may be changed to another use, provided that the Plan Commission determines that the new use would result in greater or no less degree of conformity and provided further that such new use shall thereafter determine the degree of legal nonconformity.
- (3) When any such use is discontinued for a period of 12 consecutive months, any further use of the building shall conform to the regulations of the district in which it is located.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- (4) Where the building in which such use is carried on is damaged to the extent of more than 50% of its current assessed value as equalized, it shall not be restored for use except in conformity with the regulations of the district in which it is located.
- (5) Structural repairs and alterations to a building housing such use shall not, as long as such use continues, exceed 50% of the assessed value as equalized of the building

at the time the use became nonconforming.

C. Nonconforming vacant lots.

- (1) No such vacant lot shall be conveyed to a new owner except in conformity with the provisions of § **535-9** of this chapter.
- (2) No building permit shall be issued except in conformity with the provisions of § **535-9** of this chapter.
- (3) The size and shape of such lot shall not be altered in any way so as to increase the degree of nonconformity unless approved by the Plan Commission.

D. Nonconforming use of land.

- (1) No such use shall be expanded or enlarged except in conformity with the use regulations of the district in which the land is located.
- (2) Upon petition to and approval of the Plan Commission, such use may be changed to another use, provided that the Plan Commission determines that the new use would result in greater or no less degree of legal nonconformity.
- (3) Where any such use is discontinued for a period of 12 consecutive months, any future use of the land shall conform to the regulations of the district in which it is located.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

E. Special exceptions.

- (1) Subject to the provisions of applicable state law, the Board of Appeals, upon application as required herein, may grant a special exception to the provisions of Subsection **A** hereof after considering:
 - (a) The effect the granting of the exception will have on the appearance and character of applicant's property, adjacent properties and neighboring properties.
 - (b) The effect the granting of the exception will have on the value of applicant's property, adjacent properties and neighboring properties.
 - (c) Whether the granting of the exception will serve the public interest in improving and preserving the value of the property.
 - (d) Such other matters as the Board of Appeals deems relevant and material.
- (2) Application for a special exception permit may be obtained from the Planning and Zoning Administrator upon the payment of a fee as provided by the Village Fee Schedule which shall not be refundable.^[4]
- (3) The matter shall be set for hearing before the Board of Appeals as soon after the application has been filed as is practicable. The Planning and Zoning Administrator shall notify all interested parties by certified mail or personal service of said hearing before the Board of Appeals. Within a reasonable time after said hearing, the Board of Appeals shall either approve or disapprove the application for special exception hereunder, in accordance with the provisions of this Subsection **E**.^[5]

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

[5] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

CHAPTER 535: ZONING

ARTICLE X. Board of Appeals

§ 535-52. Establishment and purpose.

There is hereby established a Board of Appeals for the Village of Shorewood for the purpose of hearing appeals by any person feeling himself aggrieved by any administrative order, decision or determination and, further, for the purpose of hearing applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

§ 535-53. Membership; terms of office.

A. The Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.

B. Terms shall be for staggered three-year periods commencing annually on the first day of June.

C. The Chairman shall be designated by the Village President.

D. Alternative members, two in number, shall be appointed by the Village President and confirmed by the Village Board for a term of three years who shall act only when a regular member is absent or refuses to vote because of a personal interest in the matter.

[Amended 9-26-2005 by Ord. No. 1892]

E. The Secretary of the Board shall be the Village Clerk.

F. A member of the Planning and Development Department shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

G. Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within five days of receiving notice of their appointment. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*

H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term. Members shall continue to serve until their successors are appointed.

I. Members of the Board shall be residents of the Village.

§ 535-54. Organization.

[Amended 9-26-2005 by Ord. No. 1892]

The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

A. Meetings shall be held at the call of the Chairman and shall be open to the public, except as provided by law.

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B. Minutes of the proceedings and a record of all actions shall be kept by the Secretary showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be immediately filed in the office of the Secretary and shall be a public record.

C. If a quorum is present, the Board of Appeals may take action by a majority vote of the members present.

§ 535-55. Powers.

A. The Board of Appeals shall have the following powers:

(1) Errors and interpretations. To hear and decide appeals where it is alleged that there is an error in any administrative order, decision, determination or interpretation of zoning districts or other code regulations.

(2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

(3) Special exceptions. To hear and decide special exceptions to the terms of this chapter upon which said Board is required to pass under this chapter.

B. Permits. The Board may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issuance of a permit.

C. Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.

D. Oath. The Chairman may administer oaths and compel the attendance of witnesses.

§ 535-56. Appeals.

A. Appeals from an administrative decision concerning the literal enforcement of this chapter or of any other Village Code provisions may be made by any person aggrieved or by any officer, department, board, commission or bureau of the Village.

B. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the administrative decision or order. Such appeals shall include the following:

(1) Name and address of the appellant and, if a matter involving this chapter, all owners of record of property located within 100 feet of the property in question.

(2) Additional information required by the Village Plan Commission, Planning and Development Department, Board of Appeals or other Village employees having an interest in the matter.

(3) Fee receipt from the Village Treasurer in an amount as set forth in the Village Fee Schedule.

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[Amended 5-15-1989 by Ord. No. 1553]

§ 535-57. Hearings.

The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof as required by law, and shall give due notice to the parties in interest and the Planning and Development Department. At the hearing the appellants may appear in person, by agent, or by attorney.

§ 535-58. Findings.

No variance to the provisions of this chapter shall be granted by the Board unless it finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

A. Exceptional circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot, parcel or structure that do not apply generally to other properties in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.

B. Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and the spirit of this chapter or the public interest.

§ 535-59. Decision.

The Board of Appeals shall decide all appeals and applications within 30 days after final hearing and shall transmit a signed copy of the Board's decision to the appellant and the Planning and Development Department.

A. Conditions may be placed upon any permit ordered or authorized by this Board.

B. Variances granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 535-60. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a verified petition setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Secretary.