VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
OCTOBER 31, 2018

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, October 31, 2018 at 5:00 p.m. Chair Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chair
Nathan Eisenberg
Nancy Filsinger
Sara Bowen

Those absent included:

Kurt Ostoic

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 – September 27, 2018 Meeting

Chair Zien noted a misspelling in his name on line 59 of the minutes.

On the motion by Sara Bowen, seconded by Nancy Filsinger, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the September 27, 2018 meeting, as presented with the grammatical correction as noted.

Case 2018-06: 7846 N Lake Drive

Ms. Sarah Ruben, 7846 North Lake Drive was present for this agenda item.

The applicant's request is for a special exception pertaining to 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 erected on a corner lot and abuts more than one public road. The special exception is requested pursuant to 745-7(B)(3)(h)(1), 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 Ms. Sarah Ruben's submittal for a proposed special exception from the fence ordinance for proposed new installment of a 4'high black aluminum fence that will be erected on a corner lot and abuts more than one public road. The special exception is requested pursuant to 745-7(B)(3)(h)(1), and 745-7(B)(3)(j) of the Fox Point Code.

Chair Zien inquired where the front of the home was located. Building Inspector Michael

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Rakow commented he considers the front of the home to be Lake Drive because that is the address of the home.

There were no other questions for the Building Inspector; therefore, testimony moved to the applicant.

Property Owner/Applicant Sara Ruben, 7846 N Lake Drive

The property owner and applicant, Ms. Sara Ruben stated her name and address and was sworn in to provide testimony by the Village Clerk Treasurer.

The applicant noted the front of the home with the façade is on Lake Drive, but the driveway to access the home is on Lilac Lane. The parcel lot is an unusual shape the way the home is situated on the lot. The only logical place to put a fence for a child's play area and to keep the dog in the yard would be the proposed area – the north side of the property.

Nancy Filsinger inquired if the new fence would meet up with another fence. Ms. Ruben noted there is an existing east property chain-link fence. Instead of adding more fence, they are proposing to meet up with the existing east property chain-link fence.

Building Inspector Michael Rakow commented this parcel has three roads abutting to the property and this property could be considered to be irregularly shaped.

Sara Bowen asked the Mr. Rakow if this was the least intrusive alternative for the property. Building Inspector Mr. Rakow answered that would be the Board of Appeals decision; he noted he did not have an issue with the proposed fence. Ms. Bowen asked the applicant if she had considered other alternatives, but this seemed to be the only feasible option.

Co-owner Jaclyn Ruben, 7846 N Lake Drive

Co-owner, Ms. Jaclyn Ruben stated her name and address and was sworn in to provide testimony by the Village Clerk Treasurer.

Ms. Jaclyn Ruben noted the reason for the proposed fence being the most feasible area is because this area can be accessed from inside the home itself. There is already a back door on the garage that opens to the proposed location. This would permit children or dogs to leave through the door right into the fenced in area of the property. They also currently have a contractor who is building a patio door facing Club Circle; therefore, feasibly this is the only safe area for children and dogs to place a fence on the property.

Ms. Filsinger inquired how close the applicant/owners are to the Club Circle roadway. Building Inspector Michael Rakow answered the fence can be placed up to the property line; the owners appear to be approximately 25 feet from the center line of Club Circle.

Nathan Eisenberg inquired if there was a concern on which side the front of the home is on or is the concern the lot shape. Building Inspector Mr. Rakow answered the issue is the multiple streets the lot has abutting the property. Technically it is his opinion the proposed fence would not be in front of the home; his opinion is that the front of the home is on Lake Drive.

Village Attorney Eric Larson provided clarity on the ordinances pertaining to a prohibited fence

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in the front of a home and pertaining to the special exception requests. He noted the property is quite an unusual lot because of the three roads bordering it, making it difficult to determine the front of the home. Village Attorney commented the fence would go on to the Building Board for the aesthetics of the fence.

Chairman Zien closed the testimony at 5:21 p.m. for the Board of Appeals to make a decision.

On the motion of Nathan Eisenberg, seconded by Sara Bowen, the Board of Appeals to grant applicant, Ms. Ruben's request for a special exception 745-7(B)(3)(h)(1) and 745-7(B)(3)(j) to install a new 4" high aluminum fence to be erected as proposed on a corner lot that abuts more than one public road.

Board of Appeals confirmed the findings by unanimous consent, finding this to be the least intrusive, finding there is a need for this special exception, finding this will not adversely affect the health, safety or welfare of the community or the immediate area where located, and finding this will not impede the purpose, spirit and intent of the accessory.

Motion carried by roll call vote.

Adjourn

On the motion of Nathan Eisenberg, seconded by Sara Bowen and carried unanimously, the Board adjourned at 5:23 p.m.

Respectfully Submitted,

Kelly A. Meyer, *CMC/WCMC*
Village Clerk Treasurer

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