

**NOTICE OF MEETING
VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING**

SCHWEMER HALL - MUNICIPAL BLDG.
7200 N. SANTA MONICA BLVD.
FOX POINT, WISCONSIN

MONDAY
SEPTEMBER 19, 2016
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Approval of the Minutes and Determinations – May 24, 2016 Meeting**
- 3. Case 2016-02: 6702 North Lake Drive.** The applicant is requesting a special exception pertaining to fences, walls, arbors, architectural screening devices, driveway gates and arbors – section 745-7(B)(3) of the Fox Point Village Code. The applicant is proposing to erect a new driveway gate between existing stone columns that reaches 7' in height at the top of the arch, and to erect two 6' high by 8' wide fence panels, one on each side of the driveway gate and columns, all forward of the front line of the principal building improvement. The special exception is requested pursuant to 745-7(B)(3)(a), 745-7(B)(3)(h)(2), and 745-7(B)(3)(j) of the Fox Point Code.
- 4. Adjourn**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

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A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on May 24, 2016 at 5:07 p.m. Chair Margolies informed those present of cases 2016-01 is being heard tonight; roll call was taken. Those present included:

Jon Margolies, Chair
Robert Schley
Alan Brown
Donald Zien
Kurt Ostoic

Also present were Village Clerk Kelly A. Meyer, Building 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.

Approval of Minutes – December 2, 2015 Meeting

On the motion of Mr. Schley, seconded by Mr. Zien, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the December 2, 2015 meeting.

Case 2016-01: 7816 N Lake Drive

The applicant is requesting a special exception pertaining to fences, walls, arbors, architectural screening devices, driveway gates and arbors – section 745-7(B)(3) of the Fox Point Village Code. The applicant is proposing to erect a new 5' high ornamental fence forward of the front line of the principal building improvement. The special exception is requested pursuant to 745-7(B)(3)(a), 745-7(B)(3)(h)(2), and 745-7(B)(3)(j) of the Fox Point Code.

Building Inspector Scott Miller was sworn in to provide testimony.

Building Inspector Mr. Miller noted the denial was due to a request to a special exception. The village received the application to install a fence at 7816 North Lake Drive. In reviewing the application, Mr. Miller observed there are 2 front yards at this property. One front yard is located on the north side of the home because that is where the front door is located; the other front yard is located on the west side of the home. The village code states that whenever a side yard of a corner lot abuts a road, it shall be treated as a front yard when applying to the fence ordinance. The application show that the applicant is proposing to install a new 5 foot tall aluminum fence in both front yards. Per section 745-7(B)(3)(h)(2), no new fence may be erected forward of the frontline of the principle building without a special exception granted by the Board of Appeals. The Board of Appeals has the authority to grant a special exception for a front yard fence only if it finds that the fence is reasonably necessary to protect the safety of the people residing at the property. Also, per section 745-7(B)(3)(j) of the village code, every special exception granted by the Board of Appeals shall be conditioned upon the applicant obtaining Building Board approval for the architectural appearance, design and construction materials of the fence.

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Chair Margolies inquired if the fence was proposed to be in front of the building on the north side with the door.

Mr. Miller noted in looking at the survey, there is a fence outlined in blue. The frontline of the house is identified on the survey and shown to be about 18 feet forward of the home.

Mr. Miller clarified this is a corner lot because the side yard faces the road. The portion fencing west of the house would also be considered forward of the frontline of the home. He noted the portion to the north does require a special exception.

Mr. Miller noted the 5 foot fence is permitted, as the village code permits up to 6 feet in the side yard, but not forward of the frontline of the house. The fence cannot extend past the front edge of the house. Anything forward of the frontline of the home would need a special exception.

Dr. Sushil Sabnis and Mrs. Ethel Sabnis, 7816 N Lake Drive was sworn in to provide testimony.

Applicant Dr. Sabnis thanked everyone he appreciated the board being present to hear this case. He quickly showed photographs of the parcel. He noted the backyard is really the only fundamental area to utilize. The house was built in 1952 with two best friends living with the front of the homes facing each other. This is one of the only homes on Lake Drive that the back yard faces Lake Drive. The original 1952 east facing front yard is definitely front yard; there is only about 10 yards of space with is not enough room for a back yard. In the year 2000, the owners built an extension onto the home, making it an "L" shaped home. The extension faces north. The garage doors and the new front door and mudroom door basically face north. The north is a 10 foot strip before that driveway. There are no recreational possibilities there. If you look at the "L" shaped home, really it is only the back yard that is southwest facing that can actually function as a family backyard. The southwest yard is the only area that can be utilized as backyard. The primary reason the fence exception is being requested is primarily for safety. There are a lot of family, friends and neighbors who visit when the family entertains. With 35-45 mile an hour traffic on Lake Drive, safety concerns arise. It would also help the village safety-wise as well.

The fence will be well within the village easement which is 30 feet; this would be east of the silver maples. It will be west of most of the pines and will be enclosed by the fence.

The area in front of the house faces a shared driveway or 7020 N Lake Drive. No one on the north side of the fence would be able view the fence; a driveway is at the proposed north side fence location.

Exhibit #1 supportive letter from the David J. Frank Landscape Contracting, Inc. (enclosed with packet) and Exhibit #2 supportive neighbor letter from Robert J. Taylor (7800 N. Lake Drive) immediately south of the Sabnis family were both submitted record by Dr. Sabnis (retained for record).

Mr. Donald Zien moved to approve case 2016-01 to install the fence and the special

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94 exception.

95
96 Village Attorney Eric Larson asked if all the testimony was in prior to closing the
97 testimony portion.

98
99 Village Attorney Larson inquired on the road to the north if it is not actually a public road
100 if that is just driveway, inquiring whether that changes the analysis the Building Inspector Miller
101 previously made of the yards and whether a need for a special exception is necessary. Mr.
102 Miller noted that hearing from the testimony the front door actually faces east.

103
104 Mrs. Ethel Sabnis was sworn in to give testimony.

105
106 Mrs. Sabnis noted there are two front door on the home. The Main entry/original door
107 actually faces east. The new edition door faces north facing the private driveway, currently the
108 new main entry door.

109
110 Building Inspector Mr. Miller confirmed this is deemed a corner lot. It is a private road
111 with fencing on the west side of the home; there is fencing on the north side of the house.
112 Therefore is was viewed as a corner lot.

113
114 Chair John Margolies noted this is a unique situation in that the second road or the
115 corner is a private driveway as opposed to a village street.

116
117 Alan Brown noted there are two issues here. The first issue is the issue of going east to
118 west to Lake Drive and then there is the issue of going north of the house to the private road.
119 Those may be two different exceptions.

120
121 Dr. Sabnis noted his two children are 13 years old and 15 years old, in addition to the
122 family dog they have. His other concerns are for the safety of all the family, neighbors, and
123 friends who often come to visit them.

124
125 Chair John Margolies noted, historically, the board has considered many fences on Lake
126 Drive due to the traffic and speed for safety reasons. The second issue is the front of the home
127 that is on the private driveway. The spirit of the ordinance is to prevent fences in the front of the
128 houses on larger streets. This home does not seem to implicate this issue because it faces a
129 private driveway and the back of another house. Therefore he noted his support for the
130 exception.

131
132 **On the motion** of Mr. Zien, seconded by Mr. Ostoic to grant Case 2016-01, 7816 North
133 lake Drive, requesting a special exception pertaining to fences as well as arbors, architectural
134 screen devices, driveway gates and arbors of the Fox Point village code to erect a new 5 foot
135 fence forward of the principle building and finds that the fence is reasonably necessary to
136 protect the safety of the people residing on the property, the property owner has shown clear
137 and convincing evidence to believe that the applicant has a legitimate need for the special
138 exception and that granting the special exception will not adversely affect the health, safety, or
139 welfare of the community or the immediate area where located and will not impede the spirit,

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purpose or intent of the code section and subject to the applicant submitting a visual rendering to the village Building Board and receiving the Building Board's approval of the architectural appearance, design and construction material. With all members voting aye, the motion carries by roll call vote.

Adjourn

On the motion of Chair Margolies, seconded by Mr. Brown, and carried unanimously, the Board adjourned at 5:34 p.m. Motion carried.

Respectfully Submitted,
Kelly A. Meyer, WCMC

Village Clerk/Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL
 7200 N. SANTA MONICA BLVD.
 FOX POINT WI 53217-3505
 414-351-8900
 FAX 414-351-8909

**BOARD OF APPEALS
 NOTICE OF APPEAL AND APPLICATION FOR REVIEW**

1. Name of Appellant DR. & MRS. RANUL DESAI / IDEAL PROPERTY MANAGEMENT

Address of Appellant 6702 NORTH LAKE DR.

Phone Number (414) 550-0108 (Rick)
 Home Work Cell

E-mail Address _____

2. Address of Property 6702 NORTH LAKE DR.

Present Use of Property ENTRY PILLARS WITHOUT GATES

Proposed Use of Property ELECTRIC ENTRY GATE (SPLIT)

Owner's Name and Address if Different than Above _____

3. Has a Previous Appeal or Application Been Made to the Board of Appeals with Respect to This Property?
 Yes () No (X) If Yes, State the Nature of Previous Appeal or Application _____

Disposition of Previous Appeal _____

Date of Decision in Previous Case _____

4. Date of Decision or Order of Administrative Official from which Appeal is Taken _____

Date of Notice of Such Decision Received by Appellant _____

5. Purpose of Grounds of Appeal or Application. Check Below the Relief Requested by This Appeal or Application:

() A. Request for interpretation of Zoning Code and reversal of order, requirement, decision or determination of administrative official. Attach separate sheet listing reasons why you claim this order, requirement, decision or determination is erroneous.

() B. Request for variance. Attach separate sheet explaining the following:

1. Variance requested.

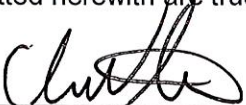
2. What special conditions exist which will cause unnecessary hardship if the variance requested is not granted.

Appellant Name: IDEAL PROPERTY MANAGEMENT

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3. Why the variance requested is not contrary to the public interest and will not endanger public safety and welfare.
4. Why the variance requested will be in accord with the spirit of the Zoning Code.
5. How the variance, if granted, will cause substantial justice to be done.
- ☒ C. Request for a special exception from the Fence Ordinance. Please obtain a copy of the Fence Ordinance to determine specific requirements. Attach a separate sheet or related materials explaining the following:
 1. Height of the proposed fence.
 2. Exact location of the proposed fence.
 3. Indicate whether the fence is replacement fence.
 4. Type of fence and materials.
- ☐ D. Other: _____
State relief requested and attach separate sheet, listing reasons why appellant is entitled to such relief.
6. Each appeal or application must be accompanied by a scale drawing showing the location and size of property, existing improvements, all abutting properties, and improvements thereon, and the requested change or addition. A \$200 filing fee must also accompany this application.
7. All applications for variances or special exceptions must include an area plat map, survey, pictures or other documentation depicting the location of the structural improvements on adjacent properties. These materials must be reasonably accurate in the judgment of the Board of Appeals.

I hereby swear that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.


Signature of Appellant

07-29-2016
Date

For Office Use Only:

Date Application Received _____ Receipt Number for \$200 Filing Fee 8/3/2016
71.052338

Case Number _____ Hearing Date _____

Disposition _____



Village of Fox Point Board of Appeals:

8/24/16

Re: 6702 N. Lake Drive

The purpose of the letter is to request Design Review Board approval for the installation of Decorative Iron Gate and Side Panels with electrical operator to the premises at 6702 N. Lake Drive. The existing stone pillars measure 32" square by 6'-0" tall with the new iron gate assembly and fence panel located on either side of the pillars. The iron gate and side panels will have a powder coat black painted finish and with a Custom electronic controller operated by a call box and home intercom. The centerline of the stone pillars will be 53'-7" from the centerline of Lake Drive. The distance from the right-of-way set back to the center line of the stone pillars would be 20'-8" and 19'-4" from the front face of the stone pillars. The total width opening of the gate entrance will be 16' wide and easily accessible with emergency equipment. The requirement for this "Special Exception" is to provide a secure and safe home resident for the family and guests, being a high profile family in the north shore area that lives at this home. It is the hope to prevent any unlawful activity and prevent any special attention to this home, along with giving a very attractive entranceway for the community and surrounding neighbors. The previous home owners experienced on many occasions, to have uninvited quests entering the property, as far as walking the property to exploring the home, along with the lake view.

Respectfully Submitted:

Richard J. Dassow

(Owner/President Ideal Property Management)

Landscape professionals with a passion for detail

W264 N6615 Hillview Drive, Sussex, WI 53089
(262) 246-8512 • email: ideal.landscaping@hotmail.com
www.ideal-landscaping.net



MEMORANDUM

POLICE DEPARTMENT VILLAGE OF FOX POINT

TO: SCOTT BOTCHER, VILLAGE MANAGER
VILLAGE OF FOX POINT BOARD OF TRUSTEES

FROM: CHIEF CHRISTOPHER FREEDY *CF*

DATE: AUGUST 8, 2016

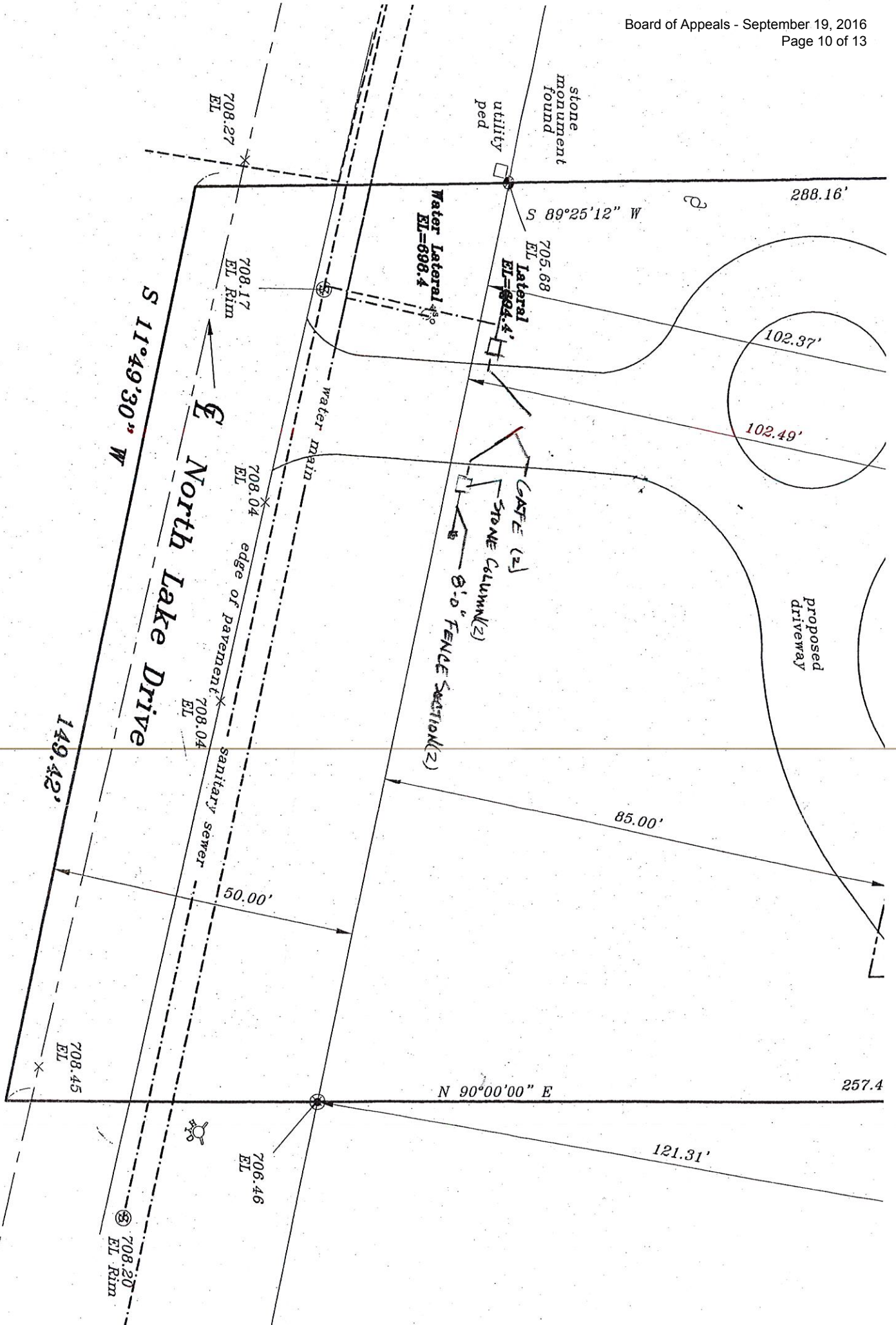
REGARDING: DRIVEWAY GATE – 6702 NORTH LAKE DRIVE

On Wednesday, August 3, 2016 I was contacted by Ideal Landscape Management regarding a request from the homeowners at 6702 North Lake Drive to install a driveway gate. In accordance with village code 745-7 B.3.h.2, the gate must receive the written approval of the Police and Fire Chiefs. I reviewed the initial landscape plans along with the plans for the driveway gate with the Ideal Landscape staff. The gate is modeled after a gate currently installed at the residence immediately next door (6720 North Lake Drive).

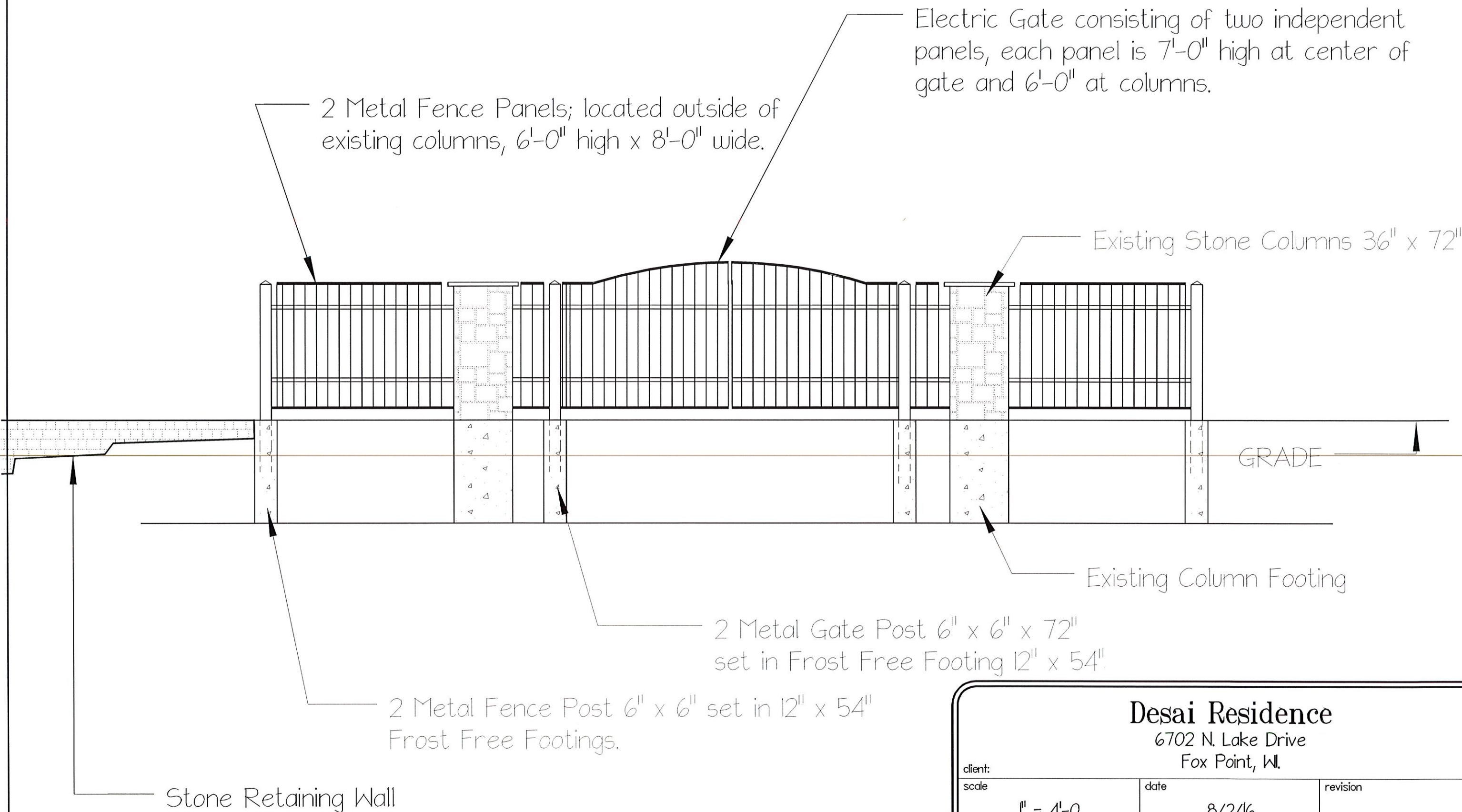
I met with the residents on Thursday, August 4, 2016 and explained the concerns emergency responders have with driveway gates. I explained to the resident that in the event of an emergency, forced entry may be necessary and they may be responsible for the damage repairs. The resident, Rahul Desai, and his wife felt access to emergency personnel is a priority and offered both an access code in the gate control box along with other forms of access in the digital controller.

The Police and Fire Departments primary mission is to protect the safety and welfare of the residents. In order to achieve this mission, the first responders must have rapid access to the person or property in need of assistance. I have consulted with the North Shore Fire Department Chief, Robert Whitaker, visited the property at 6702 North Lake Drive, and spoke with the resident regarding our mission to protect public safety. The gate posts will be set, and the split gates will retract along the edge of the driveway, allowing access to the property for an emergency vehicle (approximately 14 foot wide opening) and the residents have agreed to provide the emergency responders with an access code to open the gate in instances when the gate is closed.

After the site visit and the residents providing access, the Police and Fire Departments are satisfied that the installation of the driveway gate will not interfere with nor hamper access in the event of an emergency.







Desai Residence

6702 N. Lake Drive
Fox Point, WI.

client:		
scale	date	revision
1" = 4'-0	8/2/16	
drawn by	checked by	drawing #
Ideal Property Mgmt.	(262)251-3578	Gate Detail