

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
DECEMBER 16, 2014

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on December 16, 2014 at 5:03 p.m. Those present included:

Jon Margolies, Chair
Alan Brown
Robert Schley
Don Zien
Kurt Ostoic, Alternate

Absent: Jeff Davis, Alternate
Del Wilson, Alternate
Nathan Eisenberg, Alternate

Also present were Village Clerk Tanya O'Malley, Inspector Scott Miller, and Village Attorney Eric Larson.

Notice of the meeting was provided to the North Shore Now, to all others as required by State open meetings laws, and posted on the official bulletin boards.

Chair Margolies indicated that the agenda and the notice to homeowners had a typographical error and that the address for the property in Case 2014-03 should have been 7944 N Beach Drive.

Approval of Minutes – October 13, 2014 Meeting

On motion of Mr. Zien, seconded by Mr. Schley, and carried unanimously, the Board of Appeals approved the minutes of the August 6, 2013 meeting.

Case 2014-03: Laurie/Byron Vielehr, 7944 N Beach Drive

The applicant proposed to construct modifications to the residence located 19.40 and 19.44 feet from the side property line. Construction of the addition would be contrary to Section 745-13B(3) of the Fox Point Village Code which requires a side yard setback of 20 feet. The applicant requested a variance to construct the addition as indicated.

Village Inspector Scott Miller, Richard Sherer, Deep River Partners, and Byron Vielehr, 7944 N Beach Drive, were sworn in and provided testimony.

Attorney Larson stated that the standards came from State law which said "(the Board has the power) to authorize upon appeal in specific cases such a variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done."

Attorney Larson asked the Board to consider whether the case should be held open for an additional meeting given the typographical error on the notice. Chair Margolies indicated that because the address on the notice does not exist, the name of the applicant was on the notice, and the representative of the closest neighbor had direct contact with the property owner regarding the matter, it was clear to the neighbors

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which property was being discussed.

Mr. Zien made a motion to approve Case 2014-03 and grant the variance.

Mr. Ostoic seconded the motion.

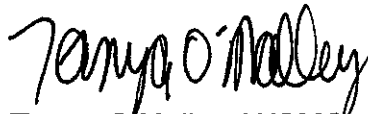
Chair Margolies stated that based on the discussion, the standards of the law had been met, good cause had been shown, there would be a hardship if the variance were not granted, and the spirit of the ordinance would be maintained.

With all members voting aye, the motion carried.

Adjourn

The Board adjourned at 5:20 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tanya O'Malley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tanya O'Malley, WCMC
Village Clerk/Treasurer