

Shorewood Board of Appeals Meeting Agenda

April 12, 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 October 13, 2015 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 two air conditioning units in the rear yard setback for residential property 1914 E. Newton Ave.
7. Public Hearing: Appeal of denial of building application to construct a detached garage that exceeds allowable height for residential property 2212 E. Menlo Blvd.
8. Public Hearing: Appeal of denial to expand nonconforming structure of commercial property 4144 N. Oakland Ave.
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 April, 2016

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

DRAFT

Board of Appeals Meeting Minutes October 13, 2015

3930 N. Murray Avenue, Shorewood, WI 53211



1. Call to Order.

Member David Drews called the meeting to order at 5:34 p.m. and moved that Gregg Shaffer act as chairman, seconded by Kathy Nusslock. Vote 3-0.

2. Roll Call.

Members present: Acting Chair Gregg Shaffer, Kathy Nusslock and David Drews. Also present Village Attorney Nathan Bayer, Planning Director Ericka Lang and Building Inspector Justin Burris.

3. Statement of Public Notice.

The meeting has been posted and noticed per law.

4. Approval of September 8, 2015 meeting minutes.

Ms. Nusslock moved to approve the minutes, seconded by Mr. Drews. Vote to approve 3-0.

5. Attorney to Review the Standards by which the Board of Appeals must abide.

Attorney Bayer addressed standards to each individual case as each item was discussed.

6. Appeal of denial of building application for construction of a garage that is within the street side yard setback for residential property 4078 N. Richland Court. Property owners Dennis and Amy Connolly.

Attorney Bayer stated the applicant is requesting for a variance and special exception. See Village Code Legal Nonconforming structure. When want to make changes to legal nonconforming structure, you can per §535-34. The garage is the nonconforming structure but the proposal is to tear down detached garage and build a new one. That goes beyond expanding nonconforming structure. Recommend to evaluate as a variance per Section 535-55 and 58.

Building Inspector Justin Burris was sworn in. The building application was received September 21, 2015 and a denial letter was generated the same day. A Board of Appeals application was received September 24, 2015. Residential property owners Dennis and Amy Connolly are appealing the denial of the construction of a new two-car garage at single family residence 4078 N. Richland Ct.

The property is located in the R-6 Zoning District allowing one- and two-family dwellings. Village code section 535-19-F (5)(c) [2] states *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 lot is 103 feet wide and 25% of the width of the lot is 25.75 feet. The proposed garage would be located 15.5 feet back from the street side yard parcel boundary and would be 10.25 feet within the street side yard setback. The lot area is 11,695.8 sqft.

The house was built in 1911 and the existing garage and house are in the street side yard setback, making both locations of structures legal nonconforming. The house is approximately 4 feet from the street side property boundary at the southwest corner. The residential property currently has a two-car detached garage. The proposed garage will be set back further from the street side yard.

The materials included in the packet: Board of Appeals application and explanation; letter from neighbor; pictures; aerial photo; building application; denial letter; and Code sections Article VII. Legal Nonconformity.

Richard Scherr from Deep River Partners was present who designed the proposal and was sworn in. The property is unusually wide which places greater restriction, so hardship on homeowner. The current garage is closer to the sidewalk than the proposed one. The new garage location allows one car length of the driveway, which currently don't have.

Scherr thought could be by exception because house legal nonconforming. The new hall addition connects the house to the garage, allowing for better accessibility. Spoke with neighbor to east and in favor and improvement because better views down the street. If were to adhere to 25%, the garage would be set back farther than neighbor's house.

Ms. Nusslock concerned that the application has an exception and variance attached. Maybe exception analysis is more appropriate.

Attorney Bayer noted existing garage is not attached. Because the existing garage is detached, the garage would not be considered by exception but the hallway could, per 535-34E.

Drews moved to grant a variance for the garage, that the property is unique because it is exceptionally wide and the street along Jarvis leads to an unusual situation and the intent of code is to have a consistent approach to street fronts and concludes the variance meets the spirit of the code and findings under §535-58. It is a unique lot because of the depth and conditions along the street, and is within character of the street. Seconded by Nusslock.

Roll call Vote	David Drews	Aye
	Kathy Nusslock	Aye
	Gregg Schaffer	Aye

Bayer confirmed to analyze each separately because different code sections apply.

Drews moved to grant a special exception for the proposed breezeway making the findings

per 535-34E(1), seconded by Nusslock. Record to reflect that the nonconforming structure /house that the improvement does not exceed 50%.

Vote

David Drews	Aye
Kathy Nusslock	Aye
Gregg Schaffer	Aye

7. Appeal of denial of attached garage that exceeds allowable lot coverage for residential property 4067 N. Downer Avenue. Property owners Tom and Melissa Hughes.

Attorney Bayer said the garage will be torn completely down and rebuilt. Criteria to apply is the variance criteria. Confirmed the existing house is 31% of the parcel, which makes it a nonconforming structure because primary structure cannot exceed 30%.

Justin Burris introduced the item. The building application was received September 10, 2015 and a denial letter completed on September 11th. The Board of Appeals application was received September 23, 2015. Residential property owners Tom and Melissa Hughes are appealing the denial of construction of an addition to a duplex at 4065-67 N. Downer Ave. The proposed addition exceeds the maximum area allowed for primary and accessory structures per Village Code 535-19 F. (6).

The property is located in the R-6 Zoning District that allows one- and two-family residences; Village code section 535-19 F. (6) which states: *“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.”*

When a home has an attached garage, village staff combine the 30% and 10%.

The existing detached garage is 504 sqft and the residence is 1,711 sqft, which total 40.4% of the property lot area. The property is considered legal nonconforming. The removal of an existing detached garage and reconstruction of an attached garage is not permissible since the proposed construction exceeds the lot coverage by 4.1%. The lot coverage calculation provided by the contractor confirms the percent above allowed.

The materials provided in member packet: Board of Appeals application; pictures and aerial photo; property survey; building plans; building application; denial letter and code sections.

The building plans also show three air condition condensers relocated within the three-foot side yard setback on the north side of the house. The units are less than one foot from the side property boundary. The appeals application did not include the condensers and the public notice did not include them either.

Erik Johnson from J2 Builders and homeowner Tom Hughes were present and sworn in. Existing detached garage is sitting in the rear three foot setback and needs to be replaced because it is in substandard condition. If the new garage must meet lot requirements, then the garage would be smaller than what already has. Moving it forward makes it more usable. The existing code creates detriment and would benefit because moving within existing setbacks even though exceeding.

Drews questioned if there is a unique enough situation.

Nusslock noted there has to be something unusual. The fact the size is creating the need for the variance, would not fit within exceptional and extraordinary. Is there something about the property or lot or structure that would make it different. Erik Johnson responded that the lot coverage of the exiting home is already over

Shaffer sees absence of detriment, identifying exceptional circumstances.

Mr. Hughes said no space between garage and alley now, so back right out into alley when cars go by and no visibility. The entrance from garage to home changes with the proposal, decreasing the number of steps from 11 down to two, which is better because of the second rental property and making more easily accessible.

Drews asked opinion of Planning Director Lang. Lang responded that it is a unique property. The existing house is deeper/longer than the other homes on the block, leaving less room to rebuild a garage. If the garage was rebuilt detached from the house, it leaves a small area between the house and garage that is essentially unusable for any practical purposes. It also sets the garage farther back from the alley, making it safer for backing out. The Village also wants to see cars in garages. Given this is a duplex, there would be more cars on sight than if single family.

Drews moved to grant a variance on the grounds that this will improve the situation and meets the intent of the code. It improves the situation of the alley and the depth of the house extends farther back than others on the block and would leave unusable space and therefore meets the findings under §535-58. Seconded by Nusslock.

Roll call vote.

David Drews	Aye
Kathy Nusslock	Aye
Gregg Schaffer	Aye

Attorney Bayer said that because the variance covers the garage and total lot coverage, it meets the criteria for variance , therefore an exception is unnecessary.

8. Appeal of denial of building application for construction of detached garage in the front yard at residential property 4500 N. Lake Drive. Property owners Tom and Genie Smith.

Attorney Bayer said a variance would apply to this item under village code §535-55 and 58.

Building Inspector Justin Burris said the building application was received August 28, 2015 and the denial letter completed the same day. Residential property owners Thomas and Genie Smith are appealing the denial of construction of a detached garage in the front yard zoning setback at 4500 N. Lake Drive. It is a two-car garage, 26' x 24'. The building application was denied because garages are prohibited from being located in front yards per Village Code 535-32B(1).

The property is located in the R-4 Zoning District; Village code section 535-32 B. (1) which states: *In addition, the yard requirements stipulated elsewhere in this chapter shall be governed as follows: (1) Accessory uses and detached accessory structures are permitted in the rear yard or side yard only; they shall not exceed 15 feet in height and shall not occupy more than 10% of the lot.*

The new garage would not exceed the 10% maximum lot coverage for accessory uses.

The house is located along Lake Michigan and is setback 280 feet from the front parcel boundary. The rear bluff measures about 70 feet back from the rear façade. The property survey shows that the house is setback 7.5 feet from the south property boundary and 10.6 feet from the northern boundary. The new garage would not be seen from the street as illustrated in the enclosed photos.

The materials provided to members: board of Appeals application; pictures; property survey; building plans and application; denial letter and related code sections.

Homeowner Tom Smith and contractor Todd Rabidoux were sworn in.

Mr. Rabidoux explained that there is no way to get to the back of the home, and if there was, it would not be an appropriate location to put a garage because of the close proximity to the bluff and erosion issues.

Shaffer confirmed that there is an existing attached garage.

Drews moved to approve the variance request, that the lot is exceptionally deep and there is not a way to put behind the house; the new garage will be in character with the surrounding area and it won't be seen from the street, therefore meets the findings under §535-58. Seconded by Nusslock.

Roll call vote.

David Drews	Aye
Kathy Nusslock	Aye
Gregg Schaffer	Aye

9. Appeal of building code enforcement requirement for porch guardrail at residential property 3601 N. Murray Ave. Property owner James Caraway.

Attorney Bayer said a variance would apply to this item under village code §535-55 and 58. The way system is set up, the state allows decisions to be made at the local level.

Building Inspector Justin Burris stated the building application was issued October 23, 2014 and a notice of correction issued August 13, 2015. A Board of Appeals application was received September 23, 2015.

Property owner James Caraway is appealing the Uniform Dwelling Code requirement to install a guardrail on exterior stairs at a rental duplex property at 3601 N. Murray. A building permit was issued October 23, 2014 for replacement of the front and side stoops, stairs, paths, garage floor, approach and some tuckpointing. On November 17, 2014 the property owner asked for an extension to complete the work in spring of 2015.

Since the permit has been issued, the building inspector completed seven inspections. The last inspection was August 13, 2015, after the front and side stoops were complete. During that inspection, the property owner received the Notice of Correction to install a guardrail along the southern stoop concrete stairs, required per Wisconsin Uniform Dwelling Code Section 321.04(3). Mr. Caraway is appealing the requirement of installing a guardrail.

Materials provided: Board of Appeals application; pictures; notice of correction; State Codes; memo from Inspector Justin Burris.

Burris provided a memo describing the various involved codes. The guardrail is a State requirement enforced by the inspectors. The code is not written as a guideline but rather a minimum requirement designed to establish uniform statewide construction standards and to protect the safety, health and general welfare of the public. A building is static whereas how it is used and who is using it is dynamic. Especially in this case where the building is a rental property and will have numerous different tenants over the lifespan of the building.

Property owner James Caraway was sworn in. The Village issued orders to replace both porches and do tuckpointing the south wall. He decided to replace all concrete and is not avoiding any responsibility. There are four stairs at the south stoop, which is the only entrance to the upper unit that can be used for moving furniture in/out. This is a narrow entry and has a 180 degree turn. Concerned that tenants can't bring furniture into the property. This is practical difficulty with unique circumstances. He didn't know he needed

a rail. There is a railing at the top, just not along the stairs.

Nusslock questioned why so many inspections. Burris explained that for each concrete pour, there had to be an inspection before and after the pour and the work wasn't done all at once. It also included the garage floor, driveway and front landing. The southern stoop/porch was the final pour, therefore the final inspection, which is when a rail would be observed. When the building application is submitted by the contractor, it is the responsibility of the contractor to know state and local code requirements. The purpose of the stair rails is because of the open side. The State requires rails if three or more steps, for the safety of the occupants. It's important to have a guardrail knowing occupants are using entrance daily compared to the infrequency of tenants moving in/out.

Nusslock questioned when the inspection report was done for the code compliance inspection last year, was there an item to replace the stoop? Burris said the correction notice said to replace or repair the front and side porch/stoop.

Mr. Caraway noted that adding a guardrail will add expense.

Burris noted that before the new stoop concrete was poured, consideration of the necessary rails could have resulted in a different configuration, negating the issue of moving furniture in/out.

Mr. Shaffer moved to deny the appeal based on the situation is not unique. The codes are there for safety. Seconded by Mr. Drews.

Roll call vote.

David Drews	Aye
Kathy Nusslock	No
Gregg Schaffer	Aye

10. Such other matters as are authorized by law.

11. Adjournment.

Drews moved to adjourn the meeting at 7:15 p.m., seconded by Drews. Vote 3-0.

Recorded by,



Ericka Lang
Planning Director

April 7, 2016



To: Board of Appeals- Meeting April 12, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals – 1914 E. Newton Ave

Property owners Aaron and Mandy Krueger submitted a HVAC application to install two air conditioner units in the rear yard setback at 1914 E. Newton Avenue. The HVAC application was submitted March 08, 2016 and a denial letter provided March 18, 2016.

The property is located in the R-6 Zoning District allowing 1- and 2-family dwellings. Village zoning code section 535-19 F. (5) states:

Setback:

(b) Rear, minimum: three feet.

(c) Side: [1] Interior, minimum: three feet.

The placement of the condensing units are 1.7 feet into the 3-foot rear setback as indicated by the attached survey.

The applicant is asking for a variance for the units in the rear yard setback. The owners are putting an addition on their home at the rear of the property as shown in the pictures. The applicant states that the unique lot shape and size would not allow for placement of the AC units at either side yards or in the narrow extended strip of land as shown on the survey.

Materials attached:

1. Board of Appeals application
2. Pictures
3. Aerials
4. HVAC permit application
5. Application Denial letter, dated 3/18/2016
6. Code Section 535-19



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
 Date 03/21/2016 8:29:37 AM
 Ref 00025954
 Received 11/13/16
 Amount \$150.00

25954

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 #	16-0436 FEE: \$150.00
DATE RECEIVED:	3.16.16
SCHEDULED MEETING:	April 12 th , 2016
TAX KEY #	

Property Address 1914 East Newton Ave.

Owner's Information		Applicant Information		Contractor?	
Name Aaron and Mandy Krueger		Name B&E General Contractors		<input checked="" type="checkbox"/>	YES
Address 1914 East Newton Ave		Address 6001 N. Green Bay Ave		<input type="checkbox"/>	NO
City/State/Zip Shorewood		City/State/Zip Glendale, WI 53209			
Phone #414-581-0956	Alt #	Phone #414-351-5558	Alt # 414-397-8558		
Email mandy.krueger@alarisgroup.com		Email steve@begeneralcontractors.com			
Check if prefer Board of Appeals Meeting Agenda Emailed:		<input 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:

Asking to locate two a/c units (one for the existing home and the other for the addition) at the rear of the home. The units would be partly within the rear yard setback. The distance from the home to the rear lot line is only 4' in the area we need to place the units. The units would be centered on the rear wall of the home.

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 lot shape is unique and unlike the neighboring properties. The rear yard is a sliver of land 10 ft wide by 75' long. The property is not similar or typical of other rear yards.

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 lot shape and size would not allow for placement of the a/c units at either side yards or rear yard.

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 units would be less visible from the neighbors yard in comparison to placement at the side yards. The units would be further in from the sides of the property providing a greater distance for sound to travel. The closest structure is the neighbors detached garage.

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:

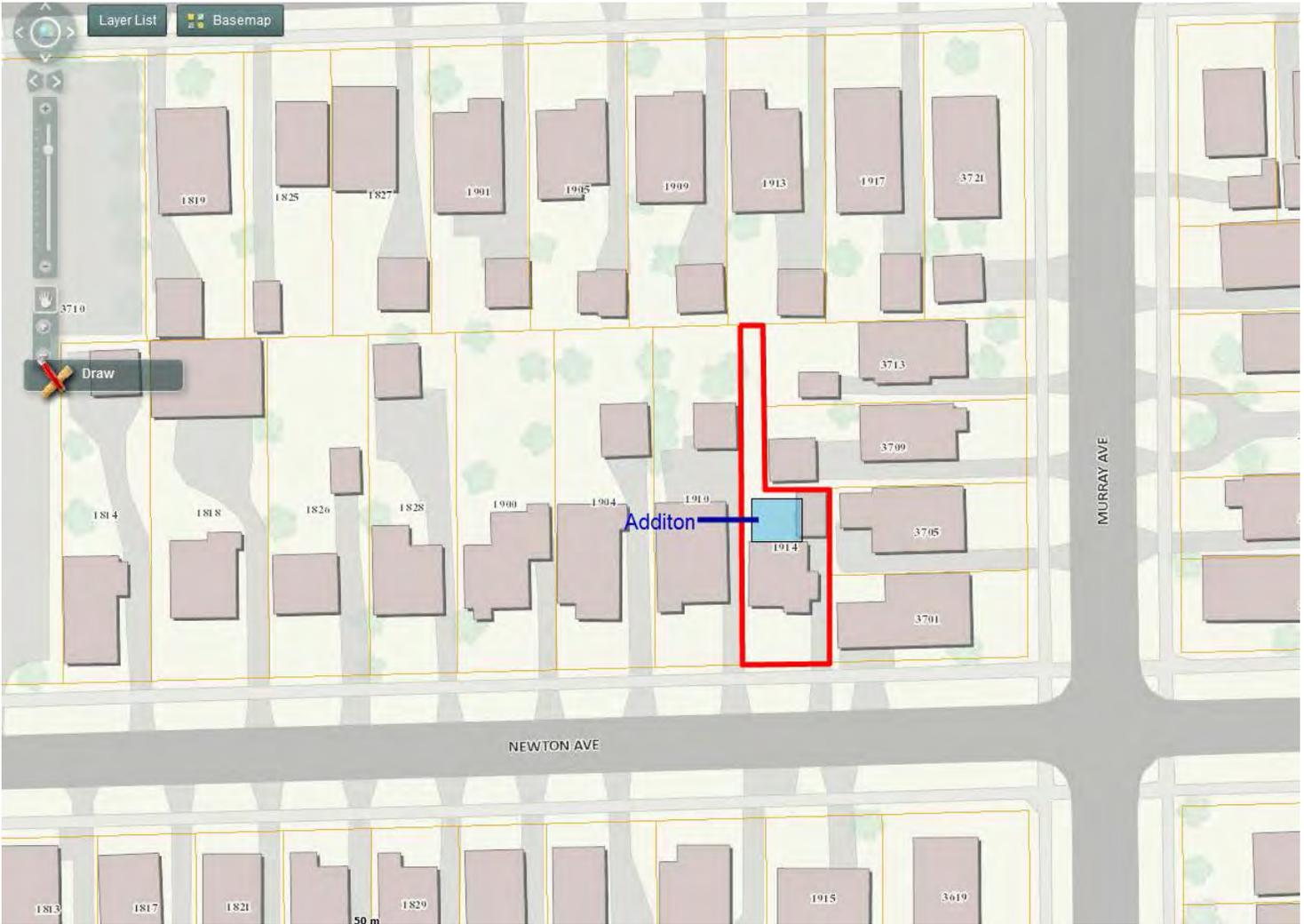
* Please verify with the Planning and Development Department prior to placement on the Board of Appeals Agenda whether site plans or other documentation are required.

* 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

1914 E. Newton Avenue





Chapter 535-19 Residence Districts

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,



March 18, 2016

Mamayek HVAC & Cooling
378 HUNTERS HILL TRL
Colgate, WI 53017
414-690-6555
robertjmamayek@yahoo.com

RE: 1914 E. Newton Ave. A/C Condenser units

Dear Mr. Mamayek:

Your HVAC application for the placement of the air conditioner condensing units at 1914 E. Newton Ave. has been respectfully denied per Village Code 535-19 F.(5). Your application was submitted March 08, 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.

Therefore, the placement of the condensing units' 1.7' feet into the setback as indicated by the attached survey is not permitted.

Should a decision to appeal is determined, 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.

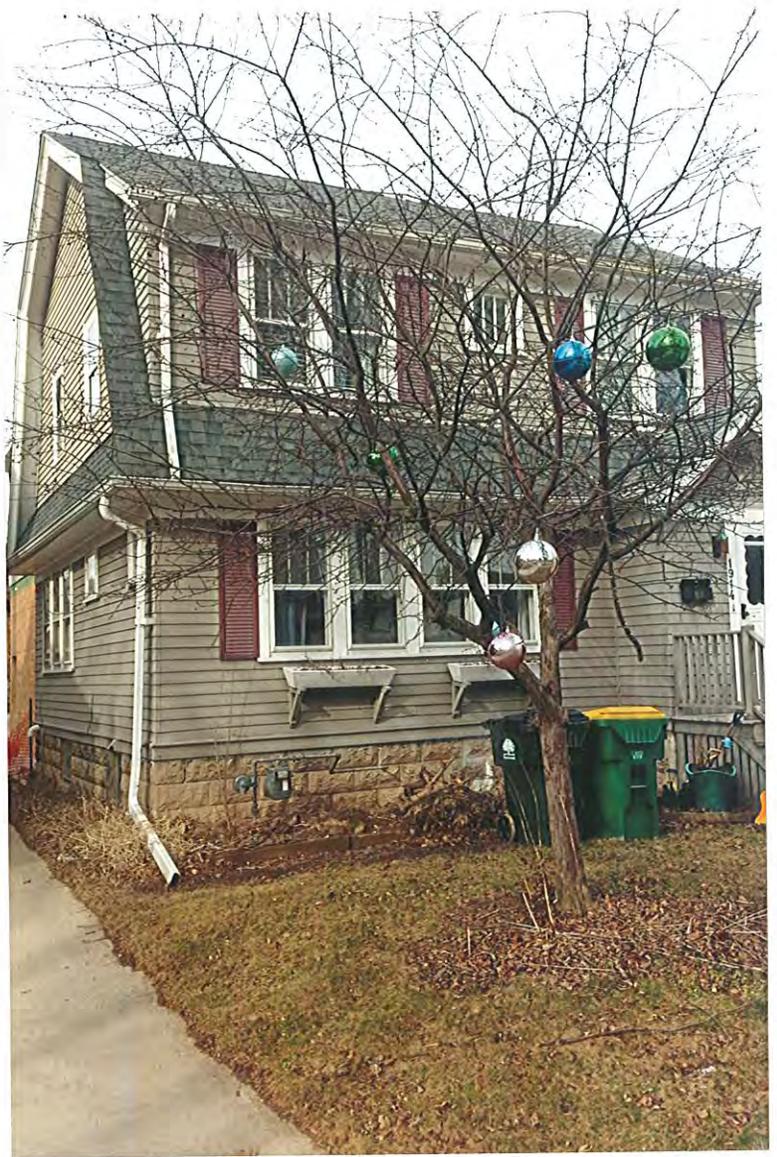
I may be reached at 414-847-2644 should you have any questions.

Respectfully,

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

Cc: Property Owner





PLAT OF SURVEY

PROPERTY DESCRIPTION: (Per Document No.):

The East 10 feet of Lot 5 and the West 30 feet of Lots 3 and 4 in Block 6, in Hill Crest, being a Subdivision of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 10, Township 7 North, Range 22 East, in the Village of Shorewood, Milwaukee County, Wisconsin.

For questions regarding underground utilities please contact:



PHONE: Wisconsin 1 Call center 1 (800) 242-8511

NOTE: Title Policy

As of the date of this survey, no title policy was provided, therefore this Plat of Survey does not guarantee the existence, size and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in a title search or current Title Policy.

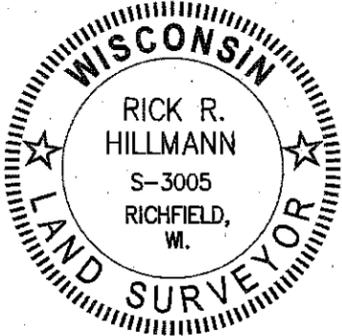
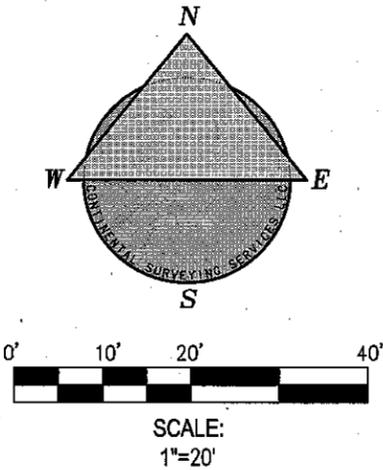
NOTE: Underground Utilities

Location of Underground utilities are not part of the agreement made between the Surveyor AND Client named on this map, therefore none are shown.

NOTE:

Bearings are referenced to the North Line of E Newton Ave as West

20"x 3/4" Iron Rod Set (1.13 lb/foot)

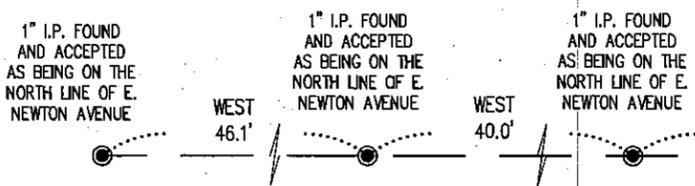
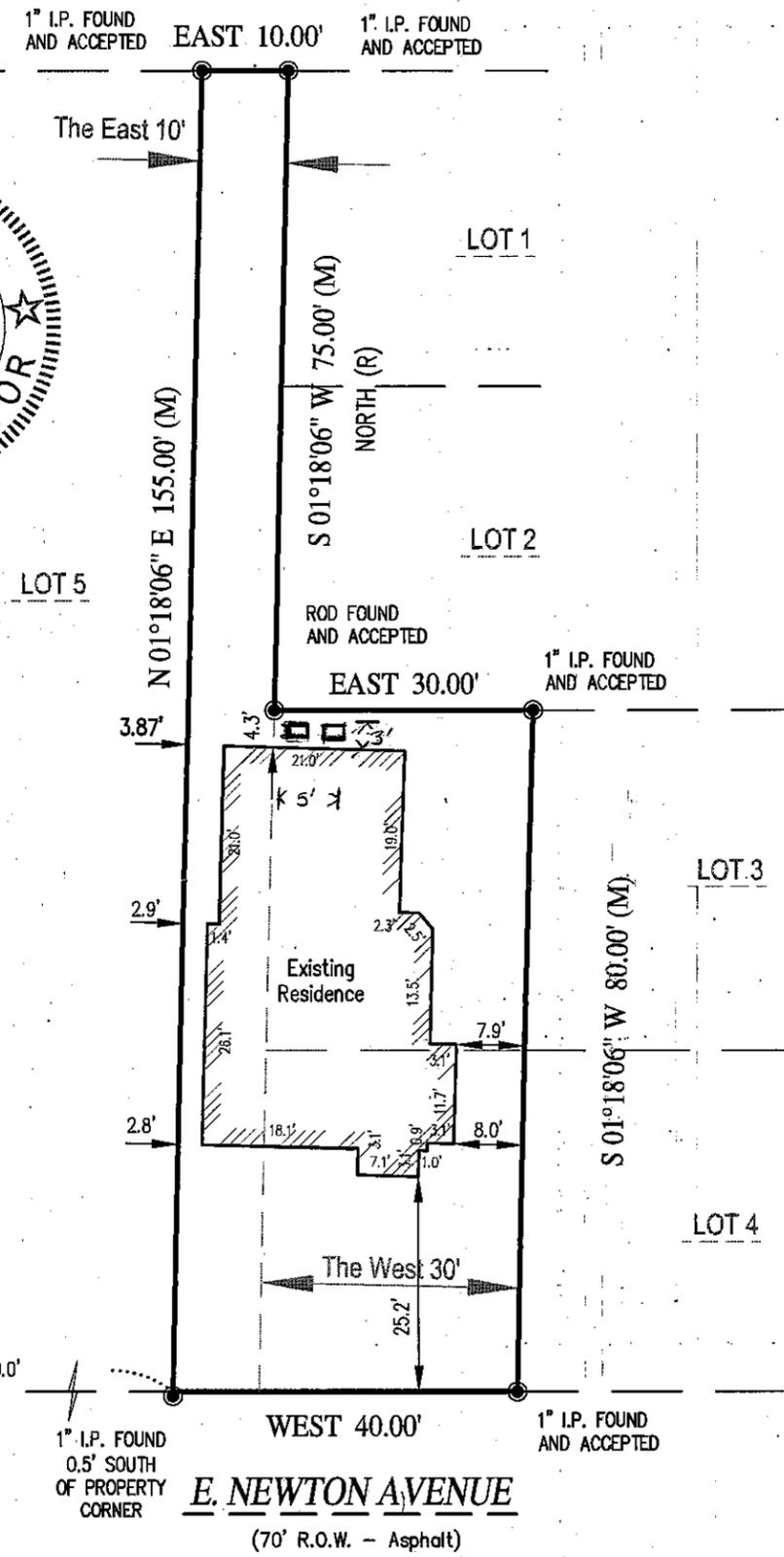


Conversion to Inches	
0.083'	= 1"
0.166'	= 2"
0.250'	= 3"
0.333'	= 4"
0.416'	= 5"
0.500'	= 6"
0.583'	= 7"
0.666'	= 8"
0.750'	= 9"
0.833'	= 10"
0.916'	= 11"
1.000'	= 1 Foot

LEGEND

- (M) - Denotes Measured
- (R) - Denotes Recorded
- (P) - Denotes Platted
- (C) - Denotes Computed

*Centered on wall.
No units 24" x 24" EACH
Units ARE 12" FROM WALL
AND 12" APART*



Revised this 16th Day of February, 2016.
(Re-Surveyed)

Revised this 20th Day of October, 2015.
(Added New Addition)

LEGAL NOTICE: UNAUTHORIZED REVISIONS, MODIFICATIONS, ALTERATIONS, AND OR MAKING CHANGES OF ANY KIND AND THEN USE AND OR DISTRIBUTE THIS MAP, CONTINENTAL SURVEYING SERVICES LLC'S NAME, OR THE SURVEYOR'S NAME NAMED ON THIS MAP WITHOUT CONSENT MAY BE A FEDERAL OFFENSE IN VIOLATION OF COPYRIGHT AND OR PLAGIARISM LAWS WHICH MAY RESULT IN LEGAL ACTION.

CONTINENTAL SURVEYING SERVICES LLC

Registered Land Surveyors, Surveying Since 1987

Focusing on You!

Main Office:
2059 Hwy 175, Suite "A"
Richfield, WI. 53076
Phone: (262) 389-9200
Alt Phone: (262) 628-1409
Milwaukee Office: (414) 425-2060
Website: www.csssurveys.com
Email: survey@csssurveys.com

CLIENT:
Mandy Krueger
1914 E Newton Ave
Shorewood, WI. 53211

PROPERTY ADDRESS:
1914 E Newton Ave
Shorewood,
Wisconsin 53211

PARCEL INFO:
TAX KEY NUMBER: 276 0200 000
PROJECT NO.: 20150901_MTG0001

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND IN MY PROFESSIONAL OPINION THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, ROADWAYS, THE LOCATION OF ALL VISIBLE DWELLINGS AND PERMANENT OUT BUILDINGS WITHIN OR NEAR SAID BOUNDARIES, 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. THIS SURVEY COMPLIES WITH WISCONSIN ADMINISTRATIVE CODE AE-7 EXCEPT FOR THOSE ITEMS WAIVED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE 893.37 THAT DEFINES STATUTE OF LIMITATIONS IN REGARDS TO SURVEYS.

[Signature]
Rick R. Hillmann S-3005

Dated this 16th Day of SEPTEMBER, 2015.

April 7, 2016



To: Board of Appeals- Meeting April 12, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals - 2212 E. Menlo Blvd

Property owner Daniel Wicklendt submitted a building application to reconstruct a detached garage at property 2212 E. Menlo Blvd. The building application was denied March 4, 2016.

The property is located in the R-6 Zoning District that allows 1- and 2-family dwellings. Village code section 535-32 B (1) states: Accessory uses and detached accessory structures are permitted in the rear yard or side yard only; they shall not exceed 15 feet in height and shall not occupy more than 10% of the lot.

The plans for the proposed garage indicate a height (the mean elevation between the ridge and the eaves) of 17' -0 ½" seventeen feet and one half inches.

The applicant is asking for a variance of the accessory height limits due to hardship of low land topography leaving the residential basement unusable. The additional garage space provides storage unavailable within the dwelling.

Materials attached:

1. Board of Appeals application
2. Pictures
3. Aerials
4. Letter from contractor confirming attached garage not feasible, dated 3/14/16
5. Proposed garage plan and elevation
6. Draft plans for attached garage
7. Village detached garage flyer explaining height calculation
8. Neighbors letters of support
9. Building permit application
10. Building Application Denial letter, dated 3/4/2016
11. Contractor estimate to install catch basin, dated 3/8/16
12. Code Section 535-32



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
 03/14/2016 3:38:24 PM
 Ref 00025918
 Receipt 113020
 Amount \$150.00

25918

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 # 16-0401	FEE: \$150.00
DATE RECEIVED: 3.14.16	
SCHEDULED MEETING: 4-12-16	
TAX KEY #	

Property Address 2212 E. Menlo Blvd	
Owner's Information	Applicant Information Contractor? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Name Daniel Wycklendt	Name
Address 2212 E. Menlo Blvd	Address
City/State/Zip Shorewood / WI / 53211	City/State/Zip
Phone # (414)915-1617 Alt #	Phone # Alt #
Email djwyck@yahoo.com	Email
Check if prefer Board of Appeals Meeting Agenda Emailed: <input checked="" type="checkbox"/> OWNER <input 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:

When we designed the house the garage was originally going to be attached, if it was attached height would not have been an issue because this rule does not apply to attached garages. When it was found that issues with the lot would not allow for the plan, we had to adjust. With the amount of water on the lot, the basement has had water issues so the extra height on the garage allows for adequate storage space.

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 subject lot is the lowest lot of the surrounding properties. Properties to the north are over 6 feet above the grade of this property. The north lot line is 29" higher than the foundation of our house and the grade is 24" higher at the rear of the garage. Gutters and concrete from the north drains south towards the low subject property causing a large buildup of water in in the yard which did not allow for an attached garage. When moving the garage further South and attaching it was investigated it was found that it would cause issues for the neighbors to the east, blocking their house.

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 proposed garage has a mean height of 17ft, only 2ft higher than the ordinance. Although the front of the garage is at that height, the rear of the garage would look to have a shorter distance from ground to mean height because of the slope of the property. The garage cannot be widened or attached to the house as planned because of the large amounts of drainage from the neighboring properties into the low lying property from disconnected downspouts and runoff. If the property did not have these issues with topography and water the garage could have been attached and this would not be an issue.

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 current garage has a larger footprint than the proposed new garage. The new garage as designed will fit nicely into the neighborhood and will be a great addition to the property. The height and design will mimic the house on the property. The properties to the north are at a much higher grade helping to mask any addition to the height of the garage.

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

Reason for Application:

Applicant's Appeal Ruling

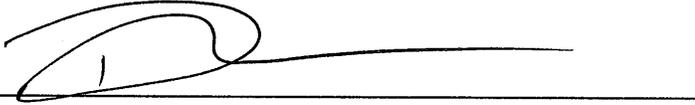
APPROVED

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



Cautionary Statement to Owners Obtaining Building Permits

Per Section 101.654 (1) WI Stats., an individual taking out a construction permit shall enter his or her dwelling contractor certificate number, and name and certificate number of the dwelling contractor qualifier employed by the contractor, unless they reside or will reside in the dwelling.

101-65(lr) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654(2) (a), the following consequences might occur:

- (a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
- (b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two-family dwelling code or an ordinance enacted under sub. (1) (a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

I vouch that I am or will be an owner-occupant of this dwelling for which I am applying for a construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility.

 Dan Wycklendt
Owner's Name (Please print)

 414-915-1617
Owner's Phone

 [Signature]
Owner's Signature

 3/2/16
Date



March 4, 2016

Dan Wycklendt
2212 E. Menlo Blvd.
Shorewood, WI 53211

Mr. Wycklendt:

Your building application #P16-0330 for the construction of a new garage at property 2212 E. Menlo Blvd. has been respectfully denied per Village Code 535-32. Your application was submitted March 2, 2016.

The property is located in the R-6 Zoning District; Village code section 535-32 B (1) states: Accessory uses and detached accessory structures are permitted in the rear yard or side yard only; they shall not exceed 15 feet in height and shall not occupy more than 10% of the lot.

The plans for the proposed garage indicate a height (the mean elevation between the ridge and the eaves) of 17' -0 ½" seventeen feet and one half inches.

You do have the right to appeal, or submit new plans for the garage with the garage height not exceeding the maximum of 15' feet.

The next Board of Appeals meeting is **April 12, 2016**. The **application is due by Wednesday March 23, 2016** to meet publication notice statutory requirements. The application must be received within 30 days of this letter for the right to appeal.

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

Sincerely,

A handwritten signature in black ink that reads "Justin Burris". The signature is written in a cursive, flowing style.

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

GARAGE REPLACEMENT

2212 E. Menlo Blvd





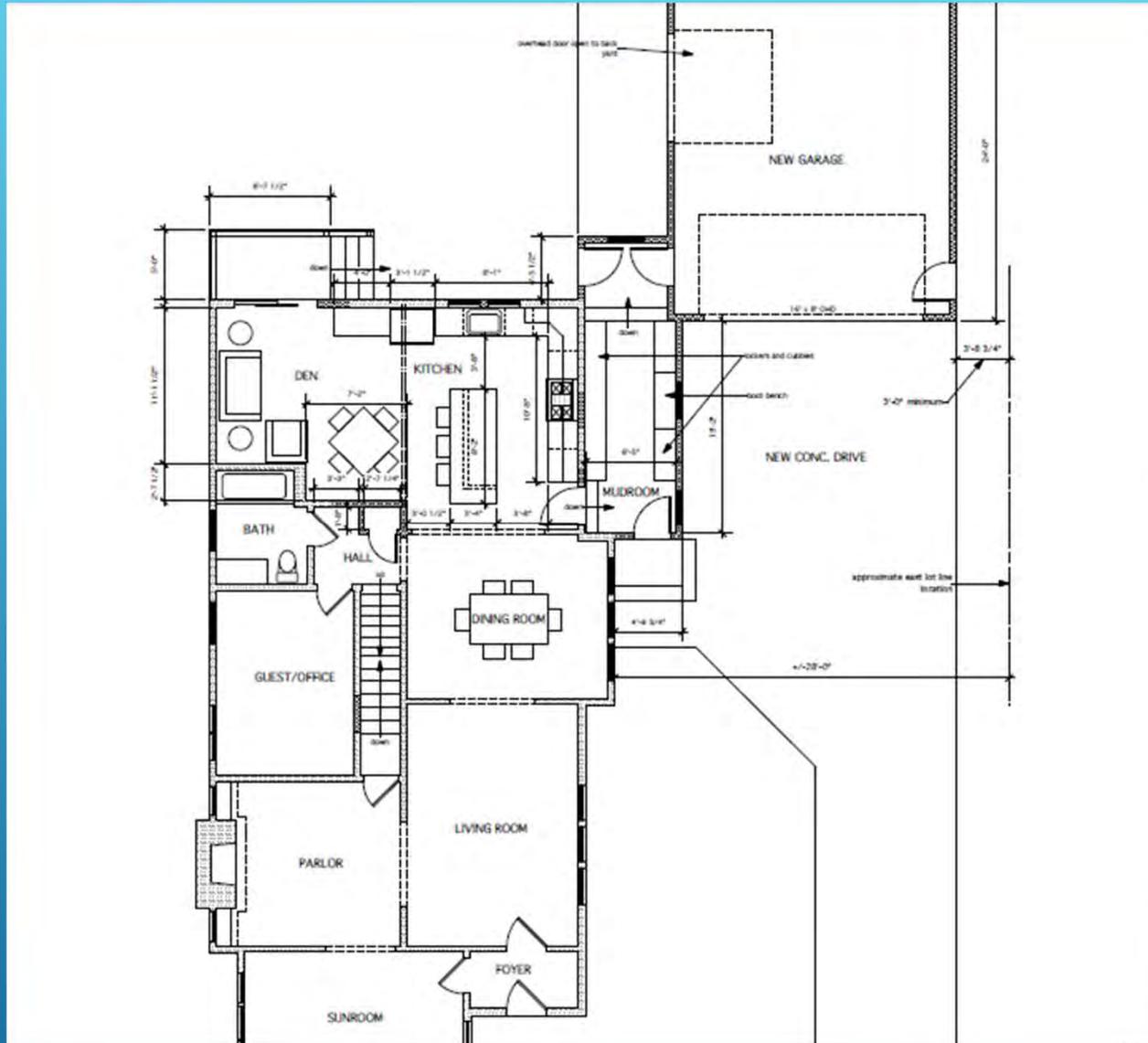
2212 E. MENLO BLVD
CURRENT PROPERTY PICTURE



2212 E. MENLO BLVD
CURRENT GARAGE PICTURE



BASEMENT HAS WATER ISSUES SO EXTRA STORAGE IN THE GARAGE WAS A MUST FOR THE PROJECT
CURRENT BASEMENT WATERPROOFING MEASURES



ORIGINAL PLAN FOR ATTACHED GARAGE
NOT SUBJECT TO HEIGHT RESTRICTION



WATER ISSUES IN YARD (OVER 4IN IN THIS CASE)
WATER POOLS NEXT TO HOUSE AND CAN ONLY DRAIN WHERE GARAGE
ATTACHMENT WOULD BE.

Estimate

Larson's Midwest Building Service

10453 N. Granville Rd.
Mequon, WI 53097

Estimate No: 468
Date: March 14, 2016

Office: (262)242-2262
Cell: Dave (414)491-0043 Jordan (414)573-9181 Pat (414)217-7965
Fax: (262)242-2262
Dave@LarsonsMidwest.com Jordan@LarsonsMidwest.com Pat@Larsor
www.larsonsmidwest.com



For: Dan wycklendt
2212 E. Menlo Blvd.

Description	Amount
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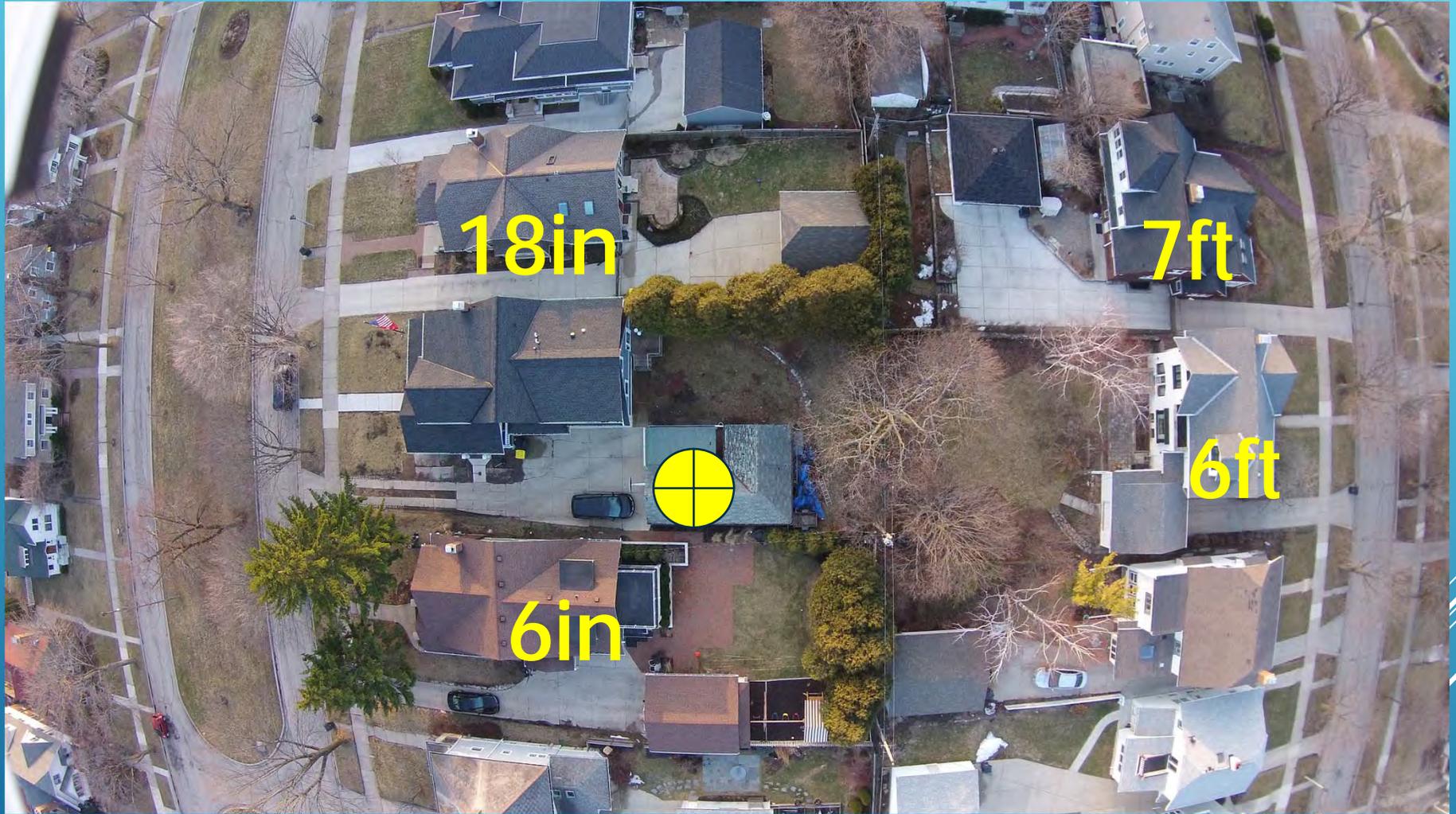
Ms. Lang, We assisted Dan Wycklendt with the remodeling of his home at 2212 E. Menlo Blvd. The first design reflected the desire to attach the garage to gain extra storage because of water in the basement. As we were moving through the process we found that a large amount of water was being retained in the yard from the neighboring properties. Because the only avenue for removing the water is between the house and the garage we had to abandon the plan of attaching the garage and leave it unattached.	\$0.00
---	--------

Joseph Niklasch
Larson's Midwest Building Services
Project Manager

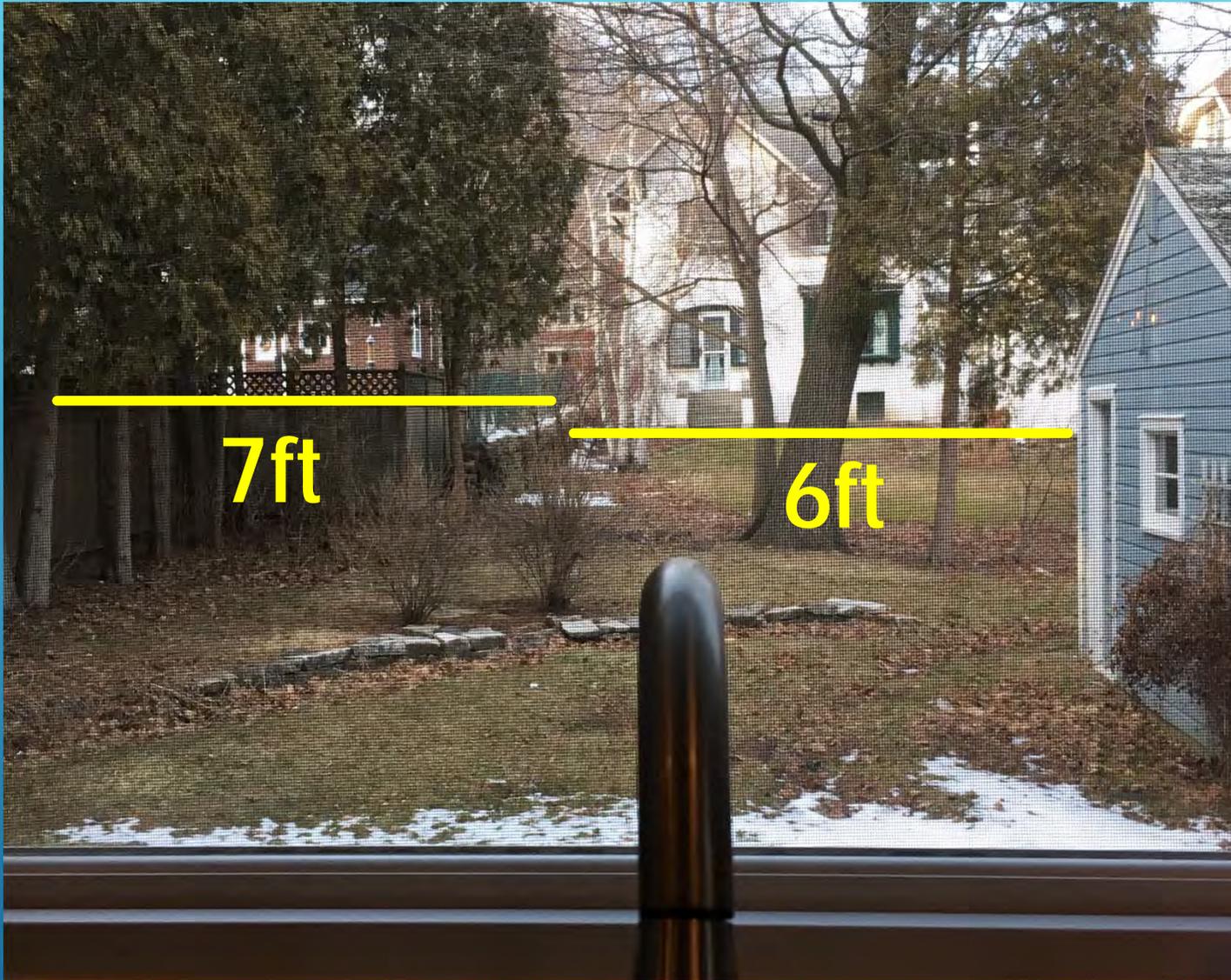
ATTACHMENT "A"
All prices are good for 30 days

Total	\$0.00
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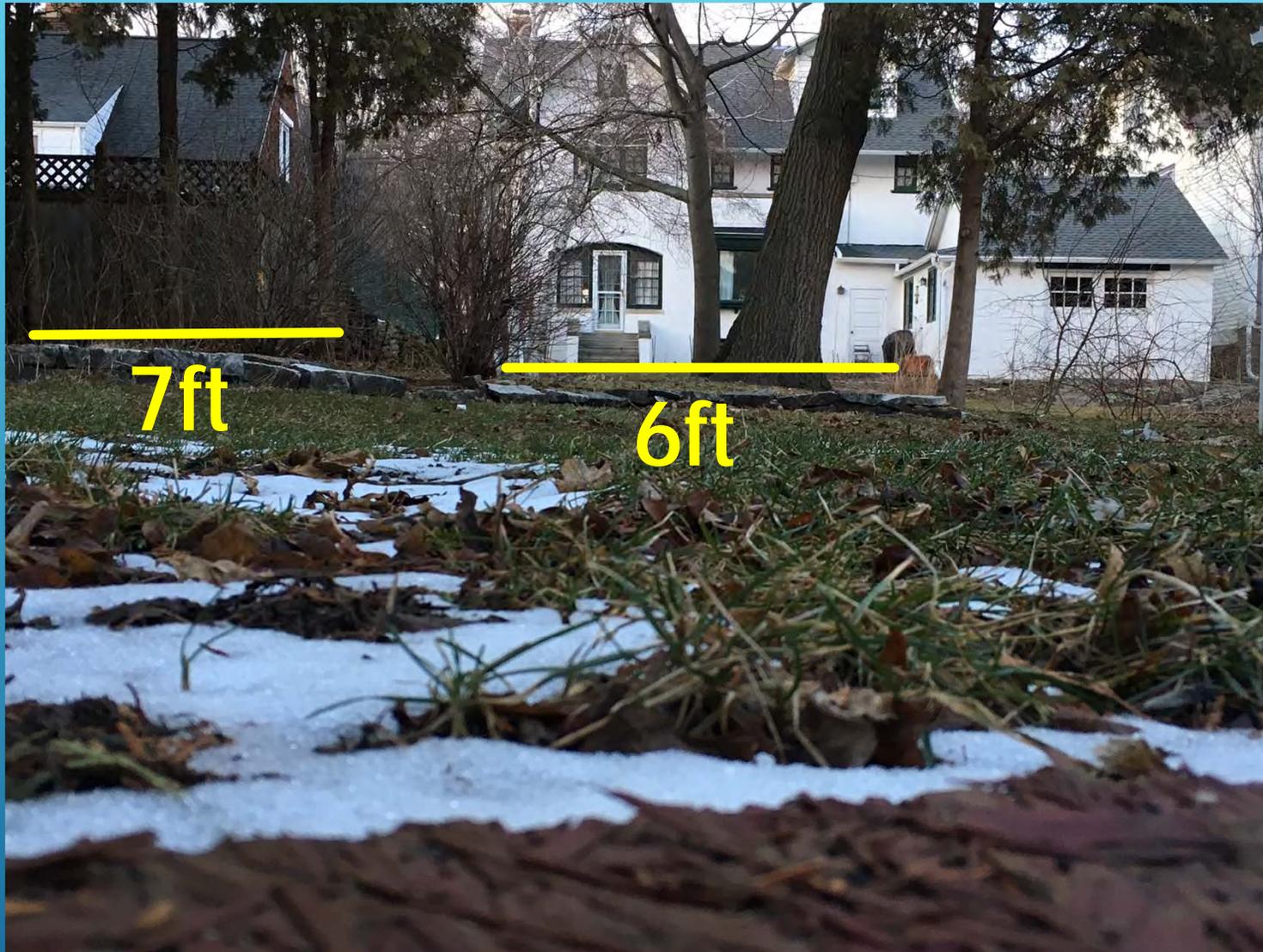
WATER ISSUES DID NOT ALLOW FOR ATTACHED GARAGE
LETTER FROM CONTRACTOR



PROPERTY IS THE LOWEST OF SURROUNDING PROPERTIES
ARIAL MAP



PROPERTY IS THE LOWEST OF SURROUNDING PROPERTIES
NORTHERN PROPERTIES ARE ALMOST 5 FEET HIGHER ABOVE GRADE



PROPERTY IS THE LOWEST OF SURROUNDING PROPERTIES
NORTHERN PROPERTIES ARE ABOUT 6 FEET HIGHER ABOVE GRADE



WATER DRAINS FROM SURROUNDING PROPERTIES TO YARD
DRIVEWAYS AND DISCONNECTED DOWNSPOUTS HAVE MADE THE PROBLEM WORSE



WATER DRAINS FROM SURROUNDING PROPERTIES TO YARD
DRIVEWAYS AND DISCONNECTED DOWNSPOUTS HAVE MADE THE PROBLEM WORSE

Proposal

**From: Ray Wollner Excavating, Inc.
8309 Highway 144
Kewaskum, Wisconsin 53040**

Proposal Submitted To		Work To Be performed At	
Name	Dan Wycklendt	Project:	Garage
Street	2212 E. Menlo Blvd	Street	2212 E. Menlo Blvd
City	Shorewood	City	Shorewood
State	Wisconsin	State	Wisconsin
Cell Number	414-915-1617	Email	diwyck@yahoo.com
		Date:	3/8/2016

Proposal to include:

Remove driveway and install sactch basin:

Remove and dispose of concrete driveway.
Provide and install one 12" catch basin in back yard and approx. 60' of 8" PVC pipe out to sidewalk.
Compact trench.

**Three mobilizations to sight (excavate, backfill & driveway removal).

**No Permits included with this proposal.

* All unseen or unspecified adverse soil conditions shall be charged on a time and material basis to correct.

* This proposal does not include any fill or top soil, hauled into or off of site unless descrided above.

* All payments to be made within 15 days of submittal of invoice. * Non-payment will result in 1.5% interest per month thereafter
Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's
Compensation and Public Liability Insurance on above work to be taken out by general contractor.

Respectfully submitted Ray Wollner Excavating, Inc.

Per _____

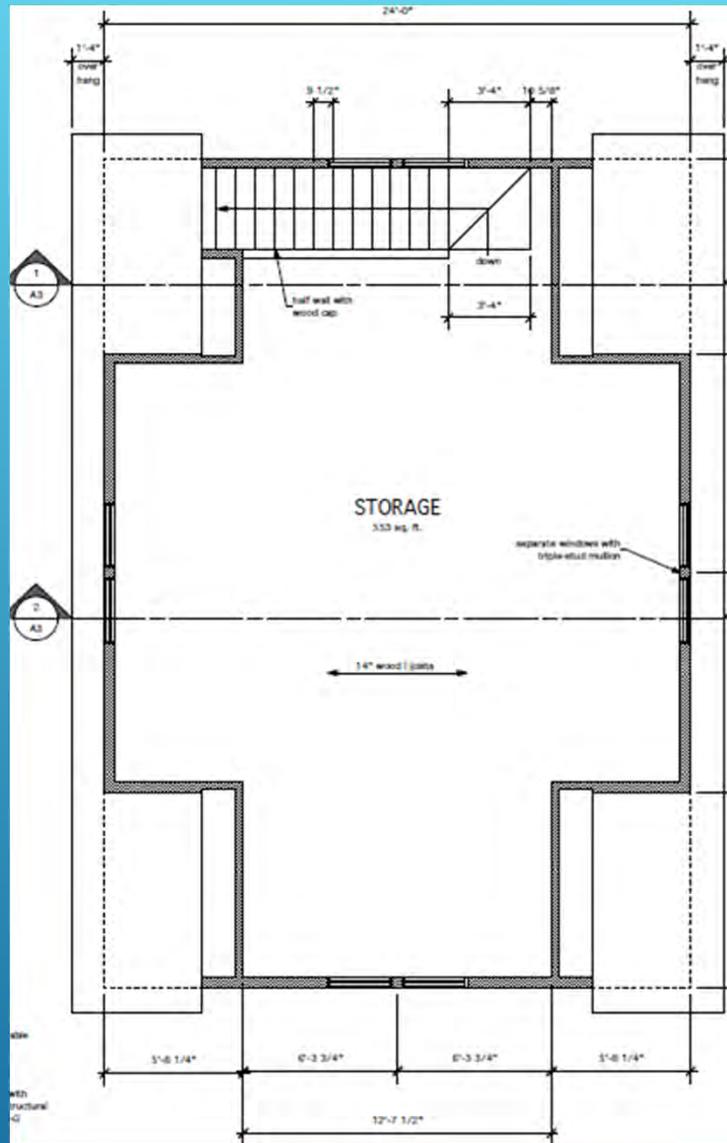
Note -- This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal

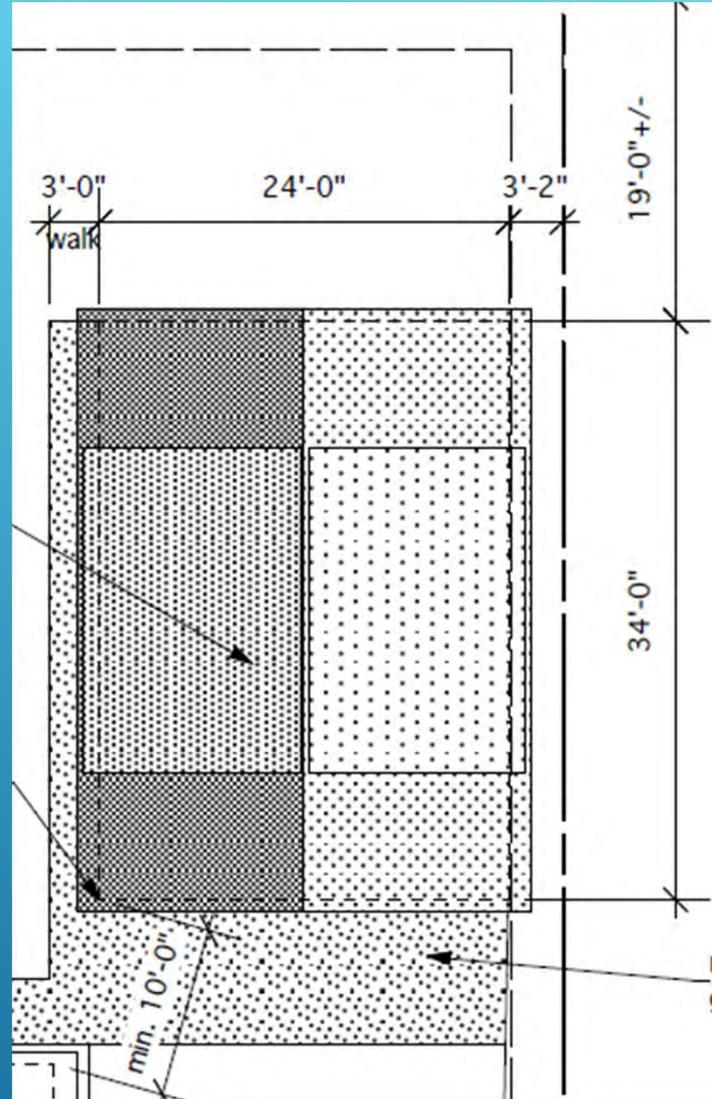
The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date Accepted: _____ Signature _____

**REMOVING WATER FROM YARD IS A MUST
HAVING THE DETACHED GARAGE ALLOWS FOR WATER MITIGATION, THIS PROCESS WILL
TAKE PLACE WHEN THE DRIVEWAY IS REPLACED**



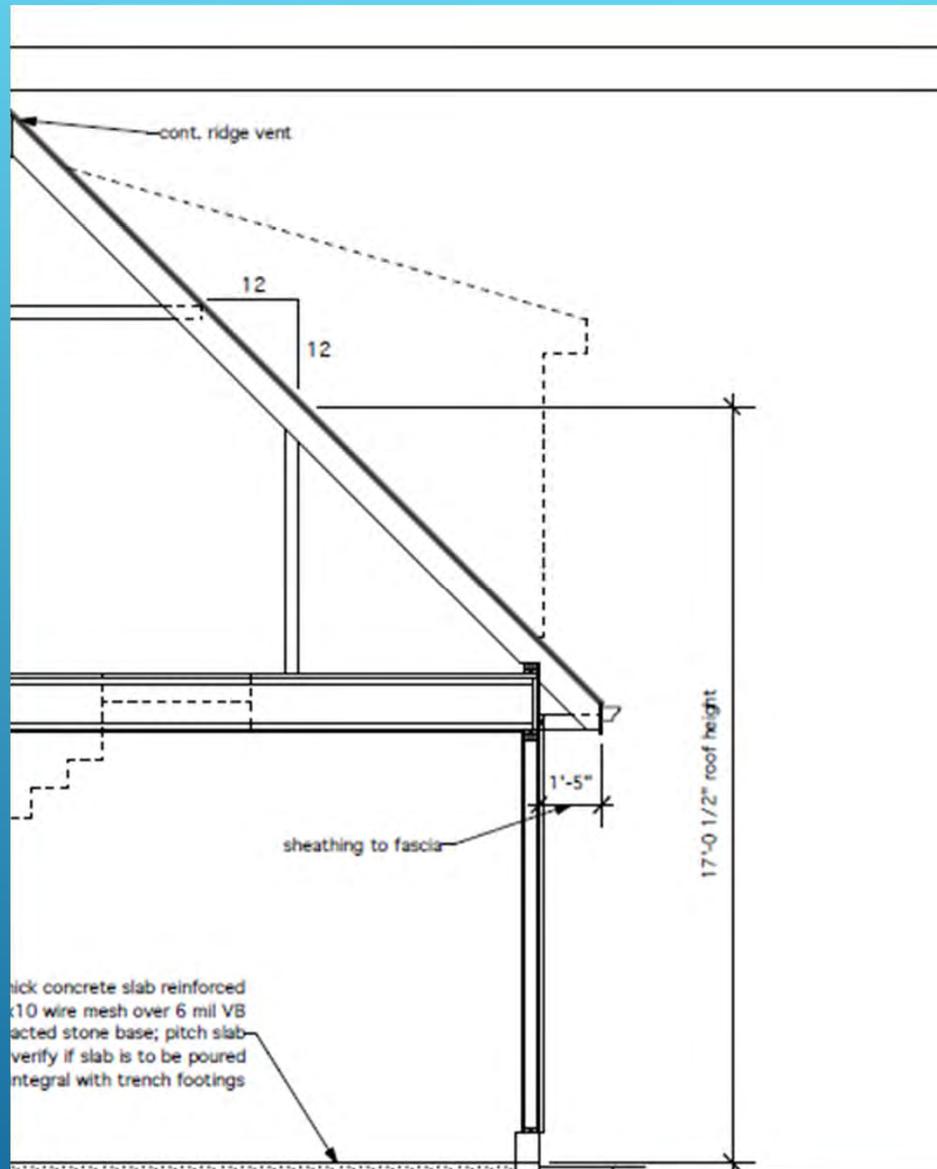
THE NEW GARAGE ALLOWS FOR STORAGE
 WITH THE RISK OF WATER IN THE BASEMENT STORAGE ABOVE THE GARAGE IS THE
 SOLUTION



FOOTPRINT

THE NEW GARAGE TAKES UP A SMALLER FOOTPRINT THAN THE CURRENT STRUCTURE AND HAS A LARGE SETBACK FROM THE NORTHERN PROPERTY LINE

OLD - 24' X 36' NEW 24' X 34'



HEIGHT

THE NEW GARAGE HAS A MEAN HEIGHT 2FT LARGER THAN ORDINANCE



IMPACT

THE NEW GARAGE WILL FIT NICELY WITH THE HOUSE AND THE LOT



NEIGHBORS

THE VIEW OF THE GARAGE FROM THE NORTH IS BLOCKED BY TREES AND THE HOMES THEMSELVES ARE AT LEAST 6 FEET HIGHER ABOVE GRADE



NEIGHBORS

THE REAR OF THE PROPERTY IS 29" HIGHER THAN THE FRONT OF THE GARAGE. MASKING THE INCREASE IN HEIGHT.

12 March, 2016

Village of Shorewood
Board of Appeals
3930 N. Murray Ave
Shorewood, WI 53211
Attn: Ericka Lang – Planning & Zoning Administrator

Dear Members of the Board:

As a neighbor of Dan and Cory Wycklendt, 2212 E. Menlo Blvd, they have shared their plans for the new garage on their property. I have reviewed the plans and they made aware of the request for a variance due to the height restriction for the garage (17' ½" vs 15'). I am in support of the plans and the request for a variance for this project.

Sincerely,



Name: Kathleen Donius + Paul Kosidowski
Address: 2208 E. Menlo
Shorewood, WI 53211

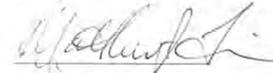
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3930 N. Murray Ave
Shorewood, WI 53211
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Sincerely,



Name: MATTHEW J LIND
Address: 2218 E Menlo Blvd
Shorewood WI 53211

SUPPORT
SIGNATURES ON A LETTER OF SUPPORT FROM NEIGHBORS

GARAGE REPLACEMENT

Because of the water issues it is necessary to have additional above grade storage space in the garage. These water issues also made it impossible to attach the garage because of the need for an opening between the house and garage to allow water to drain. If the garage had been attached it would not have been subject to height restrictions. The proposed garage has a smaller footprint than the structure it is replacing but is 2ft taller than the ordinance allows. Even with this height increase the garage will fit nicely with the property and not be an issue for the surrounding properties because they are at a higher grade to begin with.

PLANNING & DEVELOPMENT DEPARTMENT INFORMATIONAL PUBLICATION

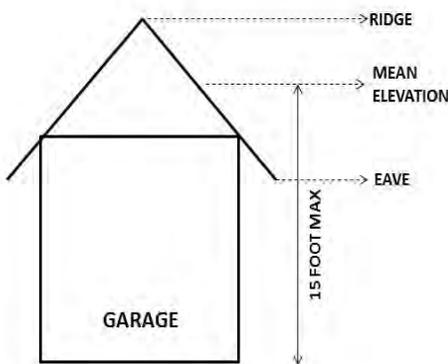


At the edge of the city
and the heart of
everything

Required Permits:

- Building Permit
- Demo/Building Permit (if applicable)
- Electrical Permit

Diagram A



Planning & Development
Department
3930 N. Murray Avenue
Shorewood, Wisconsin

Phone: 414-847-2640

Fax: 414-847-2648

Applications available at:
villageofshorewood.org

Detached Garages

A building permit is required for detached garages along with the following materials:

- Scale drawings showing all property lines and dimensions and the exact location of the proposed garage on a CURRENT CERTIFIED SURVEY***
- The exact location of all other structures on the site with distances between each clearly marked.
- A sectional drawing showing typical construction from foundation to roof

Garage Location:

- Can be located in the rear or side yard but NOT in the setback; typically 3 feet in most residential districts
- Eaves and gutters may project up to 18 inches into the setback
- Minimum distance from a house for a wood frame garage is 10 feet; for a masonry and wood frame garage with 3/4-hour rated fire walls the distance is 5 feet

Garage Size:

- The dimensions of the proposed structure; a maximum of 15 feet in height at mean elevation (SEE DIAGRAM A)
- Minimum size for a garage is 10 x 20 feet for a one car garage
- Maximum size is 10% of the lot size
- 30% of the lot must be green space
- Single family residences require 1 car garages; duplex residences require 2 car garages

Garage Construction:

- The minimum construction requirements are set forth by the Wisconsin Uniform Building Code.
- If there is an existing garage to be razed, a SEPARATE building permit is required.
- A forms inspection is REQUIRED prior to the slab being poured.
- A final inspection of the interior and exterior is REQUIRED upon completion.
- If any electrical works is being done a licensed electrician must pull a permit.
- A rough electrical inspection is REQUIRED to assure that the power connection between the house and garage is properly installed.
- A final electrical inspection is REQUIRED upon completion.
- Failure to arrange required inspections may result in additional fees.

***A Current survey is one which is no more than ten years old. The Planning & Development Dept. retains many residential surveys and may have a survey of your property on file.

NOTE: This informational sheet is NOT intended to answer all questions relative to garages. Please call with any additional questions.

CHAPTER 535: ZONING

ARTICLE X. Board of Appeals

§ 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.

April 7, 2016



To: Board of Appeals- Meeting April 12, 2016

Cc: Nathan Bayer

From: Ericka Lang, Planning Director

RE: Board of Appeals – 4144 Oakland Ave

Colectivo Coffee Roasters is proposing a new restaurant in Shorewood at commercial property 4144 N. Oakland Avenue. The property is currently vacant and has traditionally been used for small office or retail businesses. The last occupancy was for Verizon cellular service provider and the building is owned by Palmetto LLC who also owns the multi-tenant commercial building to the north.

Project Description

The applicant wishes to make substantial improvements to the entire 4,600 sqft site. The current building is less than 1,200 sqft and is set back from the street front. The project proposal adds on to the one-story building to the north (side) and west (front), creating a larger interior space (2,170 sqft) and creating a significant outdoor seating space that is currently surface parking. Per the attached project description (Exhibit A), the restaurant will offer classic burgers and ice cream, providing a “fun neighborhood gathering place for families, friends, and kids big and small.” Also attached are project site plan, concepts (Exhibit B).

Zoning Considerations

The building is considered a legal nonconforming structure. Shorewood’s zoning code requires commercial buildings set at the front property boundary, be a minimum of two-stories high and set back from the rear boundary not less than five feet. The current building is set back 37 feet from the front boundary, 1.77 feet from the rear boundary and is one-story.

Any building improvements that add onto a legal nonconforming structure and do not meet current zoning setbacks or height shall be considered by the Board of Appeals as a **Special Exception per §535-34E, meeting provisions sub (1) a-d.**

- 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.

The property is located in the B-1 Zoning District allowing commercial or mixed-use buildings.

Shorewood's Central District Master Plan

The 2014 Central District Master Plan includes a redevelopment concept for this site and the adjoining sites in the block. The narrow lot depth is a challenge because the building depth does not allow for underground parking. Redevelopment of only this parcel was determined to be cost prohibitive.

The proposed project is consistent with the master plan in realizing a vibrant commercial district, attracting families and activating the street. The building was built in 1952 and assessed at \$321,600. Tenant investment to the property is estimated near one million dollars.

Suggested Motion:

Motion to approve special exception for increasing a nonconforming structure at commercial property 4144 N. Oakland Ave, meeting the provisions of zoning section 535-34E sub (1) A through D.

Materials attached:

1. Board of Appeals application
2. Pictures and aerial
3. Concepts
4. Applicant project description
5. Survey
6. Code Section 535-35

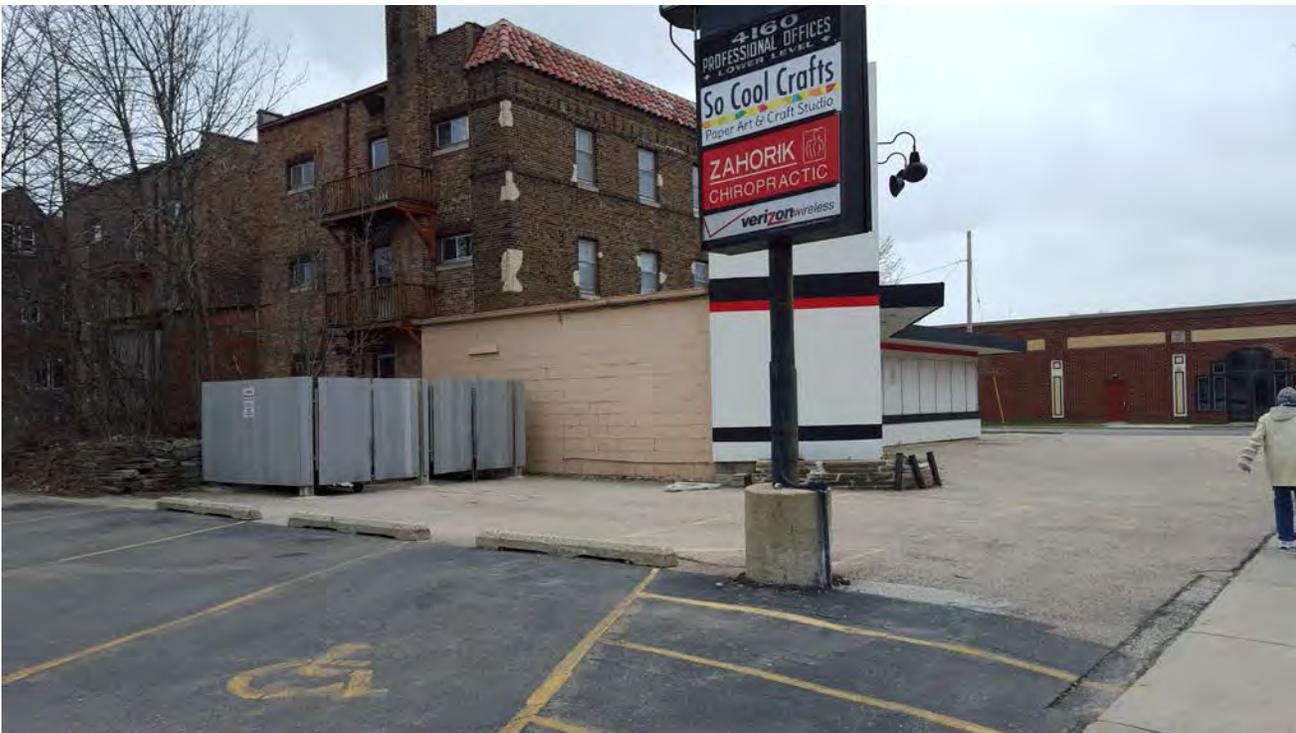








EXHIBIT A

March 30, 2016

SITE: 4144 N. OAKLAND AVE.

CONCEPTUAL OVERVIEW

CONCEPT

The debut location from locally owned creators is a twist on the classic burger and ice cream joint, providing a fun neighborhood gathering place for families, friends, and kids big or small.

FOOD

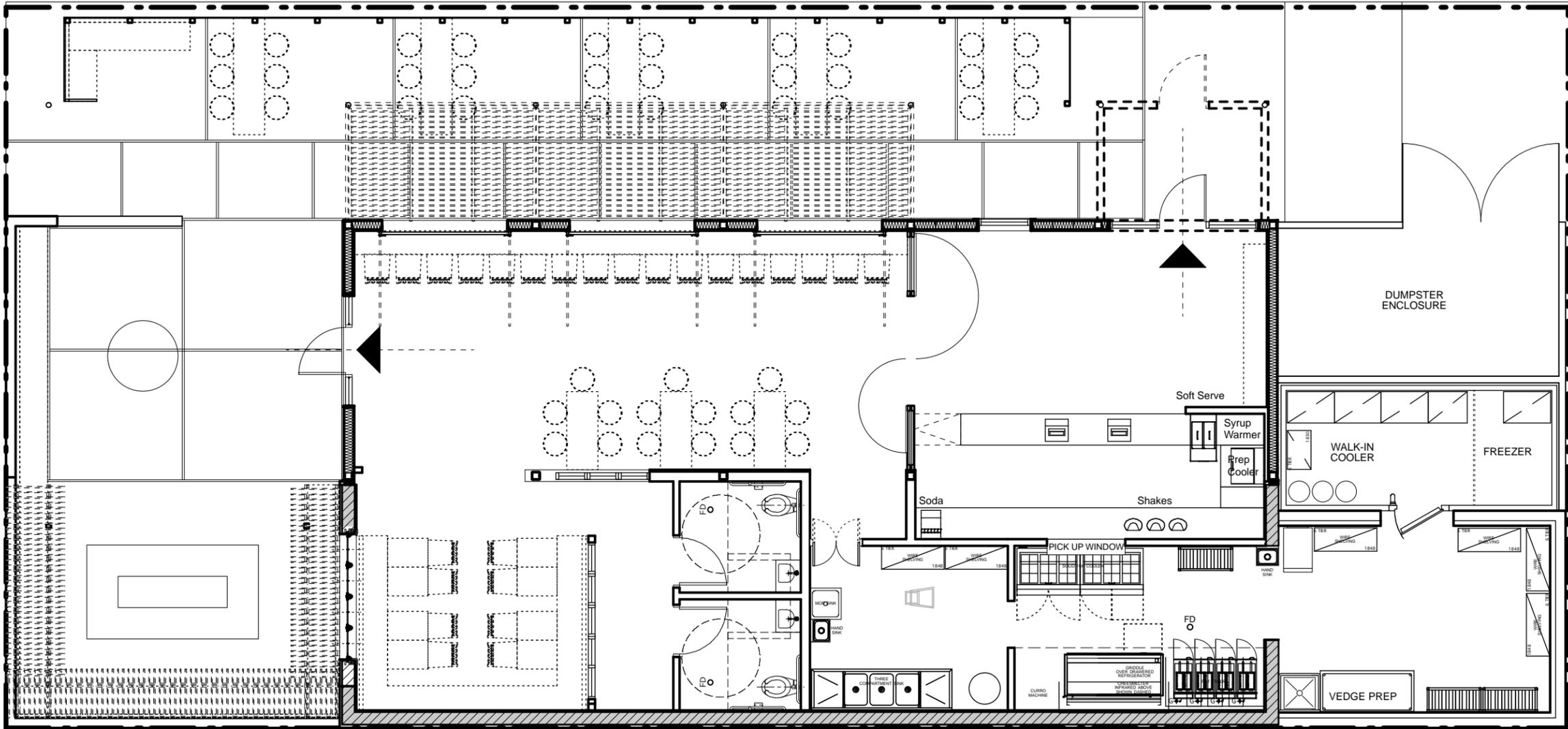
A simple off-the-grill menu utilizing high quality, honest ingredients, will be highlighted by house-made, old-fashioned style soft serve ice cream along with a few other sweet treats. Beverages will range from fountain to proprietary tapped sodas and our beer.

DESIGN

The restaurant's design is an intentional counterpoint to the large format, new development along the west side of Oakland Ave. With a sense of scale to appropriately address the street but with a distinct intimacy to foster a pedestrian-friendly relationship to the sidewalk, creating a catalytic reimagining of small property opportunity within the Village.

The restaurant's custom architecture blurs the line between indoor and outdoor experiences. Large operable glass garage doors anchor a light-filled addition to the existing building, clad in hand-crimped galvanized shingles, capped with a glass surround roofline. The structure's entrance, bike parking, and patio will directly encourage pedestrian activation in combination with the pocket park section that will provide a year-round outdoor setting with fire pit, permanent seating, large caliper tree, and living greened walls. The entire property will be addressed in custom steel and cedar fencing accentuated by lighting, landscape greenery, artful signage, and a thoughtful attention to details from all angles of view to our neighbors and its street presentation within the Village.

E. WOOD PL.



FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"





PERSPECTIVE - AERIAL VIEW



PERSPECTIVE - ACROSS OAKLAND AVE



PERSPECTIVE - OAKLAND ELEVATION



PERSPECTIVE - FROM OAKLAND & WOOD PL.

Plat of Survey *How* C 318530

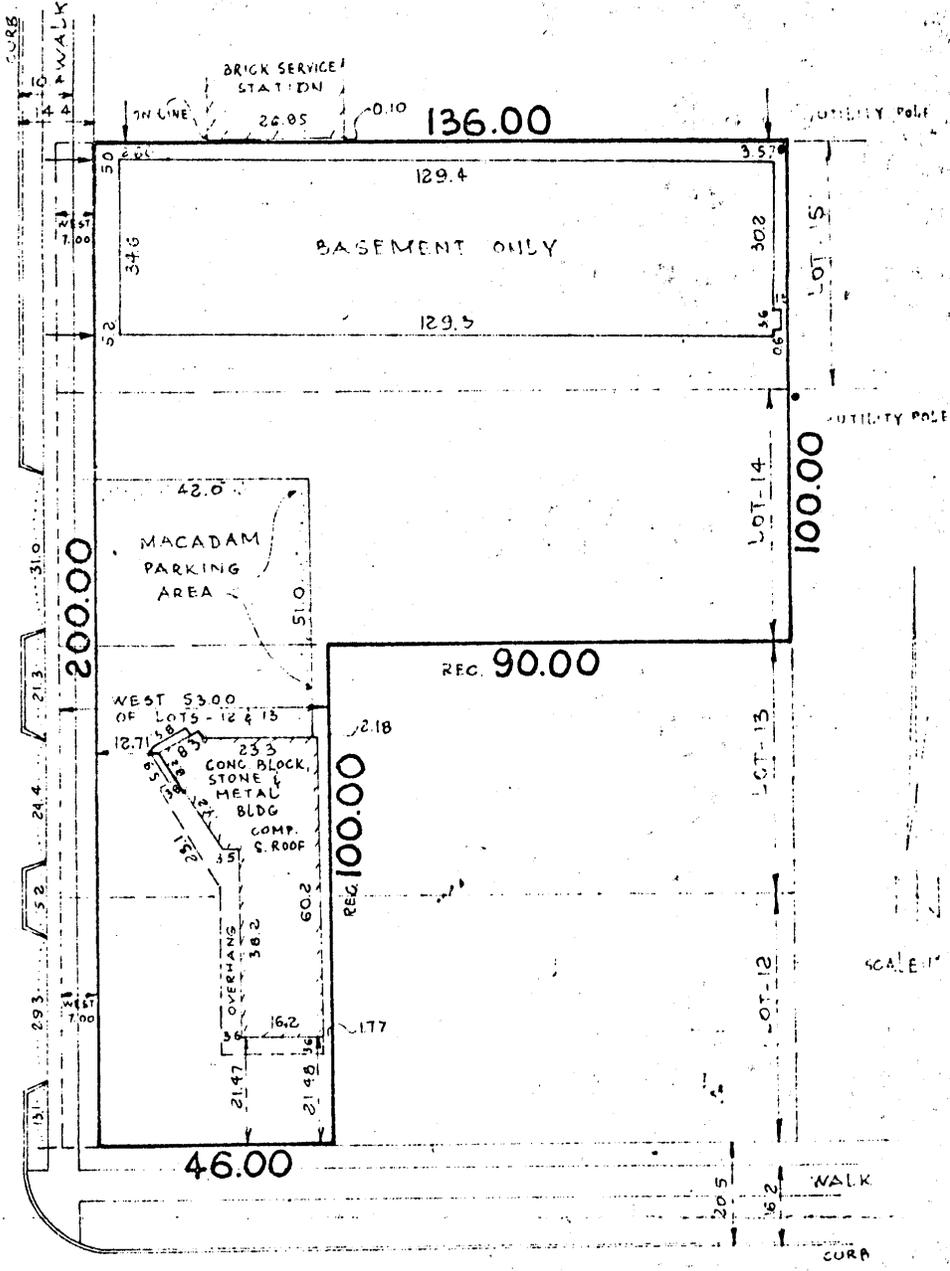
2000-119

Known as 4156 North Oakland Avenue, in the Village of Shorewood, Wisconsin
 The West 53.00 ft. of Lots 12 and 13 and all of Lot 14 and 15 in Block 6 in OAKLAND AVENUE
 HEIGHTS, excepting the West 7.00 ft. thereof taken for the widening of North Oakland Avenue
 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

May 29, 1961

Survey No. 90317-M

80' N. OAKLAND AVE.



E. WOOD PLACE 66'

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
 CIVIL ENGINEERS AND SURVEYORS
 5729 W. VLIET ST. BLUEMOUND 5-0830
 MILWAUKEE 8, WISCONSIN



Kenneth E. Berke
 SURVEYOR



600-0

31-4156-66

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]

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

- (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]

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