

**VILLAGE OF SHOREWOOD**  
**BOARD OF APPEALS MEETING MINUTES**  
**MAY 10, 2022**

**1. Call to order**

The meeting was called to order at 5:56pm by Acting Chair Wendy Smith

**2. Roll Call**

Members present: Wendy Smith, Jon Toutenhoofd, Michael Paulson (appearing virtually)

Members absent: Karen Tidwall, April Toy, Adam Burns, Kara Espera

Others present: Clerk Harrell, Village Attorney Bayer, Inspector Burris

**3. Statement of Public Notice**

Clerk Harrell stated the meeting was posted and noticed according to law

**4. Consideration of meeting minutes – March 8, 2022**

Motioned by Jon Toutenhoofd and seconded by Michael Paulson that the minutes be approved.

No questions. The vote was unanimous.

**5. Consideration of meeting minutes – April 12, 2022**

Motioned by Jon Toutenhoofd and seconded by Michael Paulson that the minutes be approved.

No questions. The vote was unanimous.

**6. Attorney to review the standards by which the Board of Appeals must abide.**

Village Attorney Bayer reviewed the standards of each appeal.

**7. Consideration of appeal of the Plan Commission's discretionary decision pursuant to Village Code Section 535-21B(c)[2] to not amend the side yard setback/build to line for the proposed construction located at 2418, 2420, 2428 E. Capitol Drive, Shorewood, WI 53211.**

Attorney Bayer highlighted pertinent points relative to this appeal and gave a synopsis of its history. Arguments were then given by John Cincotta and Daniel Walsh, who represented the applicants. The BOA members were then opened for discussion. Jon Toutenhoofd stated that there has been a lot of opposition from the neighbors about this and feels this should not be ignored. Wendy Smith asked if there was substantial evidence to support the claim. Michael Paulson stated he found no evidence to support this. Wendy asked if the representatives had arguments related to the grievance this has caused the applicants. John Cincotta and Dan Walsh gave arguments relative to the applicants' grievances. Michael Paulson moved to deny the appeal before them and affirm the Plan Commission's decision from January 25, 2022, pursuant to Village Code Section 535-21B(c)[2] to not amend the side yard setback/build to line for the proposed construction located at 2418, 2420, 2428 E. Capitol Drive. Seconded by Jon Toutenhoofd. Motion carried with 2-1 vote.

8. **Consider of request for a Special Exception of Village Code 535-9 G. for the construction of a rear yard patio at legal non-conforming residential property 3530 N. Downer Ave. Legal Description: N W SEC ELMWOOD NE 1/4 10-7-22 E. LOT 9 BLK A in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID: 277-0107-000.**

Inspector Burris reviewed the request. Attorney Bayer explained the standards related to this special exception. Jeff gave statements on behalf of the property owner, Tamar Peltz. The patio is sunken and improvements to it would increase the homeowner's property value. Katie Ambly, at 3526 N Downer Ave, affirmed that she had no objections. The Board agreed that the proposed patio would improve the appearance, character, and value of applicant's property and adjacent and neighboring properties and would serve the public interest in improving and preserving the value of the property. Michael Paulson moved to grant the Special Exception of Village Code 535-9 G. for the construction of a rear yard patio at legal non-conforming residential property 3530 N. Downer Ave. Seconded by Jon Toutenhoofd. Motion carried by a unanimous vote.

9. **Consider a request for a variance of Village Code 535-19 F. to construct a detached garage within the side yard setback at residential property 4024 N. Prospect Ave. Legal Description: COLLEGE HTS SW 1/4 3-7-22 E. INC W 1/2 VAC ALLEY ADJ E LOT 14 BLK 15 in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID: 239-0109-000.**

Attorney Bayer explained the standards related to this variance. Inspector Burris reviewed the request. Andrew Rothrock, at 4024 N Prospect, gave a statement as to his reason for requesting this variance be granted for this detached garage to be increased from one car to a one and a half car garage. He also stated that this neighbor to the south of this property has no issue with this being granted. Opened up for consideration amongst the BOA members. The Board agreed that the location of the house on the narrow lot and the required proximity of any garage to the house created special circumstances and practical difficulty in constructing any replacement garage without a setback variance. Accordingly, a variance would not indicate a general or recurrent need to change the ordinance and justice would be served by a grant of the variance. Michael Paulson moved to grant the request for a variance of Village Code 535-19 F. to construct a detached garage within the side yard setback at residential property 4024 N. Prospect Ave. Seconded by Jon Toutenhoofd. Motion carried by a unanimous vote.

10. **Adjournment**

Moved by to adjourn the meeting. Seconded by Jon Toutenhoofd. Motion carried by a unanimous vote. Meeting adjourned at 7:36p.

Respectfully submitted,



Toya Harrell  
Village Clerk