



MINUTES - SHOREWOOD BOARD OF APPEALS

March 8, 2022

1. Called to order

Chair Karen Tidwall called the meeting to order at 5:32pm

2. Roll Call

Members present: Michael Paulson, Karen Tidwall, April Toy

Absent: Wendy Smith, Adam Burns, Kara Espera

Others Present: Village Manager Ewald, Clerk Harrell, and Inspector Burris

3. Statement of Public Notice

Clerk Harrell stated that the meeting had been posted and noticed according to law

4. Consideration of meeting minutes—January 11, 202

Moved by Michael Paulson to accept minutes from January and second by April Toy. Motion carried with unanimous affirmation by all.

5. Attorney to Review Standards by

In lieu of the Village Attorney, Chair Tidwall outlined the procedures by which the Board of Appeals (BOA) must abide, and the legal standards involved with the application listed on the agenda.

6. Request for a Special Exception of Village Code 535-19 F. (5) (c) for the construction of a rear yard addition at legal non-conforming residential property 4459 N Frederick Avenue. Legal Description: J H MYERS & H B WALKERS NW 1/4 3-7-22 S 20FT OF LOT 7 & N 29FT OF LOT 8 BLK 1 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID 237-0166-000.

This public hearing was opened at 5:37pm. Members from the public were asked to give opening comments. Deron Butler, the contractor for the property's construction was present to affirm the legal nonconforming structure. Jennifer and Dan Marco came on to support the request. Jay Sorenson asked to reserve the right to comment at this time.

Inspector Burris was sworn in by Clerk Harrell and he reviewed the specifics of the appeal. Questions by Michael Paulson, if this special exception was to be denied, all the owners had to do was move the addition 3 inches inward and make whatever whatever architectural repairs as needed. April Toy wanted clarification that the only way to have a "clean line" was to allow it to extend and continue back. Inspector Burris confirmed both questions.

Karen Tidwall reread Applicable Zoning Regulations and explained its standards' relevance to the request.

Jay Sorenson stated the letter he received referenced a packet. Inspector Justin stated the referenced packet was online.

Deron Butler was sworn in by Clerk Harrell and provided testimony on behalf of the of the owner, Anthony Pleshek.

Anthony Pleshek was sworn in by Clerk Harrell. April Toy asked what his purpose for the addition to his property, Mr. Pleshek testified that his primary reason for requesting a special exception is that the kitchen is small and having a larger kitchen would also affect in a higher property value.

Testimony closed. The BOA discussed the matter and concluded that a grant of a special exception was warranted because the intrusion of the addition into the setback was minimal and would improve the appearance, character, and value of the applicant's property and that of neighboring properties. Therefore, a special exception would be in the public interest. A motion by Michael Paulson was made that a special exception be granted regarding the Village Code 535-19 F. (5) (c) for the construction of two-story rear yard addition at legal non-conforming residential property 4459 N Frederick Avenue. Second by Karen Tidwall. Motion carried by roll call of vote 3-0.

7. Request for a variance of Village Codes 535-19 F. (5) (b) & (c) to construct a detached garage within the side yard and rear setback at residential property 1908 E. Kensington Blvd. Legal Description C F Seefelds Subdivision, NW Qtr Sec 3 Township 7 Range 22W 38FT of 40FT of Lot 11 BLK 1 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID 237-0241-000.

Karen Tidwall reviewed the variance standard.

Inspector Burris reviewed the specifics of this appeal and noted a similar appeal was brought before the

Board of Review on August 11, 2015, and was approved, however construction on the garage never took place and the variance expired.

A question was raised by Michael Paulson: since August 11, 2015, has there been any relative change in fact with respect to this property or request. Inspector Burris noted when the variance was granted, there was a request of 1.5 feet encroachment, the request is now for a 2 feet encroachment.

Tim Hayes, the neighbor at 4513 N. Murray, made a comment concerning the drainage in the area. If this property had drainage onto his garaged area, it could cause more flooding and flooring issues and wanted to know what direction the requestors' roof drainage would go. Inspector Burris stated the plans don't indicate which direction the downspout will be going, but it could be stipulated the downspouts be redirected to the avoid it coming to his property.

Jay Sorenson, also a neighbor in the area, suggested it the drain could easily be drained on the west side of the garage and drain in the requestors' yard.

The requestor, Hilary DeBlois, was sworn in and testified as to the reason for her and her spouse's request to build a larger garage space.

A question was raised by April Toy, showing the ariel view of the neighborhood, who requested specificity from the requestors about their garage's enlargement and its impact on Mr. Hayes' concern.

Michael Paulson suggestion on a motion subject to the condition of the drainage to the east side of the garage roof, be to the south or west of the garage. That suggested motion was agreed upon by Inspector Burris and the requestors.

Karen Tidwall asked Inspector Burris if the requested stipulation given by Michael Paulson would be appropriate or will we need to reconvene. Inspector Burris stated the requested variance is going to have a minimal impact on the drainage issue.

Testimony closed. The BOA discussed various options with respect to the drainage issue but concluded that, whether our not the variance was granted, with or without conditions, the drainage issue would still have to be addressed during design and construction of the garage.

The BOA concurred that the variance should be granted based on the August 11, 2015, decision of the BOA to grant the variance in order to preserve the integrity and precedent of the earlier BOA decision in this matter.

A motion was made by Michael Paulson that variance be granted to Village Codes 535-19 F. (5) (b) & (c) to construct a detached garage within the side yard and rear setback at residential property 1908 E. Kensington Blvd not to exceed 2 feet into the setback. Second by Karen Tidwall. Motion carried by roll call of vote 3-0.

8. Motion to adjourn meeting

Karen Tidwall motioned the meeting be adjourned and it was seconded by Michael Paulson. Unanimously agreed by all. Meeting adjourned at 6:50pm.

Respectfully submitted,



Toya Harrell
Village Clerk