

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
OCTOBER 23, 2019

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, October 23, 2019 at 5:30 p.m. Chair Don Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chairman
Sara Bowen
Nancy Filsinger
Catie Anderson
Robert Cory (Alternate 1)

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, 2019 Meeting

On the motion by Sara Bowen, seconded by Catie Anderson, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the September 27, 2019 meeting, as presented.

Case 2019-07: 470 E Fox Dale Ct.

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.

Building Inspector Michael Rakow stated that the applicant submitted a fence application requesting a special exception to erect a new red cedar, 6' shadow box style fence, pursuant to Village of Fox Point code, 745-7(B)(3)(h)[1] the property is irregular shaped lot and abuts more than one public road and 745-7(B)(3)(j) for a special exception. Therefore, Mr. Rakow denied the permit and recommended the property owners apply to Board of Appeals pursuant to the above mentioned village code.

Sara Bowen inquired on whether the replacement fence on the rendering was an issue. Building Inspector Michael Rakow stated that the special exception applied to the new portion of the fence on the rendering. It was further clarified that a new section of fence was being install on the Northwest side of the property.

Catie Anderson inquired if the west fence section was along the road. Building Inspector Michael Rakow clarified it is on the west side but not along the road.

Village Attorney Eric Larson asked Building Inspector Michael Rakow if he had an opinion of where the front yard or the access of the property is. Building inspector Michael Rakow clarified it is Fox Dale Court; therefore in his opinion he considers that the front of the property.

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Applicant/Appellant Kurt & Tracy Ostoic, 470 E Fox Dale Ct.

Applicant Kurt Ostoic stated his name and was sworn to provide testimony by the Village Clerk Treasurer.

Nancy Filsinger requested clarity on the survey rendering in regard to the darkest line. Applicant Kurt Ostoic clarified that is the neighbor's fence. He further clarified his lot is pie-shaped. The neighbor's property is actually two lots so they have five sides to their property. Mr. Ostoic also clarified some of the photos do show the neighbors fence and property.

Catie Anderson inquired if the fence was also for safety of pets. Mr. Ostoic replied it had been a safety issue for their current dog who did just pass away; they have been looking to purchase a rescue dog but in order to rehome and adopt a dog/puppy, for safety reasons, it is only permitted if there is a fence on the property.

Village Attorney Eric Larson noted that Exhibit A, a letter dated September 29, 2019 from Mr. and Mrs. Rasuli of 454 E. Fox Dale Court, has been distributed and will be added to the record as attached, as **[Exhibit A]**.

Chairman Don Zien closed the testimony at 5:12 p.m. for the Board of Appeals to make a determination. 5:12 p.m.

Village Attorney Eric Larson reminded the Board of Appeals the parts of the village code pertaining to Case 2019-07 are 745-7(B)(3)(h)[1] and 745-7(B)(3)(j) pertaining to the special exception the owner has shown clear and convincing evidence to believe that the applicant has a legitimate need for the special exception and that granting the special exception will not adversely affect the health, safety or welfare of the community or the immediate area where located and will not impede the purpose, spirit and intent of this section.

On the motion of Sara Bowen, seconded by Chair Don Zien, and carried unanimously by roll call vote, the Board of Appeals finds that the front of the lot is facing Fox Dale Court and the Board grant the special exception for the new fence extension on the west side of the dwelling, as the applicant has shown clear and convincing evidence to believe there is a legitimate need for the special exception and that granting the special exception will not adversely affect the health, safety or welfare of the community or the immediate area where located and will not impede the purpose, spirit and intent of Section 745-7(B)(3)(j).

Adjourn

On the motion by Nancy Filsinger, seconded by Sara Bowen, and carried unanimously, the Board adjourned at 5:15 p.m.

Respectfully Submitted,

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer