

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
SEPTEMBER 27, 2018

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Thursday, September 27, 2018 at 5:00 p.m. Chair Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chair
Nancy Filsinger
Carlie Aizenberg, Alternate
Catie Anderson, Alternate
Bob Cory, Alternate

Also, staff members present were Village Attorney Eric Larson, Building Inspector Michael Rakow, and Village Clerk Treasurer Kelly Meyer.

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

Approval of Minutes – August 7, 2018 Meeting

On the motion of Carlie Anderson, seconded by Nancy Filsinger, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the August 7, 2018 meeting, as presented with the correction.

Case 2018-05: 1536 E. Goodrich Lane

Mr. Daniel Minahan, 1536 E. Goodrich Lane was present for this agenda item.

The applicant's request is for 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 fence that will be forward of the front line of the principal building. The special exception is requested pursuant to 745-7(B) (3) (h) (2), and 745-7(B) (3) (j) of the Fox Point Code.

Village of Fox Point Building Inspector Michael Rakow

Building Inspector Mr. Michael Rakow stated his name and was sworn to provide testimony by the Village Clerk Treasurer.

Village Building Inspector Mr. Rakow outlined the request of the applicant Mr. Daniel Minahan's submittal for a proposed special exception from the fence ordinance for replacement of 2 sections of an old stone wall with a new fence forward of the frontline of the principal building; pursuant to Sections 745-7 (B) (3) (H) (2); This special exception needs Board of Appeals permission, pursuant to the Village Code 745-7 (B) (3) (j) to permit a fence forward of the frontline of the home.

Chair Zien asked if this was truly a fence or a decorative entryway; Building Inspector Michael Rakow stated his belief was that the application was for a fence.

There were no other questions for the Building Inspector.

Property Owner/Applicant Daniel Minahan, 1536 E Goodrich Lane

The property owner and applicant, Mr. Daniel Minahan stated his name and address and was sworn in to provide testimony by the Village Clerk Treasurer.

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Property owner/ applicant Mr. Minahan commented he tried to submit everything the code required for the Board of Appeals meeting, including anything he thought would be helpful and informative. (Mr. Minahan included further renderings and an additional letter to the Board of Appeals today.)

Mr. Minahan explained further, following Chair Zien's inquiry, he also struggled with what to call it and noted he called it a "feature" in his submission of documents. This is more of an architectural driveway feature for the entrance, among other purposes. Mr. Minahan pointed out this is not a gate that will open and close, although it appears so; this feature will remain fixed.

Applicant Mr. Minahan believes he meets the requirements of the code pursuant to 745-7(B) (3) (j) and wishes to comply with it. The surrounding neighbors have submitted letters in support of this proposed replacement fence feature. The applicants took out the two large stone walls that the prior owners had installed. Additionally, they have been working to restore the home to the original 1923 condition and this fence feature would conform to the restoration. Mr. and Mrs. Minahan believe they are maintaining the character of the neighborhood. On his walks around the village, he sees all kinds of driveway features; these features enhance the character of the village.

Mr. Minahan noted in regard to the safety feature, the appearance of a gate would ease Mrs. Minahan's safety concerns. Mr. Minahan reminded the Board of Appeals, this feature although not an opening/closing feature, will inhibit the impediment for those who may decide to wander down the driveway. In light of the recent break-ins on Goodrich Lane and surrounding areas, Mr. Minahan believes this will assist in dissuading individuals. He feels the feature is reasonably necessary for their safety. He does not feel that this fence feature impedes the safety of the neighbors or neighborhood, nor does it adversely affect their health and safety.

Village Attorney Eric Larson commented on the artist rendering that was submitted today. He asked for clarification on Mr. Minahan's rendering and the creation of an appearance that the gate could close. Attorney Larson asked for confirmation that the gate "would not" close, asking for assurance that this gate appearance will physically be constructed so it will not close and will remain affixed. Village Attorney Eric Larson gave further background that if the feature were to be or become an open/close gate feature, a driveway gate is a separate approved, requiring separate Village Code process and approval. Mr. Minahan did comment he did not want to speak to the Fire Chief or the Police Chief in regard to an opening/closing gate feature.

Mr. Minahan clarified construction will be three posts that run the length of the driveway will be affixed and locked into the ground and the fence between them, will be affixed so there will be no way to swing any portion of the fence feature as a gate.

Attorney Larson inquired how future owners of this property will know that they cannot create an opening/closing gate feature on this fence. Mr. Minahan stated the future owner would have to take this fence feature down and the new owner would be required to come to Board of Appeals first.

Attorney Larson asked if Mr. Minahan would have any objection to a requirement if the Board of Appeals would require you to record a restriction saying that the gate feature will not shut. Mr. Minahan had no objection to recording a restriction stating the gate feature will not shut.

Chair Zien inquired if this would need to proceed to the Building Board as well; Village Attorney Eric Larson replied that it would.

Chair Zien inquired about the difference between a variance and a special exception; Attorney Larson explained the variation. Village Attorney Eric Larson clarified the standard being applied tonight for the proposed special exception.

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Chairman Zien closed the testimony at 5:24 p.m. for the Board of Appeals to make a decision.

On the motion of Chair Don Zien, seconded by Carlie Aizenberg, the Board of Appeals to grant applicant, Mr. Minahan's request for a special exception to replace the current stone wall with fence forward of the front line of the principal building, conditional upon Building Board approval and a signed restriction indicating the gate would not close.

Motion carried by roll call vote.

Adjourn

On the motion of Catie Anderson, seconded by Carlie Aizenberg and carried unanimously, the Board adjourned at 5:28 p.m.

Respectfully Submitted,

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer