

MEETING: **BOARD OF APPEALS**
PLACE: Mayville City Hall, 15 S. School St. Mayville, WI
DATE: May 23, 2023
TIME: 6:00 p.m.

AGENDA
(A Quorum of Council Members May Be Present)

1. Call to Order and Roll Call.
2. Approval of minutes from June 20, 2022 meeting.
3. Citizen Comments.
(Citizen Comments are to be kept to a maximum of five minutes per speaker unless the chairperson allows an extension of time. Each citizen is to make comments at the podium after stating name and address. Each citizen may comment only one time per public hearing / meeting.)
4. Request of Variance from Lorne J. Ellis for 740 Meadow Lane, Parcel #251-1216-2331-035, Mayville, WI, 53050.

Variance request is to add a 10'x20' storage building on the aforementioned property, without a driveway.

Reference Section 430-25 Accessory uses and detached accessory structures/garages, of the City of Mayville Ordinances.

5. Request of Variance from PCG, LLC/ Owners Lindsey and Andrews Lezama, for 11 N School Street, Parcel #251-1216-2314-049, Mayville, WI, 53050.

Variance request is to erect a fence in that rear yard, which would cross property lot lines on both sides.

Reference Section 430-92 Height and location of screening and fencing, of the City of Mayville Ordinances.

6. Adjournment.

Andrew Shoemaker
Chairperson

NOTE: Persons with disabilities requiring special accommodations for attendance at the meeting should contact the City Clerk at least one (1) business day prior to the meeting.

**CITY OF MAYVILLE
APPLICATION FOR VARIANCE**

Identification and Information on Applicant(s)

Applicant's Name: Lorne J. Ellis

Applicant's Mailing Address: 740 Meadow Ln. Mayville Phone: 262-339-7828

Owner of Property Site as of Date of Application, according to Current Property Tax Records: Lorne J. Ellis

Street Address of Property (if vacant land, describe in detail the property location): 740 Meadow Ln. Mayville

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description): Lot 1 Block 1 of Baertschy - Mayer Add.
+ E 10 ft of Private Way adj w/ Land Lot 1

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name: Rob Froh Firm: Kunkel Engineering Gr.

Office Address: 107 Parallel St. Beaver Dam Phone: 920-356-9447

Contractor: _____

Existing and Proposed Uses

Current Principal Use: Residential

Accessory or Secondary Uses: none

Proposed Use: Adding a residential home use storage building

Variance(s) Requested Ordinance 430-2S B, I wish to place my storage building without a driveway and the dimensions will be 10x20 feet

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you? Yes _____ No X

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed: _____

Plans to Accompany Application

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

Plot Plan

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: R-B single family

No. of Occupants Proposed to be Accommodated: 0 No. of Employees, if applicable: N/A

Section of City of Mayville Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: _____

430-25 B

Standards

The following are Standards that the City of Mayville Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards.

Standard 1: The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.

The placement of my primary structure/dwelling and the topography of the side yards prohibit the addition of a driveway from the street to the back yard.

Standard 2: The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification.

Several properties in my neighborhood have or are able to have driveway access to their back yards.

Standard 3: The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

There is no financial gain, I just wish to have storage.

Standard 4: The alleged difficulty or hardship is caused by this ordinance and has not been created by a person presently having an interest in the property.

There is no person with an interest in my property

Standard 5: The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

There should be no affect on my neighborhood.

Standard 6: The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

No.

Conditions

The City of Mayville Zoning Ordinance authorized the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind and supply ALL pertinent information.

Signature of Applicant  Date 5/11/23

Application Fees/Notices
(to be completed by City)

Fee for Variance Application - \$200.00

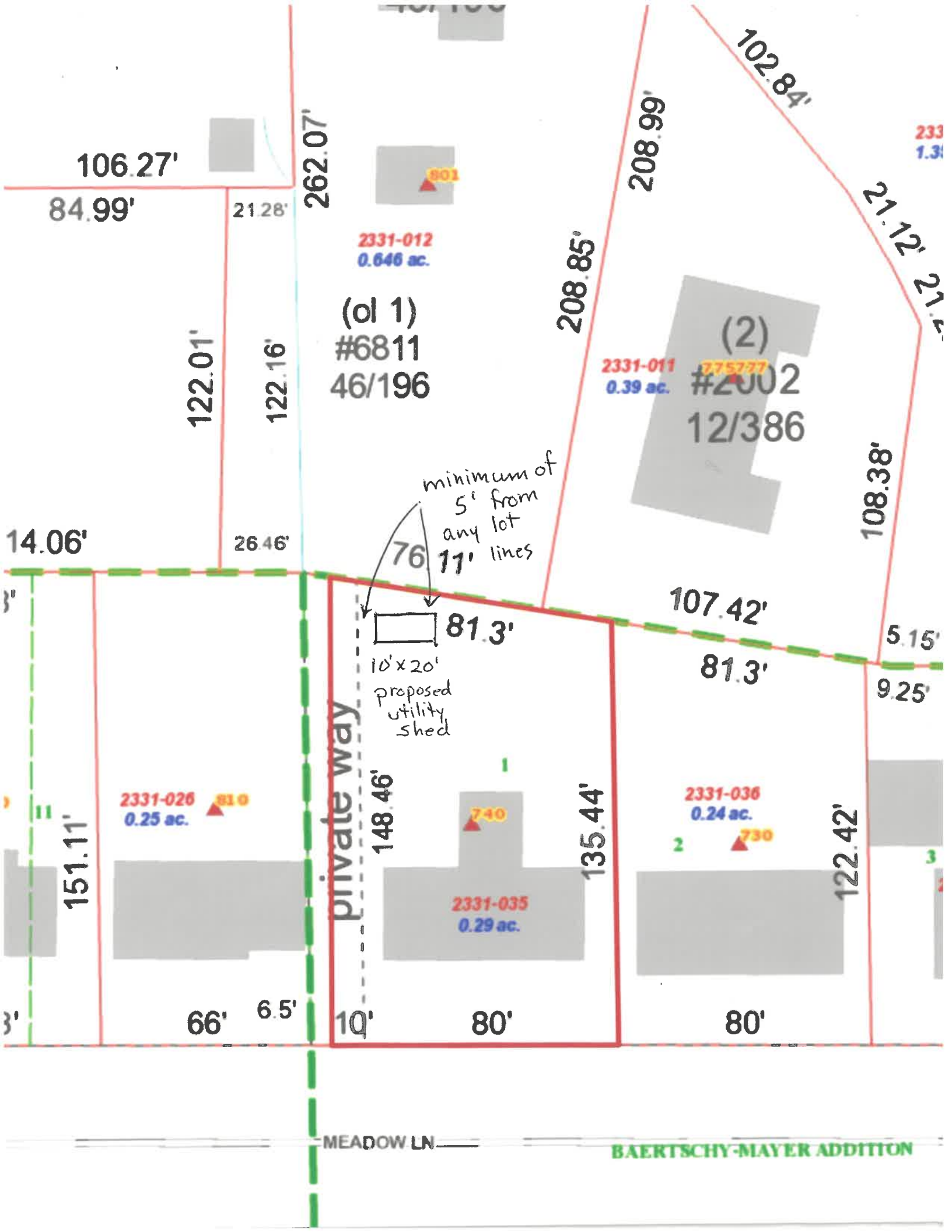
Date Fee Received by City _____ Receipt # _____

Received by _____

Date Notice sent to owners of record: _____ By: _____

Date Published in Mayville News: _____

Date Set for Hearing Before Board of Zoning Appeals: _____





Construction of
10 x 20 foot shed.
Swing-open doors
shown will be
replaced by an
overhead door.

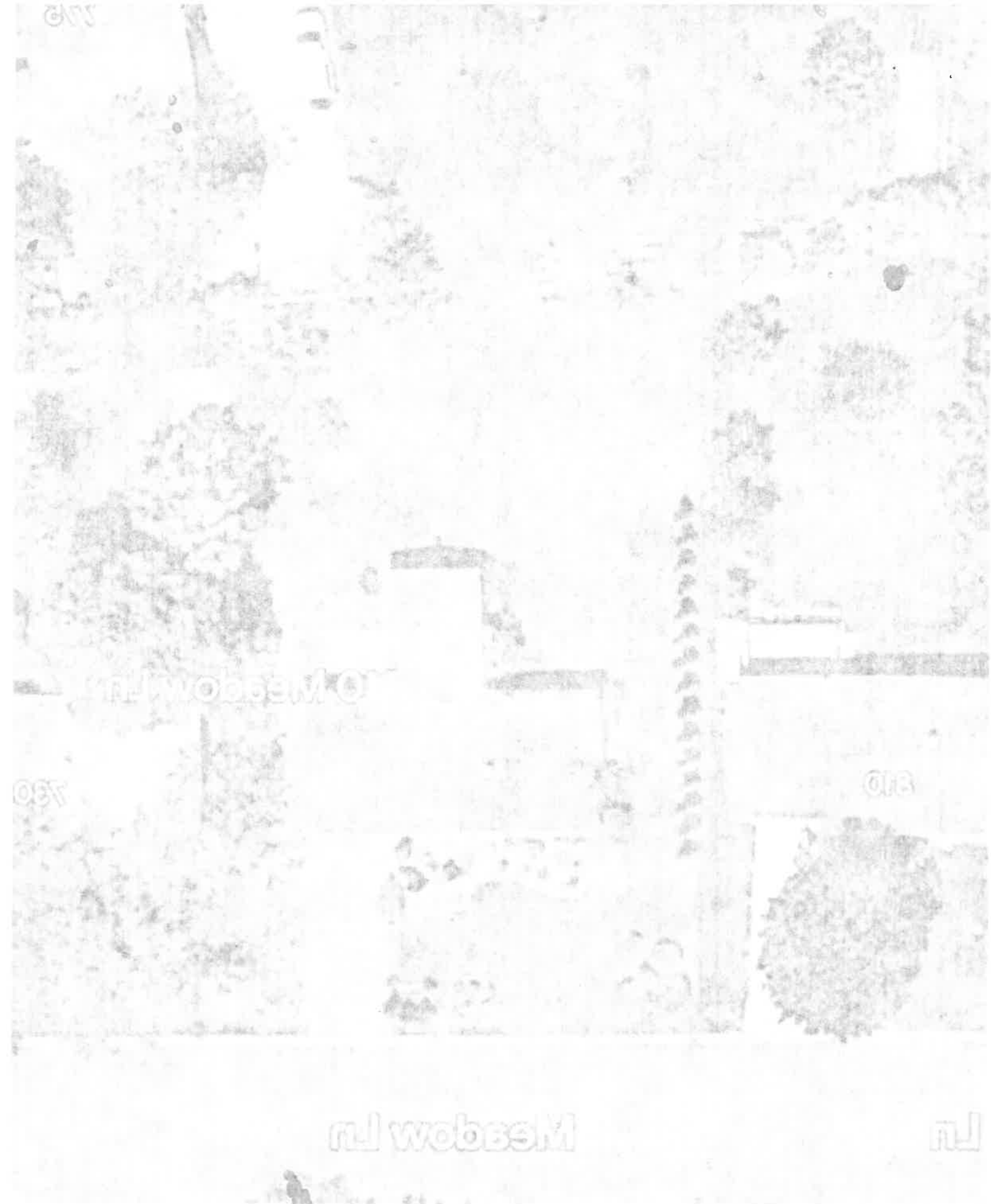
740 Meadow Ln

810

730

Ln

Meadow Ln



CITY OF MAYVILLE
15 S. SCHOOL STREET
MAYVILLE WI 53050

920-387-7900

Receipt No: 2.058116

May 1, 2023

LORNE ELLIS

Previous Balance:	.00
LICENSES & PERMITS	
ZONING PERMITS	200.00
10-44420-31-000-000	
ZONING - ZONING PERMITS	

Total:	200.00
--------	--------

CASH	200.00
------	--------

Payor:

LORNE ELLIS

Total Applied:	200.00
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Change Tendered:	.00
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05/01/2023 01:50PM

Staff Report

Date: 5/10/2023
To: Zoning Board of Appeals
From: Robert Froh
RE: Request for Variance

The property is zoned R-B Single Family and is located at 740 Meadow Ln. The homeowner wants to build an accessory structure over 144 sf in the rear yard and does not want a driveway to the structure. Per ordinance 430-25 B Accessory structures over 144 sf must have a driveway to them. All setbacks and height requirements will be met per city ordinances. There have been numerous variance requests for accessory structures to be constructed without a driveway in the past and were approved. I recommend approval of variance.

Rob Froh

**CITY OF MAYVILLE
APPLICATION FOR VARIANCE**

Identification and Information on Applicant(s)

Applicant's Name: PCG, LLC

Applicant's Mailing Address: PO Box 148, Mayville, WI 53050 Phone: 262-894-6995

Owner of Property Site as of Date of Application, according to Current Property Tax Records:

PCG, LLC & 19 School Street Properties - both sole member LLC's registered to Andres Lezam

Street Address of Property (if vacant land, describe in detail the property location):

11 & 13 N School Street, Mayville & 19 N School Street, Mayville

Legal Description of Property (Name of Subdivision, Block and Lot, or other legal description):

E 66 FT LOT 2 BLK 6 ORIGINAL PLAT ALSO THAT PT SD LOT 2 DESC IN V312 P61

& LOT 3 BLK 6 ORIGINAL PLAT

Agent or Representative Assisting in the Application (Engineer, Architect, Attorney, Etc.)

Name: Lindsey & Andres Lezama - Owners

Firm:

Office Address: same as above

Phone:

Contractor:

Existing and Proposed Uses

Current Principal Use: 5 unit housing and adjacent single family home

Accessory or Secondary Uses:

Proposed Use: same

Variance(s) Requested to allow for a privacy fence at 11 N School Street to be installed/connected
to our neighboring property at 19 N School Street.

Have you been granted any variances in the past, on any properties, whether fully or partially owned by you? Yes No x

If YES, list addresses of those properties and whether the requirements of the variance granted have been completed: _____

Plans to Accompany Application

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building inspector may require.

Plot Plan

When required by the building inspector, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and its relationship to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property, within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

Zoning District in which the property is located: RM Multifamily / Single Family Residential

No. of Occupants Proposed to be Accommodated: 8 No. of Employees, if applicable: _____

Section of City of Mayville Zoning Ordinance that prohibits the proposed usage of the property. It is this section of the Ordinance for which a variance is requested: _____

430-92 (A) Height and Location of screening and fencing - Fencing, including retaining walls, shall be erected not less than three feet off the property line.

Standards

The following are Standards that the City of Mayville Zoning Ordinance sets for decisions on variances. Explain how your proposal meets these standards.

Standard 1: The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from mere inconvenience, if the strict letter of the regulations were to be carried out.

Allowing the new fence to connect to the neighboring existing fence would allow the use of the entire back yard area

rather than creating an unsightly 3 foot "alley" area between the two properties. There would be added expense for

the additional fencing as well as ongoing maintenance costs for the "alley" area.

Standard 2: The conditions upon which the application for a variance are based would not be applicable generally to other property within the same zoning classification.

It is not typical for two adjacent properties to be under the same ownership

Standard 3: The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

We would like to create an area for our tenants to allow their dogs outside in lieu of walking them on the more congested School Street

Standard 4: The alleged difficulty or hardship is caused by this ordinance and has not been created by a person presently having an interest in the property.

No fencing has been installed. Our permit application was denied.

Standard 5: The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Both properties are under the same ownership. Connecting a new fence to the existing serves no detriment to either property. We are trying to provide an area away from the public congestion for our tenants to allow their pets to exercise.

Standard 6: The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

Allowing the fence to be built would reduce the congestion on School Street.

It would not alter the light or air supply to the adjacent property

Conditions

The City of Mayville Zoning Ordinance authorized the Board of Zoning Appeals to place conditions on approved variances. Please keep this in mind and supply ALL pertinent information.

Signature of Applicant

CZ

Date 5/10/23

Application Fees/Notices
(to be completed by City)

Fee for Variance Application - \$200.00

Date Fee Received by City _____

Receipt # _____

Received by _____

Date Notice sent to owners of record: _____

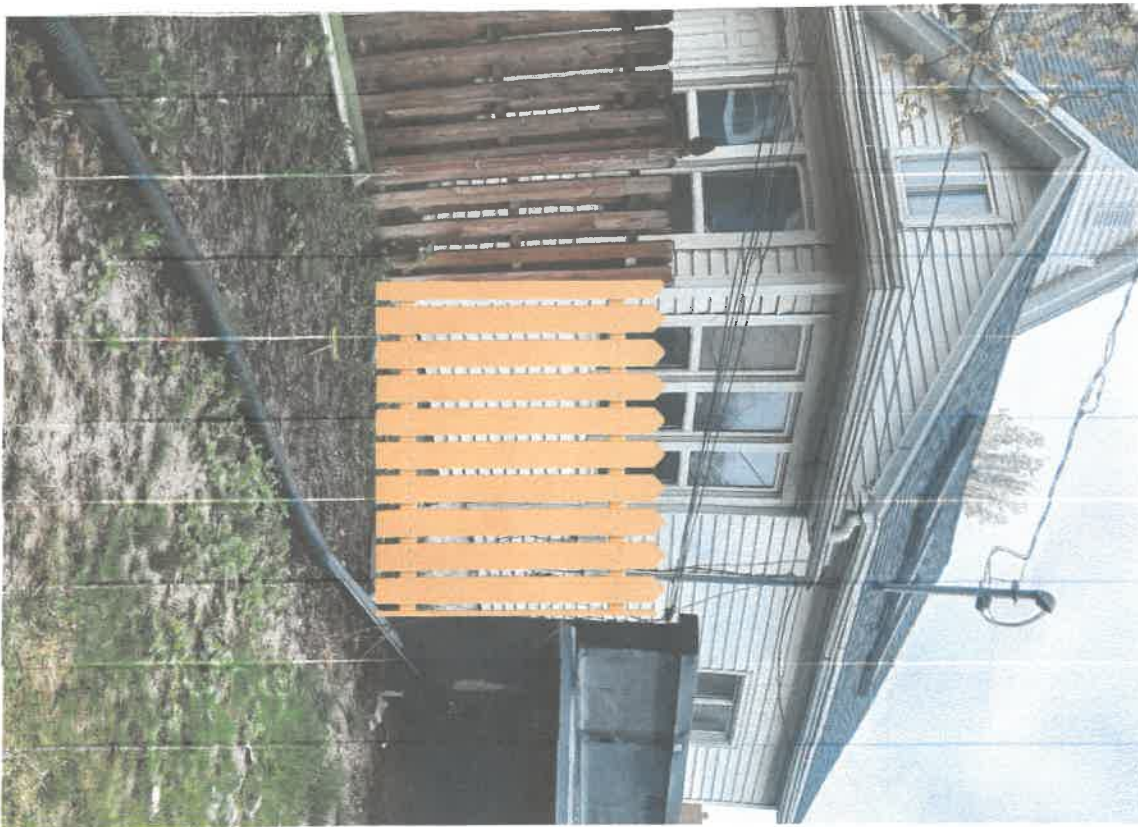
By: _____

Date Published in Mayville News: _____

Date Set for Hearing Before Board of Zoning Appeals: _____







KUNKEL ENGINEERING GROUP (920) 356-9447 (920) 382-6202 (mobile)		WISCONSIN UNIFORM BUILDING PERMIT APPLICATION City of Mayville 15 South School Street Mayville, Wisconsin 53050				Permit No. _____ Project Description: <div style="border: 1px solid black; padding: 2px; display: inline-block;">6' Wood Fence</div>	
		PERMIT REQUESTED <input type="checkbox"/> Constr. <input type="checkbox"/> HVAC <input type="checkbox"/> Electric <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion Control <input type="checkbox"/> Other: _____					
Owner's Name PCG LLC		Mailing Address 11 N School St				Tel. _____	
Contractor's Name & Type TBD		Lic/Cert # _____		Mailing Address _____		Tel. _____	
Dwelling Contr. Qualifier		The Dwelling Constr. Qualifier shall be an Owner, CEO, COB or employee of the Dwelling Contractor.					
Electrical							
HVAC							
Plumbing							
DHS Lead Renovator Cert. No. _____ (If structure was built prior to 1978)				Exp. Date _____		DHS Lead Company Cert. No. _____ Exp. Date _____	
PROJECT LOCATION		Lot Area _____ Sqr. Ft. will be disturbed _____		<input type="checkbox"/> One acre or more of soil _____ 1/4, _____ 1/4, of Section _____, T _____ N, R _____ E (or) W			
Building Address 11 N School St		Subdivision Name _____		Lot No. _____		Block No. _____	
Zoning District(s) _____		Zoning Permit No. _____		SETBACKS Front _____ ft. Rear _____ ft. Left _____ ft. Right _____ ft.			
1. PROJECT		3. OCCUPANCY		6. ELECTRIC		9. HVAC EQUIP.	
<input type="checkbox"/> New <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Raze <input type="checkbox"/> Addition <input type="checkbox"/> Move <input type="checkbox"/> Other _____		<input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Garage <input type="checkbox"/> Other: _____		Entrance Panel _____ Amps: _____ <input type="checkbox"/> Underground <input type="checkbox"/> Overhead 7. WALLS <input type="checkbox"/> Wood Frame <input type="checkbox"/> Steel <input type="checkbox"/> ICF <input type="checkbox"/> Timber/Pole <input type="checkbox"/> Other: _____		<input type="checkbox"/> Furnace <input type="checkbox"/> Radiant Basebrd <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central AC <input type="checkbox"/> Fireplace <input type="checkbox"/> Other: _____	
2. AREA INVOLVED (sq. ft.)		4. CONST. TYPE		10. SEWER		12. ENERGY SOURCE	
	Unit 1	Unit 2	Total	<input type="checkbox"/> Site-Built <input type="checkbox"/> Mfd. - WI UDC <input type="checkbox"/> Mfd. - US HUD 5. STORIES <input type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other: _____ <input type="checkbox"/> Plus Basement		Fuel _____ Nat Gas _____ LP _____ Oil _____ Elec _____ Solid _____ Solar _____ Space Htg _____ Water Htg _____ <input type="checkbox"/> Dwelling unit has 3 kilowatt or more in electric space heating equipment capacity.	
Unfin.				<input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other: _____		<input type="checkbox"/> Municipal <input type="checkbox"/> Sanitary Permit # _____	
Bsmt				8. USE		11. WATER	
Living Area				<input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other: _____		<input type="checkbox"/> Municipal <input type="checkbox"/> On-Site Well	
Garage						13. HEAT LOSS	
Deck						_____ BTU/HR Total Calculated Envelope and Infiltration Losses ("Maximum Allowable Heating Equipment Output" on Energy Worksheet; "Total Building Heating Load" on WIScheck Report.)	
Totals						14. EST. BUILDING COST	
The applicant agrees to comply with the Municipal Ordinance and with conditions of this permit; understands that the issuance of the permit created no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that all the above information is accurate.							
APPLICANT'S SIGNATURE PCG LLC				DATE SIGNED: 5/12/23			
Email to send issued permit to. _____							
APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. <input type="checkbox"/> See attached for conditions of approval.							
INSPECTIONS NEEDED: Building: <input type="checkbox"/> Footing <input type="checkbox"/> Rough <input type="checkbox"/> Insulation <input type="checkbox"/> Basement Fir <input type="checkbox"/> Final Electric: <input type="checkbox"/> Rough <input type="checkbox"/> Service <input type="checkbox"/> Final Plumbing: <input type="checkbox"/> Rough <input type="checkbox"/> Underfloor <input type="checkbox"/> Final HVAC: <input type="checkbox"/> Rough <input type="checkbox"/> Final							
FEES:		PERMIT(S) ISSUED		WI PERMIT SEAL NO.		PERMIT ISSUED BY:	
Building: \$66.00 Electrical: _____ HVAC: _____ Plumbing: _____ WI Permit Seal: _____ Zoning: \$50.00 Other: _____ Total \$116.00		<input type="checkbox"/> Construction <input type="checkbox"/> Electrical <input type="checkbox"/> HVAC <input type="checkbox"/> Plumbing <input type="checkbox"/> Erosion <input type="checkbox"/> Other _____		RECEIPT Ck # _____ Amount: _____ Date: _____ From: _____ Rec By: _____		Name: Robert Froh Date: _____ Tel. 920-382-6202 Cert No. 1331901 Parcel #: 251-1216-2314-049	

Permit Denied: Fence is across lot lines on both sides of property.

CAUTIONARY STATEMENT TO OWNERS OBTAINING BUILDING PERMITS
(Page 2 for Applicants)

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 of 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.

Address:

Sign and date:

Staff Report

Date: 5/12/2023
To: Zoning Board of Appeals
From: Robert Froh
RE: Request for Variance

The property is zoned RM - Multiple Family and is located at 11 N School St. The owner wants to erect a fence in the rear yard that would cross the property lot lines on both sides. The owner does own the property adjacent on the north side. The property on the south side is owned by the US postal service. See city ordinance below.

Chapter 430. Zoning

Article XII. Screening and Fencing

§ 430-92. Height and location of screening and fencing.

- A.
Fencing, including retaining walls, shall be erected not less than three feet off the property line.
- B.
The maximum height of any fence located in the rear yard or side yard shall be six feet.
- C.
The maximum height of any fence located within a street yard shall be four feet six inches.
- D.
No fencing or screening shall be located nearer than one foot to any public right-of-way.
- E.
Any screening or fencing erected, placed, maintained or grown in a street yard and located less than four feet from the street right-of-way shall not exceed a height greater than four feet six inches as measured from the curb level or its equivalent. Any screening or fencing within 10 feet from any point where a driveway crosses the street right-of-way shall not exceed two feet in height.^[1]

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

F.

Dog pens and runs shall be erected in the rear yard only and shall be located at least 20 feet from any property line.^[2]

[2]

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).