Shorewood Board of Appeals
Meeting Agenda
August 9, 2016 at 5:30 P.M.
Shorewood Village Hall Court Room
3930 N. Murray Avenue, Shorewood, WI 53211

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1. Call to Order.
2. Roll Call.
3. Statement of Public Notice.
4. Approval of June 14, 2016 meeting minutes.
5. Attorney to Review the Standards by which the Board of Appeals must abide.
6. Public Hearing: Appeal of denial of building application to construct a pergola within the zoning rear setback at residential property 4030 N. Downer Ave.
7. Public Hearing: Appeal of denial of HVAC application to install an air conditioning unit within the street side yard zoning setback at residential property 2200 E. Jarvis Street.
8. Public Hearing: Appeal of denial of building application to construct a parking slab within the side yard setback at residential property 4540-42 N. Morris Blvd.
9. Public Hearing: Appeal of notice to reduce height of fence from 6 foot to 4 foot at residential property 4503-05 N. Marlborough Drive.
10. Public Hearing: Appeal of notice to construct a detached garage at residential property 4604 N. Woodruff Ave.
11. 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 3rd day of August, 2016

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

VILLAGE OF SHOREWOOD
BOARD OF APPEALS MINUTES

June 14, 2016 DRAFT

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1. Call to Order
Mr. Schmeckpeper called the meeting to order at 5:30 p.m.

2. Roll Call
Members present: Jeff Schmeckpeper, Mike Paulson, and Lance Mueller. A quorum was noted present.

Others present: Village Attorney Eric Andrews, Building Inspector Justin Burris, and Village Clerk Tanya O'Malley.

3. Statement of Public Notice
Village Clerk Tanya O'Malley stated that the meeting had been posted and noticed according to law.

4. Approval of Minutes of May 10, 2016
Mr. Mueller moved, seconded by Mr. Paulson to approve the Board of Appeals minutes of May 10, 2016. Motion carried 3 – 0.

5. Attorney to Review the Standards by which the Board of Appeals must Abide
Attorney Andrews stated both appeals were requesting variances from the setback requirements. Attorney Andrews read Zoning Code Section 535-58, which states, "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."

Mr. Schmeckpeper outlined the procedures for the meeting.

6. Appeal of notice to remove an air condenser unit within the zoning side yard setback at residential property 2106 E Lake Bluff
Building Inspector Justin Burris was sworn. The Village received a Board of Appeals application on May 19, 2016 from property owner Karen Weinberg, appealing the correction notice under the electrical permit to relocate a newly installed AC unit. The unit is currently 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: [1] Interior, minimum three feet*. Per the provided survey, the house is located 2.9 feet from the property boundary at the southwest corner and 2.77 feet at the northwest corner. The AC unit outside edge is measured 2.58 feet from the house and is entirely within the setback. Given the house is not setback three feet from the property boundary, it is a legal nonconforming structure. The neighbor's house to the west is measured 9.58 feet from Ms. Weinberg's house, measured to the farthest point. Per the provided survey and picture, the neighbor's AC unit is essentially located across from each other. In an e-mail provided at the meeting, the contractor said that the AC unit cannot be located elsewhere on the property.

Karen Weinberg, 2106 E Lake Bluff, was sworn and stated that the concrete was installed at the time the driveway was replaced approximately 8-10 years ago. The location of the AC unit was the only reasonable place to put the unit on the property. The driveway is on the other side and would not allow for passage of a car if it were installed there. The installer did not want to put more than 20-25 feet of piping to the unit and if it were located in the backyard, it would have exceeded this. The unit was

installed in the only logical place. In response to a question, Ms. Weinberg indicated that if they wanted the unit to function properly with no exposed electrical or plumbing, it had to be located here.

Mr. Paulson stated that there were exceptional and unusual circumstances given the lot configuration. There was clearly no other practicable location and that created a hardship. There was no detriment as there was no other usage for the space and there were no views obstructed. The placement does not impair the public purposes, as the buildings have been in this location for decades and the unit does not impact the setback between the buildings. The variance should be granted.

Mr. Mueller sated that there was an unnecessary hardship as there was no other place to locate the unit and there was no harm to the public interest, as there is a unit nearby on the neighboring property.

Mr. Schmeckpeper agreed and indicated that the structure was part of the condition of the property, since it was there before the Building Code went into effect.

Mr. Schmeckpeper moved to find that there were unusual and exceptional circumstances, that granting a variance will relieve a practical hardship, that granting a variance will not create a detriment to anyone, and to therefore grant a variance for placement of the condenser unit within the setback. Mr. Mueller seconded.

Roll Call Vote:
Lance Mueller –Aye
Mike Paulson – Aye
Jeff Schmeckpeper - Aye

7. Appeal of notice to remove pergola structure within the zoning side yard setback at residential property 4504 N Newhall

Building Inspector Justin Burris was sworn. The Village received a Board of Appeals application on May 12, 2016 from property owner Sarah Burghardt, who is requesting a variance for a gazebo that is located within 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: [1] Interior, minimum three feet. The gazebo is about one foot within the side yard setback. The gazebo is being repaired which is what brought the matter to the attention of the village inspector. The village inspector sent a correction notice on May 4, 2016 to obtain a building permit as there is none on file with the village. It is understood that the gazebo was constructed over 20 years ago and Ms. Burghardt has lived there for 12 years. Per the survey and graphic provided, the side yard width is 12.9 ft, the gazebo is 8 ft in diameter, the gazebo is located 2.5 ft from the house, the gazebo is located about 1 ft within the side yard setback, and there is a small retaining wall that is part of the gazebo and on the side closest to the neighbors because of the grade change. The neighbor's back yard at 1600 E. Kensington is higher than Ms. Burghardt's.

Mr. Schmeckpeper asked if the property file showed a building permit for the gazebo.

Mr. Burris responded that there was not a permit. The 2004 code compliance did mention that the gazebo existed.

Sarah Burghardt, 4504 N Newhall was sworn and indicated that this had come as a surprise to her because there was no mention of the problem when the home was purchased. The location of the gazebo has not been changed. In the process of replacing one of the beams, they realized that all of the beams should be replaced. She had called the Village and was told that since she was not moving anything, she did not need a permit. The gazebo provides privacy for them and that is very important to them. Ms. Burghardt was concerned what might happen structurally to the homes if the gazebo and concrete were to be removed. The gazebo helps serve as an enclosure to the yard and it would be difficult to change it to a fence.

Donna Ginzer, 4512 N Newhall, was sworn and stated that she had lived two properties to the north for 22 years. The gazebo was there when she had moved in and had already been there for a number of

years. She was happy to see her neighbor working to maintain the property. The work was not new construction but merely maintenance and repair.

Ms. Burghardt stated that they had replaced the vertical supports. They have a good relationship with the neighbors and the owners of 1604 Kensington had no problem with the gazebo, as it provided them with some privacy as well.

Mr. Paulson asked if the gazebo was considered a structure and would therefore be considered non-conforming.

Mr. Burris indicated that it was considered a structure.

Mr. Schmeckpeper stated that non-conforming meant that it was there before the Code was enacted and there was no way to know if that was the case. He asked when the home was built

Mr. Burris indicated that he didn't know for sure but would estimate sometime in the 1930s.

Ms. Burghardt indicated that she thought the home was built in 1928. The gazebo was very old and had many layers of paint. The area surrounding the concrete had been settled for many years.

Mr. Schmeckpeper asked there was a way to determine when the roof was installed on the home.

Mr. Burris indicated that there may be a permit in the file.

The Board took a brief recess for Mr. Burris to check the property file

Mr. Burris reported that there was no permit on file for the roof but there was an indication that the garage was built in 1923.

Mr. Schmeckpeper stated that there was a practical hardship with having to rip out the slab of concrete just to gain a foot and that there would be a large price to pay. There is a clear absence of determent since the gazebo has been there for at least 26 years. He indicated that he was satisfied that there are exceptional circumstances. It appears that the roofs of the house and the gazebo have the same shingles and that the sidewalk jogs around the gazebo. These two things indicate that the gazebo has been there for longer than 26 years. There was no record to determine that the gazebo was non-conforming but it existed for at least 26 years and that was an exceptional enough to not require that the gazebo be moved.

Mr. Paulson and Mr. Mueller agreed.

Mr. Schmeckpeper moved, for the reasons stated, to grant the variance. Mr. Mueller seconded.

Roll Call Vote:
Lance Mueller –Aye
Mike Paulson – Aye
Jeff Schmeckpeper - Aye

9. Adjournment

Mr. Mueller moved, seconded by Mr. Paulson to adjourn at 6:10 p.m. Motion carried 3-0.

Respectfully submitted,

Tanya O'Malley, WCPC
Village Clerk/Treasurer

August 3, 2016

To: Board of Appeals- Meeting August 9, 2016
Cc: Nathan Bayer
From: Ericka Lang, Planning Director

RE: Board of Appeals – 4030 N. Downer Ave

The Village received a Board of Appeals application on May 26, 2016 from property owners Sandra and Tom McLellan, who are requesting a variance for a pergola proposed within the zoning rear yard setback. The building application was denied May 6, 2016.

The property is located in the R-6 Zoning District; Village zoning code section 535-19 F. (5) states*: Setback: (a) rear, minimum three feet. The gazebo is about one foot within the side yard setback.*

The northeast corner of the pergola is located two feet from the rear lot line. Per the survey, the rear yard angles, so the remaining pergola is not within the rear setback.

- 8.75-foot pergola height at far northern post
- 5.5 feet from the northern side property boundary
- No roof
- 18” overhang, possibly reduce to 14”

Materials provided:

1. BOA application
2. Applicant materials
3. Pictures
4. Building application
5. Denial letter
6. Survey

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

Shorewood

D6494

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 # 16-0921	FEE: $150.00
DATE RECEIVED: 5.26.16	
SCHEDULED MEETING: 6.14.16 7/12/16	
TAX KEY #	

Property Address 4030 N. Downer Ave

Owner's Information		Applicant Information Contractor? ☐ YES ✓ NO	
Name Sandra nd Tom McLellan		Name Sandra and Tom McLellan	
Address 4030 N. Downer Ave		Address 4030 N. Downer Ave	
City/State/Zip Shorewood, WI 53211		City/State/Zip Shorewood, WI 53211	
Phone # 414-759-7657	Alt #	Phone # 414-759-7657	Alt #
Email mclellan@uwm.edu		Email mclellan	
Check if prefer Board of Appeals Meeting Agenda Emailed:		✓ 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:

Our lot is at an angle, with the main part of the patio on average 4 feet from the fence. We would like to place one of the 6 posts for a Pergola 26-30 inches rather than 36 inches from the lot line; the posts will be set >3 feet from the lot line. We are requesting a 6 inch (min) to12 inch (max) variance for one post.

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):

Our lot is angled, with the lot line ~3 ft shorter on the north east corner than the lot line on the other end of the patio (~25 ft span, see drawing). The total different from the north east corner to the south east corner of the lot is 10.5 ft (see survey). We would like to build a pergola that is parallel with the garage and existing patio, and have it border the patio. See photos and drawing.

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 angel of the back lot line makes it very difficult to create a design that is atheistic and one that would improve the property. With the angled lot line, moving the pergola forward to meet the 3 foot requirement for all the posts would leave a gap over most of the span between the patio edge and the fence.

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 pergola is along the back lot line; it would only enhance the properties around it with an added feature besides the bare fence and power lines.

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

APPLICATION FOR BUILDING PERMIT

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

Denied 5/6/16 JB
Inv. 26344 For Setback

TYPE OF WORK: CHECK ONE
□ Addition □ Fence/Wall □ Garage/Shed □ Alteration/Finish □ Deck/Patio □ Pool/Hot Tub □ Roof □ Driveway
□ Concrete work (front stoop, other) □ Demolition □ Renovation □ Other, explain _____

Final inspection is required when work is completed.
Forms inspections are required before concrete pours.
Rough inspections may be required, please ask.

OFFICE USE ONLY	
PERMIT # 16-0792	FEE: $60.00 PLAN REVIEW $45 Y N
APPROVAL DATE	

Job Address 4030 N. Downer Ave	Building Type (circle) SF DUP MULTI COMM CONDO PUBLIC
Owner's Information	**Contractor's Information**
Name Sandra & Tom McLellan	Name TBD - or by owners
Address 4030 N. Downer Ave	Address
City/State/Zip Shorewood, WI 53211	City/State/Zip
Phone 414-967-4774	Phone
EMAIL mclellan@uwm.edu	EMAIL
	DC # DCQ#
Cautionary Statement (if applicable) N Y	LEAD CERTIFIC. SAFE RENOVATOR LIC. #

Describe work in detail (include floor levels of where work is being done)

Build Pergola along back fence across patio - 6 posts with footing spaning 22 x 3 ft. See drawing

Estimated Cost of Job $ 2500

Permit voided 4 months from issuance if no work started or if building operations cease for more 4 months. Call to request extension.

Is this part of an Occupancy permit correction request?	N	Y	If Yes, Permit #
Is this part of a Non-Compliance Statement?	N	Y	If Yes, Permit #

Are plans, sketches or drawings attached?	YES	NO	NA
Is a certified plot plan or survey attached?	YES	NO	NA
Have your plans been approved by the Department of Commerce?	YES	NO	NA

OFFICE USE ONLY – Conditions of Approval

Design Review Board Approval Needed (circle one) YES NO Approval Date

Sandra L McLellan
Signature of Owner/Architect/ Contractor (circle one)

5-2-16
Date

Sandra L. McLellan
Print Name

Triple fees shall be chargeable to all applicants hereunder who fail to obtain a permit before work has been started. No further permits shall be issued to any applicant who owes fees to the Village or who failed to comply with any lawful orders of the Village inspector. It is agreed and understood that all work shall be done in accordance with the state of Wisconsin's applicable codes and ordinances of the Village of Shorewood.

NOTE: COMMERICAL BUILDING OR LARGE SCALE REMODEL OR ALTERATION WORK WILL BE SUBJECT TO A PLAN EXAMINATION FEE.
NOTE: COMMERCIAL BUILDING REMODEL OR ALTERATION WORK WILL BE REQUIRED TO SUBMIT AN APPLICATION TO THE FIRE DEPT.

Electrical Contractor _____
Plumbing Contractor _____
Heating Contractor _____

Missed Appointment	**$30.00**
Failure to Call in Final Inspection	**$50.00**
$9.00 per $1,000 of estimated cost of job	
Commercial NEW construction $0.25/SQ. FT.	
$60.00 minimum fee	

Revised 9/2014

Shorewood

May 6, 2016

Mrs. Sandra McLellan
4030 N. Downer Ave.
Shorewood, WI 53211

Dear Mrs. Sandra McLellan,

Your building application for the rear yard pergola at property address 4030 N. Downer Ave. has been respectfully denied per Village Code 535-19 F. Your application was submitted May 6, 2016.

The property is located in the R-6 Zoning District; Village code section 535-19-F (5) (b) states: Setback: Rear, minimum: three feet.

The plans provided indicate the NE corner of the proposed pergola 2' feet from the East property line, putting it into the required setback area.

You do have the right to appeal this decision, or provide new plans meeting the setback requirements. (See attached Board of Appeals Application).

I may be reached at 414-847-2643 should you have any questions.

Respectfully,

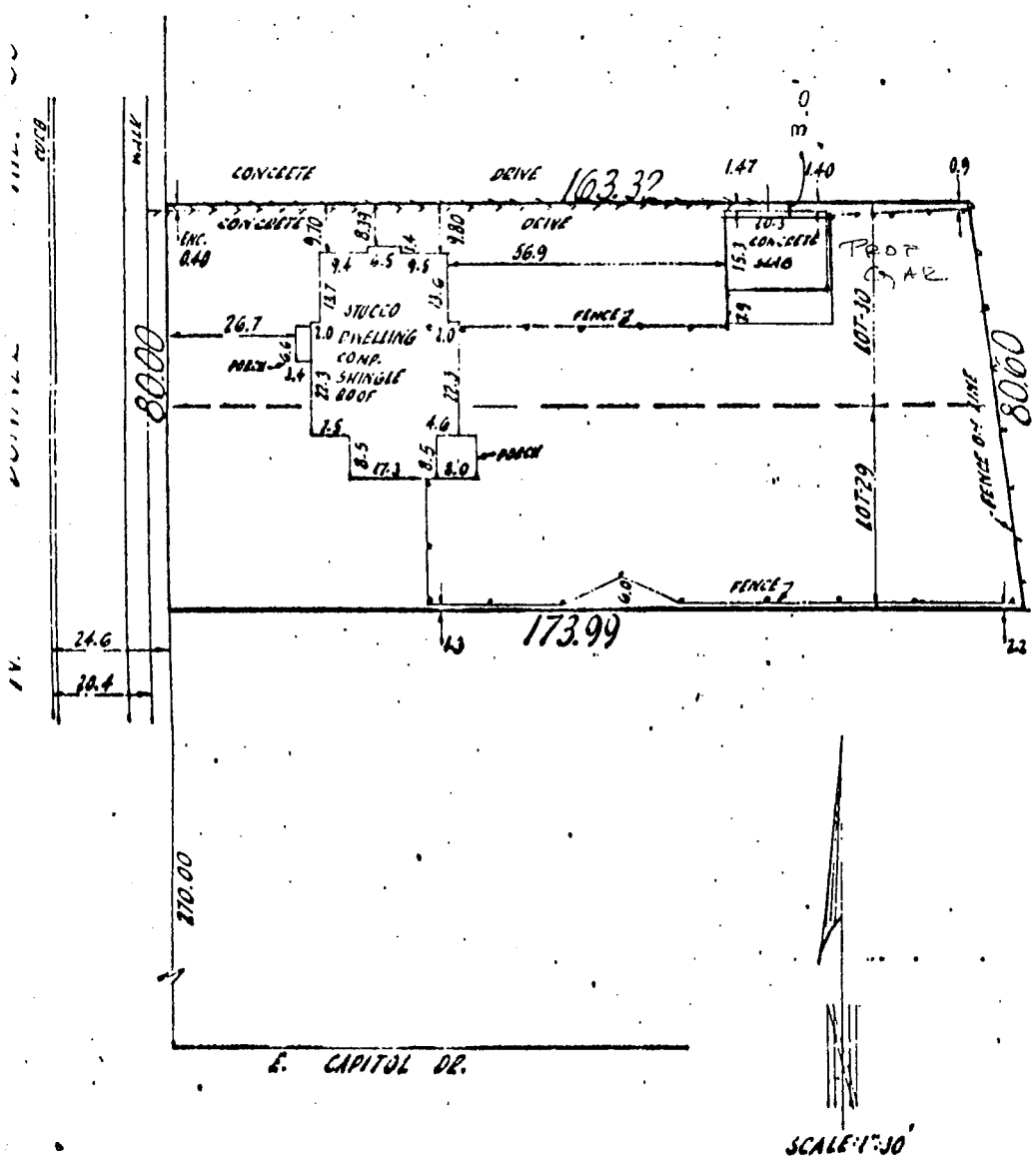
Justin Burris

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

Plat of Survey

Known as 4030 North Downer Avenue, Village of Shorewood, Wisconsin
Lots 29 and 30 in Block 8 in LAKE AVENUE SUBDIVISION, being a Subdivision of a part of the SW 1/4 of Section 3, T 7 N, R 22 E, in the Village of Shorewood, Milwaukee County, Wisconsin

DECEMBER 13, 1971 MICHAEL CAVALIER-OWNER SURVEY NO. 130172-M



We Certify that we 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 and location of buildings and other improvements on said property and the correct measurements thereof.

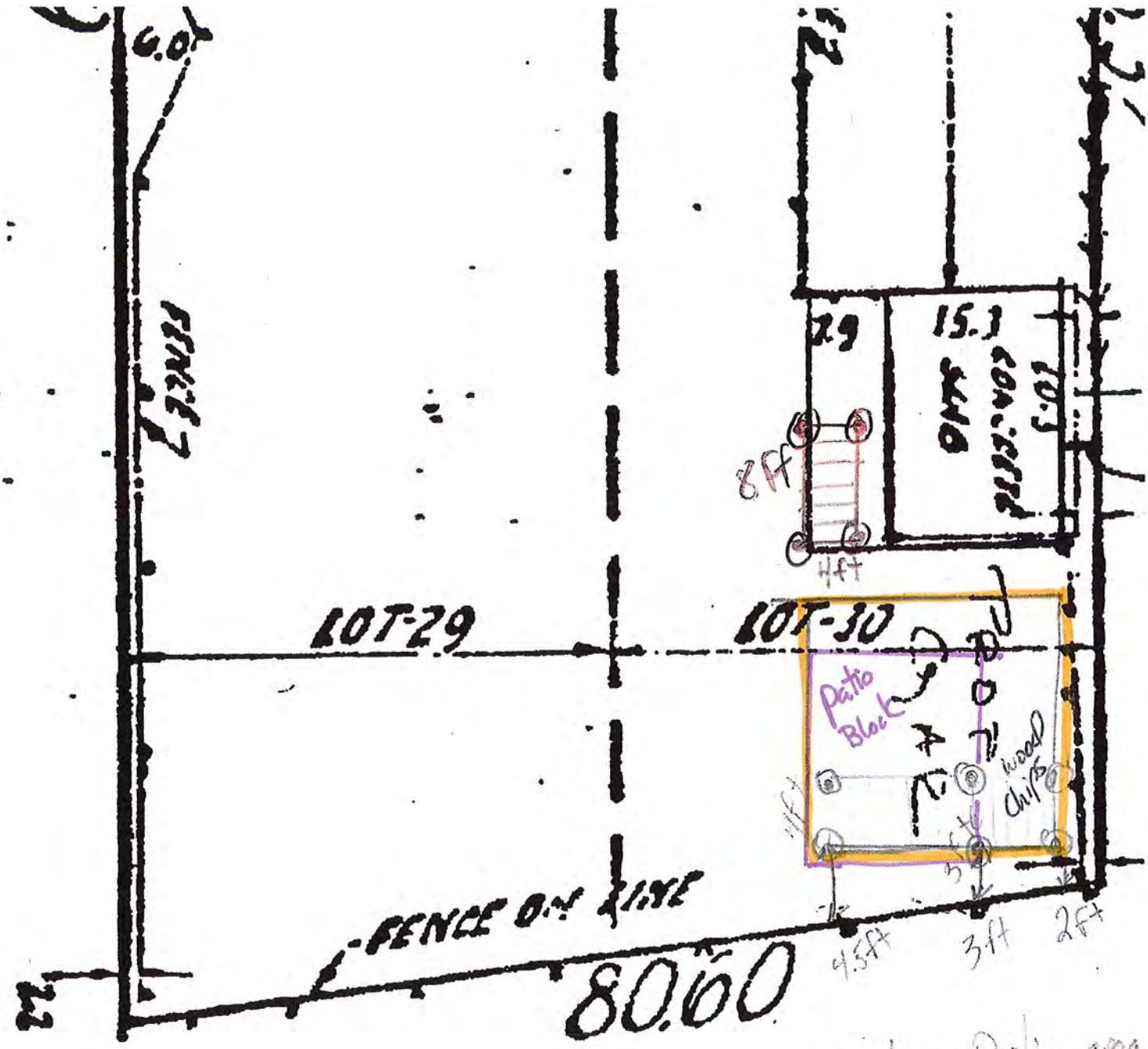
NATIONAL SURVEY SERVICE INC.
CIVIL ENGINEERS AND SURVEYORS
3470 NORTH 127TH STREET (414) 781-3010
BROOKFIELD, WIS 53005

WISCONSIN KENNETH E BERKE LAND SURVEYOR

Kenneth E Berke
SURVEYOR
S-107

8-4030

71



existing Patio area highlighted

patio Block

Mclellan

Pergol across back patio, total span about 22 ft post to post, with middle post not centered (see drawing below). Dimensions between posts 4X22(or closest to this). Second matching pergola freestanding but immediately adjacent to the garage 4X8 foot print of the posts.

Posts: 6X6
Beams: two 8X2 on each side
Roof 4X2? Or 6X4

we like, but not quite so heavy wood posts

This is closest to the design

this is the space, looking toward the NE corner.

ArcGIS Web Map

July 5, 2016

Address Numbers

Parcels

Streets

1:282

0 0.00225 0.0045 0.009

0 0.00375 0.0075 0.01

Milwaukee County Land Information Office

Web AppBuilder for
Milwaukee County Land Information

August 3, 2016

To: Board of Appeals- Meeting August 9, 2016
Cc: Nathan Bayer
From: Ericka Lang, Planning Director

RE: Board of Appeals – 2200 E. Jarvis St

The Village received a Board of Appeals application on June 21, 2016 from property owners Paul and Patti Rohde, appealing the denial of a HVAC application that identifies an AC unit within the street side yard setback.

The property is located in the R-6 Zoning District; Village zoning 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.

To meet zoning code setbacks, any structure on this parcel must be 31.875 feet from the street side property boundary. Per the attached site plan, the house is located 22 feet from the side boundary, measured to the bay or 31.083 feet measured to the primary structure. The AC unit outside edge is measured 27.5 feet from the side boundary and is entirely within the setback. Given the house is not setback 31.875 feet from the property boundary, it is a legal nonconforming structure.

Materials provided:
1. BOA application
2. Pictures/aerials
3. Denial letter dated 6/16/16
4. Survey

Village of Shorewood
Date 06/21/2016 11:55:49 AM
Receipt 118798
Amount $150.00

BOARD OF APPEALS APPLICATION

Shorewood

26701

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 # 16-1112	FEE: $150.00
DATE RECEIVED:	
SCHEDULED MEETING:	

Property Address		Property Tax Key # 239-0036-000	
Owner's Information		**Applicant Information** Contractor? YES / NO	
Name Paul and Patti Rohde		Name Paul and Patti Rohde	
Address 2200 East Jarvis Street		Address 2200 East Jarvis Street	
City/State/Zip Shorewood, WI 53211		City/State/Zip Shorewood, WI 53211	
Phone #612-597-5269	Alt # 612-385-7049	Phone # 612-597-5269	Alt # 612-385-7049
Email paul.rohde@gmail.com		Email paul.rohde@gmail.com	

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

- ☑ **variance**
- ☐ **appeal to interpretation to allow**
- ☐ **special exception regarding parking**
- ☐ **special exception other**

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

We are applying for a Board of Appeals application to request placement of our air conditioning unit on the west facing side of our home.

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):

Due to our lot being on a corner and on a tight site, we only have two options of where to locate our A/C unit. Both possible locations would be visible to the street. Though it is technically within the set back, the southeast location would be very visible to the front street and would also be visible on the front side of our house (south facing). The northwest side is not within the set back, but would be much more hidden, both from our neighbors and from the street due to a berm and plantings. Moreover as our house stands the west side is existing, non-compliant and not within the set back. The northwest location would also be hidden behind our sun room, so not visible when looking at the front of our house.

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

Unnecessary hardships by locating the A/C unit on the southeast side (our non-preferred location) include: having a large A/C unit visible on the front side of our house, which is currently the only possible placement location; the southeast location would be disruptive visually and add noise to the one side of the house that has an outdoor gathering area; placing the unit on the southeast corner limits planned future expansion or side yard outdoor area improvements.

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

See 2a.

2c. Describe how the proposed variance is not in conflict with the purpose of the Code restriction:

Our house is already categorized as existing non-compliant, if the unit is place on the northwest side (preferred location) it will still be within the boundary of the house.

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 northwest side (preferred location) is a much more hidden location from both our neighbors and from the street. There is a berm on our neighbor's side which hides the unit from them. They have approved the northwest location with an approval letter. There are also plantings and a sun room that juts from the house that would hide the unit from public view walking by. The northwest location would also not be visible when looking at the front of our house.

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.

Paul Rohde

Applicant Printed Name

Applicant Signature

Shorewood

June 16, 2016

Donovan & Jorgenson
5420 W Electric Ave.
West Allis, WI 53219
414-727-1004
kelly@donovanjorgenson.com

RE: 2200 E. Jarvis St. A/C Condenser unit

To whom it concerns,

Your HVAC application for the placement of the air conditioner condensing unit at 2200 E. Jarvis St. has been respectfully denied per Village Code 535-19 F.(5). Your application was submitted June 16, 2016.

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

The street side yard setback for the property is 31.875'. As the property is approximately 30' from the property line (making it an existing non-conforming structure) placing the condensing unit on the West side of the house would make it entirely within the street side yard setback which is prohibited.

Should you decide to appeal, please submit your Board of Appeals application and supporting materials on or before June 22, 2016. The next scheduled meeting will be held on July 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 414-847-2643 should you have any questions.

Respectfully,

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

Cc: Property Owner

June 15, 2016

Village of Shorewood
Planning & Development Department
3930 N. Murray Ave.
Shorewood, WI 53211

Re: 2200 East Jarvis Street A/C Unit Placement

To Whom It May Concern:

We understand that our neighbors, .Paul and Patti Rohde at 2200 East Jarvis Street, would like to place an A/C unit on the northwest corner of their house. They have discussed this with us and we viewed the placement location together. We feel it would not negatively impact us as it would be hidden from our view in this location.

Sincerely,

Michael Peden and Kristin Winchester-Peden
4106 North Maryland Ave.
Shorewood, WI 53211

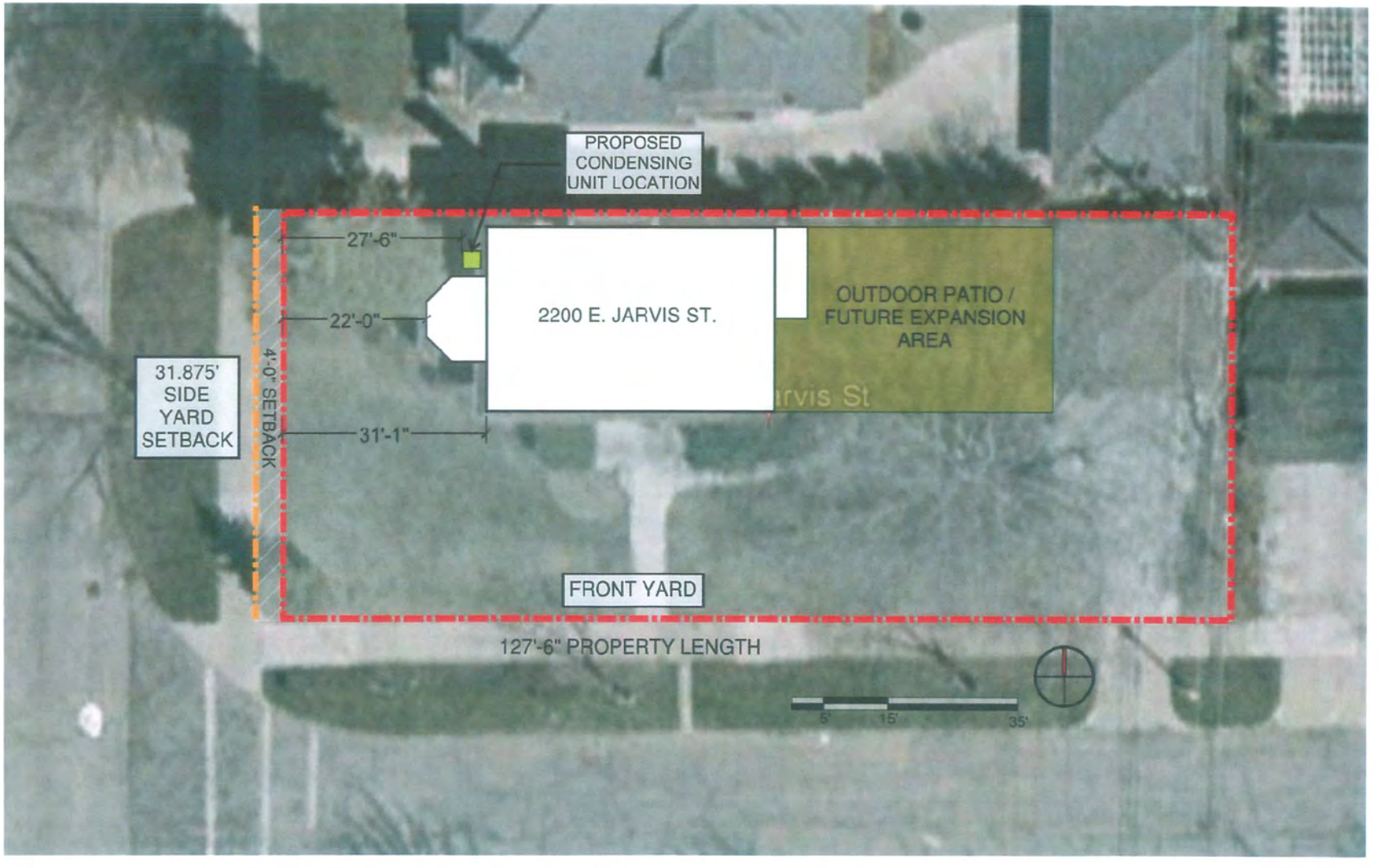
Northwest Corner (Preferred Location)

Northwest Corner (Preferred Location)

Northwest Corner (Preferred Location)

Southeast Corner
(Non-Preferred Location)

Northwest Corner (Preferred Location)



ArcGIS Web Map

Sideyard Setback 31.875'

June 16, 2016

Address Numbers

Streets

1:282

0 0.00225 0.0045 0.009 mi

0 0.00375 0.0075 0.015 km

Milwaukee County Land Information Office

Web AppBuilder for ArcGIS
Milwaukee County Land Information Office |

August 3, 2016

To: Board of Appeals – meeting August 9, 2016
Cc: Village Attorney Nathan Bayer

From: Planning Director Ericka Lang

RE: 4540-42 N. Morris – parking slab

The village received a Board of Appeals application on July 6, 2016 from property owner Liesel Geyer Gilmere, appealing the denial of construction a single-car parking slab that would be within the side yard zoning setback. Parking slabs are considered structures and must meet zoning setback requirements.

The property has a two-car detached garage accessed via a rear alley. Per 535-449H(4) two-family dwellings may install up to a two-car parking slab alongside a garage. The proposal is for a 9' x 22' slab. As a point of reference, the minimum required parking stall size in a lot is 9' x 18'. Currently there is a narrow path and dirt on the north side of the garage, which is the proposed location.

Per the attached survey, the distance between the garage and the northern property boundary is 10.2 feet, locating the slab within 1.8 feet of the zoning side yard setback (or 1.2 feet from side property boundary). Per 535-19F(5)[c] the zoning interior side yard setback is 3 feet.

The property is located in the R-6 residential zoning district, allowing one- and two-family residences. The property is a nonconforming lot size because the lot width is 30 feet. Per 535-F(3)[a], minimum lot width is 40 feet.

Materials

- BOA application
- Building permit
- Survey
- Aerial
- Photo's
- Code sections

BOARD OF APPEALS APPLICATION

Aug 9 mtg.

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

Shorewood

26829

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 # 16-1227	FEE: $150.00
DATE RECEIVED:	
SCHEDULED MEETING: 8-9-16	
TAX KEY #	

Property Address 4540-42 N. Morris Blvd

Owner's Information	Applicant Information Contractor? (YES) NO
Name Liesel Geyer Gilmere	Name Jon Krause - Structure Property Mgmt.
Address 5054 N. Capitol Ave.	Address 804 E Wright ST - A
City/State/Zip Indianapolis, IN 46206	City/State/Zip Milwaukee WI 53212
Phone #414-394-8944 Alt # —	Phone #414-303-5137 Alt #
Email gilmere@att.net	Email jon@structure-management.com

Check if prefer Board of Appeals Meeting Agenda Emailed: OWNER (X) 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:

- Parking slab on north side of garage needs to extend into 3' side setback area. See attached survey drawing.

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): In order to have a 9' wide parking slab on north side of garage similar to other properties on the block we are asking to encroach on the 3' setback area by approx. 2' which will allow for parking three cars for this duplex.

2. Describe how unnecessary hardship exists because compliance is unreasonably burdensome. The hardship must be unique to the property and cannot be self-created. 3 parking spots for vehicles is needed since this is a duplex with 3-4 adults residing in the building.

3. Describe how you think the granting of this variance would **not** harm public interest such as public safety, the environment, property values, etc.: This type and configuration of parking slab is common in the neighborhood and will not disturb the neighbors or their properties.

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

APPLICATION FOR BUILDING PERMIT

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

Shorewood

26828

TYPE OF WORK: CHECK ONE

☐ Addition ☐ Fence/Wall ☐ Garage/Shed ☐ Alteration/Finish ☒ Deck/~~Patio~~ ☐ Pool/Hot Tub ☐ Roof ☐ Driveway
☒ Concrete work (front stoop, other) ☐ Demolition ☐ Renovation ☒ Other, explain replace front porch railing

Final inspection is required when work is completed.
Forms inspections are required before concrete pours.
Rough inspections may be required, please ask.

OFFICE USE ONLY	
PERMIT # 16-1226	FEE: 180
	PLAN REVIEW $45 Y N
APPROVAL DATE	

Job Address 4540-42 N. Morris Blvd	Building Type (circle) SF (DUP) MULTI COMM CONDO PUBLIC
Owner's Information	**Contractor's Information**
Name Liesel Geyer Gilmere	Name Jon Krause - Structure Property Management
Address 5054 N. Capitol Ave.	Address 804 E Wright St - A
City/State/Zip Indianapolis, IN 46206	City/State/Zip Milwaukee WI 53212
Phone 414-394-8944	Phone 414-303-5137
EMAIL gilmere@att.net	EMAIL jon@structure-management.com
	DC # 1354786 DCQ# 1354785
Cautionary Statement (if applicable) N Y	LEAD CERTIFIC. SAFE RENOVATOR LIC. #

Describe work in detail (include floor levels of where work is being done)

1. Install 9'x22' Concrete parking slab on North side of garage
2. Replace front porch railings.
3. Replace back 2nd story airing porch.

Estimated Cost of Job $ 4,000

Permit voided 4 months from issuance if no work started or if building operations cease for more 4 months. Call to request extension.

Is this part of an Occupancy permit correction request?	(N)	Y	If Yes, Permit #
Is this part of a Non-Compliance Statement?	(N)	Y	If Yes, Permit #

Are plans, sketches or drawings attached?	(YES)	NO	NA
Is a certified plot plan or survey attached?	(YES)	NO	NA
Have your plans been approved by the Department of Commerce?	YES	NO	(NA)

OFFICE USE ONLY – Conditions of Approval

Design Review Board Approval Needed (circle one) YES NO Approval Date

Signature of Owner/ Architect/(Contractor) (circle one) Date 7/5/2016

Jonathan Krause
Print Name

Triple fees shall be chargeable to all applicants hereunder who fail to obtain a permit before work has been started. No further permits shall be issued to any applicant who owes fees to the Village or who failed to comply with any lawful orders of the Village inspector. It is agreed and understood that all work shall be done in accordance with the state of Wisconsin's applicable codes and ordinances of the Village of Shorewood.

NOTE: COMMERICAL BUILDING OR LARGE SCALE REMODEL OR ALTERATION WORK WILL BE SUBJECT TO A PLAN EXAMINATION FEE.
NOTE: COMMERCIAL BUILDING REMODEL OR ALTERATION WORK WILL BE REQUIRED TO SUBMIT AN APPLICATION TO THE FIRE DEPT.

Electrical Contractor _____
Plumbing Contractor _____
Heating Contractor _____

Missed Appointment	**$30.00**
Failure to Call in Final Inspection	**$50.00**
$9.00 per $1,000 of estimated cost of job	
Commercial NEW construction $0.25/SQ. FT.	
$60.00 minimum fee	

Revised 9/2014

823 W. ATKINSON AVENUE
PHONE CONCORD 4-3782
MILWAUKEE

HAROLD W. WARD
ENGINEER AND SURVEYOR
MILWAUKEE 6, WISCONSIN
OZAUKEE COUNTY SURVEYOR

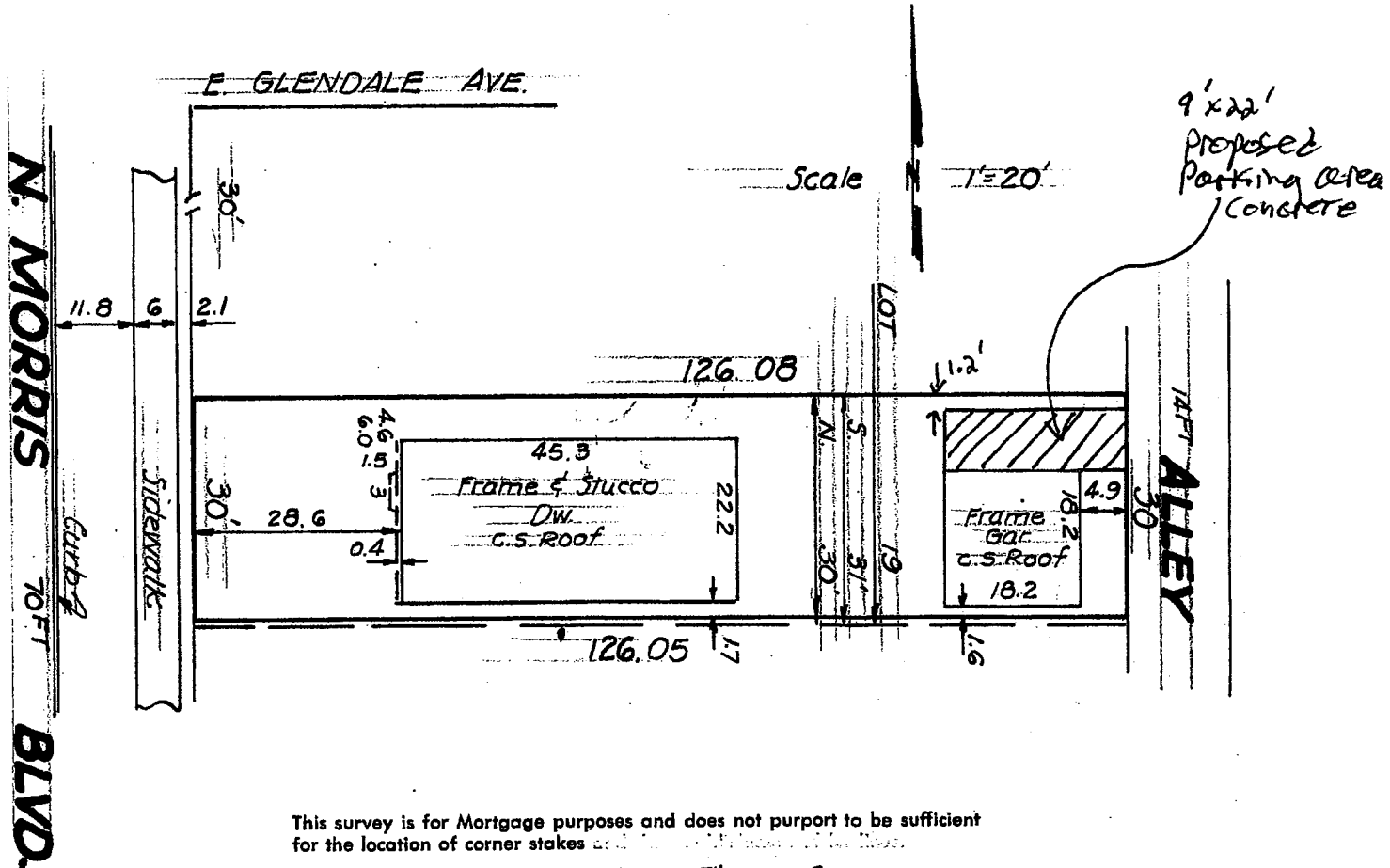
THIENSVILLE, WISCONSIN
THIENSVILLE 869

PLAT OF SURVEY

7-22-4-1-0189

PROPERTY AT 4540-42 N. MORRIS BLVD. ALICE NAUMAN **(OWNER)**

LEGAL DESCRIPTION THE NORTH 30' OF THE SOUTH 31' OF LOT 19, BLOCK 11, GLEN-DALE INV. ASS'N SUBD. NO. 2, IN THE NE ¼ OF SEC. 4, T. 7N., R. 22E., VILLAGE OF SHOREWOOD, MILWAUKEE COUNTY, WISC.



This survey is for Mortgage purposes and does not purport to be sufficient for the location of corner stakes.

State of Wisconsin,)
County of Milwaukee) **ss.**

I hereby certify that on the 29TH day of September 1950, I have surveyed the property described above according to the official records and that the above plat is a correct representation of the boundary lines and measurements and the principal lines and measurements of all buildings and other structures thereon.

Plat No. 50-1220
W.N.

Signed Harold W. Ward
Engineer and Surveyer

4540-42 N. Morris

August 3, 2016

Address Numbers

Parcels

Streets

1:282

0 0.00225 0.0045 0.009 mi

0 0.00375 0.0075 0.015 km

Milwaukee County Land Information Office

Web AppBuilder for ArcGIS
Milwaukee County Land Information Office |

4542
4540

August 3, 2016

To: Board of Appeals – meeting August 9, 2016
Cc: Village Attorney Nathan Bayer

From: Planning Director Ericka Lang

RE: 4503-05 N. Marlborough fence appeal

The village received a Board of Appeals application on July 20, 2016 from property owner Jo Ellen Bilgo, appealing the correction notice from the village to lower the rear yard fence height of a recently constructed solid wood fence to meet village code. The fence is six feet tall and is adjacent to residential property 1022 E. Kensington. The fence parallels the side yard of the neighboring property.

The property is located in the R-6 residential zoning district, allowing one- and two-family residences. The property is a nonowner-occupied two-family dwelling.

Per building code *225-8 (5) No fence more than four feet in height may be erected between adjoining properties when the fence parallels an existing residence and the distance between the fence and the residence on either property is less than six feet*.

Fence facts:

- Fence located rear yard
- 6-foot height, solid cedar
- 3.25 feet distance fence to neighbor's house 1022 Kensington
- 3.76 feet distance fence to 4503 Marlborough

Materials

- BOA application
- Building permit
- Notice of Correction letter
- Survey
- Aerial
- Photo's
- Building chapter 225-8

Village of Shorewood
07/20/2016 9:50:16 AM
Ref 00026955
Receipt 120049
Amount $150.00

BOARD OF APPEALS APPLICATION

Shorewood

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

26955

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 # P16-1343	FEE: $150.00
DATE RECEIVED: 7.19.16	
SCHEDULED MEETING: 8.9.16	

Property Address 4503-05 MacArthur Dr.	Property Tax Key #
Owner's Information	**Applicant Information** Contractor? YES / NO
Name Jo Ellen Bilgo	Name A-1 Fence
Address 1030 E. Courtland Pl	Address 11040 N. Bonnrock Ave
City/State/Zip Milwaukee, WI 53211	City/State/Zip Mequon, WI 53092
Phone # 414 530 1420 Alt #	Phone # 262 257 6766 Alt #
Email joellenbilgo@hotmail.com	Email a1-fence.com

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

- [x] **variance**
- [ ] **appeal to interpretation to allow**
- [ ] **special exception regarding parking**
- [ ] **special exception other**

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

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): My backyard has a small courtyard often used by the tenants as well as myself when I previously lived there. The neighbors deck is extremely close to my property line. They have no privacy when outdoors either.

2a. Describe how unnecessary hardship exists because compliance is unreasonably burdensome. The hardship must be unique to the property and cannot be self-created. The neighbors home to the west of my backyard was built extremely close to my property line. No one has the privacy they deserve. The fence does not block any views other than into the neighbors living room and bedroom from the 1st floor unit of my home and vice versa. (see photo)

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

2c. Describe how the proposed variance is not in conflict with the purpose of the Code restriction:

With all due respect I am unfamiliar with this code restriction

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 6' fence prevents the children next door from climbing over the 4' fence and injuring themselves when retrieving their balls and toys. In my estimation the 6' fence increases the property values due to the safety and privacy it provides for both properties.

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.

Jo Ellen Bilyo
Applicant Printed Name

Jo Ellen Bilyo
Applicant Signature

NOTICE OF CORRECTIONS

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

Date: 06/21/2016

Contractor/Owner: A-1 Fence
Address: 11040 N BUNTROCK AVE
City/State/Zip: Mequon, WI 53092
Phone: 262-257-6766

Owner Name: Jo Ellen Bilgo
Address: 1030 E COURTLAND
City/State/Zip: Whitefish Bay, WI 53211
Phone: 530-1420

REGARDING Property: 4503 05 N MARLBOROUGH DR
PERMIT #: P16-0714 INSPECTION DATE: 06/21/2016

Description of Work: Install fence in rear yard

ACTION REQUIRED:

1. No fence more than four feet in height may be erected between adjoining properties when the fence parallels an existing residence and the distance between the fence and the residence on either side is less than six feet, garages not included. Adjust the height of the fence between the houses to no more than four (4) feet in height as measured from the adjoining property.

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 item(s), it is your right to appeal to Shorewood's Board of Appeals within 30 days of receipt of this order, where applicable. APPEALS SHALL NOT BE CONSIDERED FOR violations under Wisconsin's State Uniform Dwelling Code, Commercial Code or other state regulations. Please contact the Planning and Zoning Administrator at (414) 847-2647 to discuss your right to appeal. Forms and explanations are available at the Planning & Development Department at Village Hall or online on the Village website *villageofshorewood.org*.

NEXT STEPS: You are strongly encouraged to contact the Planning & Development Department as soon as you receive this letter so that we can work together to bring the above referenced violation(s) into compliance. Please call the Planning & Development Department at (414) 847-2640 Monday through Friday, 8am-4:30pm.

YOU WILL HAVE 30 DAYS TO COMPLETE CORRECTIONS AND CALL FOR INSPECTION.

Re-inspection or additional fee payable BEFORE re-inspection $ 0.00

Please make check payable to Village of Shorewood

Timothy Kopp

INSPECTOR

Village of Shorewood
Date 04/22/2016 3:04:14 PM
26254
Receipt 115243
Amount $60.00

APPLICATION FOR BUILDING PERMIT

Shorewood

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

26254

TYPE OF WORK: CHECK ONE
□ Addition □ Fence/Wall □ Garage/Shed □ Alteration/Finish □ Deck/Patio □ Pool/Hot Tub □ Roof □ Driveway
□ Concrete work (front stoop, other) □ Demolition □ Renovation □ Other, explain_____

Final inspection is required when work is completed.
Forms inspections are required before concrete pours.
Rough inspections may be required, please ask.

OFFICE USE ONLY	
PERMIT # 16-0714	FEE: $ 60.00
	PLAN REVIEW $45 Y N
APPROVAL DATE JK 4/25/16	

Job Address 4503-05 N. MARLBOROUGH DR	Building Type (circle) SF DUP MULTI COMM CONDO PUBLIC
Owner's Information	**Contractor's Information**
Name JoEllen Bilgo	Name A1 FENCE
Address 1030 E. CORTLAND PL	Address
City/State/Zip WHITEFISH BAY, WI, 53211	City/State/Zip
Phone 414 530 1420	Phone 414-217-8848
EMAIL joellenbilgo@hotmail.com	EMAIL
	DC # / DCQ#
Cautionary Statement (if applicable) N Y	LEAD CERTIFIC. SAFE RENOVATOR LIC. #

Describe work in detail (include floor levels of where work is being done)

REPLACE EXISTING FENCE WITH NEW FENCE

Estimated Cost of Job $ $3,000	*Permit voided 4 months from issuance if no work started or if building operations cease for more 4 months. Call to request extension.*

Is this part of an Occupancy permit correction request?	N	Y	If Yes, Permit #		
Is this part of a Non-Compliance Statement?	N	Y	If Yes, Permit #		
Are plans, sketches or drawings attached?			YES	NO	NA
Is a certified plot plan or survey attached?			YES	NO	NA
Have your plans been approved by the Department of Commerce?			YES	NO	NA

OFFICE USE ONLY – Conditions of Approval

Design Review Board Approval Needed (circle one) YES NO Approval Date

JoEllen Bilgo
Signature of Owner/ Architect/ Contractor (circle one)

4-22-16
Date

JoEllen Bilgo
Print Name

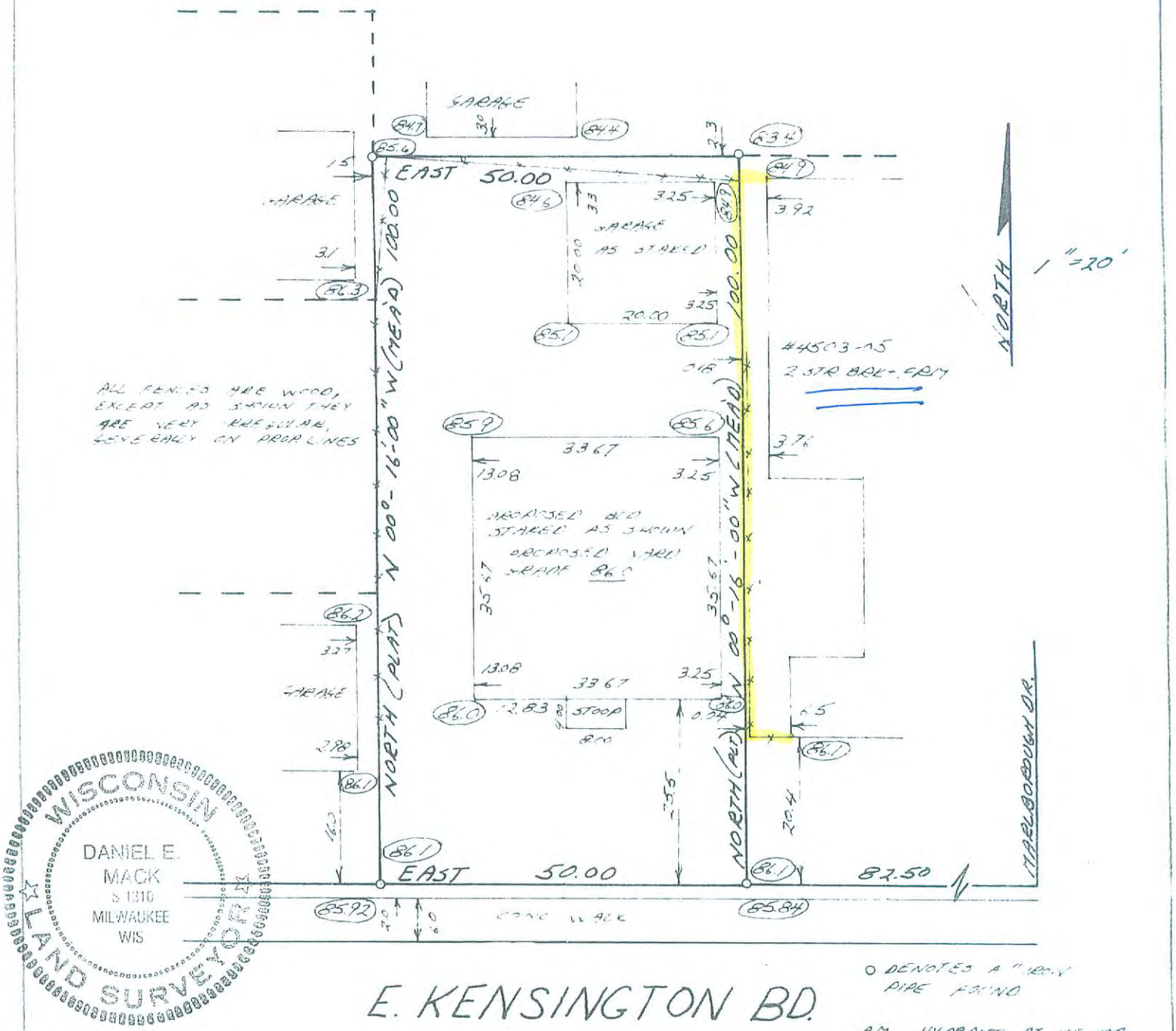
Triple fees shall be chargeable to all applicants hereunder who fail to obtain a permit before work has been started. No further permits shall be issued to any applicant who owes fees to the Village or who failed to comply with any lawful orders of the Village inspector. It is agreed and understood that all work shall be done in accordance with the state of Wisconsin's applicable codes and ordinances of the Village of Shorewood.

NOTE: COMMERICAL BUILDING OR LARGE SCALE REMODEL OR ALTERATION WORK WILL BE SUBJECT TO A PLAN EXAMINATION FEE.
NOTE: COMMERCIAL BUILDING REMODEL OR ALTERATION WORK WILL BE REQUIRED TO SUBMIT AN APPLICATION TO THE FIRE DEPT.

Electrical Contractor _____
Plumbing Contractor _____
Heating Contractor _____

Missed Appointment	**$30.00**
Failure to Call in Final Inspection	**$50.00**
$9.00 per $1,000 of estimated cost of job	
Commercial NEW construction $0.25/SQ. FT.	
$60.00 minimum fee	

Revised 9/2014



WISCONSIN
DANIEL E. MACK
S 1310
MILWAUKEE
WIS
LAND SURVEYOR

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE) SS

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY

THIS SURVEY IS MADE FOR THE 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

DATED AT Milwaukee, THIS 2nd DAY OF April, 19 79

Daniel E. Mack

DANIEL E. MACK
REGISTERED LAND SURVEYOR S-1310

79 1020 E. Kensington

4503-05 N. Marlborough

August 3, 2016

Address Numbers

Parcels

Streets

1:282

0 0.00225 0.0045 0.009 mi

0 0.00375 0.0075 0.015 km

Milwaukee County Land Information Office

Web AppBuilder for ArcGIS
Milwaukee County Land Information Office |

225-8 Fences & Retaining Walls.

A. Definitions: As used in this section, the following terms shall have the meanings indicated:

RETAINING WALL

A wall of any material to resist the lateral displacement of soil, the slope of which is greater than 1.5 horizontal to 1 vertical.

B. Fences

(1) All fences which extend 16 linear feet or more, or which are erected or constructed to a height of more than four feet, shall require a building permit and a fee as provided by the Village Fee Schedule.

(2) All fences erected or constructed in the front setback area as established under the provisions of § 535-19E(5) of the Village Code shall be limited to a height of no more than four feet; provided, however, that on corner lots, where adjacent to a public walk or street, all fences erected or constructed to a height of more than four feet shall conform to the building setback provisions of § 535-19E(5) of the Village Code.

(3) All fences erected directly across from any garage in an alley, the width of which is 15 feet or less, shall be set back a minimum of three feet from the alley line.

[Amended 9-4-1990 by Ord. No. 1582]

(4) No fence shall be erected or constructed which exceeds a height of six feet.

(5) No fence more than four feet in height may be erected between adjoining properties when the fence parallels an existing residence and the distance between the fence and the residence on either property is less than six feet.

[Amended 2-6-2004 by Ord. No. 1862]

(6) All fences erected shall have the structural components thereof facing the side of the property for and on which the same are erected. Barbed wire shall not be used for fence purposes, and all fences shall be so constructed as to withstand a wind pressure of at least 30 pounds per square foot

(7) Chain link and barbed style fences are prohibited in the Village of Shorewood, except, chain link fences with top barb ends knuckled are allowed in residential districts side yard or rear yard**.**

(8) The height of any fence erected under this section shall be determined by the measurements from the uppermost point of the fence relative to the immediate existing adjacent ground level of the adjoining property.

(9) All fences shall be erected within the dimensions of the lot according to survey. *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)*

C. Retaining walls

(1) No person or firm shall construct, install, enlarge, alter, repair or replace any retaining wall until a building permit has first been obtained, and other provisions of this section have been complied with. Construction site plans accompanied with current property survey are required to be submitted for review by the building inspector prior to the issuance of a building permit and commencing of wall construction. These plans are to include: wall placement location(s), details of installation with regard to height, depth, length of wall and type of reinforcement and or pinning to be used.

Exceptions under this provision includes:

(a) Edgings. Edgings less than six inches in height of metal, stone, brick, concrete, timber or other materials around driveways, patios, gardens, flower beds, plantings, or trees.

(b) Decorative walls. Decorative walls not in excess of two feet in height used around gardens, plantings, trees, patios, or driveways and constructed of natural stone, brick or timbers.

(2) Retaining walls shall be constructed of textured concrete block, natural stone, manufactured stone block specifically designed for retaining walls and shall be installed as per manufacture's specifications.

Retaining walls may be constructed with treated landscape timbers, having a minimum preservation retention level (PRL) of 0.40, and shall be limited in height to two feet relative to adjacent grade.

All retaining walls exceeding two feet in height relative to adjacent grade require a construction review by the Building Inspector prior to construction, and upon recommendation by the building inspector, may require a detailed design submittal generated by a licensed civil or structural engineer.

(3) Retaining walls are not to be constructed in a manner which would adversely affect current stormwater management of property or any adjoining properties.

(4) Retaining walls shall not be constructed or supported in any manner with railroad ties, plywood, logs, pipes, metal, fiberglass, or any other material not specifically manufactured for use as a retaining wall.

(5) Retaining walls shall be constructed using appropriate engineering standards or per manufacture's specifications.

(6) Retaining walls shall be kept and maintained in good sound and presentable condition at all times.

(7) The appearance, materials, design, location and height are to be harmonious with the principal structure.

August 3, 2016

To: Board of Appeals – meeting August 9, 2016
Cc: Village Attorney Nathan Bayer

From: Planning Director Ericka Lang

RE: 4604 N. Woodruff Ave - garage

The village received a Board of Appeals application on July 7, 2016 from property owner Tanner Teipel, appealing the denial for the reconstruction of a driveway and requesting a variance. The driveway was reconstructed before a permit was issued. The application was denied because the driveway does not lead to a garage per 535-9F(4).

The single family dwelling was built in 1950 without a garage. A copy of a 1951 plat of survey is attached and does not show a garage. The property is located in the R-6 residential zoning district, allowing one- and two-family residences. The property is a nonconforming lot because the lot width is 39 feet. Per zoning section 535-F(3)[a], minimum lot width is 40 feet.

Lot:

- 39'w x 131.4'd
- 8' driveway width and the distance between south side house to side property boundary
- 8' min driveway width required per 535-9F(5)
- 5,124.6 sqft lot size. Min requirement 4500 sqft

Materials

- BOA application
- Building permit
- Survey
- Aerial
- Photo's
- Code section 535-94

Village of Shorewood
Date 07/18/2016 8:53:56 AM
Ref 00026933
Receipt 119913
Amount $150.00

BOARD OF APPEALS APPLICATION

Shorewood 26933

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 # 16-1521	FEE: $150.00
DATE RECEIVED: 7.18.16	
SCHEDULED MEETING: 8.9.16	
TAX KEY #	

Property Address 4604 N. Woodruff Shorewood, WI 53211

Owner's Information		Applicant Information Contractor? ☐ YES ☑ NO	
Name Tanner Teipel		Name Tanner Teipel	
Address 4604 N. Woodruff		Address 4604 N. Woodruff	
City/State/Zip Shorewood, WI, 53211		City/State/Zip Shorewood, WI, 53211	
Phone # 414-405-9313	Alt #	Phone # 414-405-9313	Alt #
Email tannerduffy@gmail.com		Email tannerduffy@gmail.com	

Check if prefer Board of Appeals Meeting Agenda Emailed: ☐ 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:

My home at 4604 N. Woodruff was in need of a driveway. I arranged to have the existing one replaced. When the contractor's wife applied for a permit she gave shorewood the wrong address. Shorewood told her the home was in Whitefish Bay. Whitefish Bay told her no permit was needed so the contractor went ahead with the pour. After the job was completed, the inspector notified me of the ordinace which requires a driveway to lead to the garage. The problem with the permit was human error and has been rectified with no fines imposed. Inspector Justin explained that at this point I needed to apply for a variance.

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):

I believe that the reason no previous owners have installed a garage was that the lot was long and narrow. There is almost no space between my home and my neighbors home to comfortable get a car to a garage in the back yard. The property also has a back porch and some old cedar trees in back which would need to be removed for a garage. Both provide year round appeal to the home and enhance the backyard.

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 am in the process of getting ready to sell the house and wanted to update the driveway for curb appeal. I was not aware that a garage needed to be inplace for a new driveway to be installed. Because of the mix-up with the permit I was not made aware of this requirement untill the driveway was already installed and the inspector notified me. Adding a garage at this point would be a financial burden that I cannot take on.

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 old driveway was an eyesore. It was very narrow uneven surface of concrete blocks rutted with mud and grass which made it difficult to drive on. Because of the narrow width there was no room to get out of the car. The new driveway is clean, even, and slightly wider. It not only gives the house curb appeal and improves the property value of my house and the neighborhood, but also directs the water flow away from the house.

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

Shorewood

July 7, 2016

J&J General Contractors Inc.
P.O. Box 64302
Milwaukee, WI 53204

Owner: Tanner Teipel
4604 N. Woodruff Ave.
Shorewood, WI 53211

To whom it concerns,

Your building application for the replacement of the existing driveway at property 4604 N. Woodruff Ave. has been respectfully denied per Village Code 535-9 F. (4) and 535-47 A. (4) (a) . Your application was submitted July 7, 2016.

The property is located in the R-6 Zoning District; Village code section 535-9-F (4) Site Restrictions states: "Driveways shall not be constructed unless they lead to a garage" and Village code section 535-47 A. (4) (a) Schedule of requirements states: "Single-family dwellings: there shall be a minimum of one parking space in an approved garage."

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 414-847-2643 should you have any questions.

Respectfully,

Justin Burris

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

4604
CAUTION
CAUTION

4604 Woodruff

August 4, 2016

Address Numbers

Parcels

Streets

1:282

0 0.00225 0.0045 0.009 mi

0 0.00375 0.0075 0.015 km

Milwaukee County Land Information Office

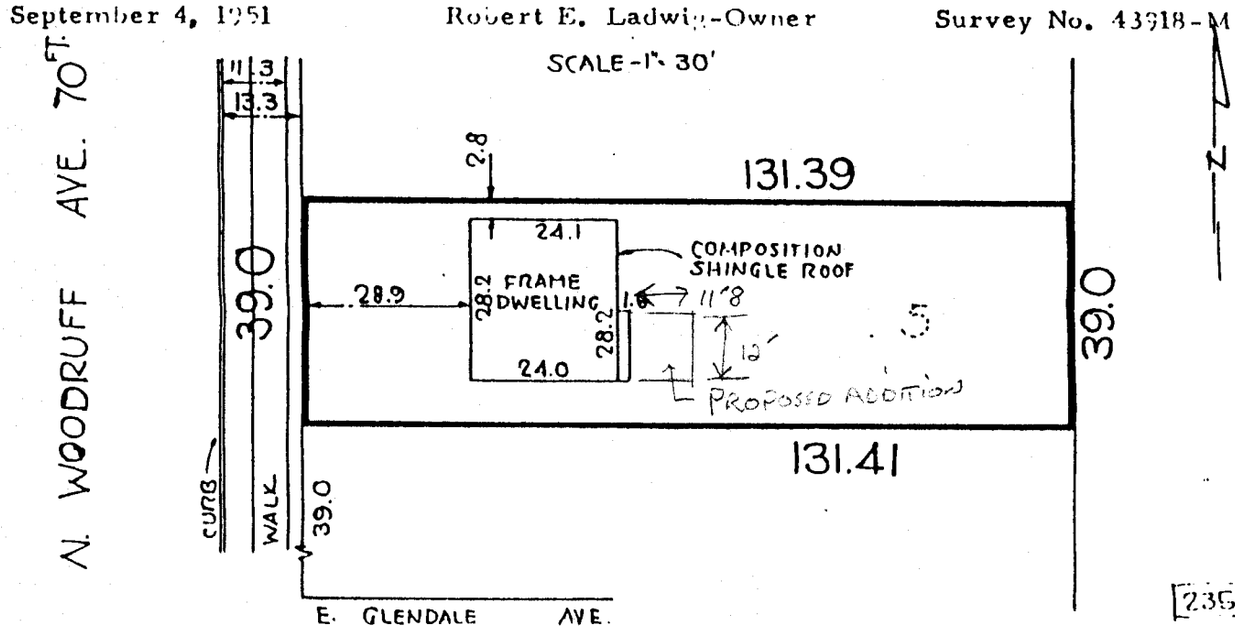
Web AppBuilder for ArcGIS
Milwaukee County Land Information Office |

Plat of Survey
for

THE CITY BANK AND TRUST COMPANY

Known as 4604 North Woodruff Avenue, Shorewood, Wisconsin.
Lot 5 in Block 4 in River Hills Gardens, being a part of the N. W. 1/4 of Section 4, T 7 N, R 22 E, in the Village of Shorewood, Milwaukee County, Wisconsin.

September 4, 1951 — Robert E. Ladwig-Owner — Survey No. 43918-M



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We hereby Certify *that we have surveyed the property described above, for title purposes, and that the plat above is a correct representation of the lot lines and principal lines of buildings thereon.*

NATIONAL SURVEY SERVICE
CIVIL ENGINEERS AND SURVEYORS
744 N. FOURTH ST. MARQUETTE 8-3812
MILWAUKEE 3, WISCONSIN

BY J. H. Burke
REGISTERED PROFESSIONAL ENGINEER

PROTECTION

50-4604

Village of Shorewood, WI
Thursday, August 4, 2016

Chapter 535. Zoning

Article III. General Provisions

§ 535-9. Site restrictions.

A. Unsuitable land. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Planning and Development Department by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community.

B. Lots. All lots shall abut upon a public street, and each lot shall have a minimum frontage of 40 feet except as otherwise provided in this chapter.

C. Buildable lot. No lot shall be considered a buildable lot if it abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

D. Building on divided or replatted lot. It shall be unlawful for any person, firm or corporation to erect any building or structure on a lot divided or replatted in violation of the area and frontage requirements of the district where located, except as provided under § **535-22** of this chapter.

E. Principal structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot unless otherwise provided in this chapter.

F. Decks, patios and driveways.

(1) No deck, patio, or driveway shall be constructed unless a Village building permit is applied for and issued by the Village in accordance with the requirements of the Village Code.

(2) Decks shall not be located in the front yard or the side or rear setback of a lot, and patios shall not be located in the side or rear setback of a lot.

(3) Patios may be located in the front yard or street side yard only when constructed within the following parameters:
[Amended 2-16-2016 by Ord. No. 2059]

(a) No more than 30% of any front yard or street side yard may be covered by a patio.

(b) One entire side of a patio must be directly adjacent to the principal structure of the lot.

(c) Front yard patios and street side yard patios shall not be more than three feet from the property front yard and street side yard lot line.

(d) A scale drawing of the proposed layout of a new front yard or street side yard patio must be completed, along with a list of proposed materials to be used in construction, all of which shall be submitted to the Design Review Board for review and approval. All materials must be of high quality, such as cut stone, Lannon or blue stone, or decorative concrete. In addition the stone surface shall be screened from public view by natural vegetation. No fences shall serve as the primary screening materials.

(4) Driveways shall not be constructed unless they lead to a garage, except that circular driveways may be located in the front yard, provided that there is a garage or a garage is being constructed on the lot contemporaneously and provided that:

(a) An applicant for a permit to construct a circular driveway must submit a sketch of the proposed layout and landscape screening in addition to any other information that the Building Inspector or the Design Review Board may reasonably require in order to comply with this section;

(b) The design and materials used are aesthetically compatible with the surrounding neighborhood;

(c) The width of the lot at the front property line is at least 60 feet to allow for an adequate turning radius;

(d) There is landscaping necessary to adequately screen it from street view that does not impair the vision triangle; and

(e) The plans, including the landscaping, have been reviewed and approved by the Design Review Board.

(5) Newly constructed or reconstructed driveways shall have a minimum width of eight feet. In cases of reconstruction of driveways the Building Inspector may waive the minimum width where it is not practically possible to reconstruct an existing driveway to that width, but the reconstructed driveway may not be narrower than it was prior to reconstruction.

G. At least 30% of each lot shall be planted with grass, shrubs, trees or other forms of vegetation.

H. River shorelands.
[Added 10-23-2006 by Ord. No. 1917]

(1) Findings of fact. Uncontrolled use of the shorelands and pollution of the navigable waters in the Village of Shorewood would adversely affect the public health, safety, convenience, and general welfare and impair the tax base.

(2) Purpose. For the purpose of promoting the public health, safety, convenience and welfare, this Subsection **H** has been established to:

(a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

[1] Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

[2] Controlling filling and grading to prevent serious soil erosion problems.

(b) Protect spawning grounds, fish and aquatic life through:

[1] Preserving wetlands and other fish and aquatic habitat.

[2] Regulating pollution sources.

[3] Controlling shoreline alterations.

[4] Reducing effluent and controlling nutrients.

(c) Control placement of structures and activities through:

[1] Prohibiting certain activities detrimental to the shoreland area.

[2] Regulating building setbacks from the river.

(d) Preserve shore cover and natural beauty through:

[1] Restricting the removal of natural shoreland cover.

[2] Preventing shoreline encroachment by structures.

[3] Controlling shoreland excavation and other earthmoving activities.

(3) Areas to be regulated.

(a) Areas regulated by this Subsection **H** shall include all the lands (referred to herein as "shorelands") in the Village of Shorewood which are located within the described boundaries:

[1] South of Capitol Drive. The Milwaukee County Park System Trail to the east, East Capitol Drive to the north, the ordinary high-water mark of Milwaukee River to the west, and Village limits to the south.

[2] North of Capitol Drive. Estabrook Parkway Road, Village limits to the north, the ordinary high-water mark of Milwaukee River to the west, and East Capitol Drive to the south.

(b) The area regulated by this Subsection **H**, generally described herein, is shown on a map dated October 1, 2006, that is maintained and available for inspection at the Village Hall. This map shall be known as the "Shoreland Zoning Map." "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water are so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(4) Compliance. The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, or dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this Subsection **H** and other applicable local, state or federal regulations. Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this Subsection **H**. Property owners and their agents or lessees, including builders and contractors, are responsible for compliance with the terms of this Subsection **H**.

(5) Permit.

(a) Persons and entities seeking a permit under this Subsection **H** shall submit an application on a form