

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

*AMENDED

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

THURSDAY
DECEMBER 9, 2021
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Approval of the Minutes and Determinations – August 4, 2021 Meeting**
- 3. Case 2021-07: 7272 N Bridge Ln.** The applicant is requesting a special exception from the fence ordinance to erect a six-foot high double-swing ornamental gate at the entrance to the driveway between two existing lannon stone columns forward of the front line of the home. The special exception request is made pursuant to 745-7(B)(3)(h)[2] and 745-7(B)(3)(j) of the Fox Point Code.
- 4. *Case 2021-08: 8300 N Gray Log Lane.** *The applicant is requesting a special exception to install a new 6-foot high brick fence wall on the west side of the property. The special exception request is made pursuant to 745-7(B)(3)(h) [1-2, 5] and 745-7(B)(3)(j) of the Fox Point Code.
- 5. Case 2021-09: 6755 N Lake Drive.** The applicant is requesting a variance pertaining to Section 745-15 of the Fox Point Village Code in the C Residence District, concerning front and side yard requirements. A side yard of not less than 10 feet and a front yard from the centerline of Lake Drive not less than 85 feet shall be provided for every building in the C Residence District. The applicant is proposing to install a new 7-foot by 7-foot shed ten feet from the neighboring property and 70 feet from the centerline of Lake Drive.
- 6. 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
WEDNESDAY, AUGUST 4, 2021**

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, August 4, 2021 at 5:00 p.m. The Village Clerk took roll call. Those present included:

Kurt Ostoic, Chairman
Thomas Dunst
Nancy Filsinger
Mark Grady
Larry Shainock, (Alternate 1)

Staff members also present were Village Attorney Anthony Garcia, 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, Village ordinances and posted on the official bulletin boards.

Approval of Minutes of June 23, 2021 Meeting and the Findings of Fact, Decision and Order of Case 2021-05: 7736 N Beach Drive

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 minutes and the Findings of Fact, Decision and Order of the last meeting, Case No. 2021-05, with the correction to Chairman Kurt Ostoic's last name.¹

Case 2021-06: 7310 N Longacre Rd.

Member Thomas Dunst stated for the record, he used to live on the block and knows at least two of the people who will appear to give testimony.

Village Attorney Anthony Garcia stated we can swear them in individually and asked if that was what the concern was.

Member Mark Grady stated Thomas Dunst has a similar concern; he knows the applicants from membership at Fox Point Lutheran Church. He stated Thomas Dunst is also a member of that church. He stated he is not close friends with them and doesn't believe it will affect him with any bias and he doesn't feel he needs to recuse himself from this Case. He stated if anyone on the Board has questions or concerns, he asked if they would raise it now. He thinks that Thomas Dunst is stating the same thing in addition to being co-members at Fox Point Lutheran Church. He stated Thomas Dunst also know the applicants socially from living on the street and some of the other people who may testify. He stated that he doesn't feels that either one of them would mandate recusal, but they felt disclosure was appropriate in the event anyone has questions or concerns.

Village Attorney Anthony Garcia stated unless anyone has questions or concerns, he doesn't see any need for concern by the Board.

¹ The misspelling of Chair Ostoic's name was on page 11 of the Findings of Fact, Decision and Order and was corrected specifically in that location of the Board of Appeals packet; the error was not located in the June 23, 2021 Board of Appeals Minutes.

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Village of Fox Point Building Inspector Michael Rakow

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

Building Inspector Michael Rakow gave background on Case 2021-06. He noted the applicant is requesting a new garage. So according the Village Code for new garages, the side yard setback should be ten feet. Currently the setback is three feet and the applicant just wanted to expand it and keep it the same three feet. Therefore, Michael Rakow denied the permit because it is a new garage. Also, he has to be 20 feet from the neighbor but that is a separate issue once the Village receives the survey.

Member Kurt Ostoic inquired of Building Inspector Michael Rakow if the ten feet was for easement on each side because that is the minimum.

Building Inspector Michael Rakow stated ten feet is what the setback is and noted it is currently three feet according to the documents.

Member Kurt Ostoic inquired if the garage was built before this Section of the Village Code existed.

Building Inspector Michael Rakow stated he was not aware of that.

Member Mark Grady stated there is a provision, Section 745-4 (C)(2) that talks about nonconforming uses. In one of the provisions, Subsection 2, it notes such structure may be totally rebuilt if such reconstruction is identical in size and shape and use to the original structure. He stated his understanding of that and whether you agree, is if the applicants built the garage to the exact same dimensions, they would not need approval from the Board of Appeals. The Building Inspector could approve under that circumstance.

Building Inspector Michael Rakow stated that is correct.

Member Mark Grady stated the applicants desire to build what is today considered to be a standard garage a couple feet wider, now the footprint is slightly different.

Building Inspector Michael Rakow stated that is correct.

Appellant/Applicant Adam Scheuer, 7310 N Longacre Road, Fox Point

Applicant Adam Scheuer stated his name and was sworn in to provide testimony by the Village Clerk Treasurer.

Applicant Adam Scheuer stated that is absolutely correct. He did manage to find a survey that was older - just for the record.

Applicant Adam Scheuer stated they had a choice to either reside the old garage (19' x 21') that was falling apart or raze the garage itself and replace it with a garage that was slightly larger (22' x 24'). It would be no closer to the neighbors to the north of them than it currently

**VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, AUGUST 4, 2021**

93 is. The primary structure (home) will still be ten feet away from the proposed garage. It is
94 coming a little bit closer to the street and a little bit closer to their home on the south side. But
95 the garage will remain in the same spot. The applicants did review other locations on the
96 property for the garage without being infringing on the setbacks. The do have periodic flooding
97 that happens in their back yard. It has never reached the current garage. Therefore, it does not
98 make sense to place the garage further back on the property as that would put it in danger of
99 flooding. That is why the property owners are trying to keep the garage in the current location
100 towards their home, rather than towards the neighbor's home.

101
102 Member Mark Grady inquired if they considered the possibility of turning the garage
103 approximately 90 degrees and putting next to your proposed addition and have the driveway
104 curve into it.

105
106 Applicant Adam Scheuer stated they had considered it. They haven't done a detailed
107 analysis of that, but the actual back of the home has a bump out with a bay view window. The
108 owners would have to do a massive renovation with substantial costs. Given the budget they
109 have, this route is much more feasible.

110
111 Member Mark Grady asked that the applicant talk a little bit about why you don't feel it is
112 feasible to rebuild it to the exact same dimensions.

113
114 Applicant Adam Scheuer today when they use the garage, it has been very difficult to
115 open the doors to the vehicles with the current space. Having the extra space would allow for
116 open car doors and would allow for storage of the children's bicycles.

117
118 Member Mark Grady stated the applicant talked about the current size of 19' x 22' being
119 non-standard on the application.

120
121 Applicant Adam Scheuer stated that is a term he uses. He does not know what the
122 actual definition of standard garage is, but he is assuming that when you have a larger family
123 like he does, having a larger garage is a bit more standard today. The reason he mentioned
124 the standard size is that the contractor who proposed this size garage stated that is the
125 standard size that they build currently.

126
127 Robert Fetherston, 7320 N Longacre Rd:

128 Robert Fetherston is the applicant's neighbor on the north side and has lived there since
129 1984; the garage was there when they moved in. The Fetherston's have no objection to
130 placing the proposed garage in the same location, as it is the same distance from the lot line
131 as it is currently. Mr. Fetherston further noted the comment on turning the garage sideways
132 and pulling into the garage with a car would be nearly impossible. The Fetherston's are in
133 support of the proposed garage and feel this would be a big improvement.

134
135 Chairman Kurt Ostoic inquired if anyone else would like to address the Board of
136 Appeals; there were no other inquiries.

137
138 Village Attorney Anthony Garcia went through the standards before closing for
139 determination. For the Board to authorize variances, pursuant to WI State Stats, Section

**VILLAGE OF FOX POINT
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WEDNESDAY, AUGUST 4, 2021**

62.23(7)(e)(7)(b), the Board should consider whether the variance is contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and the substantial justice done. Pursuant to WI State Stats, Section 62.23(7)(e)(7)(d), A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose. A property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Chairman Kurt Ostoic asked if there were any other questions; there were no other questions.

Motion by Member Mark Grady, seconded by Member Nancy Filsinger and carried to close testimony at 5:17 p.m.

Chairman Kurt Ostoic stated he is typically a stickler on setbacks. However, he doesn't feel this is the applicant's fault.

Member Mark Grady stated his answer is the same. If they weren't expanding the size of the garage, it would be completely legal to rebuild the garage in the same location. The only reason the Board is here is because the applicant is going to put an extra foot or two towards the street and a couple feet towards their house. Nothing is being placed closer to the neighbor's property. He noted he asked a few questions about locating the garage behind the home and it was agreed that was not really a feasible alternative.

Chairman Kurt Ostoic also stated it appears the back yard gets very wet.

Member Mark Grady stated the only real questions is – is it consistent with the Board's duty and obligation under the statute to allow and grant a variance here. He stated he is in agreement with Chairman Kurt Ostoic that the Board knows that variances are not favored; variances are supposed to be the exception and not the rule. This is a situation where the option fits. For the reasons the applicants have laid out in their application, there are good reasons to grant this variance.

Motion by Member Mark Grady, seconded by Member Thomas Dunst, to grant the variance for the reasons set forth in the application and the reasons given at the testimony today.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Nancy Filsinger</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>
<u>Larry Shainock</u>	<u>Aye</u>
<u>Kurt Ostoic</u>	<u>Aye</u>

VILLAGE OF FOX POINT
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WEDNESDAY, AUGUST 4, 2021

Motion carried unanimously by roll call vote (5-0).

Adjourn

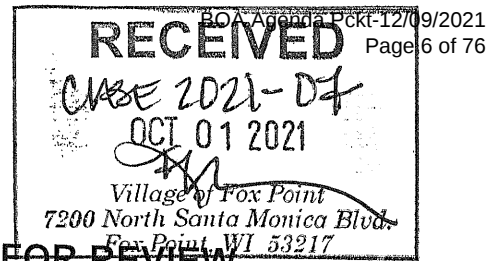
On the motion by Member Mark Grady, seconded by Member Nancy Filsinger, and carried the Board adjourned at 5:20 p.m.

Respectfully Submitted,

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer



VILLAGE OF FOX POINT
BOARD OF APPEALS



NOTICE OF APPEAL & APPLICATION FOR REVIEW

1. Name of Appellant THOMAS SCANNELL
Address of Appellant 7272 N. BRIDGE LANE
Phone Number _____ Home _____ Work _____ Cell (561) 441-1378
E-mail Address Tom@bgj-usa.com
2. Address of Property 7272 N. BRIDGE LANE
Present Use of Property RESIDENTIAL
Proposed Use of Property RESIDENTIAL
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 (●) 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:

Thomas Scannell

Village 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~~ ^{GATE}.
2. Exact location of the proposed ~~fence~~ ^{GATE}.
3. Indicate whether the ~~fence~~ ^{GATE} is replacement fence.
ENTRANCE OF DRIVEWAY DIRECTLY BETWEEN TWO LAMON STONE COLUMNS.
4. Type of fence and materials.
POWDER COATED ALUMINUM & STEEL

- ☐ 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

9-29-2021

Date

For Office Use Only:

Date Application Received 10/01/21

Receipt Number for \$200 Filing Fee LD56724

Case Number 2021-07

Hearing Date December 9, 2021

Disposition _____

10/01/2021

RE: Gate Permit Request

LOCATION: 7272 N. Bridge Lane

Owner: Thomas Scannell

Contractor: Munson Fence, Glendale.

Michael,

Attached is documentation with the completed permit application. Please refer to as necessary certified survey just submitted on same said property regarding "Replacement" of the existing garden fence.

Please note the following:

1. Included is photographic documentation and location of 8 existing gates all located with ½ mile of property. Quality, aesthetics, and dimensions vary widely as exhibited in the photos.
2. Also included is the style and specs of proposed gate. As indicated by the document, this gate equals or exceeds in quality and elegance included examples of neighboring gates in Fox Point all East of Lake Drive.
3. Most importantly, the primary purpose of this request is to reclaim our privacy and get both pedestrians and vehicles to respect our private property. The constant (almost daily) disturbance and vexation of people both walking in and driving in is significantly affecting our quality of life. In fact, I have come home to find a family and dogs playing in our yard with the response; "Oh, we didn't think anyone would mind." With the attraction of the "New" bridge and increased pedestrian traffic, this problem has increased 10X.
4. As my family built this home 95 years ago, I am focused on maintaining its' inherent beauty and architecture, and this gate addition will only be a beneficial enhancement both in form and function.

Finally,

Please respond to both me and Rich Guess of Munson Fence.

- Thomas Scannell – tom@bgi-usa.com (561)441-1378
- Rich Guess- rguess@munsoninc.com (414)788-1801

Sincerely,



Thomas Scannell

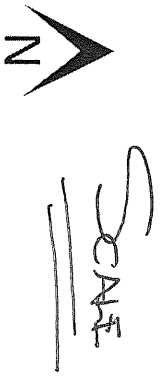
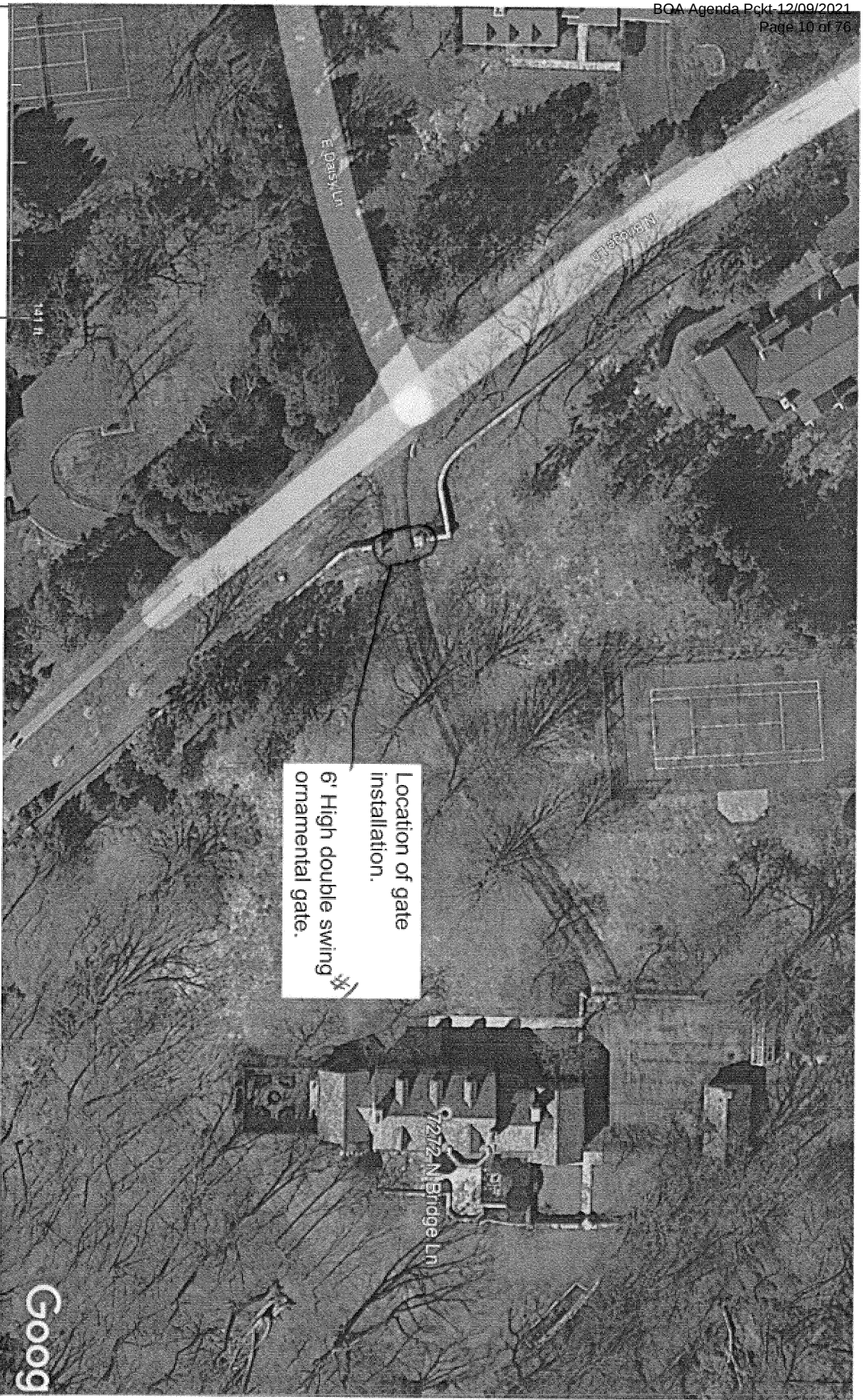
Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 3:12 PM
To: Tom Scannell
Subject: 7272 N Bridge Lane

STE
2

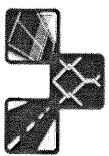


Sent from my iPhone



Location of gate
installation.
6' High double swing
ornamental gate.

THESE SPECIFICATIONS & DRAWINGS ARE PROPERTY OF
MUNSON, INC. & MAY NOT BE REPRODUCED, COPIED OR USED
FOR COMPETITIVE BIDS WITHOUT PRIOR WRITTEN PERMISSION



MUNSON FENCE DIV.
MUNSON-ARMSTRONG PAVING DIV.
MUNSON TENNIS COURT DIV.
www.munsoninc.com

MUNSON, INC.

7272 N BRIDGE LN
FOX POINT, WI 53217

DATE: 9/30/21 REV:

Goog



STEEL ESTATE

3-rail or 4-rail options

1" and 3/4" picket options

4', 4 1/2', 5', 6' or 7' heights

SINGLE SWING

8', 10', 12' and 14'* nominal openings

DOUBLE SWING

16', 18', 20', 22', 24', 26'* and 28'* nominal openings

*Openings available in Montage II only

Matches: Montage II | Montage Commercial | Montage Plus

Steel Estate Entry Gates are designed with a timeless elegance and are built to last with welded construction at every intersection. The one-of-a-kind compound arch provides a seamless transition from ornamental fence to decorative gate.

5-rail

1" and 3/4" picket options

4', 5', 6', 7' or 8' heights

SINGLE SWING

8', 10', 12' and 14' nominal openings

DOUBLE SWING

8', 10', 12', 14', 16', 18', 20', 22', 24', 26' and 28' nominal openings

Aluminum Estate Entry Gate design adds value and aesthetics to complete an elegant old world look of wrought iron. This unique design is fabricated from heavy aluminum profiles for years of durable worry-free operation.

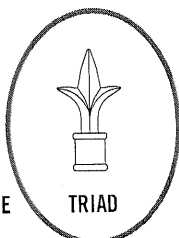
PRIMARY APPLICATIONS

- Ranch Estate
- Stadiums & Arenas
- Apartments
- Assisted Living
- Public Housing
- Parks and Recreation
- Self Storage

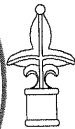
ADORNMENTS



QUAD FLARE



TRIAD



ROYALTY



FLORENTINE SCROLL**



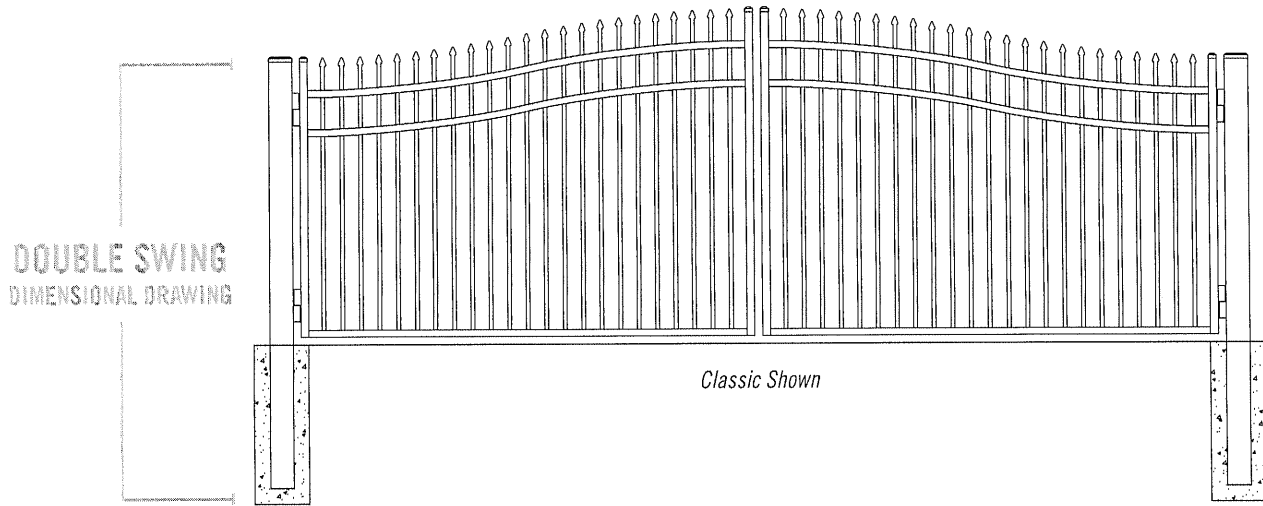
BUTTERFLY SCROLL**

NOTE:
Rings available for Aluminum Estate Entry Gates. Block and Old English Lettering available.

**Adornments fit 3/4" picket Estate Entry Gates

MONTAGE II® | DOUBLE SWING STEEL ARCHED ESTATE GATES

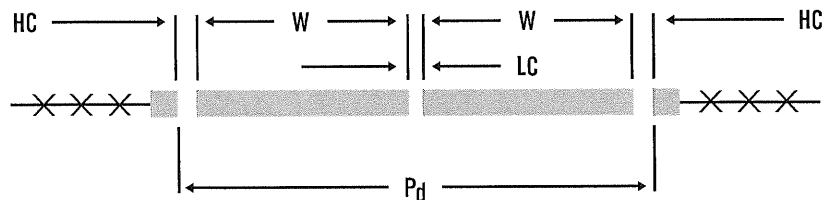
2"sq x 12ga STEEL GATE ENDS | 1.75"w x 1.75"h x 12ga RAILS | 1"sq x 14ga PICKETS | 16' - 28' NOMINAL OPENINGS



DOUBLE SWING
ARCHED
HARDWARE KITS &
POST INTERSPACES

OPENING	LEAF WIDTH*	IG80X FORK LATCH / BOX HINGE KITS			IG80 INDUSTRIAL HINGE WITH STRONG ARM		
		HC	LC	P _d	HC	LC	P _d
16'	96.75"	2"	2"	199.5"	1.5"	2"	198.5"
18'	106.25"	2"	2"	218.5"	1.5"	2"	217.5"
20'	115.5"	2"	2"	237"	1.5"	2"	236"
22'	134.5"	2"	2"	275"	1.5"	2"	274"
24'	143.75"	2"	2"	293.5"	1.5"	2"	292.5"
26'	153.25"	2"	2"	312.5"	1.5"	2"	311.5"
28'	162.75"	2"	2"	331.5"	1.5"	2"	330.5"

W = width (x2)* | HC = hinge clearance (x2) | LC = latch clearance
P_d = gate post spacing**
* From outside to outside | ** From inside to inside



Effective: 01/06/15

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:37 PM
To: Tom Scannell
Subject: 7210 Barnett



Sent from my iPhone

Tom Scannell

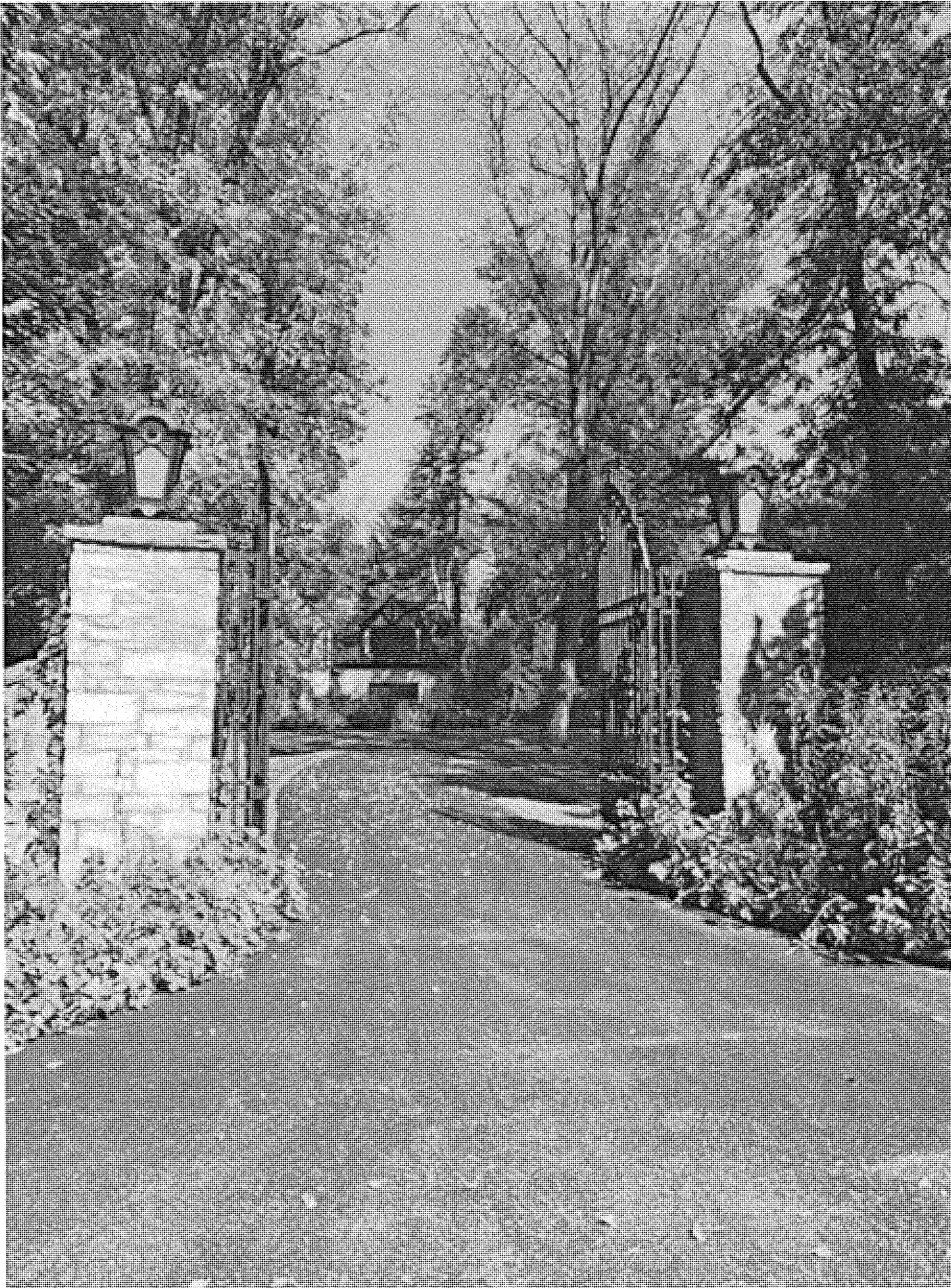
From: Tom Scannell
Sent: Friday, October 1, 2021 1:39 PM
To: Tom Scannell
Subject: 7800 N Lake



Sent from my iPhone

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:39 PM
To: Tom Scannell
Subject: 1712 Dean. 12' +



12' + HEIGHT

Sent from my iPhone

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:40 PM
To: Tom Scannell
Subject: 1526 Goodrich



Sent from my iPhone

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:40 PM
To: Tom Scannell
Subject: 7700 Merrie Lane



Sent from my iPhone

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:41 PM
To: Tom Scannell
Subject: 7328 Beach. Been like this for years



Sent from my iPhone

20+ YEARS!

Tom Scannell

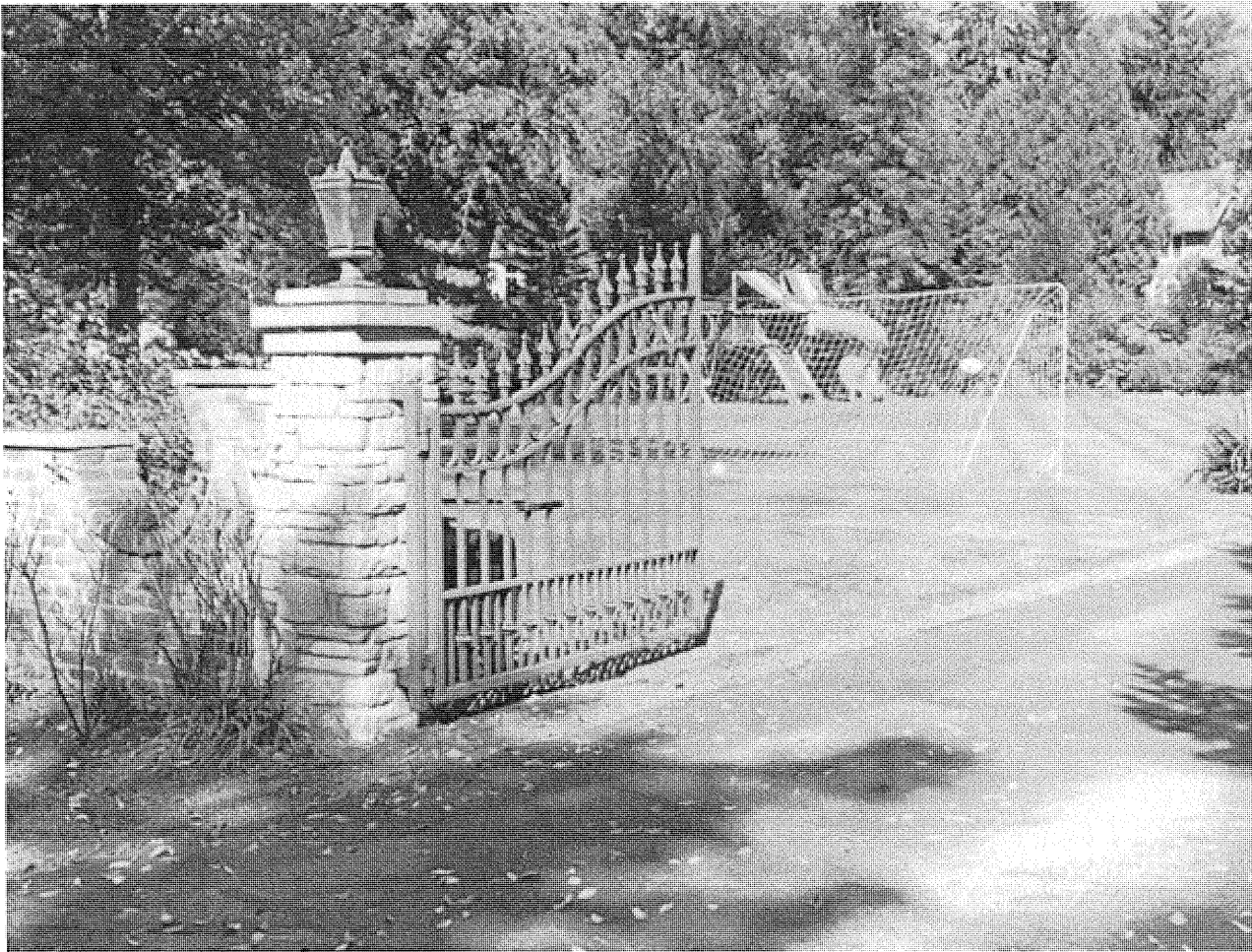
From: Tom Scannell
Sent: Friday, October 1, 2021 1:42 PM
To: Tom Scannell
Subject: 7228 Beach



Sent from my iPhone

Tom Scannell

From: Tom Scannell
Sent: Friday, October 1, 2021 1:42 PM
To: Tom Scannell
Subject: 7540 Beach



Sent from my iPhone

VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217 414-351-8900

Receipt No: 1.056724 Oct 4, 2021

Thomas Scannell 7272 N Bridge Ln-BOA

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 2001	
Payor: Thomas Scannell 7272 N Bridge Ln-BOA	
Total Applied:	200.00
Change Tendered:	.00

10/04/2021 8:26 AM

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 745-7 Accessory uses and structures.

A. General.

- (1) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as is specifically otherwise provided.
- (2) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
- (3) Any of the requirements hereinafter established in this section relating to accessory uses and structures, except for permanent buildings in excess of 100 square feet in ground area, may be modified in their specific application to a given situation with the approval of the Village Manager or his/her designee, where in the Village Manager's or designee's opinion the strict application of the requirement would be unnecessarily burdensome or would not in fact achieve the actual intent of the requirement, or where modification would more effectively achieve such intent, provided in all cases such modification is consistent with the basic spirit and intent of this chapter. Appeal from the determination of the Village Manager or his/her designee may be made to the Building Board, provided such appeal is filed with the Village Manager within 30 days from the date of the Village Manager's or designee's action.

B. Permanent structures.

- (1) Any permanent roofed structure serving an accessory use if attached to the principal building shall be considered a part of such principal building for all regulatory purposes. If such structure is a building and is not attached to the principal building, no roofed or enclosed portion shall be closer than 10 feet to any roofed or enclosed part of the principal building, and such structure shall conform to the open area, height, and front, side and rear setback requirements of the district in which such building is located except as permitted by § 756-36 of this Code.
- (2) Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., where subject to "permanent structure" classification, shall not be permitted closer than three feet to an abutting property line other than a street line.
- (3) Fences, walls, architectural screening devices, driveway gates and arbors. The following regulations are established to ensure that the Village of Fox Point retains the openness and semirural character of its landscape.
 - (a) Permit required. No person shall erect or construct any fence, wall, driveway gate, architectural screening device or arbor, unless specifically exempted by the provisions of this subsection, on any property within the Village of Fox Point without having first obtained a permit from the Building Inspector and having paid the fee prescribed by ordinance. Retaining walls regulated by § 285-4 of this Code are exempt from the requirements of this subsection. A survey by a licensed surveyor shall be submitted with each application for a fence, wall, architectural screening device, driveway gate or arbor 10 feet or less from the lot line of the property. The determination of the Building Inspector as to

proximity shall be final. When required, the survey shall show the location of the proposed fence, wall, architectural screening device, driveway gate or arbor in relation to the property line but need not depict any other aspect of the subject property. The Building Inspector shall deny a permit if the proposed fence, wall, architectural screening device, driveway gate or arbor is in the right-of-way or if its proposed location will impede visibility of vehicular traffic.

- (b) Replacement or reconstruction. If an existing fence, wall, architectural screening device, driveway gate or arbor is substantially or completely destroyed or becomes deteriorated to a material degree, it may be replaced or reconstructed in the same location, height and materials by first obtaining a permit, provided that it must be replaced or reconstructed within 12 months of being removed. All other replacement or reconstruction of existing fences, walls, architectural screening devices, driveway gates or arbors must fully comply with the terms of this section.
- (c) Temporary fences. Temporary safety, snow or deer fences of any type may be allowed in the discretion of the Village Manager for the purpose of safety, protection from the elements or protection from deer, for a period not to exceed 120 days, unless extended by the Village Manager. Temporary construction fences may be allowed in the discretion of the Village Building Inspector for the time that a building permit is in effect on the property.
- (d) Lake, bluffs and ravines. Where property abuts Lake Michigan, or is located on a bluff or a ravine in such a locale that construction of a fence, wall, architectural screening device, driveway gate or arbor would materially obstruct the aesthetic views of adjoining and surrounding property owners, the Building Inspector may deny a permit based upon his determination that there is a substantial negative impact upon the aesthetic enjoyment of surrounding properties. Any affected party may appeal the Building Inspector's determination to the Board of Appeals within 30 days of the Building Inspectors' determination. No fence, wall, architectural screening device, driveway gate or arbor shall be constructed on the side of a ravine or bluff in violation of § 285-3 of this Code.
- (e) Construction in right-of-way prohibited. Any fence, wall, architectural screening device, driveway gate or arbor that is erected in a street right-of-way or impedes traffic visibility may be removed by the Village of Fox Point at any time.
- (f) Definitions. For purposes of this subsection, the following terms shall have the following meanings; the terms "front yard," "rear yard" and "side yard" shall be defined as set forth in § 745-2 of this chapter:

ARBOR

Any structure intended to provide a support system for plantings or to designate an aesthetically pleasing outdoor seating or walk area.

ARCHITECTURAL SCREENING DEVICE

Any self-standing fence or wall type of structure employed for gardening, screening, ornamental, decorative, signage or landmark purposes.

DRIVEWAY GATE

A fence that opens and closes across a driveway.

FENCE

A structure which creates an enclosure, barrier or boundary, having a set or permanent location in the ground, or which is attached to something having a permanent location on the ground. A fence is considered to be a structure.

FINISHED LOT GRADE

Does not include berms, artificial hills and mounds.

HEIGHT

Does not include two inches of clearance at the bottom of the fence, nor does it include two inches in excess of the height limitation of the fence posts, nor a lighting device on the top of a wall.

OPEN FENCE

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, rail and cyclone fences, which are not merely ornamental.

ORNAMENTAL FENCE

A structure whose primary purpose is to decorate, accent or frame a feature of the landscape or premises.

SOLID FENCE

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Solid fences are those with 50% or less of their surface open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

WALL

Substantially a solid masonry, wood, or composite structure which shall be self-supporting, but is not incorporated into an enclosed structure, and shall include any nonenclosed structure having as its purpose the denomination or accent of driveways or entryways. Any structure that satisfies the foregoing definition but which also fully complies with the requirements of one or more of the following, as determined by the Village Building Inspector, is excluded from this definition of "wall":

- [1] Signs. This exclusion applies if the wall is primarily intended to be a sign as regulated by Chapter 540 of this Code.
- [2] Lights. This exclusion applies if the wall is intended primarily as a pediment to support a light fixture.
- [3] Small size. This exclusion applies if the wall is smaller than three feet wide, and smaller than three feet deep, and smaller than five feet high.
- [4] Retaining wall. This exclusion applies if the wall is intended primarily as a landscape feature for retaining soil and the top of one side of the wall is approximately at grade.
- (g) Construction standards. Fences, walls, architectural screening devices, driveway gates and arbors shall

be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Fences shall be constructed of wood or other wood-simulated natural-appearing materials, wrought iron or other metal materials generally employed to obtain an aesthetically pleasing appearance. Open fences may be permitted; however, barbed wire, electric wire, chicken wire, or double- or triple-strand wire shall not be used in the construction of a fence, except as allowed by the Building Board.

- (h) Location and height restrictions. Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project forward of the front line of the principal building. An arbor shall not exceed a height of eight feet seven inches from the finished lot grade and shall not project forward of the front line of the principal building.
- [1] In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection **B(3)(j)** herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.
- [2] No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection **B(3)(j)** below. The Board of Appeals may grant a 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)** below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied. **[Amended 6-11-2013 by Ord. No. 2013-04]**
- [3] If the rear of the applicant's lot abuts a neighbor's side yard, any proposed fence shall be an "open fence," unless the neighbor consents to an alternate type fence in writing.
- [4] An ornamental fence or architectural screening device may be allowed anywhere on the property without a permit, provided the fence or screening device does not exceed 3 1/2 feet in height and is set back in its entirety 20 feet or more from all boundaries of the property.
- [5] For purposes of this section, the side yard of any corner lot that abuts a road shall be treated as a front

yard; however, if a building footprint is other than square or rectangular in configuration, the provisions of Subsection **B(3)(h)[1]** generally shall control over the provisions of this subsection.

- [6] The provisions of this section, the limitations set forth herein, and the requirement for a permit shall not apply to: **[Amended 4-1-2012 by Ord. No. 2012-05; 11-10-2020 by Ord. No. 2020-06]**
- [a] Lands owned by the state, school district, county, Village or any other publicly held land, where fencing is employed for sport or recreational purposes such as baseball diamonds, backstops, swimming pools, playgrounds or any other public recreational or safety purpose;
- [b] Private athletic or country clubs, or cemeteries, employing such fencing for similar uses as stated herein;
- [c] Chicken enclosures for permitted keeping of chickens pursuant to § 579-17.5 of this Code;
- [d] Beehives for permitted beekeeping pursuant to § 579-17.6 of this Code;
- [e] Dog kennels or runs less than 120 square feet, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property;
- [f] Private residential swimming pool fencing; or
- [g] Tennis court fencing, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property unless modified pursuant to § 745-10G(3).
- [7] Notwithstanding the otherwise applicable height limitations stated elsewhere in this section, a fence may be constructed to a height of 11 feet from the finished lot grade on property in the D Business District or the adjacent single-family residential use district along a lot line which separates a large business use from such single-family residential use. For purposes of this exception, a large business use is defined as a use conducted in the D Business District for which 150 or more off-street parking spaces are available to the business. Such a fence may be constructed on the top of a berm, provided the berm is constructed in compliance with the requirements of this Code and all applicable laws, and further provided that the height of the fence shall be measured from the finished lot grade as defined in this section. This exception is intended to allow a fence to be constructed which will screen the large business use from the abutting single-family residential use.
- (i) Maintenance. The owner, occupant or their agent shall keep all fences, architectural screening devices, walls, driveway gates and arbors structurally sound and maintained in a neat and attractive manner. The maintenance standards established in this section shall be enforced as provided in §§ 681-7 and 681-8 of the Village of Fox Point Code.
- (j) **Special exceptions. A special exception to the height, size, material, design, setback or other physical standards set forth in this subsection or to allow a driveway gate may, upon filing a written application, be considered by the Board of Appeals after a hearing. The application must include an accurate visual rendering of the proposed wall, architectural screening device, driveway gate or arbor, along with a written statement outlining the applicant's need for the same. Notice of hearing shall be given to all property owners within a radius of 500 feet of the property upon which the fence, wall, architectural screening device, driveway gate or arbor is proposed to be constructed and the notice shall include the**

visual rendering submitted by the applicant. The 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, in addition to such other specific findings as may be required by other subsections of this section. Every special exception granted by the Board of Appeals shall be conditioned upon the applicant submitting the visual rendering to the Village Building Board and receiving the Building Board's approval of the architectural appearance, design and construction materials for the proposed fence, wall, architectural screening device, arbor or driveway gate, taking into consideration the existing development on the lot and in the surrounding neighborhood, and if the Building Board denies the application, the special exception is thereby denied.

- C. Garages. Garages in a residence district or on a lot where the principal use is single- or two-family residences shall conform to the following:
 - (1) Not more than one detached private garage structure shall be permitted on a lot. A detached garage is allowed without regard to whether or not there is also one or more attached garages on the premises. In the event there exists or is built a detached garage, only one other accessory detached structure shall be permitted, which structure shall be limited in size to 170 square feet. Notwithstanding the foregoing, as to lots in excess of 25,000 square feet, one additional detached garage or accessory structure shall be allowed for each additional 25,000 total square feet of lot size. All setback requirements and requirements of Chapter 756, Building Construction, must be satisfied in addition to any requirements of this provision.
 - (2) The floor area of garages shall be subject to all regulations of Chapter 756, Building Construction, as from time to time adopted.
 - (3) The side and rear yard provisions for a detached private garage on a lot less than the required minimum width of 80 feet in B and C Residence Districts may be reduced by three inches for every foot less than 80 feet of lot width but to not less than five feet.
 - (4) No detached private garage shall be located closer than 20 feet to the principal residence building on an adjoining lot.
 - (5) Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.
- D. Temporary structures.
 - (1) Any temporary structure over 500 cubic feet in bulk shall require a building permit, except as follows: **[Amended 6-11-2013 by Ord. No. 2013-04]**
 - (a) No building permit is required for the placement of a trash receptacle for purposes of disposing demolition materials from a building or structure on the property in conjunction with a project for which a building permit has been issued, subject to the following. Such trash receptacle shall not be placed prior to the issuance of a building permit, or prior to one week before commencement of demolition work, whichever is later. Such trash receptacle shall be removed within one week of completion of the

demolition work, or when the work is suspended for more than seven days, or when the building permit expires or is terminated, whichever occurs first. Notwithstanding the foregoing, the Village Building Inspector may impose more restrictive requirements regarding trash receptacles as a condition of the building permit, which must be stated on the building permit when it is issued, or may be added by the Building Inspector after the permit is issued if the use of a trash receptacle was not shown in the plans submitted with the building permit application.

- (2) Every temporary structure shall comply with the front, side and rear yard requirements of the district in which it is located, except that such structure may be permitted anywhere on the lot with the approval of the Village Manager where in his opinion such structure where proposed to be located would not be detrimental to general community aesthetic values or enjoyment of use of adjoining properties.
 - (3) Appeal from the decision of the Village Manager may be taken to the Board of Appeals.
 - (4) No person shall build, place, or maintain any portable outhouse, privy vault, surface privy, dry closet, septic tank, or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits except as follows: **[Added 3-13-2012 by Ord. No. 2012-03]**
 - (a) The Village Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Village, whichever occurs first.
 - (b) The Building Inspector or Village Manager may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Village Manager that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. Application for a permit under this subsection shall be made on the application form provided by the Village and shall be accompanied by the fee as established by the Village Board from time to time. For purposes of this subsection, the Building Inspector and Village Manager shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
 - (5) Enclosures for keeping of chickens that have been approved pursuant to § 579-17.5 of this Code and beehives that have been approved pursuant to § 579-17.6 of this Code, during such time that such permit has been approved and is in effect, shall not be subject to the requirements of this Chapter 745 except as expressly stated otherwise, and except as follows. The structure in its totality, including any fencing, covered enclosure, chicken coop, hive or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit. Violation of this section shall be subject to the penalties and remedies described in §§ 745-33 and 745-34 of this chapter in the event the requirements of this Chapter 745 differ from § 579-17.5 regarding any matter regulated therein, or differ from § 579-17.6 regarding any matter regulated therein, the most restrictive provision shall apply as determined by the Village Manager. **[Added 11-10-2020 by Ord. No. 2020-06]**
- E. Unenclosed storage.

- (1) No camp, boat, house or other trailer, bus, boat, recreational vehicle, camp trailer on a truck, or truck over three-quarter-ton capacity may be stored or parked regularly on a lot in a residence district except within a garage or other enclosed storage structure except as hereinafter set forth:
 - (a) For the period extending from April 15 to October 31 of each year, the following type of vehicle may be parked unenclosed on the driveway of a lot in a residential district, provided it is in actual use during such period and is not merely being stored, and that when parked it is sufficiently far in from the street as to not interfere with the view of operators of vehicles on the street, or on an adjacent intersecting street:
 - [1] A camp trailer or boat on a trailer, in either case not exceeding 35 feet in length, and designed to be hauled by a passenger automobile.
 - [2] A recreational vehicle not exceeding 35 feet in length.
 - [3] A camp trailer on a pickup truck not exceeding three-quarter-ton capacity.
 - (b) Open storage of any such vehicle may be permitted at any time with the approval of the Chief of Police or designee if such vehicle is effectively shielded from normal observation from the street or adjoining properties by landscaping, walls or fencing, and provided such storage is not between any portion of the building and an abutting street. No such permitted storage shall by reason of the permissive grant have any future claim to legal nonconforming use rights and such permissive grant may be rescinded at any time for due cause.
 - (c) Parking a vehicle as permitted above or storage as permitted above does not authorize the use of any such trailer, boat or truck for the housing (sleeping and/or eating) therein of any person, and such housing is a violation of this chapter.
- (2) Materials, equipment, supplies or waste. **[Amended 9-11-2012 by Ord. No. 2012-11]**
 - (a) Definition. For purposes of this subsection, "materials, equipment, supplies or waste" shall mean the following: worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof; machinery and equipment or parts thereof; vehicles or parts thereof; tools; iron, chain, brass, copper, tin, lead and other base metals; trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials; lumber or building materials; rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever; oil, kerosene, benzene, or other similar oil or oily substance or liquid; wood, brush, and any form of discarded vegetation; yard trimmings, grass clippings, foundry sand and industrial waste of any kind or description; sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems; or any similar materials which constitute health, fire or safety hazards or which contribute to a blighting influence upon the immediate or surrounding area or other unsightly debris.
 - (b) Prohibition; exceptions. No unenclosed storage of materials, equipment, supplies, or waste shall be permitted where such storage may be viewed from a public street or another property, except as follows:
 - [1] Firewood. Firewood may be stored for use on the property as follows. Firewood must be neatly stacked

and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges or other vegetation. Notwithstanding the foregoing, wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.

- [2] Lawn and garden items. Lawn and garden items that are in regular seasonal use may be stored outdoors provided they are neatly arranged on the property. Such items may include but not be limited to outdoor furniture, planters, flowerpots, and grills.
- (c) Public nuisance. Violation of this Subsection **E(2)** is hereby declared to be a public nuisance.
- (d) Nonexclusive authority. This subsection may be enforced by the Village Building Inspector, which shall be in addition to, and not to the exclusion or prejudice of, the matters enforced by the Village Building Inspector pursuant to Chapter **681**, Property Maintenance, of this Code.
- (3) In the case of such storage related to the construction, remodeling, or repairing of a building on the property, this regulation shall apply to items placed on the property and allowed to remain thereon more than one week prior to the commencement of such operation or more than one week after its completion.

F. Home occupations.

- (1) Restrictions. A home occupation may be permitted in residential zoning districts in the Village, in single-family or multifamily dwellings, together with accessory uses incidental thereto, subject to the restrictions described in this subsection "Home occupation" is defined as an accessory use of a dwelling carried on by one or more members of the immediate family residing in the premises, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence so as to adversely affect the residential character of the neighborhood. Home occupations shall be limited to professional and nonmanual labor, or nonindustrial type uses, and shall not involve the use of machinery or equipment not generally found or maintained on residential premises. A home occupation shall be conducted with minimal disturbance, or it shall be minimally apparent from the exterior of the building that any type of business activity is taking place on the premises, and without materially increasing traffic, noise or pedestrian activity on the premises or the surrounding neighborhood. No sign relating to the home occupation shall be visible from the exterior of the building.
- (2) Home occupation permit required. A home occupation shall be deemed a special use and shall require that an application for a home occupation permit be filed with the Building Inspector. A home occupation permit for a home occupation may be granted by the Building Inspector if he/she determines that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. In making his/her determination, the Building Inspector shall consider, without limitation, the effects on the surrounding area of noise, pedestrian and motor vehicle traffic which may be generated by such use. A home occupation permit for a home occupation shall be subject to review every five years, or sooner if the Village receives a complaint concerning the use of residential property for home occupation purposes. A home occupation permit may be revoked upon a determination that the

home occupation has adversely impacted the residential character of the surrounding neighborhood.

Violation(s) of any portion of the Fox Point Code pertaining to noise, odors, hazardous materials and emissions generated as the result of a home occupation being conducted on a residential premises may serve as the basis for the immediate revocation or nonrenewal of a home occupation home occupation permit, as it is expressly intended that the impact of a home occupation on surrounding neighbors in any of the foregoing respects be of a far more minimal nature than is prohibited by the general regulations of the Village Code as to each of the foregoing matters. **[Amended 11-11-2014 by Ord. No. 2014-08]**

- (3) Permit exception. Home occupations shall expressly be prohibited without permit, except home occupation activities conducted solely by a resident of the household via telephone or employing only computer, facsimile and copy-type services, and which have no employees, clients or visitors to the premises.
- (4) Permit fee. A permit fee shall be paid at the time of filing the application for a home occupation permit, the amount of which shall be set by the Village Board from time to time.
- (5) Appeals. The Building Inspector's determination to deny the application for or the renewal or revocation of a home occupation permit may, upon written application, be reviewed by the Plan Commission. Any denial of an application or nonrenewal or revocation of a home occupation permit to be heard by the Plan Commission shall not be heard until 14 days have elapsed from the date notice has been served, by first class mailing, to any and all surrounding residences or structures within 500 feet of the applicant's premises. The applicant shall bear the burden of identifying the property owners to whom notice shall be served and mailing the notice required hereunder. In making its determination whether to affirm or reverse the Building Inspector's determination, the Plan Commission shall take into consideration the same factors considered by the Building Inspector, including evidence or testimony of surrounding property owners. The determination of the Plan Commission shall be final. **[Amended 11-11-2014 by Ord. No. 2014-08]**

G. Solar energy systems. **[Added 3-10-2020 by Ord. No. 2020-02]**

- (1) Where permitted. Subject to the provisions of this Subsection G, solar energy systems are a permitted use in any district in the Village of Fox Point.
- (2) Approval procedure. No solar energy system shall be installed unless all applicable Building Code and Electrical Code requirements are met, including the issuance all necessary permits. Such permits cannot be issued until an application has been submitted and reviewed by the Building Board. In addition to the powers of the Building Board described in Chapter 19, Article II of this Code, the Building Board shall have the powers described in this Section 745-7G.
- (3) Conditions under which permitted.
 - (a) General. Unless modified by the applicable conditions described below or by the Building Board, solar energy systems are subject to all accessory structure provisions of this Code.
 - (b) Structure-mounted solar energy systems.
 - [1] Structure-mounted solar energy systems may be mounted on principal and accessory structures.

- [2] Only structure-integrated and/or flush-mounted solar energy systems may be installed on street-facing structure elevations.
 - [3] In residential zoning districts, solar energy systems shall not extend more than three feet above the applicable maximum structure height limit for the subject structure type or more than five feet above the highest point of the roof line, whichever is less. In nonresidential zoning districts, solar energy systems shall not extend more than eight feet above the applicable maximum structure height limit.
- (c) Ground-mounted solar energy systems.
- [1] Ground-mounted solar energy systems are only permitted as an accessory use to an existing principal use of the lot where located, and only as an accessory structure.
 - [2] In residential zoning districts, ground-mounted solar energy systems shall not be located between the principal structure and an abutting street.
- (d) Building Board modifications. The Building Board is directed to modify the requirements of this Code when an applicant shows that such standards significantly increase the cost of the system or significantly decrease its efficiency. In that event, the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely as reasonably possible while allowing construction of a solar energy system of comparable cost and efficiency. In every case, the Building Board shall not approve an application or a modification to this Code that jeopardizes the public health or safety. In the event of a conflict between this subsection and from the authority described in Wisconsin Statutes § 66.0401(1m), now or in the future, the Building Board is directed to apply the statutory standard to its consideration of solar energy system applications.

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

**VILLAGE OF FOX POINT
NOTICE OF BOARD OF APPEALS MEETING
REQUEST FOR SPECIAL EXCEPTION**

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Thursday, December 9, 2021 at 5:00 p.m. to hear the following appeal:

- 1. Case 2021-07: 7272 N Bridge Ln.** The applicant is requesting a special exception from the fence ordinance to erect a six-foot high double-swing ornamental gate at the entrance to the driveway between two existing lannon stone columns forward of the front line of the home. The special exception request is made pursuant to 745-7(B)(3)(h)[2] and 745-7(B)(3)(j) of the Fox Point Code.

Any interested party may attend this meeting and be heard concerning this case.

The applications, drawings, and related materials are available for viewing in the office of the Village Clerk/Treasurer, Monday through Thursday from 8:00 a.m. - 4:00 p.m. and on Friday from 8:00 a.m. to 12:00 noon.

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

Notice Sent: 11/09/2021
Posted: 11/09/2021



Village of Fox Point GIS
7272 N Bridge Lane

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 188'



VILLAGE OF FOX POINT
7200 North Santa Monica Blvd
Fox Point, WI 53217
(414) 351-8900

Print Date: 10/4/2021

NOTICE OF APPEAL & APPLICATION FOR REVIEW

1. Name of Appellant Ellen Irion
Address of Appellant 8300 N. GRAY LOG LAKE
Phone Number _____

Home Work Cell

312-543-7967
E-mail Address 3005Kenwood@live.com
2. Address of Property 8300 N. GRAY LOG LAKE
Present Use of Property RESIDENCE
Proposed Use of Property 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 ☒ 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.

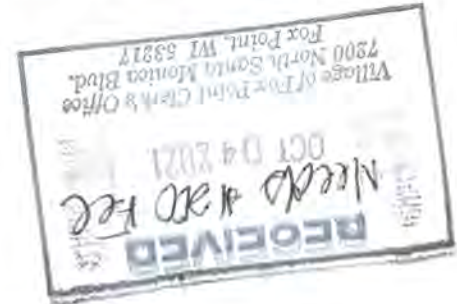
Appellant Name: Ellen Irion

Village 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:

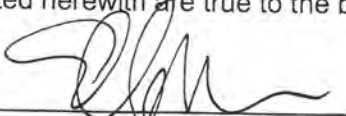
1. Height of the proposed fence.
2. Exact location of the proposed fence.
3. Indicate whether the fence is replacement fence.
4. Type of fence and materials.



☐ 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

October 4, 2021

Date

For Office Use Only:

Date Application Received 10/4/2021 Receipt Number for \$200 Filing Fee 1.056154
Case Number 2021-08 Hearing Date December 9, 2021
Disposition _____

Notice of Appeal and Application for Review

Ellen Irion
8300 N. Gray Log Lane

Item 5, C
Request for special exception from the Fence Ordinance.

Request permission to install:

1. 6' high x 29.4' long brick fence wall, west side of property. Brick to be painted white and will match the architectural style of the home. Will match the length of the wall on the east side,
2. Fence to be the third wall of a fenced in space.
3. Fence is not a replacement.
4. Fence to be brick.

Fence to be approximately 5'0" west of the west face of the garage.

Special request to install fence approximately 5' west of the west face of the garage.

Respectfully,

Ellen Irion
312-543-7967

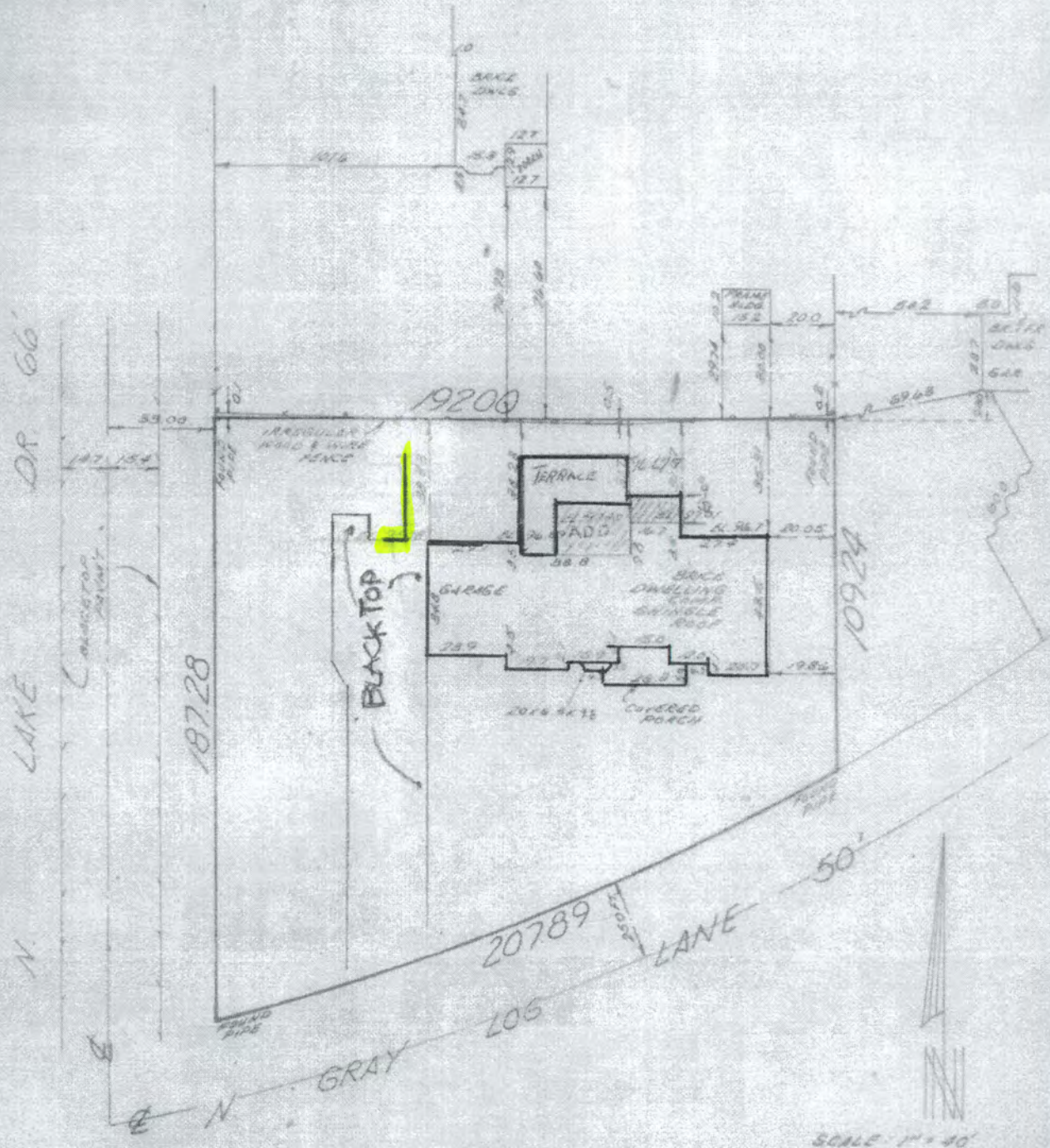
Plat of Survey

Known as 8300 North Gray Log Lane, in Village of Fox Point,
Wisconsin

Lot 22 in NORTH SHORE GARDENS, being a Subdivision of a part of the SE 1/4
of Section 9, T 8 N, R 22 E, in the Village of Fox Point, Milwaukee County,
Wisconsin

AUGUST 21, 1972

SURVEY NO. 27434-S



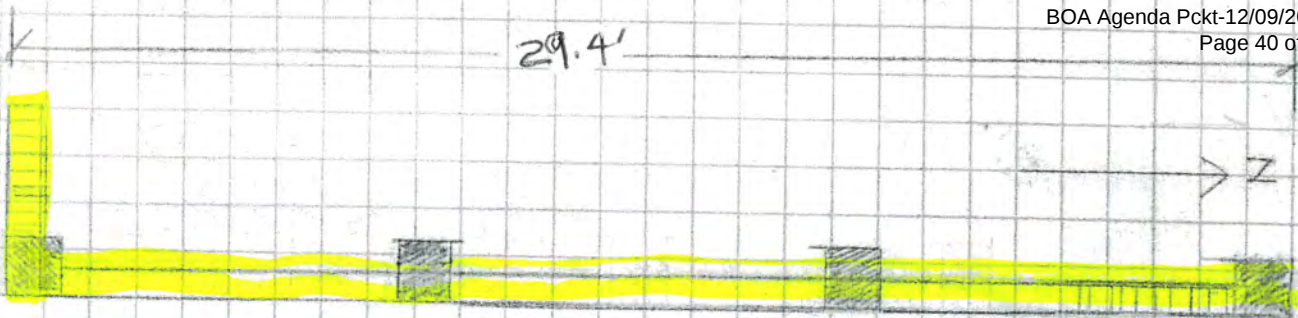
We Certify that we have surveyed the above described property and that the above plat is an accurate survey and a true representation thereof and correctly shows the exterior boundary lines and location of buildings and other improvements on said property and the correct measurements thereof.

NATIONAL SURVEY SERVICE INC.
CIVIL ENGINEERS AND SURVEYORS
3470 NORTH 127TH STREET
BROOKFIELD, WIS 53005



Kenneth E. Burke
SURVEYOR
5-107





FOOTED TO BE AT 4' (FOOT LINE) (POURED CONCRETE & BLOCK)
6' BECK WALL - 2 BLOCK THICK
PIERS ON WEST SIDE OF WALL

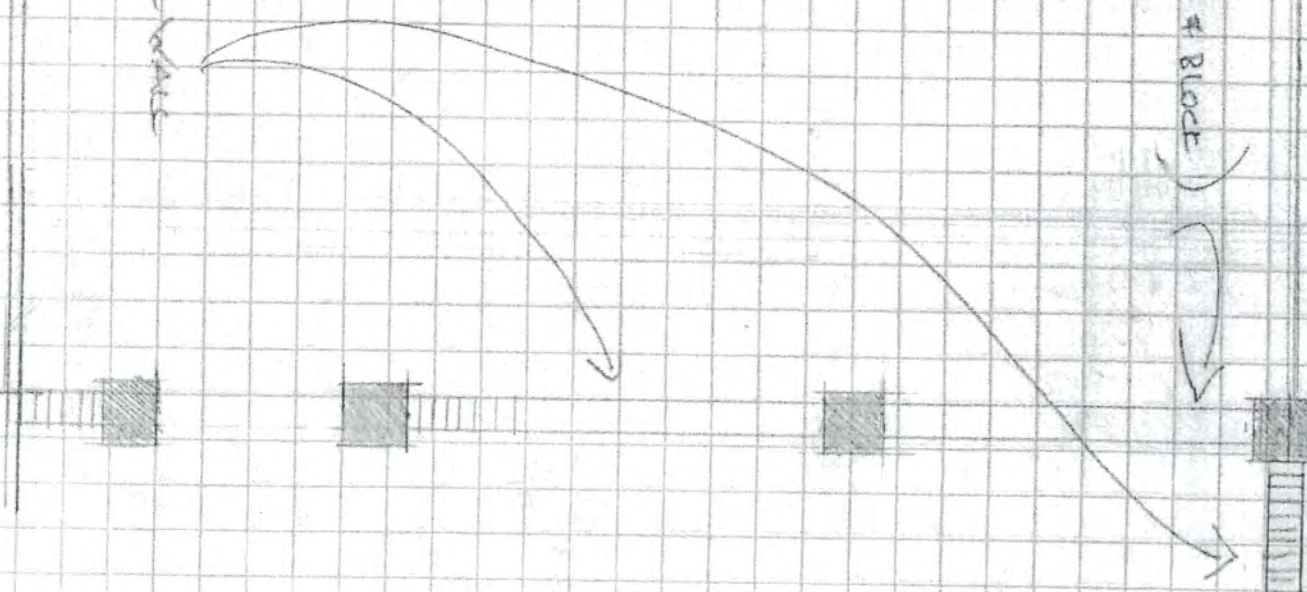
BLOCK DIMENSIONS TO MATCH EXISTING BECK WALLS

GATE

EXISTING BECK WALL

@300 N GRAY LOG LANE
FOX POINT

1/4" = 1' 0"



WALL: 29'4" LONG; 6'0" H; 8 3/8" deep
WING: 4'6" LONG
WALL IS 5'0" WEST OF WEST FACE
OF GARAGE

LAKE DRIVE

N
↑

8300 GRAY LOG LANE
SCALE UNKNOWN

N. Gray Log Lane

VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217
414-351-8900

Receipt No: 1.056754
Oct 11, 2021

Ellen Irion - 8300 N Gray Log Ln BOA

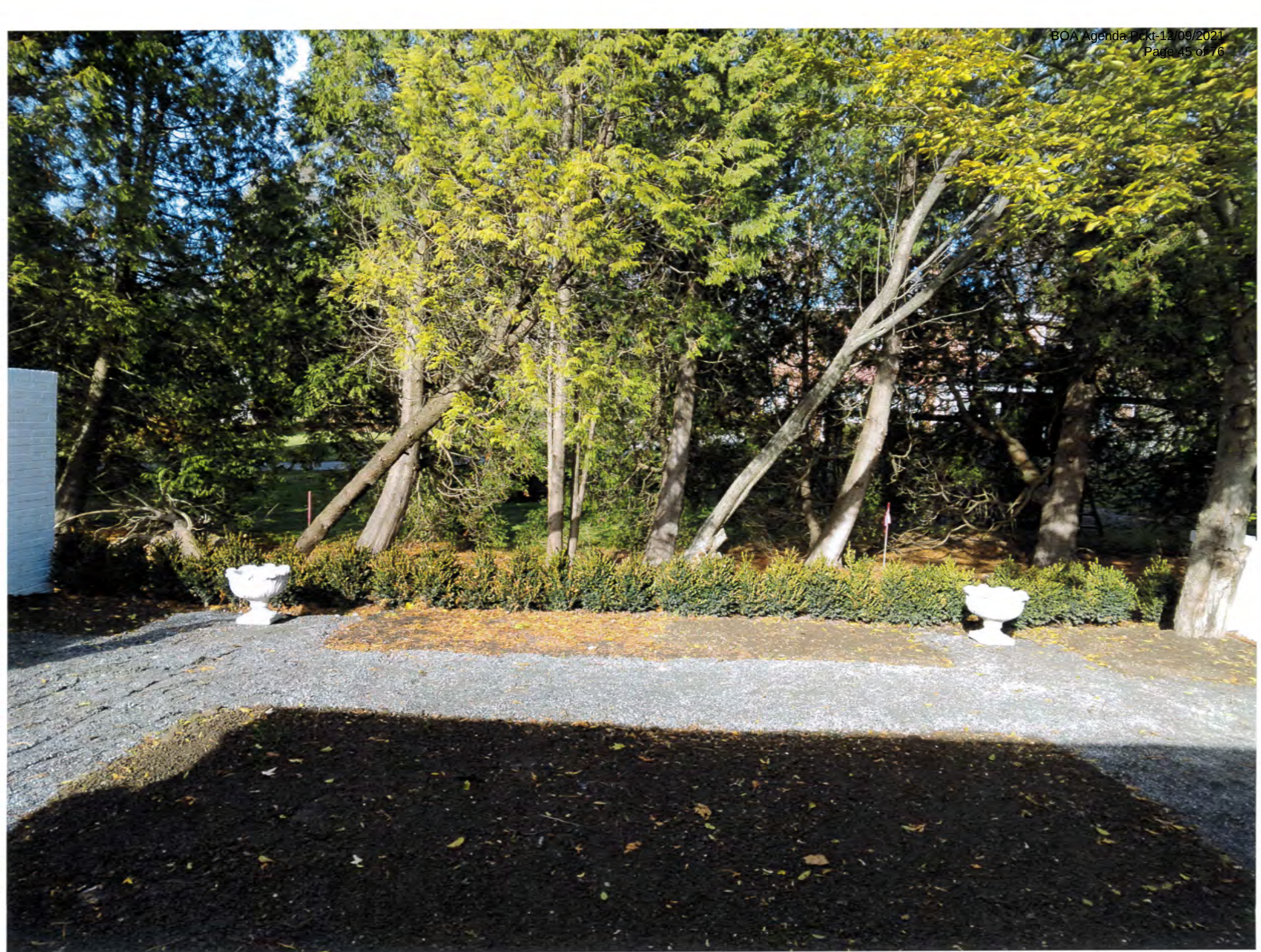
Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Payor: Ellen Irion - 8300 N Gray Log Ln BOA	
Total Applied:	200.00
Change Tendered:	.00

10/11/2021 10:38 AM

chk # 2748939247



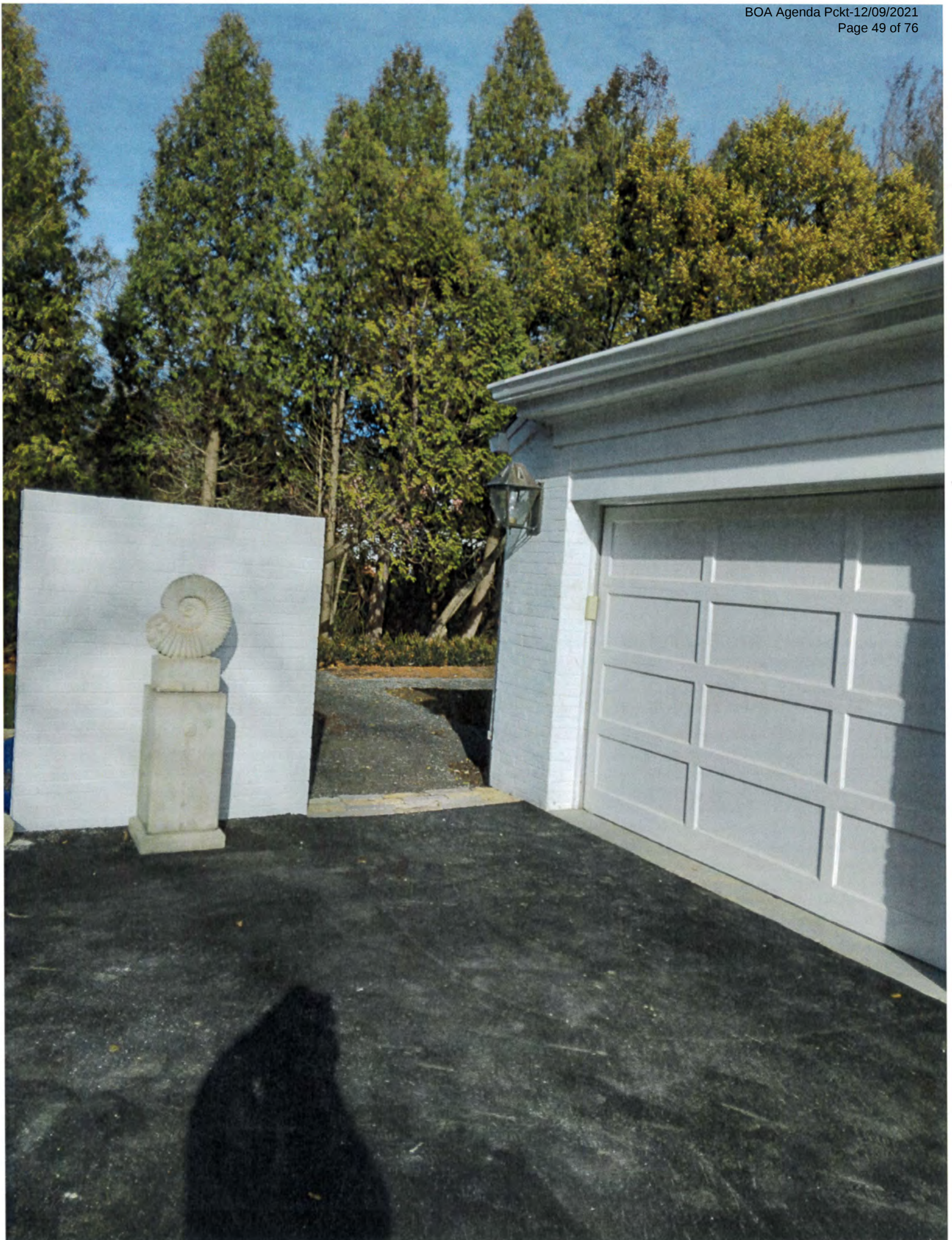














The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 745-7 Accessory uses and structures.

A. General.

- (1) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as is specifically otherwise provided.
- (2) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
- (3) Any of the requirements hereinafter established in this section relating to accessory uses and structures, except for permanent buildings in excess of 100 square feet in ground area, may be modified in their specific application to a given situation with the approval of the Village Manager or his/her designee, where in the Village Manager's or designee's opinion the strict application of the requirement would be unnecessarily burdensome or would not in fact achieve the actual intent of the requirement, or where modification would more effectively achieve such intent, provided in all cases such modification is consistent with the basic spirit and intent of this chapter. Appeal from the determination of the Village Manager or his/her designee may be made to the Building Board, provided such appeal is filed with the Village Manager within 30 days from the date of the Village Manager's or designee's action.

B. Permanent structures.

- (1) Any permanent roofed structure serving an accessory use if attached to the principal building shall be considered a part of such principal building for all regulatory purposes. If such structure is a building and is not attached to the principal building, no roofed or enclosed portion shall be closer than 10 feet to any roofed or enclosed part of the principal building, and such structure shall conform to the open area, height, and front, side and rear setback requirements of the district in which such building is located except as permitted by § 756-36 of this Code.
- (2) Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., where subject to "permanent structure" classification, shall not be permitted closer than three feet to an abutting property line other than a street line.
- (3) Fences, walls, architectural screening devices, driveway gates and arbors. The following regulations are established to ensure that the Village of Fox Point retains the openness and semirural character of its landscape.
 - (a) Permit required. No person shall erect or construct any fence, wall, driveway gate, architectural screening device or arbor, unless specifically exempted by the provisions of this subsection, on any property within the Village of Fox Point without having first obtained a permit from the Building Inspector and having paid the fee prescribed by ordinance. Retaining walls regulated by § 285-4 of this Code are exempt from the requirements of this subsection. A survey by a licensed surveyor shall be submitted with each application for a fence, wall, architectural screening device, driveway gate or arbor 10 feet or less from the lot line of the property. The determination of the Building Inspector as to

proximity shall be final. When required, the survey shall show the location of the proposed fence, wall, architectural screening device, driveway gate or arbor in relation to the property line but need not depict any other aspect of the subject property. The Building Inspector shall deny a permit if the proposed fence, wall, architectural screening device, driveway gate or arbor is in the right-of-way or if its proposed location will impede visibility of vehicular traffic.

- (b) Replacement or reconstruction. If an existing fence, wall, architectural screening device, driveway gate or arbor is substantially or completely destroyed or becomes deteriorated to a material degree, it may be replaced or reconstructed in the same location, height and materials by first obtaining a permit, provided that it must be replaced or reconstructed within 12 months of being removed. All other replacement or reconstruction of existing fences, walls, architectural screening devices, driveway gates or arbors must fully comply with the terms of this section.
- (c) Temporary fences. Temporary safety, snow or deer fences of any type may be allowed in the discretion of the Village Manager for the purpose of safety, protection from the elements or protection from deer, for a period not to exceed 120 days, unless extended by the Village Manager. Temporary construction fences may be allowed in the discretion of the Village Building Inspector for the time that a building permit is in effect on the property.
- (d) Lake, bluffs and ravines. Where property abuts Lake Michigan, or is located on a bluff or a ravine in such a locale that construction of a fence, wall, architectural screening device, driveway gate or arbor would materially obstruct the aesthetic views of adjoining and surrounding property owners, the Building Inspector may deny a permit based upon his determination that there is a substantial negative impact upon the aesthetic enjoyment of surrounding properties. Any affected party may appeal the Building Inspector's determination to the Board of Appeals within 30 days of the Building Inspectors' determination. No fence, wall, architectural screening device, driveway gate or arbor shall be constructed on the side of a ravine or bluff in violation of § 285-3 of this Code.
- (e) Construction in right-of-way prohibited. Any fence, wall, architectural screening device, driveway gate or arbor that is erected in a street right-of-way or impedes traffic visibility may be removed by the Village of Fox Point at any time.
- (f) Definitions. For purposes of this subsection, the following terms shall have the following meanings; the terms "front yard," "rear yard" and "side yard" shall be defined as set forth in § 745-2 of this chapter:

ARBOR

Any structure intended to provide a support system for plantings or to designate an aesthetically pleasing outdoor seating or walk area.

ARCHITECTURAL SCREENING DEVICE

Any self-standing fence or wall type of structure employed for gardening, screening, ornamental, decorative, signage or landmark purposes.

DRIVEWAY GATE

A fence that opens and closes across a driveway.

FENCE

A structure which creates an enclosure, barrier or boundary, having a set or permanent location in the ground, or which is attached to something having a permanent location on the ground. A fence is considered to be a structure.

FINISHED LOT GRADE

Does not include berms, artificial hills and mounds.

HEIGHT

Does not include two inches of clearance at the bottom of the fence, nor does it include two inches in excess of the height limitation of the fence posts, nor a lighting device on the top of a wall.

OPEN FENCE

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, rail and cyclone fences, which are not merely ornamental.

ORNAMENTAL FENCE

A structure whose primary purpose is to decorate, accent or frame a feature of the landscape or premises.

SOLID FENCE

A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Solid fences are those with 50% or less of their surface open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

WALL

Substantially a solid masonry, wood, or composite structure which shall be self-supporting, but is not incorporated into an enclosed structure, and shall include any nonenclosed structure having as its purpose the denomination or accent of driveways or entryways. Any structure that satisfies the foregoing definition but which also fully complies with the requirements of one or more of the following, as determined by the Village Building Inspector, is excluded from this definition of "wall":

- [1] Signs. This exclusion applies if the wall is primarily intended to be a sign as regulated by Chapter 540 of this Code.
- [2] Lights. This exclusion applies if the wall is intended primarily as a pediment to support a light fixture.
- [3] Small size. This exclusion applies if the wall is smaller than three feet wide, and smaller than three feet deep, and smaller than five feet high.
- [4] Retaining wall. This exclusion applies if the wall is intended primarily as a landscape feature for retaining soil and the top of one side of the wall is approximately at grade.
- (g) Construction standards. Fences, walls, architectural screening devices, driveway gates and arbors shall

be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Fences shall be constructed of wood or other wood-simulated natural-appearing materials, wrought iron or other metal materials generally employed to obtain an aesthetically pleasing appearance. Open fences may be permitted; however, barbed wire, electric wire, chicken wire, or double- or triple-strand wire shall not be used in the construction of a fence, except as allowed by the Building Board.

- (h) **Location and height restrictions.** Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project forward of the front line of the principal building. An arbor shall not exceed a height of eight feet seven inches from the finished lot grade and shall not project forward of the front line of the principal building.
- [1] In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection **B(3)(j)** herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.
- [2] No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection **B(3)(j)** below. The Board of Appeals may grant a 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)** below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied. **[Amended 6-11-2013 by Ord. No. 2013-04]**
- [3] If the rear of the applicant's lot abuts a neighbor's side yard, any proposed fence shall be an "open fence," unless the neighbor consents to an alternate type fence in writing.
- [4] An ornamental fence or architectural screening device may be allowed anywhere on the property without a permit, provided the fence or screening device does not exceed 3 1/2 feet in height and is set back in its entirety 20 feet or more from all boundaries of the property.
- [5] For purposes of this section, the side yard of any corner lot that abuts a road shall be treated as a front

yard; however, if a building footprint is other than square or rectangular in configuration, the provisions of Subsection **B(3)(h)[1]** generally shall control over the provisions of this subsection.

- [6] The provisions of this section, the limitations set forth herein, and the requirement for a permit shall not apply to: **[Amended 4-1-2012 by Ord. No. 2012-05; 11-10-2020 by Ord. No. 2020-06]**
- [a] Lands owned by the state, school district, county, Village or any other publicly held land, where fencing is employed for sport or recreational purposes such as baseball diamonds, backstops, swimming pools, playgrounds or any other public recreational or safety purpose;
- [b] Private athletic or country clubs, or cemeteries, employing such fencing for similar uses as stated herein;
- [c] Chicken enclosures for permitted keeping of chickens pursuant to § 579-17.5 of this Code;
- [d] Beehives for permitted beekeeping pursuant to § 579-17.6 of this Code;
- [e] Dog kennels or runs less than 120 square feet, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property;
- [f] Private residential swimming pool fencing; or
- [g] Tennis court fencing, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property unless modified pursuant to § 745-10G(3).
- [7] Notwithstanding the otherwise applicable height limitations stated elsewhere in this section, a fence may be constructed to a height of 11 feet from the finished lot grade on property in the D Business District or the adjacent single-family residential use district along a lot line which separates a large business use from such single-family residential use. For purposes of this exception, a large business use is defined as a use conducted in the D Business District for which 150 or more off-street parking spaces are available to the business. Such a fence may be constructed on the top of a berm, provided the berm is constructed in compliance with the requirements of this Code and all applicable laws, and further provided that the height of the fence shall be measured from the finished lot grade as defined in this section. This exception is intended to allow a fence to be constructed which will screen the large business use from the abutting single-family residential use.
- (i) Maintenance. The owner, occupant or their agent shall keep all fences, architectural screening devices, walls, driveway gates and arbors structurally sound and maintained in a neat and attractive manner. The maintenance standards established in this section shall be enforced as provided in §§ 681-7 and 681-8 of the Village of Fox Point Code.
- (j) Special exceptions. A special exception to the height, size, material, design, setback or other physical standards set forth in this subsection or to allow a driveway gate may, upon filing a written application, be considered by the Board of Appeals after a hearing. The application must include an accurate visual rendering of the proposed wall, architectural screening device, driveway gate or arbor, along with a written statement outlining the applicant's need for the same. Notice of hearing shall be given to all property owners within a radius of 500 feet of the property upon which the fence, wall, architectural screening device, driveway gate or arbor is proposed to be constructed and the notice shall include the

visual rendering submitted by the applicant. The 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, in addition to such other specific findings as may be required by other subsections of this section. Every special exception granted by the Board of Appeals shall be conditioned upon the applicant submitting the visual rendering to the Village Building Board and receiving the Building Board's approval of the architectural appearance, design and construction materials for the proposed fence, wall, architectural screening device, arbor or driveway gate, taking into consideration the existing development on the lot and in the surrounding neighborhood, and if the Building Board denies the application, the special exception is thereby denied.

- C. Garages. Garages in a residence district or on a lot where the principal use is single- or two-family residences shall conform to the following:
- (1) Not more than one detached private garage structure shall be permitted on a lot. A detached garage is allowed without regard to whether or not there is also one or more attached garages on the premises. In the event there exists or is built a detached garage, only one other accessory detached structure shall be permitted, which structure shall be limited in size to 170 square feet. Notwithstanding the foregoing, as to lots in excess of 25,000 square feet, one additional detached garage or accessory structure shall be allowed for each additional 25,000 total square feet of lot size. All setback requirements and requirements of Chapter 756, Building Construction, must be satisfied in addition to any requirements of this provision.
 - (2) The floor area of garages shall be subject to all regulations of Chapter 756, Building Construction, as from time to time adopted.
 - (3) The side and rear yard provisions for a detached private garage on a lot less than the required minimum width of 80 feet in B and C Residence Districts may be reduced by three inches for every foot less than 80 feet of lot width but to not less than five feet.
 - (4) No detached private garage shall be located closer than 20 feet to the principal residence building on an adjoining lot.
 - (5) Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.
- D. Temporary structures.
- (1) Any temporary structure over 500 cubic feet in bulk shall require a building permit, except as follows: **[Amended 6-11-2013 by Ord. No. 2013-04]**
 - (a) No building permit is required for the placement of a trash receptacle for purposes of disposing demolition materials from a building or structure on the property in conjunction with a project for which a building permit has been issued, subject to the following. Such trash receptacle shall not be placed prior to the issuance of a building permit, or prior to one week before commencement of demolition work, whichever is later. Such trash receptacle shall be removed within one week of completion of the

demolition work, or when the work is suspended for more than seven days, or when the building permit expires or is terminated, whichever occurs first. Notwithstanding the foregoing, the Village Building Inspector may impose more restrictive requirements regarding trash receptacles as a condition of the building permit, which must be stated on the building permit when it is issued, or may be added by the Building Inspector after the permit is issued if the use of a trash receptacle was not shown in the plans submitted with the building permit application.

- (2) Every temporary structure shall comply with the front, side and rear yard requirements of the district in which it is located, except that such structure may be permitted anywhere on the lot with the approval of the Village Manager where in his opinion such structure where proposed to be located would not be detrimental to general community aesthetic values or enjoyment of use of adjoining properties.
 - (3) Appeal from the decision of the Village Manager may be taken to the Board of Appeals.
 - (4) No person shall build, place, or maintain any portable outhouse, privy vault, surface privy, dry closet, septic tank, or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits except as follows: **[Added 3-13-2012 by Ord. No. 2012-03]**
 - (a) The Village Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Village, whichever occurs first.
 - (b) The Building Inspector or Village Manager may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Village Manager that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. Application for a permit under this subsection shall be made on the application form provided by the Village and shall be accompanied by the fee as established by the Village Board from time to time. For purposes of this subsection, the Building Inspector and Village Manager shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
 - (5) Enclosures for keeping of chickens that have been approved pursuant to § 579-17.5 of this Code and beehives that have been approved pursuant to § 579-17.6 of this Code, during such time that such permit has been approved and is in effect, shall not be subject to the requirements of this Chapter 745 except as expressly stated otherwise, and except as follows. The structure in its totality, including any fencing, covered enclosure, chicken coop, hive or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit. Violation of this section shall be subject to the penalties and remedies described in §§ 745-33 and 745-34 of this chapter in the event the requirements of this Chapter 745 differ from § 579-17.5 regarding any matter regulated therein, or differ from § 579-17.6 regarding any matter regulated therein, the most restrictive provision shall apply as determined by the Village Manager. **[Added 11-10-2020 by Ord. No. 2020-06]**
- E. Unenclosed storage.

- (1) No camp, boat, house or other trailer, bus, boat, recreational vehicle, camp trailer on a truck, or truck over three-quarter-ton capacity may be stored or parked regularly on a lot in a residence district except within a garage or other enclosed storage structure except as hereinafter set forth:
 - (a) For the period extending from April 15 to October 31 of each year, the following type of vehicle may be parked unenclosed on the driveway of a lot in a residential district, provided it is in actual use during such period and is not merely being stored, and that when parked it is sufficiently far in from the street as to not interfere with the view of operators of vehicles on the street, or on an adjacent intersecting street:
 - [1] A camp trailer or boat on a trailer, in either case not exceeding 35 feet in length, and designed to be hauled by a passenger automobile.
 - [2] A recreational vehicle not exceeding 35 feet in length.
 - [3] A camp trailer on a pickup truck not exceeding three-quarter-ton capacity.
 - (b) Open storage of any such vehicle may be permitted at any time with the approval of the Chief of Police or designee if such vehicle is effectively shielded from normal observation from the street or adjoining properties by landscaping, walls or fencing, and provided such storage is not between any portion of the building and an abutting street. No such permitted storage shall by reason of the permissive grant have any future claim to legal nonconforming use rights and such permissive grant may be rescinded at any time for due cause.
 - (c) Parking a vehicle as permitted above or storage as permitted above does not authorize the use of any such trailer, boat or truck for the housing (sleeping and/or eating) therein of any person, and such housing is a violation of this chapter.
- (2) Materials, equipment, supplies or waste. **[Amended 9-11-2012 by Ord. No. 2012-11]**
 - (a) Definition. For purposes of this subsection, "materials, equipment, supplies or waste" shall mean the following: worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof; machinery and equipment or parts thereof; vehicles or parts thereof; tools; iron, chain, brass, copper, tin, lead and other base metals; trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials; lumber or building materials; rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever; oil, kerosene, benzene, or other similar oil or oily substance or liquid; wood, brush, and any form of discarded vegetation; yard trimmings, grass clippings, foundry sand and industrial waste of any kind or description; sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems; or any similar materials which constitute health, fire or safety hazards or which contribute to a blighting influence upon the immediate or surrounding area or other unsightly debris.
 - (b) Prohibition; exceptions. No unenclosed storage of materials, equipment, supplies, or waste shall be permitted where such storage may be viewed from a public street or another property, except as follows:
 - [1] Firewood. Firewood may be stored for use on the property as follows. Firewood must be neatly stacked

and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges or other vegetation. Notwithstanding the foregoing, wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.

- [2] Lawn and garden items. Lawn and garden items that are in regular seasonal use may be stored outdoors provided they are neatly arranged on the property. Such items may include but not be limited to outdoor furniture, planters, flowerpots, and grills.
- (c) Public nuisance. Violation of this Subsection **E(2)** is hereby declared to be a public nuisance.
- (d) Nonexclusive authority. This subsection may be enforced by the Village Building Inspector, which shall be in addition to, and not to the exclusion or prejudice of, the matters enforced by the Village Building Inspector pursuant to Chapter **681**, Property Maintenance, of this Code.
- (3) In the case of such storage related to the construction, remodeling, or repairing of a building on the property, this regulation shall apply to items placed on the property and allowed to remain thereon more than one week prior to the commencement of such operation or more than one week after its completion.

F. Home occupations.

- (1) Restrictions. A home occupation may be permitted in residential zoning districts in the Village, in single-family or multifamily dwellings, together with accessory uses incidental thereto, subject to the restrictions described in this subsection "Home occupation" is defined as an accessory use of a dwelling carried on by one or more members of the immediate family residing in the premises, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence so as to adversely affect the residential character of the neighborhood. Home occupations shall be limited to professional and nonmanual labor, or nonindustrial type uses, and shall not involve the use of machinery or equipment not generally found or maintained on residential premises. A home occupation shall be conducted with minimal disturbance, or it shall be minimally apparent from the exterior of the building that any type of business activity is taking place on the premises, and without materially increasing traffic, noise or pedestrian activity on the premises or the surrounding neighborhood. No sign relating to the home occupation shall be visible from the exterior of the building.
- (2) Home occupation permit required. A home occupation shall be deemed a special use and shall require that an application for a home occupation permit be filed with the Building Inspector. A home occupation permit for a home occupation may be granted by the Building Inspector if he/she determines that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. In making his/her determination, the Building Inspector shall consider, without limitation, the effects on the surrounding area of noise, pedestrian and motor vehicle traffic which may be generated by such use. A home occupation permit for a home occupation shall be subject to review every five years, or sooner if the Village receives a complaint concerning the use of residential property for home occupation purposes. A home occupation permit may be revoked upon a determination that the

home occupation has adversely impacted the residential character of the surrounding neighborhood.

Violation(s) of any portion of the Fox Point Code pertaining to noise, odors, hazardous materials and emissions generated as the result of a home occupation being conducted on a residential premises may serve as the basis for the immediate revocation or nonrenewal of a home occupation home occupation permit, as it is expressly intended that the impact of a home occupation on surrounding neighbors in any of the foregoing respects be of a far more minimal nature than is prohibited by the general regulations of the Village Code as to each of the foregoing matters. **[Amended 11-11-2014 by Ord. No. 2014-08]**

- (3) Permit exception. Home occupations shall expressly be prohibited without permit, except home occupation activities conducted solely by a resident of the household via telephone or employing only computer, facsimile and copy-type services, and which have no employees, clients or visitors to the premises.
- (4) Permit fee. A permit fee shall be paid at the time of filing the application for a home occupation permit, the amount of which shall be set by the Village Board from time to time.
- (5) Appeals. The Building Inspector's determination to deny the application for or the renewal or revocation of a home occupation permit may, upon written application, be reviewed by the Plan Commission. Any denial of an application or nonrenewal or revocation of a home occupation permit to be heard by the Plan Commission shall not be heard until 14 days have elapsed from the date notice has been served, by first class mailing, to any and all surrounding residences or structures within 500 feet of the applicant's premises. The applicant shall bear the burden of identifying the property owners to whom notice shall be served and mailing the notice required hereunder. In making its determination whether to affirm or reverse the Building Inspector's determination, the Plan Commission shall take into consideration the same factors considered by the Building Inspector, including evidence or testimony of surrounding property owners. The determination of the Plan Commission shall be final. **[Amended 11-11-2014 by Ord. No. 2014-08]**

G. Solar energy systems. **[Added 3-10-2020 by Ord. No. 2020-02]**

- (1) Where permitted. Subject to the provisions of this Subsection G, solar energy systems are a permitted use in any district in the Village of Fox Point.
- (2) Approval procedure. No solar energy system shall be installed unless all applicable Building Code and Electrical Code requirements are met, including the issuance all necessary permits. Such permits cannot be issued until an application has been submitted and reviewed by the Building Board. In addition to the powers of the Building Board described in Chapter 19, Article II of this Code, the Building Board shall have the powers described in this Section 745-7G.
- (3) Conditions under which permitted.
 - (a) General. Unless modified by the applicable conditions described below or by the Building Board, solar energy systems are subject to all accessory structure provisions of this Code.
 - (b) Structure-mounted solar energy systems.
 - [1] Structure-mounted solar energy systems may be mounted on principal and accessory structures.

- [2] Only structure-integrated and/or flush-mounted solar energy systems may be installed on street-facing structure elevations.
 - [3] In residential zoning districts, solar energy systems shall not extend more than three feet above the applicable maximum structure height limit for the subject structure type or more than five feet above the highest point of the roof line, whichever is less. In nonresidential zoning districts, solar energy systems shall not extend more than eight feet above the applicable maximum structure height limit.
- (c) Ground-mounted solar energy systems.
- [1] Ground-mounted solar energy systems are only permitted as an accessory use to an existing principal use of the lot where located, and only as an accessory structure.
 - [2] In residential zoning districts, ground-mounted solar energy systems shall not be located between the principal structure and an abutting street.
- (d) Building Board modifications. The Building Board is directed to modify the requirements of this Code when an applicant shows that such standards significantly increase the cost of the system or significantly decrease its efficiency. In that event, the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely as reasonably possible while allowing construction of a solar energy system of comparable cost and efficiency. In every case, the Building Board shall not approve an application or a modification to this Code that jeopardizes the public health or safety. In the event of a conflict between this subsection and from the authority described in Wisconsin Statutes § 66.0401(1m), now or in the future, the Building Board is directed to apply the statutory standard to its consideration of solar energy system applications.

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

**VILLAGE OF FOX POINT
NOTICE OF BOARD OF APPEALS MEETING
REQUEST FOR SPECIAL EXCEPTION**

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Thursday, December 9, 2021 at 5:00 p.m. to hear the following appeal:

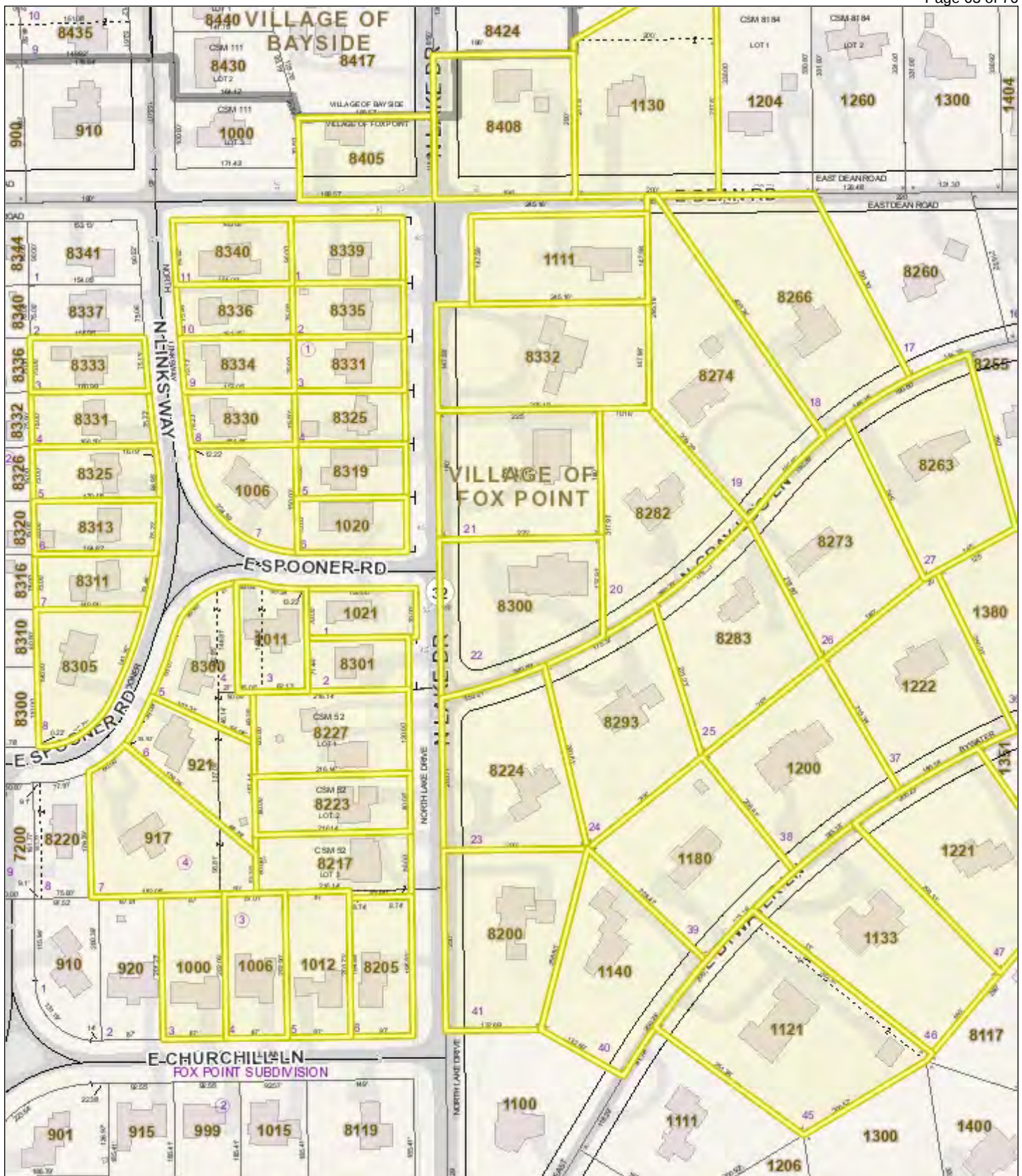
- 1. Case 2021-08: 8300 N Gray Log Lane.** The applicant is requesting a special exception to install a new 6-foot-high brick fence wall on the west side of the property. The special exception request is made pursuant to 745-7(B)(3)(h)[1-2, 5] and 745-7(B)(3)(j) of the Fox Point Code.

Any interested party may attend this meeting and be heard concerning this case.

The applications, drawings, and related materials are available for viewing in the office of the Village Clerk/Treasurer, Monday through Thursday from 8:00 a.m. - 4:00 p.m. and on Friday from 8:00 a.m. to 12:00 noon.

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

Notice Sent: 11/16/2021
Posted: 11/16/2021



Village of Fox Point GIS

8300 N Gray Log Lane

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 188'



VILLAGE OF FOX POINT
7200 North Santa Monica Blvd
Fox Point, WI 53217
(414) 351-8900

Print Date: 10/4/2021

NOTICE OF APPEAL & APPLICATION FOR REVIEW

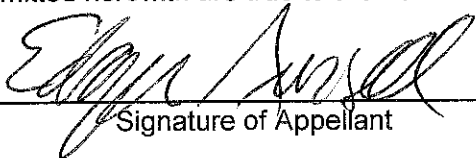
1. Name of Appellant Edgar T. Russell
- Address of Appellant 6755 N. Lake Drive
- Phone Number _____ 414.719.0316
- Home Work Cell
- E-mail Address edgarrussell@hotmail.com
2. Address of Property 6755 N. Lake Drive
- Present Use of Property Primary Residence
- Proposed Use of Property Primary Residence
- 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: Edgar T. Russell

Village 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: Requesting variances to the set-back provisions of the ordinance
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

11/15/2021
Date

For Office Use Only:

Date Application Received 11/16/21 Receipt Number for \$200 Filing Fee 1.052918
Case Number 2021-09 Hearing Date _____
Disposition _____

November 12, 2021

6755 N. Lake Drive
Fox Point, WI 53217

Village of Fox Point
Village Hall
Board of Appeals
7200 N. Santa Monica Blvd.
Fox Point, WI 53217-3505

Dear Appeals Board,

I am requesting an exception or waiver to the village set-back rules based on hardship. My hardship is that at 66 years old, it is a challenge to mow the lawn with a walking lawn mower. I have purchased a riding lawn mower and would like to construct a shed on our property to store it. However, if we adhere to Village the setback rule, we only have two locations on our property, where a shed can be located, and neither are workable.

The two locations on our property that meet the requirements (Drawing 1).

1. In front of our overhead garage door, in the center of our driveway
2. In our yard, inside our fence.

Neither of these two locations are workable.

Village code (745-17) requires that our shed be at least 85 feet from the center line of Lake Drive, 60 feet from the center line of Holly Court and 10 feet from neighboring property.

My request is to be allowed to locate a 7' by 7' resin shed at the eastern edge of our driveway. This would be 10 feet from our neighbor's property line and seventy (70) feet from the center line of Lake Drive – Drawing 2

The requested location is shielded from Lake drive and from our neighbor's home by trees that run along the walking path on lake drive and that run along the eastern edge of the lot between our home and our neighbor's property line.

I am hopeful that you can consider this request. Please let me know if you have any questions. I can be reached on my cell phone at (414) 719-0316.

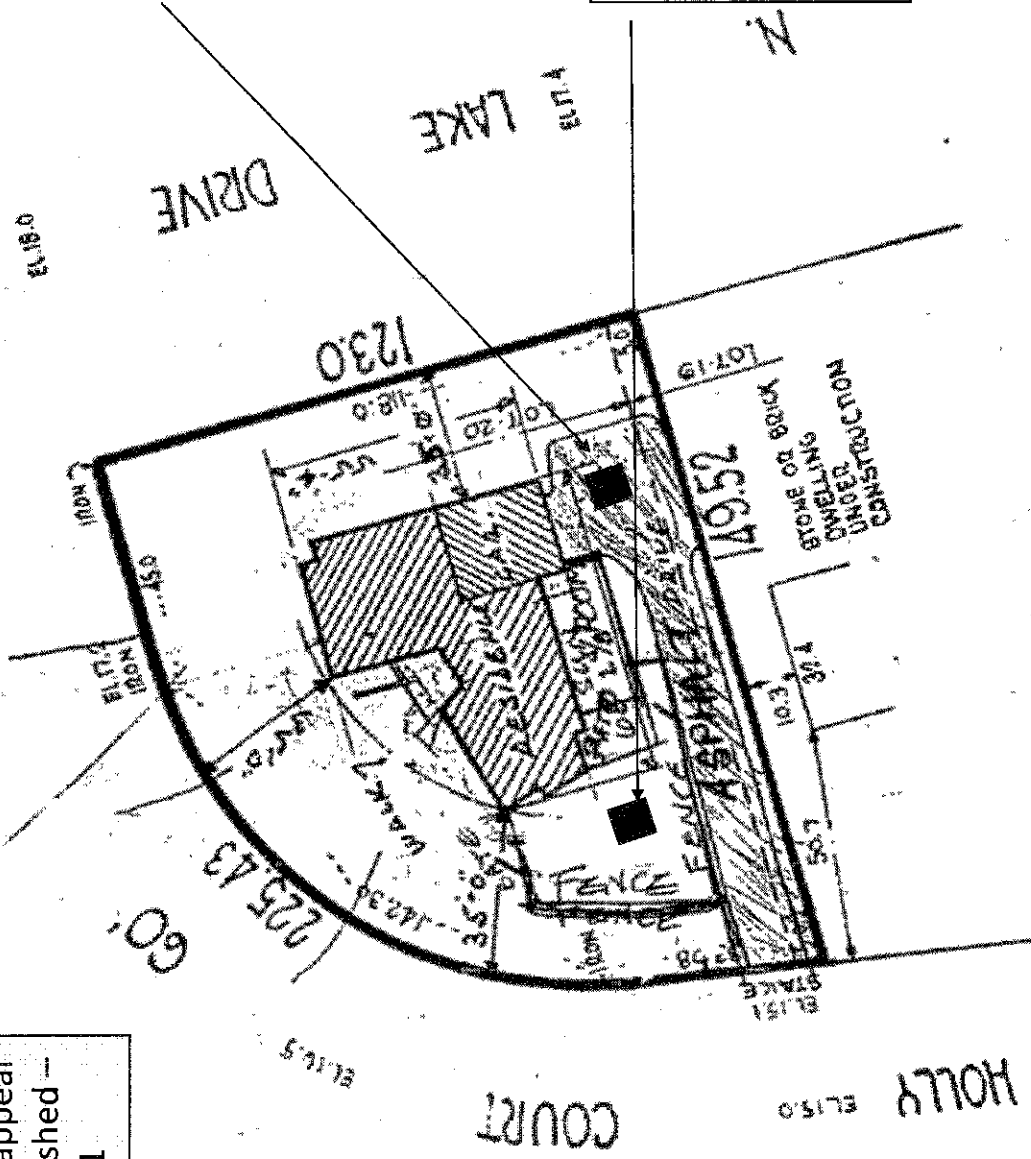
Regards,



Edgar Russell

Drawing 1

Drawing to accompany
building permit appeal
for a 7' x 7' foot shed --
11.12.2021



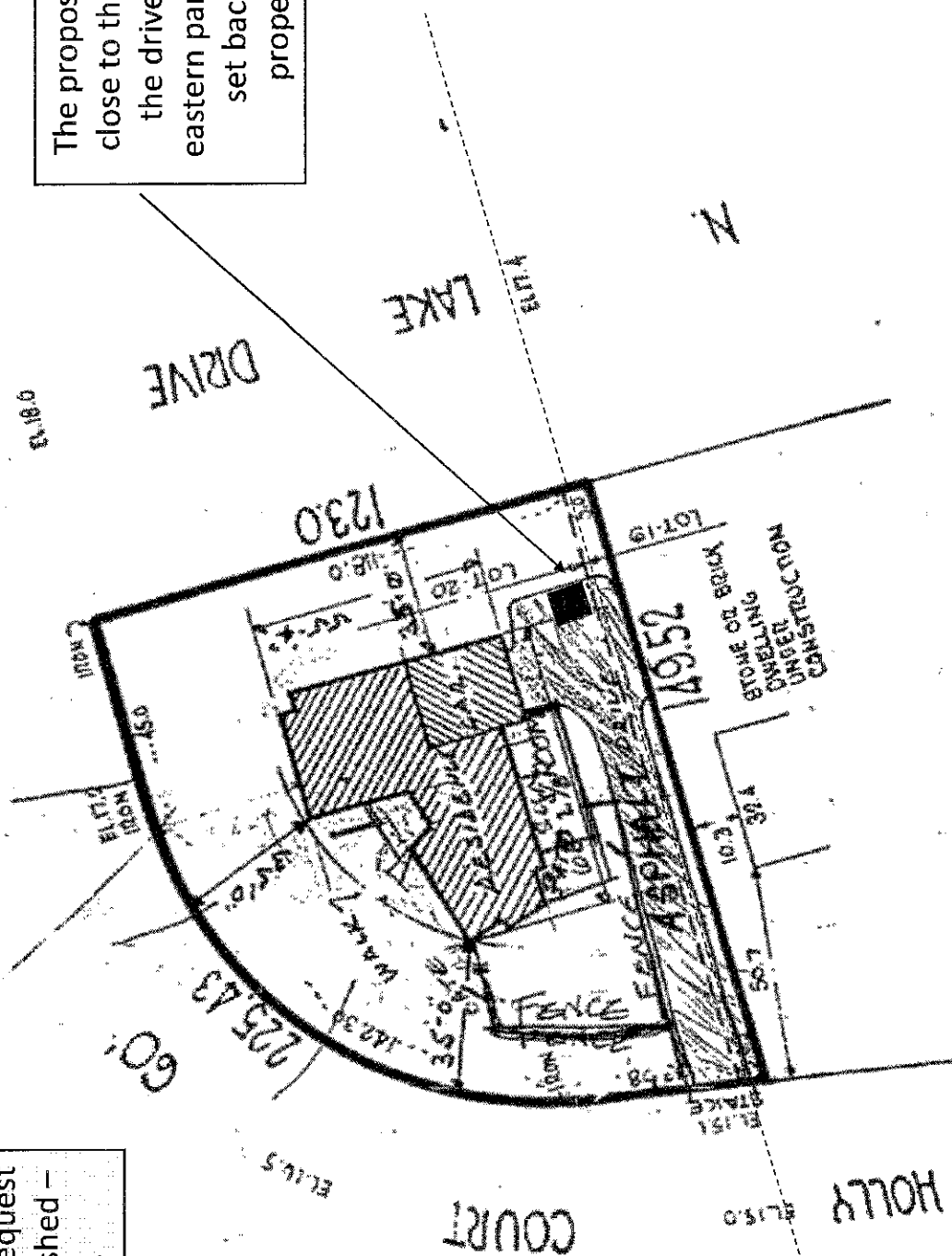
The first location that complies with the set-back rule is shown here. This location is in front of our overhead garage door and would prevent us from getting into or out of the garage with our cars.

The second location that complies with the set-back rules is shown here. This location is inside our fence and would prevent us from getting the riding lawn mower out of the fenced-in area.

Drawing 2

Drawing to accompany
building permit request
for a 7' x 7' foot shed –
11.12.2021

The proposed location would be close to the northeast corner of the driveway, even with the eastern part of the driveway, but set back 10 feet from the property to the south.



Case – 2021-09

Russell request on a variance of the setback provisions of the ordinance.

In the ‘photoshopped’ photo to the right, the Suncoast Cloverdale shed is picture at the planned location in the driveway.

To the right of the shed image is the actual shed, which arrived sooner than anticipated.

The shed is made of rosin plastic and is 7’ x 7’ in length and width and is 6’10” tall.



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

414-351-8900

Receipt No: 1.056918

Nov 16, 2021

BOA App-6755 N Lake Dr, Russell

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 7373	
Payor: BOA App-6755 N Lake Dr, Russell	
Total Applied:	200.00
Change Tendered:	.00

11/16/2021 3:44 PM



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

**VILLAGE OF FOX POINT
NOTICE OF BOARD OF APPEALS MEETING
REQUEST FOR VARIANCE**

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Thursday, December 9, 2021 at 5:00 p.m. to hear the following appeal:

1. **Case 2021-09: 6755 N Lake Drive.** The applicant is requesting a variance pertaining to Section 745-15 of the Fox Point Village Code in the C Residence District, concerning front and side yard requirements. A side yard of not less than 10 feet and a front yard from the centerline of Lake Drive not less than 85 feet shall be provided for every building in the C Residence District. The applicant is proposing to install a new 7-foot by 7-foot shed ten feet from the neighboring property and 70 feet from the centerline of Lake Drive.

Any interested party may attend this meeting and be heard concerning this case.

The applications, drawings, and related materials are available for viewing in the office of the Village Clerk/Treasurer, Monday through Thursday from 8:00 a.m. - 4:00 p.m. and on Friday from 8:00 a.m. to 12:00 noon.

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

Notice Sent: November 17, 2021
Posted: November 17, 2021



Village of Fox Point GIS 6755 N Lake Drive

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 188'



VILLAGE OF FOX POINT
7200 North Santa Monica Blvd
Fox Point, WI 53217
(414) 351-8900

Print Date: 11/17/2021

The following Code is an excerpt only of Village of Fox Point Village Code, Section 745-15 in the Residence C District.

§ 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)**.

62.23(7)(e)7.

7.

- a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
- b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- c. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.
- f. A variance granted under this subdivision runs with the land.

Menu

62.23(7)(e)7.a.

- a. In this subdivision, “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, “use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

Menu

Menu

62.23(7)(e)7.d.

d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Menu