



Village of Shorewood  
Board of Appeals Meeting Minutes  
June 13, 2023

**1. Call to Order**

Village Manager Ewald called the meeting to order at 5:30 pm.

**2. Roll Call**

Present: Chair Wendy Smith, Allison Carver Kara Espera, Cole Heinrich, Jon Toutenhoofd, Inspector Burris, Atty. Bayer, Village Manager Ewald

**3. Statement of Public Notice**

Villager Ewald stated that the meeting was properly noticed and posted according to law.

**4. Consideration of meeting minutes— April 11, 2023**

Chair Smith noted that these meeting minutes were not available for approval and the item was deferred to the next meeting.

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

Atty. Bayer reviewed the standards by which members of the Board of Appeals should abide and a general overview of the standards upheld by the body.

**6. Request for a variance of [Village Code 225-8 B \(2\)](#) to construct a 6' foot high driveway gate in front of the setback area of 3926 N Lake Dr, Legal Description: NE 1/4 SEC 10-7-22 E., PART OF GOVT LOT 1 IN NE 1/4 SEC 10-7-22 E, in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID: 277-9989-000**

Inspector Burris gave sworn testimony that the Village received a building permit application on 04/19/2023 that included the installation of a front yard garden wall and fence, a portion of which exceeds the maximum allowable height of four feet for a fence in the front yard. The permit application was denied, and the Village received a Board of Appeals application on 04/25/2023.

Chair Smith opened the discussion to the board. It was clarified that the property owner was seeking a variance for the height of the fence. It was noted that the height variance is needed for the masonry bookends and fence itself.

Rick Dassow, Ideal Property Management 20316 W. Main Street, Lannon, Wisconsin gave sworn testimony that height is needed for classic elegance and visual appeal. It was noted that there were no objections to the variance

submitted. Atty. Bayer noted there must be exceptional or usual conditions that don't generally apply to other properties within the same district for the Board of Appeal to collectively decide merits a variance for a specific property. The Board discussed whether the property is exceptional in comparison to other properties on Lake Drive. Mr. Dassow noted that there are eight other properties on the east side of Lake Drive with higher fences.

Chair Smith moved to grant a variance of [Village Code 225-8n=bc535-19 F\(5\)\(b\)](#) to construct a six foot driveway gate as meeting our criteria for request of a variance based upon a finding exceptional circumstance in the absence of detriment. Seconded by Mr. Toutenhoofd. Motion failed by roll call vote of 2-3 (Espera, Toutenhoofd and Smith voting nay).

**7. Request for a variance of [Village Code 535-19 F \(b\), \(c\) \[1\]](#) to construct a new 20'x20' detached garage at residential property 4239 N Larkin Street, Legal description: SHOREWOOD PARK SE 1/4 4-7-22 E. LOT 32 BLK 4, in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID: 240-0351-000**

Inspector Burris reviewed that property owners of 4239 N. Larkin St. are requesting a variance to construct a new 20'x20' detached garage in the area of the current 12'x20' detached garage. The existing single-car garage meets the setback requirements, while the new two-car garage is proposed to be constructed 12" inches into the rear and side yard setbacks. The Village received the Building Permit application on April 28, 2023 and the Board of Appeals application on May 18, 2023.

It was clarified that the present one car garage is compliant with zoning regulations and the proposed two care garage would be expanded approximately one foot to the north and west.

Property owner Kyle McCeady, 4239 N Larkin Street, provided sworn testimony. The new garage will be able to maneuver a second car into the garage, as the current location does not allow for a second vehicle to enter the garage. He would like to get both vehicles in the garage by shifting the garage into the corner. The house is close to the door of the garage. If it stays a single car garage it's hard to get snow equipment out of the garage and remove snow from the driveway area. The garage would be extended back a foot and a foot to the south property line. The property owner communicated with the neighbors and has not heard an objection.

Chair Smith opened the item for discussion with the Board of Appeals. It was noted that the Board has approved variances for garages before where the angling of the vehicle posed safety issues in the past. Committee members discussed the safety issues at hand.

Chair Smith moved to grant a variance of Village [Village Code 535-19 F\(5\)\(b\)\(c\)\[1\]](#) to build a construct a new a new 20'x20' detached garage in the area of the current 12'x20' detached garage, encroaching 12" into the side and rear yard setback after finding that the request meets the Board of Appeals criteria due to exceptional circumstances and absence of detriment. Seconded by Mr. Heinrich. Motion carried by roll call vote of 5-0.

**8. Request for a variance of [Village Code 535-19 F\(5\)](#) to replace existing garage at residential property 4321 N Farwell Ave, Legal description: OAKLAND AVE HTS #2 SW 1/4 & SE 1/4 SEC 3-7-22 E LOT 2 BLK 15, , in the Village of Shorewood, Milwaukee County, Wisconsin. Tax ID: 239-0486-000**

The property owners of 4321 N. Farwell Ave. are requesting a variance to construct a new 14'x22' detached garage in nearly the same location of the current garage, however the existing and proposed garages are situated 1.78' feet within the side yard setback. The Village received the Board of Appeals application on May 07, 2023.

Will the walkway on the north side acting as a limit to the garage size? Would the sidewalk need to be adjusted in order for the new garage to comply with current ordinance or moving the garage to the other side of the walkway.

Property owners Mr. and Mrs. Kevin Green & Michelle Marquart, 4321 N. Farewell provided sworn testimony that moving the garage from the current location would eliminate the existing second outdoor parking space, require demolishing the stairs in the rear yard, and relocate the refuse and recycling containers as there would no longer be a place. The stairs are 18" below the alley. They would like to build along the same line, spoken to the other neighbors, there were no concerns with the proposal.

No neighbor compliant, walkway, pathway, gravel area

Chair Smith moved to grant a variance for to replace an existing garage at residential property 4321 N Farwell Ave, including finding of exceptional circumstances and absence of detriment. Seconded by Espera. Motion carried 5-0.

**9. Adjournment**

Meeting adjourned at 6:36 pm.

Respectfully submitted,

Rebecca Ewald  
Village Manager