

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

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

THURSDAY
FEBRUARY 18, 2021
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Approval of the Minutes and Determinations – December 3, 2020 Meeting**
- 3. Case 2021-01: 522 W Bergen Drive.** The applicant is requesting a variance pertaining to Section 745-15 of the Fox Point Village Code in the A-3 Residence District, concerning side and rear yard requirements. A rear yard of not less than 20 feet and a side yard of not less than 12 feet shall be provided for every building in the A-3 Residence District. The applicant is proposing to install a new 24-foot by 24-foot garage three feet from the rear (north) and side yard (west) of the property.
- 4. Case 2021-02: 7539 N Bell Rd.** The applicant is requesting a special exception from the fence ordinance to erect a replacement 4-foot-high, open design, horizontal plank, cedar fence on a corner lot. The special exception request is made pursuant to 745-7(B)(3)(h)[1], 745-7(B)(3)(h)[2], 745-7(B)(3)(h)[5], and 745-7(B)(3)(j) of the Fox Point Code.
- 5. 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.

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
DECEMBER 3, 2020

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Thursday, December 3, 2020 at 5:00 p.m. The Village Clerk took roll call. Those present included:

Kurt Ostoic, Chairman
Nancy Filsinger
Tom Dunst
Mark Grady
Scott Ratke (Alternate #2)

Staff members also 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 – October 15, 2020 Meeting

On the motion by Member Mark Grady, seconded by Member Thomas Dunst, and carried unanimously by roll call vote (5-0), the Board of Appeals approved the submission of minutes and determinations from the October 15, 2020 meeting, as presented.

Case 2020-06: 6811 N Barnett Ln.

The applicant is requesting a special exception from the fence ordinance to erect a 4-foot-high, stacked-rail fence forward of the frontline of the home. The special exception request is made pursuant to 745-7(B)(3)(h)[1], 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.

Building Inspector Michael Rakow gave background, stating the applicant/appellant is requesting a special exception from the fence ordinance to erect a 4-foot-high, stacked-rail fence forward of the frontline of the home. The special exception request is made pursuant to 745-7(B)(3)(h)[1], 745-7(B)(3)(h)[2] and 745-7(B)(3)(j) of the Fox Point Code. Since this property is on a corner, odd-shaped lot and it is a special exception for a fence; therefore, this special exception has to be determined by the Board of Appeals.

Member Mark Grady asked if Michael Rakow in his opinion, determined the front lot to be.

Building Inspector Michael Rakow stated he utilizes the address side of the property. In his opinion, due to Barnett being the address side, he presumes Barnett is the front lot of the property.

Member Mark Grady inquired if it would then appear that the front door of the home is on the Barnett side of the property.

Building Inspector Michael Rakow commented he could not make that determination.

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Member Mark Grady stated if you review 745-7(B)(3)(h)[4], just below Subsections [1], [2], and [3], if the homeowner wanted to build this fence to a height of no more than 3 ½ feet, and if the homeowner was willing to install the fence 20 feet from his lot line, he would not need any approve from the Board of Appeals to do so.

Building Inspector Michael Rakow stated that is correct.

Member Mark Grady stated, if we assume the front of the home is as you indicated, he would not need approval to build a 4-foot-tall split rail fence, as long as the end of the fence did not extend further to the east than the front of the house.

Building Inspector Michael Rakow stated that is correct.

Member Mark Grady asked the Building Inspector, using the exhibit that was attached to the application with the drawing of the proposed location of the fence, which extends around and beyond the front of the home and little further to the east along Barnett, as currently proposed, this Board would need to approve/deny the application. If it stopped parallel with the front line of the home, the fence would not need approval from the Board or the Building Inspector.

Building Inspector Michael Rakow stated it depends on how someone would interpret the Village Code. As indicated in 745-7(B)(3)(h)[1], if it is on a corner lot, it must come before the Board of Appeals.

Member Mark Grady stated, if this body was not willing to approve the fence as proposed, the homeowner does have two other options, as he sees it: (1) to stop the fence parallel to the front of the home, and (2), to build the fence no more than 3 ½ feet tall and 20 feet from his lot line. This is assuming the front of the home is as discussed, on Barnett.

Building Inspector Michael Rakow concurred.

Property Owner/Appellant Matt Gailey

Property Owner/Appellant, Matt Gailey stated his name and was sworn in to provide testimony by the Village Clerk Treasurer.

Property Owner/Appellant Matt Gailey stated his determination is that the fence proposal isn't to complex so he doesn't want to make this complex. Essentially, he and his wife have a young child. A second child is on the way. They are effectively looking for a barricade opposed to an enclosed fence. What they determined to be a less intrusive and aesthetically pleasing was what is a stacked-rail-fence. They are not intending on installing any posts into the ground; this would be a movable object. Effectively it is stacking roughly 11-foot rails, in length, on top of one another. This allows the homeowners to: (a) not be aesthetically pleasing and the least intrusive possible, and (b) provides some flexibility with having the ability to easily move it as well. That is generally the point as to why he is in front of the Board of Appeals today and is happy to answer any additional questions to provide further detail.

Member Thomas Dunst inquired on how the chose their end-point of the fence. What was the

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purpose with stopping the fence where proposed rather than bringing it further around the property or less installation of fencing?

Property Owner/Appellant Matt Gailey asked for clarity on whether Member Thomas Dunst was referring to the point at which it ends on Barnett Lane.

Member Thomas Dunst stated that reference was correct.

Property Owner/Appellant Matt Gailey stated it is a tricky lot as the Board can see from the renderings. They picked that end-point because they tried to reach as close to Barnett as possible. It is for aesthetic purposes so it is not an awkward stop in the middle of a lot. The owners major concern is Lake Drive and the traffic flow.

Member Nancy Filsinger inquired where the Appellant Matt Gailey's driveway is located.

Property Owner/Appellant Matt Gailey stated the driveway is L-shaped. It ends on Barnett Lane. It heads west towards their home. There is a little inlet that heads north into their garage.

Chairman Kurt Ostoic inquired if the fence stops at the edge of the driveway.

Property Owner/Appellant Matt Gailey stated it does stop relatively close to it.

Member Mark Grady asked Mr. Gailey if there was a driveway or something along Lake Drive.

Property Owner/Appellant Matt Gailey stated there is not.

Member Mark Grady inquired if Mr. Gailey would consider the front of the home and front door to be on Barnett Lane.

Property Owner/Appellant Matt Gailey stated they would consider the front side and front door to be on Barnett Lane.

Member Mark Grady commented the Village Ordinance indicates that the primary concern for this Board is supposed to look at in granting a special exception is that the fence is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection B(3)(j). Therefore, can you directly address why you think this fence is reasonably necessary to protect the safety of people residing on the property.

Property Owner/Appellant Matt Gailey stated they have some protection from landscape cover, such as a few bushes and greenery. This is not effective in stopping an especially small child who does not have the awareness to understand the danger that potentially Lake Drive could present. They have witnessed this first-hand when relative have visited the property with small children. Seeing it first-hand, it is understanding that what the property currently has is not the prohibitor for small children that they would like it to be. They are trying to find a middle ground where it is not a comprehensive barricade that is a ten-foot-high vertical fence. They are looking for something that would act as a barricade, primarily there to stop a small child who is playing in the yard. They feel that this design would do that without being too cumbersome and too much of a permanent, immovable

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object.

Member Mark Grady asked how important is it to you, in terms of safety factor, as you indicated it was primarily Lake Drive that you are concerned about to have the fence extend to the east beyond the front of your home. In other words, as far around the curve as you proposed. If your primary concern is Lake Drive, it would seem to me that stopping it on the diagram parallel with the front of your home, does create a barrier with Lake Drive and does not put a fence in your front yard and therefore, does not require a special exception from the Board. Wouldn't that also serve the purpose you are looking for, although it may not be as aesthetic. This would be in terms of security purposes.

Property Owner/Appellant Matt Gailey it would. For a small child, every incremental piece of barricade/fence is helpful. To what degree it is tough to put your finger on. To your point, Lake Drive is the primary concern in regard to safety.

Member Mark Grady also stated you could build this stacked-rail-fence slightly shorter and twenty feet away from the edge of your lot and not require any approval from the Board. Are you aware of that and is that something you have considered?

Property Owner/Appellant Matt Gailey stated he was not aware of that. Secondly, that would not be of interest to them just given they are on a corner lot and they do not have much of a lot to work with. It has just become rather restrictive of the property they are on. The twenty-foot set-back creates a problem.

Chairman Kurt Ostoic asked for any further questions or thoughts.

Member Nancy Filsinger wanted clarification on where the fence ends in the front and if it does abut the driveway.

Property Owner/Appellant Matt Gailey stated that is true. There is a drainage pipe that goes underneath the edge of the driveway, next to Barnett. There is a little channel for the water. It would be in and around that area.

Without objection and by unanimous consent, Chairman Kurt Ostoic closed testimony at 5:15 p.m.

On the motion of Member Mark Grady, seconded by Member Thomas Dunst, and carried unanimously by roll call vote (5-0), the Board of Appeals finds that the front of the house yard is the side of the home facing Barnett Lane for the purposes of determining the side yards and back yard regarding the special exception from the fence ordinance made pursuant to 745-7(B)(3)(h)[1], 745-7(B)(3)(h)[2] and 745-7(B)(3)(j) of the Fox Point Code to erect a 4-foot-high, stacked-rail fence forward of the front line of the home.

Village Attorney Eric Larson reminded and inquired if the Property Owner/Appellant has met the standard of the ordinance for the small portion of the fence that is forward of the front line of the home, which may be 1/5 or 1/6 of the entire proposed fence. The ordinance pursuant to and stated appropriately earlier by the Board, The Board of Appeals may grant a

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special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection B(3)(j). The most relevant part of that Board of Appeals may grant the request for a special exception upon finding that the property 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.

Discussion ensued between Board members.

Member Mark Grady the main idea is to protect the those residing from Lake Drive. Obviously, this extra section forward of the frontline of the home is not directly on Lake Drive. But it is also illogical to me to install a fence that goes along Lake Drive and then leave a 20 to 30-foot opening that would sort of invite a small child to go around the end of that fence towards Lake Drive. Barnett and Lake Drive are pretty close there. Clearly that fence is not needed to protect the people from Barnett Lane. But the question is if that section is illuminated, do you impede the viability of the fence as a protector for Lake Drive.

Member Thomas Dunst stated by ending it at the driveway, you are giving the children the idea that this is the end and if you didn't have that, the children would be more apt to go out of the fenced area.

On the motion of Member Mark Grady, seconded by Member Thomas Dunst, and carried by roll call vote (5-0) to grant the special exception from the fence ordinance made pursuant to 745-7(B)(3)(h)[1], 745-7(B)(3)(h)[2] and 745-7(B)(3)(j) of the Fox Point Code to erect a 4-foot-high, stacked-rail fence forward of the frontline of the home on the basis that the extra portion of fence that is to the east of the front of the home is necessary in order to serve the purpose of the entire fence along Lake Drive to protect the minor children, creates a visual barrier to children even though it is not a physical barrier, but is a visible barrier to try to prevent the children from running into Lake Drive and the extension around and toward Barnett Lane and is necessary to make the entire fence viable for that purpose and the Board finds that 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.

Friendly amendment of the motion by Member Mark Grady, Seconded by Chairman Kurt Ostoic, and carried by roll call vote (5-0) to grant, as above for the special exception and conditional upon the fence being installed within one year of today's date, December 3, 2020.

Adjourn

On the motion by Chairman Mark Grady, seconded Member Nancy Filsinger, and carried unanimously by roll call vote (5-0), the Board adjourned at 5:30 p.m.

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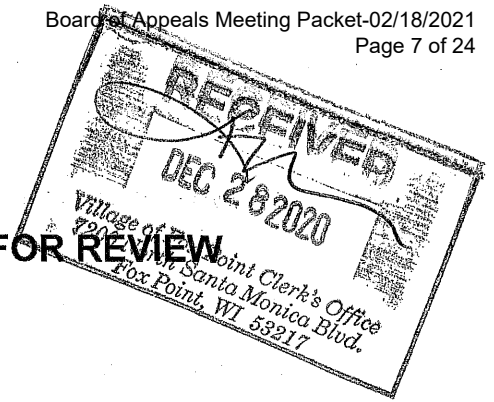
Respectfully Submitted,

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

DRAFT



NOTICE OF APPEAL & APPLICATION FOR REVIEW



1. Name of Appellant Bergen Manor LLC, Michael Roginskiy
Address of Appellant PO Box 242444, Milwaukee, WI 53224
Phone Number _____ 414-745-3053 _____ 414-745-3053
Home Work Cell
E-mail Address mroginskiy@hotmail.com
2. Address of Property 522 W Bergen Dr. Fox Point, WI 53217
Present Use of Property Residential, CBRF (assisted living facility)
Proposed Use of Property Residential, CBRF (assisted living facility)
Owner's Name and Address if Different than Above the same
3. Has a Previous Appeal or Application Been Made to the Board of Appeals with Respect to This Property?
Yes (☐) **No** (☒) 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: Bergen Manor LLC, Michael RoginskiyVillage of Fox Point - Board of Appeals
Notice of Appeal and Application for Review

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.

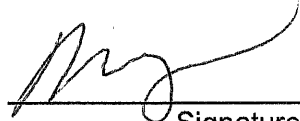
☐ C. Request for a special exception from the Fence Ordinance. Please obtain a copy of the Fence Ordinance to determine specific requirements. Attach a separate sheet or related materials explaining the following:

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

12/03/2020

Date

For Office Use Only:Date Application Received DEC. 28, 2020Receipt Number for \$200 Filing Fee LD55346Case Number 2021-01Hearing Date Thursday, February 18, 2021 5:00 pm

Disposition _____

Request for variance:

I would like to build a garage and the end of my property, closer to the northern property line.

According to the setback requirements, setback to the north (a rear yard) of not less than 20 feet shall be provided for every building.

According to the "plat survey", the land adjacent to that portion north, 30' from NW mark to poll, belongs to the State (HWY system). There is no public access or use of that land.

During the course of this fall 2020, we have had several meetings with DOT and WE-Energies to determine if garage can be placed to the closest to the northern property line. On December 9, 2020, it was determined that WE-Energies has no objection to the construction of garage as long as the conditions are met.

The proposed garage footprint would be build approx. 24' x 24'. If it placed according to the setback (20'), it's going to waste 20' of driveway and space behind of it (north) is useless, so is ecstatically. It will just look so wrong to have 20' empty space behind the garage and garage set in the middle of parking section.

Thank you for consideration,

Michael Roginskiy

PLAT OF SURVEY

LOCATION: 522 West Bergen Drive, Fox Point, Wisconsin

LEGAL DESCRIPTION:

Lot 11 in FOX CROFT HIGHLANDS, being a Subdivision of part of the Southwest 1/4 of the Northeast 1/4 of Section 8, Township 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, together with the East 1/2 of vacated North 6th Street adjoining said property on the west.

October 21, 2016

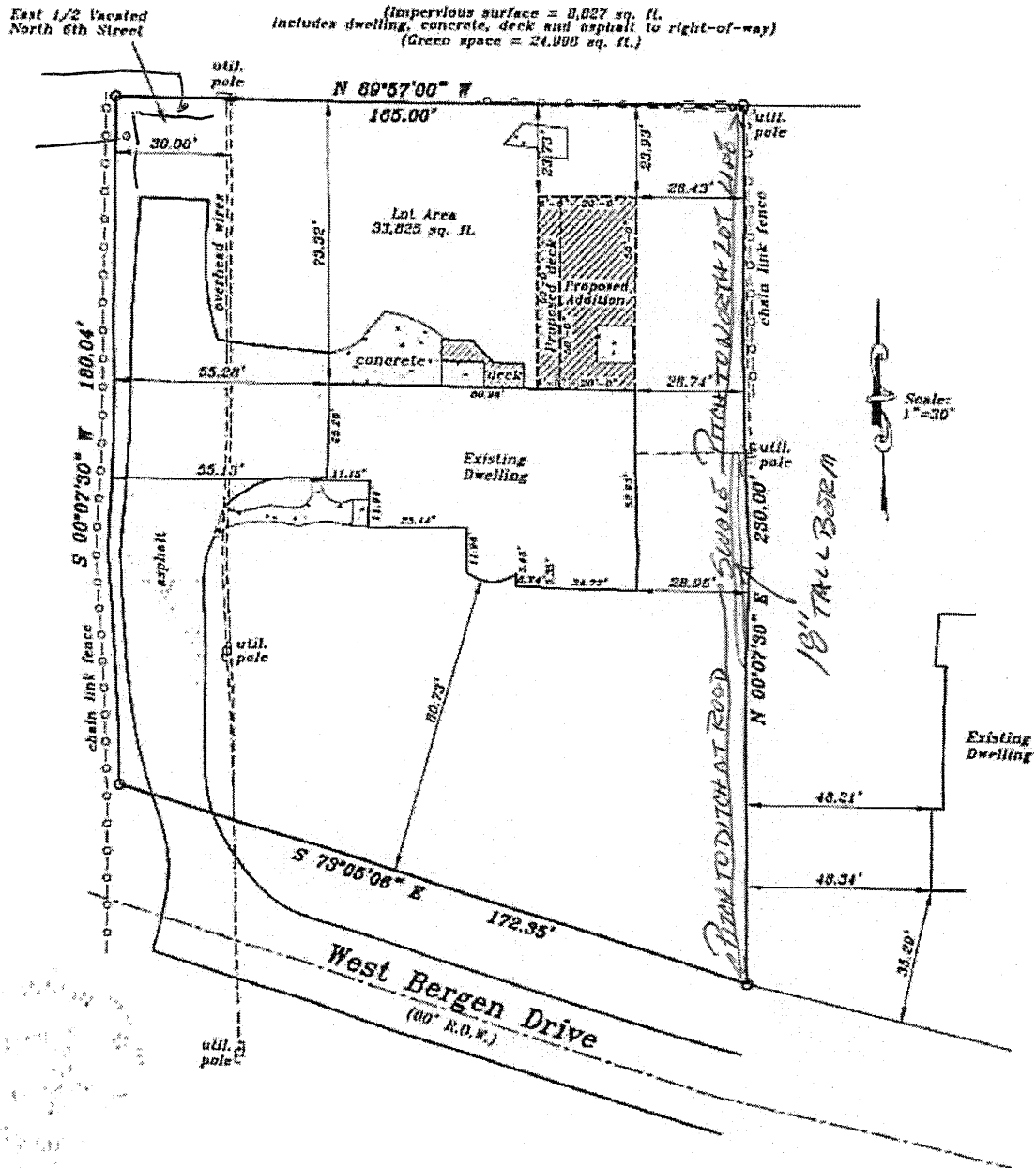
October 24, 2016 Proposed Addition/Deck added

Survey No. 107372

set Backs:

North-3'

west - 3'



METROPOLITAN SURVEY SERVICE, INC.

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS

9415 West Forest Home Avenue, Suite 202

Hales Corners, Wisconsin 53130

PH. (41-6) 525-5100

FAX 414 523-0787

email address: survey@metropolitenurvey.com

① — Denotes Iron Pipe Found

○ — Denotes Iron Pipe Set

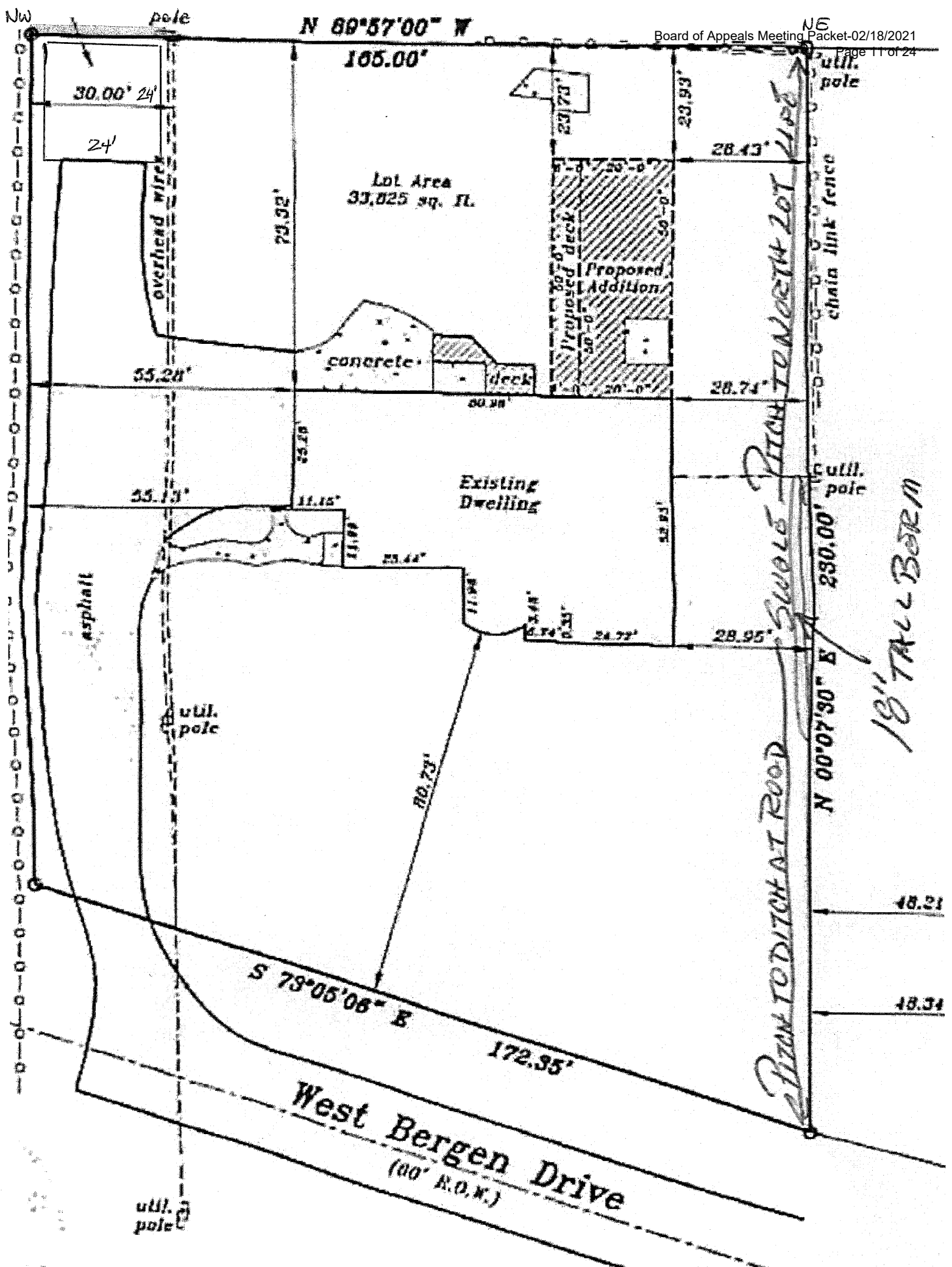
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTENSION BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND SUBDIVISIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FINCES, APPARENT EASEMENTS AND HIGHWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY,
AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR OTHERWISE TAKE THE TITLE THEREIN WITHIN
ONE (1) YEAR FROM THE DATE HEREON.

54-24022

Dennis C. Sauer
Professional Land Surveyor B-3421

Scanned with CamScanner





We Energies
231 W. Michigan St.
Milwaukee, WI 53203
www.we-energies.com

December 9, 2020

Michael Roginskiy
522 West Bergen Drive
Milwaukee WI 53217

SUBJECT: ENCROACHMENT OF EASEMENT WITH GARAGE
FOX CROFT HIGHLANDS LOT 11

Dear Mr. Roginskiy:

Your request to construct a garage on the property located at 522 West Bergen Drive in the Village of Fox Point, Milwaukee County, Wisconsin has been reviewed.

Wisconsin Electric Power Company, a Wisconsin corporation, doing business as We Energies, has no objection to the construction of the garage as long as the following conditions are met:

1. Digger's Hotline must be called a minimum of 3 working days prior to the onset of any digging. They will mark cables in the area of the construction. Their number is 1-800-242-8511 or you may dial 811.
2. Structure must be 3 feet away from any underground cables whether they are on your property or on an adjoining property.
3. Structure must be 3 feet away from any pedestal whether it is on your property or on an adjoining property (pedestals are smaller and rectangular in shape).
4. Structure must be 10 feet away from the door side of any pad-mounted transformer and 3 feet away from the other sides whether the pad-mounted transformer is on your property or on an adjoining property (transformers are larger and square in shape, the door is the side with the padlock on it).
5. Structure must be 4 feet away from any utility pole. The structure may not be attached to any utility pole.
6. A minimum 10 foot clearance must be maintained from the closest electric line to the structure.
7. A minimum 10 foot working clearance must be maintained from electric lines at all times during construction or maintenance of the structure.

This permission is granted insofar as the original structure exists. This permission does not apply to any future rebuilding or relocation of the original structure.

Finally, please be aware that Wisconsin Electric Power Company must have access to its facilities for routine and emergency maintenance, repairs and replacement. Should the garage be constructed in such a way to make access difficult or impossible, a portion of the garage may be removed to provide adequate access to our facilities. **It is advised you install removable sections near above ground equipment, including utility poles.** Wisconsin Electric Power Company will not be liable for the reconstruction of the garage or any damages to the garage. Please note there may be other utility facilities in the area as well. You will need to contact them separately with respect to their clearance requirements.

Please call me at 414-221-4623 if you have any further questions or concerns.

Sincerely,
Devin Hagler
Right of Way Analyst

*Village of Fox Point, WI
Thursday, December 3, 2020*

Chapter 745. Zoning

§ 745-15. A-3 Residence District.

- A. The provisions of this chapter in respect to an A-1 Residence District above set forth shall apply to an A-3 Residence District, except that the open area required by § **745-13B(1)** above shall be 20,000 square feet; the side yard required by § **745-13B(3)** above shall be 12 feet, and the width required by § **745-13B(5)** above shall be 90 feet.
- B. The height limitations of single-family residence structures shall be governed by § **745-13B(6)**.

*Village of Fox Point, WI
Thursday, December 3, 2020*

Chapter 745. Zoning

§ 745-13. A-1 Residence District.

- A. Uses. In an A-1 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. Areas and yards. In an A-1 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 40,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
 - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
[Amended 9-11-2012 by Ord. No. 2012-11]
 - (3) A side yard of not less than 20 feet shall be provided for on each side of every building, except that in the case of lots existing as of May 6, 1958, and less than 100 feet in width measured at the narrowest place adjacent to the location of the dwelling, the side yard may be reduced by 1/4 of the difference between said width and 100 feet; provided, however, that the side yard shall in no event be less than 15 feet.
 - (4) A rear yard of not less than 20 feet shall be provided for every building.
 - (5) Every lot on which a building is erected shall have a minimum width of 120 feet.
 - (6) No single-family residence built or existing in this district shall have a height greater than 35 feet above the lowest point of the lot grade abutting the structure, except if located in the A-1, A-2, A-3, or B District. Any single-family residence located in the A-1, A-2, A-3, or B District shall not have a height greater than 40 feet from the grade abutting the structure on the front side of the structure, with the exception in the A-1 District that, upon application to the Board of Appeals, the Board of Appeals may grant a special exception under the conditions as further set forth in this subsection. Any single-family residence located in the A-1 District and constructed on a lot of not less than 80,000 square feet in total area may apply to the Board of Appeals for a special exception from any height limitation upon the following criteria:

*Village of Fox Point, WI
Thursday, December 3, 2020*

Chapter 745. Zoning

§ 745-24. Setback exceptions.

- A. Where the side or rear yard of a lot abuts on the east right-of-way of I-43, the setback required for either such side yard or rear yard as provided by the zoning district in which said lot is located shall be maintained except as hereinafter provided.
- B. On application to and approval by the Building Board, a building or structure for an accessory use may be located within the area otherwise required for a side yard or rear yard setback, provided it is not closer to the right-of-way line of I-43 than three feet, and landscaping adequate to shield such accessory building or structure from said right-of-way is planted and maintained.
- C. Application for approval of the construction of such building or structure shall be made to the Building Board along with such drawing or plat as said Board considers adequate to show the proposed location of such building or structure, and also to show the proposed location and type of planting that will be made and maintained to shield such proposed building or structure from the right-of-way. If the Building Board determines such planting is adequate to so screen said proposed building or structure and the building or structure otherwise complies with the Code of the Village of Fox Point, it shall approve the construction of such accessory building or structure and the landscaping; otherwise, it shall disapprove. The planting approved for such screening shall be done not later than one year after the granting of a building permit for the building or structure, and after being planted shall be maintained in a neat manner, and in the event of the death of any such planting, replacement shall be made.
- D. Failure to make the planting within the time herein provided or to maintain the same as herein provided shall constitute a violation of this section, and each day such condition continues to exist shall be a separate violation. In the event the Building Board determines that the planting does not meet the standards herein established, an appeal may be taken to the Board of Appeals as in other cases.
- E. The Building Inspector shall not issue a building permit for the construction of a building or structure located as authorized by this section until the landscaping required by this section has been approved as above provided.

VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217

414-351-8900

Receipt No: 1.055346

Dec 28, 2020

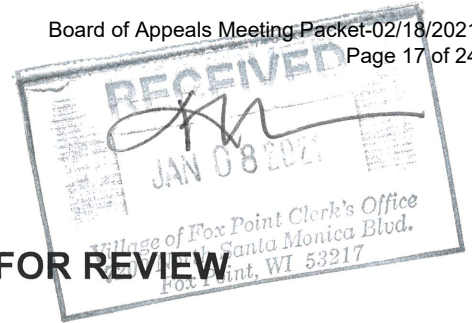
Bergen Manor LLC-522 W Bergen

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 1960	
Payor: Bergen Manor LLC-522 W Bergen	
Total Applied:	200.00
Change Tendered:	.00

12/28/2020 8:47 AM



VILLAGE OF FOX POINT BOARD OF APPEALS



NOTICE OF APPEAL & APPLICATION FOR REVIEW

1. Name of Appellant Lam Le
Address of Appellant 7539 N. Bell Rd Fox Point WI, 53217
Phone Number 407-520-7716 407-520-7716
Home Work Cell
E-mail Address lle9jhu@gmail.com
2. Address of Property 7539 N. Bell Rd Fox Point WI, 53217
Present Use of Property Primary Residence
Proposed Use of Property Primary Residence
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: Lam LeVillage of Fox Point - Board of Appeals
Notice of Appeal and Application for Review

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.



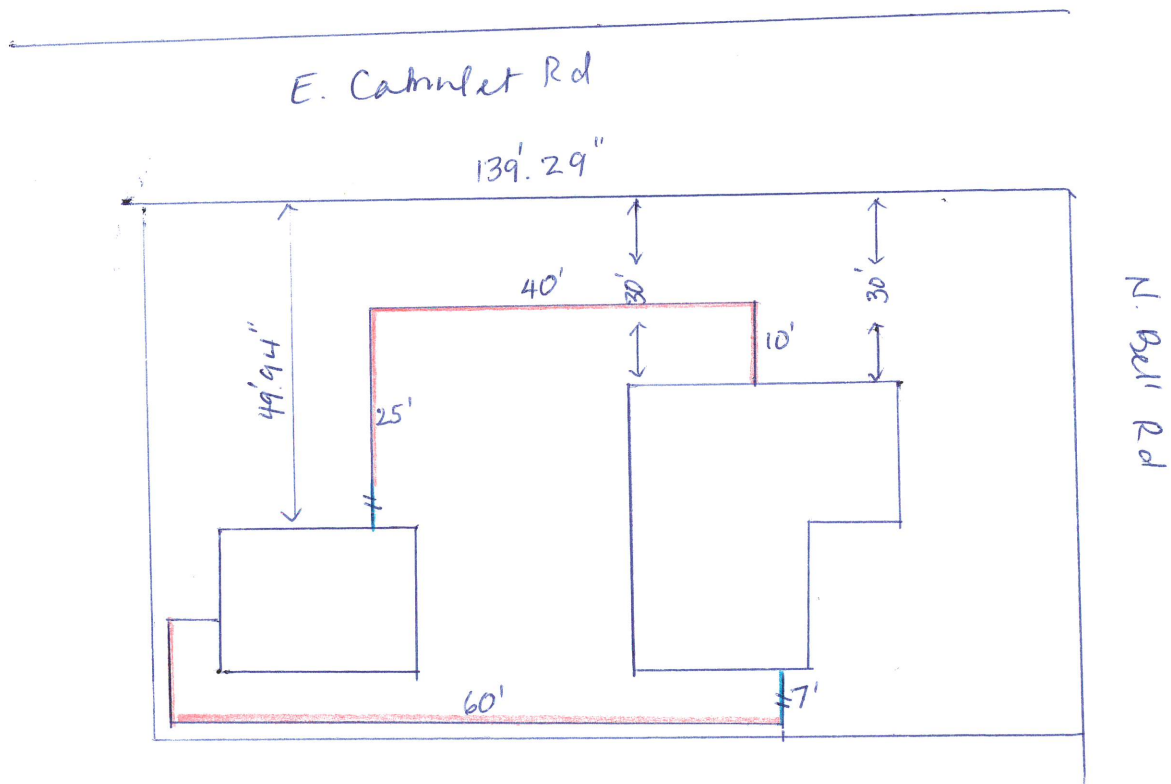
Signature of Appellant

1/7/21

Date

For Office Use Only:Date Application Received 1/18/2021 Receipt Number for \$200 Filing Fee WaivedCase Number 2021-02 Hearing Date _____

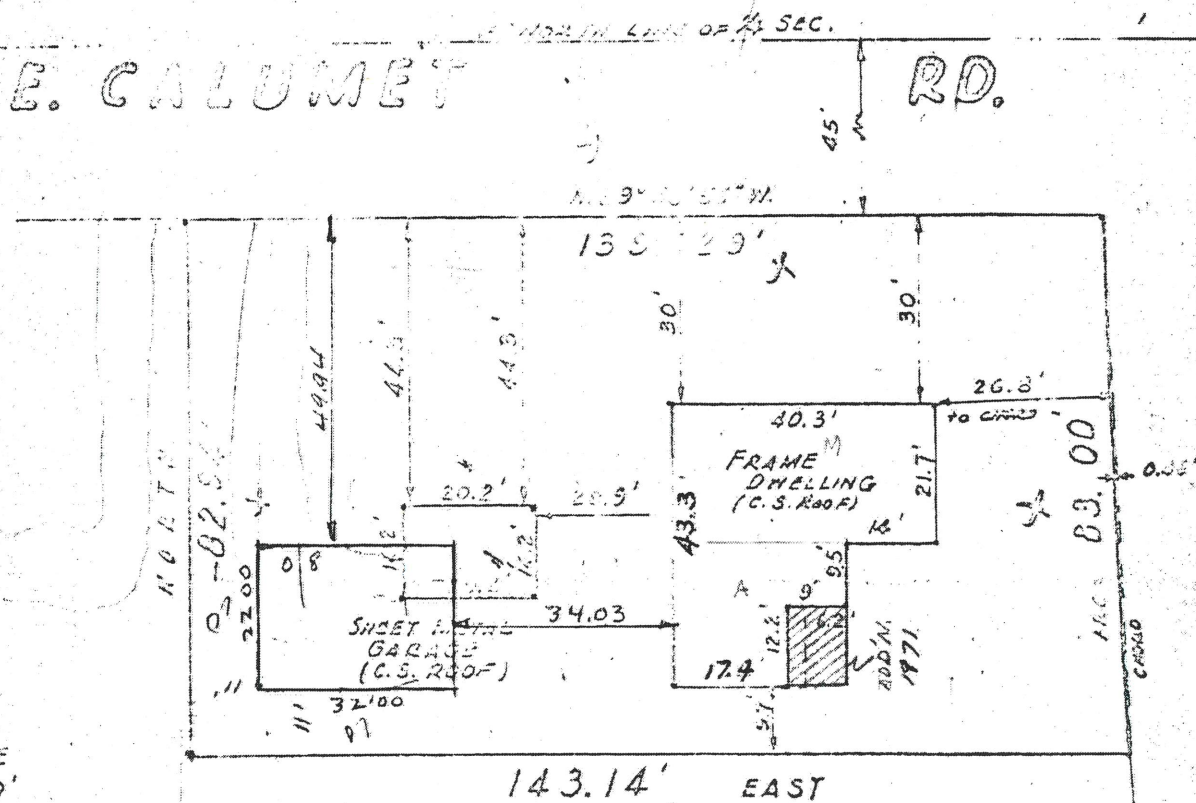
Disposition _____



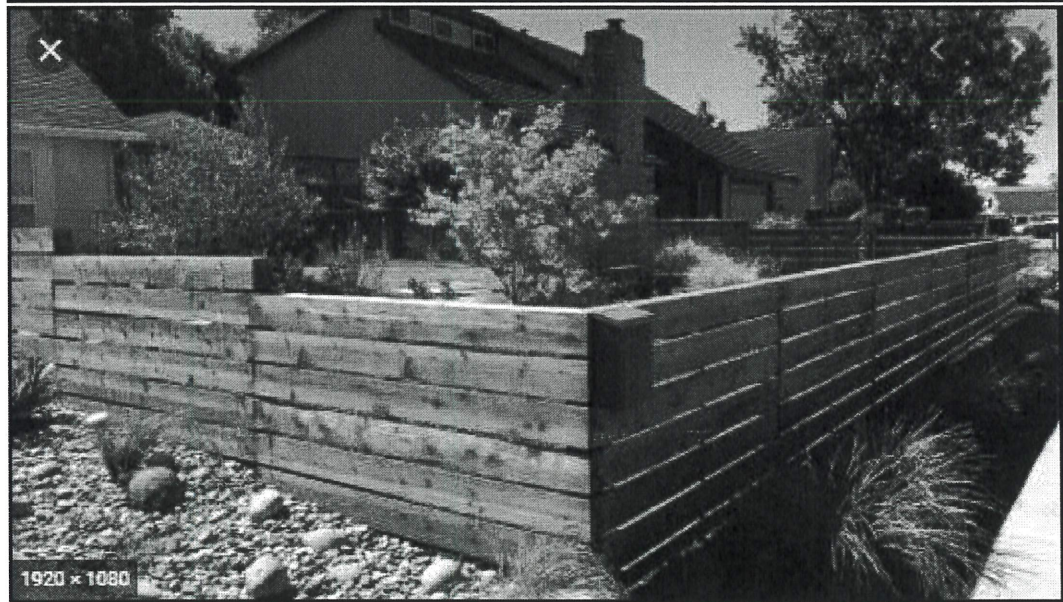
Property at 7221 Hill Road, James A. Milano College Foundation - Son
Legal Description: Lot 12, in Block 1, of Fox Point School Station
Subdivision Add. No. 2, being a part of the South East 1/4 of Section
17 and the South East 1/4 of Section 16, Township 6 North, Range 22 East,
in the Village of Fox Point, Milwaukee County, Wisconsin.



COPY



U. DELL (over) D.D.



12:45

LTE

lowes.com

Item #430921
Model #011440

Delivery Available

Unavailable at
Wicker Park Lowe's
Check Other Stores

Add to Cart

\$2.26



Sierra Pacific
5/8-in x 5-1/2-in W x 6 ft L
Incense Cedar Dog E

Item #2240476
Model #2240476

Delivery Available

Unavailable at
Wicker Park Lowe's
Check Other Stores

Add to Cart

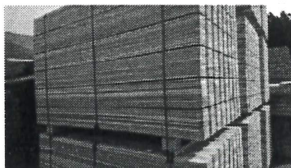
\$3.08

BUY 240 GET 5%
OFF

★★★★★ 1

Top Choice

1x6x6 #2NH Sufi Dog Ear
Cedar Fencing (Base)



12:47

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lowes.com

\$3.08

★★★★☆ 23

[View Q&A](#)

BUY 240 GET 5% OFF

Severe Weather 5/8-in x 5-1/2-in W x 6-ft H Cedar Dog
Ear Fence Picket

Item #430921 Model #750932802851



This item has a maximum purchase limit of 1,120

- #1 and better, 2 face, no hole, premium quality

