

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

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

WEDNESDAY
NOVEMBER 23, 2022
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Selection of Acting Chair**
- 3. Approval of the Minutes and Determinations – September 28, 2022 Meeting**
- 4. Case 2022-12: 8643 N. Port Washington Road, Code Interpretation:** The applicant has appealed an Order to Correct dated August 12, 2022, which notes a violation of Section 756-7A of the Village Code concerning display of a sign without having obtained a permit. The applicant claims the Order to Correct was issued in error.
- 5. Case 2022-13: Case 2022-13 7411 N Santa Monica Blvd.** The applicant is requesting a special exception to install a new 8-foot-high privacy fence replacing an existing 6-foot-high fence. The special exception request is made pursuant to 745-7 B.(3)(h) and 745-7 B.(3)(j) of the Fox Point Code.
- 6. Case 2022-14: 7644 N Beach Drive.** The applicant is requesting a variance pertaining to Section 745-13 B. (3) of the Fox Point Village Code in the A1 Residence District, concerning side yard setback requirement of not less than 20 feet. The applicant is proposing to install a new generator 16.25 feet from the property line to replace the current generator in the same location.
- 7. Case 2022-15: 8001 N Lake Drive.** The applicant is requesting a special exception to install a black aluminum decorative 4-foot-tall fence. The special exception request is made pursuant to 745-7 B.(3)(h), 745-7 B.(3)(h) [1-2], and 745-7 B.(3)(j) of the Fox Point Code.
- 8. 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.

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A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, September 28, 2022 at 5:00 p.m. The Village Clerk took roll call. Those present included:

Nancy Filsinger, Chairman
Thomas Dunst
Mark Grady
Scott Ratke
Adam Bazelon

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

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

Approval of Minutes of July 27, 2022 Meeting and the Findings of Fact, Decision and Order

Motion by Member Mark Grady, Seconded by Member Thomas Dunst, and carried by roll call vote (5-0), to approve the July 27, 2022 minutes and the Findings of Fact, Decision and Order of the last meeting, as presented.

Case 2022-09, 7834 N Beach Drive

The applicant is requesting a **variance** pertaining to Section 745-13 B. (3) of the Fox Point Village Code in the A1 Residence District, concerning side yard setback requirement of not less than 20 feet. The request also pertains to Section 756-34 B., Exterior Structures regarding the installation of a generator. The applicant is proposing to install a generator up to the property line.

Village of Fox Point Building Inspector Michael Rakow

Building Inspector 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 2022-09, stating the applicant is requesting a generator on the north side of the property. They would like it on the property line so this would be a zero setback.

Member Mark Grady noted the applicant says the next-door neighbor, presumably to the north has a generator that is less than 20 feet from the property line. He inquired of the building inspector if it was a variance granted by this Board at a prior time or was it something else?

Building Inspector Michael Rakow stated to his knowledge it was not approved by this Board. He recalls that he did approve it based on the 20' setback. It looked to be approximately 20 feet from the property line.

Owner Betsy Horsfield

The Owner Betsy Horsfield stated her name and was sworn in to provide testimony by the Village Clerk Treasurer.

Chair Filsinger asked the Property owner to give her testimony.

Owner Betsy Horsfield stated that the proposed area for the generator is along the lot line. It is the best place because it is away from windows, it is where the gas line comes in and it is near the electrical panel in the basement. Ms. Horsfield stated she measured and it is less than 20 feet. There is

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53 a fence there that clearly denotes the property line. The want to place it in the most efficient place.
54 She does have pictures showing the location. The Board asked that the photos be passed around. It is
55 approximately a 4-foot by 2-foot generator.
56

57 Member Scott Ratke inquired how far from the house it would be. Betsy stated it would be about
58 20 feet from the home.
59

60 Member Mark Grady asked for clarity on why the generator was not placed on the south side of
61 the home.
62

63 Owner Ms. Horsfield stated on the south side of the home, the gas would have to be run under
64 the driveway for installation of the generator. The gas runs along the north side of the home.
65

66 Member Mark Grady stated that essentially the hardship is that the cost of project is essentially
67 the gas line through the cement of the driveway.
68

69 Chairperson Nancy Filsinger stated Owner Betsy Horsfield is concerned about the sump pumps.
70 She asked if the owner looked at any other alternatives like a battery.
71

72 Owner Ms. Horsfield stated she really wants the most effective and efficient way to power the
73 home because they have sump pumps and they have a well. If the electricity goes out, the well does
74 not work either. She added drain tiles and another sump pump for a total of two sump pumps. The
75 owner states she has had up to six inches of flooding in the past.
76

77 Member Scott Ratke inquired why the generator cannot be placed closer to the home on the
78 north side instead of so far away from the home to meet the setback.
79

80 Owner Ms. Horsfield stated that the generator cannot be by any doors or windows and the
81 garage has windows. She stated even if it were placed closer to the home, it would still be less than 20
82 feet and would require a variance.
83

84 Chairperson Nancy Filsinger asked Michael Rakow if someone from the electric company spoke
85 to him. Michael Rakow stated someone from the electric company may have spoken to him. He recalls
86 nothing in particular.
87

88 Member Mark Grady commented that one of the standards in the State Statutes is when you
89 are showing unnecessary hardship complying with the ordinance for the setbacks, it states the
90 applicant must show the unnecessary hardship is based on conditions unique to your property rather
91 than something personal to you as the owner. What do you think it is about your property that is unique
92 and not something just personal to you as the owner about the need for this variance.
93

94 Owner Ms. Horsfield stated it might be that the home is so close to the lot line on the north side
95 where the logical place to place the generator would be. Therefore, it is hard to make the generator fit
96 in there and be in compliance.
97

98 Member Mark Grady stated if he is hearing the owner correctly, the uniqueness is that the
99 garage is essentially on the setback line right now.
100

101 Owner Ms. Horsfield stated that is correct.
102

103 Member Mark Grady inquired, other than the expense of burrowing under the driveway to
104 extend the gas line on the south side of the garage, is there something about that area that would

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105 prevent the generator from going there.

106
107 Owner Ms. Horsfield commented it would be right in the middle of the front yard, which is a
108 garden. It would be set so far back; she isn't sure she would bear the expense to have the generator so
109 far back.

110
111 Member Scott Ratke inquired where the electrical box was located.

112
113 Owner Ms. Horsfield commented that the electrical box is inside the home on the north side.

114
115 Member Mark Grady inquired if the owner knew if it was possible to run the gas line
116 through the basement rather than through the driveway.

117
118 Owner Ms. Horsfield stated it is not something that was discussed with the contractor.

119
120 Driveway placement/position was discussed briefly by the Board and property owner.
121 Homeowner Ms. Horsfield described why she would not want the generator on the south side of the
122 home by the driveway, including the noise.

123
124 Closing of Testimony

125 *Without objection and by unanimous consent, Chairperson Nancy Filsinger closed testimony at 5:21*
126 *p.m.*

127
128 Village Attorney Eric Larson marked the two photo submittals as Exhibit 1 and Exhibit 2. The
129 plat map in the packet will be marked as Exhibit 3.

130
131 Village Attorney Eric Larsen reminded the Board of the legal standard and established rules for
132 what can be done on the property. One of the rules is that they do not allow construction within 20 feet
133 of a lot line. That is a law that applies to everyone in the village. The Board has authority from state law
134 and village ordinances to grant a variance in limited circumstances. What the statutes says is "the
135 Board has the power to authorize upon appeal in specific cases such variance from the terms of the
136 ordinance as will not be contrary to the public interest, where owing to special conditions literal
137 enforcement of the provisions of the ordinance will results in practical difficulty or unnecessary hardship
138 so the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial
139 justice done. State law continues stating the property owner bears to burden of proving unnecessary
140 hardship as the term is used in the statute for an area variance by demonstrating that strict compliance
141 with a zoning ordinance would unnecessarily prevent the property owner from using the property
142 owner's property for a permitted purpose or would render conformity with the zoning ordinance
143 unnecessarily burdensome. In all circumstances, the property owner bears the burden of proving that
144 the unnecessary hardship is based on conditions unique to the property rather than considerations
145 personal to the property owner and that the unnecessary hardship was not created by the property
146 owner.

147
148 Member Scott Ratke stated he isn't sure why the generator could be placed closer to the home
149 and be less intrusive.

150
151 Member Thomas Dunst stated he has the same concern.

152
153 Member Mark Grady stated he would agree with that same concern. The first questions is
154 whether to grant the variance at all. If the Board is going to grant it, he would agree with that concern. It
155 should be the least intrusive and as far from the side line as possible. The question is whether it should
156 be granted at all in the first place. He has gone back to the standards and statutes that apply to a

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variance. Each set of facts is unique. There were different reasons for the ones that have been granted in the past. He stated he is having a hard time when he looks seriously at the statutory standard, the conditions unique to this property. He is not seeing conditions unique to this property that are any different to any other property anywhere else. Most of the properties have building that are pretty close to the setback line. Everybody can come to the Board and say they are already on the setback. There are possibly other locations; he is not sure what the expense would be for them to run gas line to another part of the house. There are other areas potentially on the lot, where the generator could be located. At some point it is a cost benefit for the homeowner for the expense of the generator and the installation versus the expenses the homeowners would have from not running their sump pumps. Therefore, he is having a tough time finding standards to allow for the variance.

Village Attorney Eric Larson stated that triggers another Board established standard that he wanted the Board to be aware of, which is that the courts have said that financial hardship is not sufficient. The fact that it will cost more money to comply is not something that this body can find to be an adequate basis for permitting a variance.

Chairperson Nancy Filsinger stated she agrees this does not meet the standards for a variance.

Mark Grady wanted to comment on the neighbor's generator, stating that this case is based on the facts of this case. If every house around them is in violation of the state statutes and standards, that is not for the Board to consider in this case.

Member Scott Ratke stated he does not see enough evidence that this is the best spot. There was not enough information presented.

MOTION: CASE 2022-09

Motion by Member Mark Grady, seconded by Member Scott Ratke to deny the variance for the reasons expressed earlier.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>
<u>Adam Bazelon</u>	<u>Aye</u>
<u>Nancy Filsinger</u>	<u>Aye</u>

The variance was denied by roll call vote, 5-0.

Case 2022-10 8339 N Lake Drive

The applicant is requesting a **variance** pertaining to Section 745-16 B. (2) of the Fox Point Village Code in the B Residence District, concerning a 70-foot setback from the centerline on Dean Road. The applicant is proposing a new addition to the home to be approximately 10.33 feet into the 70-foot Dean Road centerline setback.

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 2022-10. The applicant is planning to put an addition onto his house. The setback from Dean Road is 70 feet. The proposed addition is approximately 10 feet into the setback.

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Member Thomas Dunst inquired if the whole addition intrudes onto the setback.

Building Inspector Michael Rakow stated that may be best for the applicant to answer. Michael Rakow stated in reviewing the GIS picture, there is a 71.6-foot setback. If you subtract a foot and a half, so he agrees that part of the bump out is in the setback.

Member Thomas Dunst stated it appears that part of the current home is in the setback.

Building Inspector Michael Rakow stated that is correct.

Owner Representative Architect Thomas Stachowiak of Stack Design Group

Representative Thomas Stachowiak of Stack Design Group was sworn in to provide testimony by the Village Clerk Treasurer.

Owner Representative Thomas Stachowiak stated that they are proposing an addition that does jog in and out of the setback. The garage is closer than the existing house. Recessing from there a secondary entry. The front of the home faces Lake Drive. This addition is going no closer than the existing home. If you look at the aerial view, this property is very unique as the centerline down Dean Road is one continuous line until it hits this property. Because of the borderline of Bayside and Fox Point across the street, this property's centerline jogs closer to the owner's property. On the aerial view, there is a line drawn that looks like it is going through the roof; the aerial view is showing the eaves of the house which is actually the building line even though it looks like the building line is beyond the roof. That line is to the built space. If you look down Dean Road, some of those do extend further. Overall, it is pretty continuous line down the road. They would be continuing that the same way it is now.

Member Mark Grady inquired if the red line that is going through the home on the aerial view, if he is reading this right, is 59 feet 8 inches from the centerline – the north side of the house.

Owner Representative Thomas Stachowiak stated that is correct from the centerline of this property. You can see the centerline where it jogs right by the property.

Member Mark Grady stated he understands. The dashed lines that you are referring to is the centerline between the two pieces of property. The solid line is the centerline of the street that is recorded, which is closer to the owner's home because of the Bayside/Fox Point border. As it sits right now, the north side of the existing house is essentially ten feet and four inches within the setback. The proposal is that the closet part of the addition be the same as the existing house.

Owner Representative Thomas Stachowiak stated it would actually be two inches closer.

Member Mark Grady stated the application talks about this, but if you could expand on one of the issues with respect to moving the addition into compliance with the 70-foot setback from the centerline.

Owner Representative Thomas Stachowiak commented being a corner lot, if you move the garage into the back yard, there is no back yard. The floor plan shows the patio doors going to the space behind it. Moving it back would eliminate that space. You would also end up with a back door that is flush with the garage space and it would look pretty flat. Design wise, it would not look very good.

Member Mark Grady asked if Owner Representative Thomas Stachowiak would direct him to

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261 where this is on the renderings. He inquired how wide the living room addition is.

262
263 Owner Representative Thomas Stachowiak stated it is 18 feet.

264
265 Member Mark Grady commented if you moved the garage 10 feet south, it would essentially be
266 even with the prospect of the middle of the living room and the doors you are referring to.

267
268 Owner Representative Thomas Stachowiak stated it would be an 8-foot living room.

269
270 Village Attorney Eric Larson read to the Board, the State Law (nonconforming structures) and
271 followed up with the Village Ordinance. State law allows restoration or replacement. A second provision
272 states an ordinance may not prohibit or limit based on cost the repair, maintenance, renovation, or
273 remodeling of a nonconforming structure. The case of additions goes beyond the non-conforming
274 structures. When it comes to additions, you are expected to build that into a conforming location. The
275 Village Code also addresses this. Village Attorney Eric Larson reviewed the Village Code with the
276 Board regarding this issue and requires the addition to be built in a conforming manner.

277
278 Member Adam Bazelon stated to be clear, the standard is the same here with unnecessary hard
279 ship due to conditions unique to the property and no harm to the public.

280
281 Village Attorney Eric Larson stated it goes on from there but yes that is correct.

282
283 Member Adam Bazelon stated the first element, the question would be is there an unnecessary
284 hardship caused by this 70-foot setback as it relates to the addition.

285
286 Village Attorney Eric Larson stated yes.

287
288 Member Adam Bazelon inquired of the Owner Representative Thomas Stachowiak whether
289 they were applying for the variance based on a hardship.

290
291 Owner Representative Thomas Stachowiak stated they are applying based on the belief that as
292 shown it is the spirit and intent of the Village Code. If you look at the street itself, the location of every
293 property down the street, they are not unusual in what they are proposing. They are behind the garage
294 and the neighbor's house. If we were to jump back to meet the setback, it would be substantially
295 different than every house on the street. This property from all the way back is different than every
296 other property. Given that the centerline of the street does job just for this property, which makes this a
297 unique circumstance to this property in particular. He further stated the dotted line is the centerline of
298 the street.

299
300 Building Inspector Michael Rakow stated Mr. Stachowiak is correct regarding the centerline.

301
302 Member Adam Bazelon inquired if they considered other designs that would be compliant to the
303 setback.

304
305 Owner Representative Thomas Stachowiak stated they did consider other options. He stated it
306 would be substantially different than everybody else. To be aesthetically pleasing would most likely be
307 the goal.

308
309 Property Owner's Neighbor Lee Arnold, 8340 N Links Way

310 *Property Owner's Neighbor Lee Arnold was sworn in to provide testimony by the Village Clerk*
311 *Treasurer.*

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Property Owner's Neighbor Lee Arnold stated he received a notice in the mail so he came into the Village Hall and viewed all the drawings and the application so he would be fully aware of what would be on the other side of his fence. He sees a three-car garage, a wing annex on Dean Road looks like a triple wide unit at a public storage facility from the drawings that he has seen. It is not incorporated into the structure of the home. It looks like an addition. It does not look like any other home on Dean Road from Lake Drive to Port Washington Road. It changes the entire character of the whole neighborhood. In our case, sharing the entire length of our two back yards. It diminishes the value of our house and property. The second item, the request for variance it says the subject property is a single-family home located on a corner lot. With a corner lot it is difficult to create a private backyard because it has two public sides to the property. His house is exactly that on the other side of his fence on Links and Dean. It is exactly the same area property only he owns his own. He had no problem privatizing his back yard by fencing off the back yard. That seems to be the excuse here to build a humongous three-car-garage to hide behind it some kind of a private backyard. Item 5 of the variance request says, the variance allows the property owner the best and best use, which is obviously the best use for the Property Owner. This had a negative effect on other property owners having enjoyment on their own property. He is the other property owner and it ruins his enjoyment of his own property. This creates an unpleasant, impairs his happiness, and his view for he and his family who have lived there for 33 years. He objects to the variance.

Member Adam Bazelon inquired if it is a solid fence?

Property Owner's Neighbor Lee Arnold stated it is solid. It runs the length of the property and separates the two pieces of property. It is six feet in height.

There were no other questions.

Closing of Testimony

Without objection and by unanimous consent, Chairperson Nancy Filsinger closed testimony at 6:07 p.m.

Village Attorney Eric Larson reminded the Board of the standards regarding the variance and the setback that applies here.

Member Adam Bazelon stated he doesn't feel any of the elements have been met here. There is even an argument here that it complies with the spirit. There are other non-conforming homes on the street. The objection to the variance was not relevant in any way to the variance. He doesn't feel there are any hardships due to the uniqueness of the property that he can see. He is not sure how this complies with the legal standards the Board is here to apply to this case today.

Member Mark Grady inquired of Village Attorney Eric Larson, given what was said earlier about the conditions being required to conform to the area requirements, even if the existing structure doesn't. As a Board member, I cannot consider the pre-existing structure to be a unique condition to the property.

Village Attorney Eric Larson stated he cannot say a hard and fast no to that. He further stated you laid out the right questions to consider. The Board should look at the ordinance drafted by the Village Board and determine the spirit of the ordinance. The fact that the Board created as part of this ordinance, the ability to build additions, but they have to meet the setback. That is relevant to interpreting this issue. It is not only the 70-foot setback the Board is talking about; it is the fact that the village has an ordinance that says additions to non-conforming structures have to comply. Board of Appeals would be allowing constructions contrary to statements of the Board's intent.

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Member Adam Bazelon commented that the language is unique circumstances to the property.

Village Attorney Eric Larson stated that is correct.

Member Mark Grady stated he is struggling with the centerline that moves as you go to the west on Dean. If this was the Arnold's property, the owners would have 8 more feet to work with, but because the centerline moves, the next house over. It would still be in violation of the 70-foot setback. He is wondering if that is a unique condition of this property. The fact that this centerline moves, he can see an argument for granting the variance, but only using the jogged centerline and only to the minimum amount necessary to do that. That is what he is struggling with.

Member Adam Bazelon stated, yes, giving them another couple of feet.

Member Mark Grady stated in order to come into compliance, they would only have to move the garage another 2 feet or something like that, instead of 10 feet. He also wanted to echo what Member Adam Bazelon stated which is that they are not a design board. If the variance is appropriate, then what the structure looks like isn't for the Board. He understands the objections but it cannot be considered here.

Chairperson Nancy Filsinger agreed with Member Mark Grady regarding the jogged centerline and it does allow for a variance for the determined amount of feet allowed here. The design would have to be changed.

Member Mark Grady stated when he goes through the Wisconsin State Statute that Village Attorney Eric Larson read, it strikes him that the jogging centerline is a special condition. It does not jog right in the middle of their lot, but the jogging centerline is on their block. This creates a special condition. If they literally enforce the Village Ordinance to allow for the 70-foot setback from the centerline, requiring them to move the addition essentially 10 more feet south, it puts it right in the middle of the existing house. It is an unnecessary hardship for the homeowner to move it 10 feet. The condition he is referring to with the centerline is unique to this property. The properties to the west do not have this issue. Only this property has this uniqueness. He is leaning towards granting a variance that would allow for a structure to be placed using the centerline to the west to establish the 70-foot setback. They would be in compliance with the 70-foot setback but only using the centerline to the west.

A variance based on the uniqueness of the street centerline setback was discussed by the Board.

Village Attorney Eric Larson stated the concern about we don't know what we are granting a variance for is a valid concern. Typically, the Board has plans for what it is they are granting the variance for, not that they are reviewing the architectural of that structure but so that there is a clear record that this is what the Board approved. That is what they can build; they cannot build something different. That is a valid concern. Another thought is if that is not a concern of the Boards, then you can grant it that way as you described it. He would recommend that the Board have a time limit on how long that variance is in effect. They may decide not to build it. The variance should not just be hanging out there forever. There should be a reasonable time limit, providing they obtain a building permit within 18 months or something similar to that. He doesn't think there is anything in the Village Code that says they are restricted in proceeding as they propose. Typically, they do want to see what is being proposed and they act on what is being proposed. If the Board was going to follow Member Adam Bazelon's suggestion or concern and resolve that, the Board could adjourn the matter and have them bring back new plans with the understanding that the Board will want to see it measured from that extended centerline from down the street and we would consider that smaller for the variance. But first

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the Board would want to see the plans. The meetings are regularly every two months. They could come back in two months or if they needed more time to develop those plans, they can come back later.

Without objection and by unanimous consent, the testimony was reopened at 6:20 p.m.

Owner Representative Thomas Stachowiak stated there are two walls that would be offset by the amount (number of feet) that they are talking about. He pointed out the two walls that would be moved, exactly that amount. It is actually a very minimal change to the design. He further stated the Building Inspector Michael Rakow would review the plans, make sure that they were the correct distance from that centerline, and if need inches, they could take it out of the inner garage walls. House wise, nothing changes. They just go back and change the garage. With winter approaching, he ask that this be allowed to be reviewed by Building Inspector Michael Rakow so they are not delayed two months.

Chairperson Nancy Filsinger inquired if Building Inspector Michael Rakow is comfortable with reviewing the changes.

Without objection and by unanimous consent, confirmation from the Building Inspector was requested.

Building Inspector Michael Rakow stated he will verify that it meets the setback according to the conditions the Board would set upon the variance. He stated he is comfortable with that, but it may have to go back to Building Board. Building Board did see the design and approved it earlier.

Chairperson Nancy Filsinger stated the Board needs a clear record of what is the variance and the time limit for obtaining the permit.

MOTION: CASE 2022-10

Motion by Member Mark Grady, to grant a variance to allow a structure to be built in a location that is less than 70 feet from the centerline but is 70 feet from the centerline as it exists on a neighboring property that is shown in the exhibits presented and provided that they obtain a building permit for this work within 18 months and provided further that the change to the structure will be largely to move the garage back on the property so that the drawing presented to us will be substantially the same.

Member Adam Bazelon seconded the motion.

Roll call was taken.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>
<u>Adam Bazelon</u>	<u>Aye</u>
<u>Nancy Filsinger</u>	<u>Aye</u>

Granted by roll call vote, (5-0)

Case 2022-11 8027 N Navajo Road

The applicant is requesting a variance pertaining to Section 745-17 B. (4) of the Fox Point Village Code in the C Residence District, concerning rear yard setback requirement of not less than 10 feet. The applicant is proposing to install a new garage 6.2 feet from the rear property line.

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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 2022-11. The applicant has a lot that has a current garage that is 6.2 feet off the property line; code dictates 10 feet. They are razing this garage, making it a little bigger and moving it a little south. After reviewing the plans here, questions came up. Looking at the circle on the GIS Map, it looks like there are two lots for this parcel. I looked at the submittal of the survey and it does not show a dotted line through the center. On the survey description, it says Lot 9 and Lot 10. He believes this is a two-lot parcel. A 1998 survey was also found with a dashed line and states Lot 9 and Lot 10. Without further confirmation, he believe this is a two-lot parcel. Therefore, on the submittal the garage will be on the south property line. This means if there are two lots, the second lot needs another principle building to have an accessory structure. They currently are requesting a variance for a garage 6.2 feet off the property line.

Village Attorney Eric Larson stated, assuming it is two lots and setting aside the fact that they need a principal structure before they can have an accessory structure, would the accessory structure be in a conforming location.

Building Inspector Michael Rakow stated if it is two lots, it is in a non-conforming location. It should be 6.2 feet off the property line. Therefore, it is non-conforming. A variance would be needed for that.

Village Attorney Eric Larson suggested to the Board is that we proceed and consider this variance application. If it is granted, there may be other problems. The inspector may not be able to issue the permit, unless the other problems are resolved, likely through a Certified Survey Map to combine the parcels which is something the property owner and Building Inspector could work through independent of the Board. If the Board faces that, they Board may want to note it in the motion if it is granted as something that will have to be resolved. That particular issue is not before the Board.

Member Mark Grady asked for clarification regarding the existing status because of the reduction for a narrow lot. If there were a principal residence on the southern lot, and they built it as proposed, it would be a narrow lot.

Building Inspector Michael Rakow commented.

Member Mark Grady further stated with two lots, they have to have a principal structure to have an accessory structure. If they leave it as two lots, the owners would have to build a principal structure to have this garage moved to the south. He is assuming the owners do not want to do that. If they combine the two lots, they no longer have a narrow lot requirement and the six feet no longer satisfies so the Board would have to address that in the variance. Under the assumption they would want to combine the lots, the Board still has the same question before them.

Village Attorney Eric Larson stated with that clarification, the Board should hear from the applicant as to what they want to do based on the new information. The owners would need to decide if they want to combine the two lots or if they wish to build a new principal structure.

Owners David Hanson

The Property Owners David Hanson was sworn in to provide testimony by the Village Clerk Treasurer.

Gabor Design Build, LLC Senior Sales and Design Associate Nick Burris

**VILLAGE OF FOX POINT
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521 *Gabor Design Build, LLC Senior Sales and Design Associate Nick Burris was sworn in to*
522 *provide testimony by the Village Clerk Treasurer.*

523
524 Chairman Nancy Filsinger asked the owner(s) to provide testimony regarding case.

525
526 Property Owner David Hanson noted that Nick Burris is with Gabor Design Build, LLC. When they
527 moved in there was a chain link fence where it is today. They considered it one lot for the entire 30 years that
528 they have lived there. He said the neighbors have said they thought they had a double lot. He thought nothing
529 more of it over the years. They were told the home was built in the 1930's. The original owner stopped in one
530 day and said that his father built the original garage in the early 1950's. For more than 70 years, the garage
531 has stood where it stands today. Our proposed rebuild moves it no closer to the back lot line than 70 years
532 earlier. The garage back wall is no closer to the lot line than it was 70 years earlier. Questions about
533 grandfathering and non-conforming structures have come up. The outset, Heidi and he were faced with the
534 structure needing to be rebuilt due to the need for a new roof, low grade and drainage issues. The detached
535 garage sits to the right of the house with a room off it. It is not a place that you would put a car. They are faced
536 with do they refurbish the garage or rebuild it. It is tight and there is not much room. They could put a roof on
537 and refurbish the structure. If they didn't change the footprint at all and kept the footprint identical. They
538 wouldn't want to do that if they didn't want to address the malfunction of it. He did speak to every neighbor
539 surrounding them except one homeowner who has not been home. No one stated they would have an issue
540 with it. Neighbors store things in their backyards and it is where they back yards converge. It is a wooded,
541 quiet, back corner. Hearing the standards from the other cases before you, if they do not fall under the non-
542 conforming structure, he understood that it must conform to the setbacks. He understood that to mean, they
543 must get a variance. They are seeking the 6.2 variance. The hardship they face if they were to move it out to
544 conform is it is unnecessarily burdensome. By moving it almost four feet towards Navajo, it narrows it to a
545 degree that is almost unworkable. They would rather move it to the south as there is room, but they want to
546 keep it at 6.2 from the lot line. It doesn't look right. They would like to have some space in the garage to make
547 it useful for the cars today, cars, etc. It will be useful if they are allowed to build as planned. The hardship is the
548 structure was built in the early 1950's and is not useful today. From the topography everything does run back
549 that way and they would like to address the drainage issues. This rebuild would assist in fixing some drainage
550 issues with the house. The balance between the hardship to the neighbors is that they do not want to radically
551 change the neighbors view or any other feature.

552
553 Member Mark Grady stated he is trying to figure out dimensions here. He is trying to figure out what
554 four feet does to the layout. He stated he would appreciate it if either the property owner or the contractor could
555 talk about the hardship of moving it four feet. Not from an aesthetic standpoint, just from a usability standpoint.

556
557 Gabor Design Build, LLC Senior Sales and Design Associate Nick Burris stated two things. As drawn,
558 the northeast corner, the one closest to the new covered porch, that point, flush with the back like that, is
559 acceptable and desirable to the owner. The four feet brings it substantially over to the back so when you are in
560 the covered porch, it would be in the site line and overlap to a degree of acceptance. Meaning if they had to go
561 that far east towards Navajo, they would be back to square one.

562
563 Village Attorney Eric Larson read the Village code regarding 745-4.

564
565 Member Mark Grady noted that it seems if you are building this structure in a different location, it
566 doesn't matter that it was 70 years of non-compliance, it now has to come into compliance absent a variance.
567 The fact that it might cost a little more to widen the driveway or to add some drainage for the garage if it is
568 moved 4 feet to the east is also not a consideration for the Board. He goes back to the question he asked
569 before, it seems to him that if you move the garage 4 feet to the east it will cost you more and may not look as
570 nice looking out of the covered porch. It would still be usable with the expanded garage and expanded space.
571 You would be able to get in and out of it with the driveway reconfigured. The only real issues he is seeing is
572 expense and aesthetics issues.

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Property Owner David Hanson stated those are some of the considerations but would add that it is not just the cost, you would be eating into yard to the east. He would submit that it is laid out with respect to the neighbors to see where it has been is no burden to the neighbors. Eating into the trees to the south lot line are 80 years old spruces and they would like not to have to remove them. The arborvitaes are also there and he sees this as a waste to move the garage into this area.

Member Thomas Dunst inquired if they considered flipping the garage to eliminate a lot of the visual issue that you have. It might even be more useful land up around the front of the house. It would be parallel to the house. There appear to be no trees in that area.

Property Owner David Hanson stated that moving it so the garage doors face the existing dwelling and that was really a non-starter because it would look more like two homes or two separate structures facing each other with a tunnel of yard and driveway between them.

Member Adam Bazelon asked the owner to speak with regard to the accessibility if the garage was moved four feet to the east. Would it be possible to leave the asphalt driveway where it is in this diagram or would it literally be impossible to get into the garage at that point.

Property Owner David Hanson stated what is possible and what is desirable are two different things. there may be some issues with turn radius for cars and it is a concern.

Member Adam Bazelon stated he agrees about not removing the trees if possible.

Property Owner David Hanson stated they would be using the strip to the west that no one uses or see. It would be unnecessarily burdensome.

Member Mark Grady stated that one of the clauses in the Wisconsin State Statutes is the unnecessary hardship is based on conditions unique to the property. What he thinks he hears the owner saying is that the condition that is unique to this property is that you have had this garage in its current location for 70 years. The conditions unique to the property is that pre-existing setback. It is not something else, except perhaps the drainage and the trees on the property.

Member Mark Grady asked that they Property Owner David Hanson talk about the drainage.

Property Owner David Hanson stated as he understood it, one cannot make water turn at right angles very easily. A better path is to do that more gradually. Having more room to make it less abrupt instead of creating some sort of longer run making it more gradual to move the water away from the home.

Closing of Testimony

Without objection and by unanimous consent, Chairperson Nancy Filsinger closed testimony at 7:11 p.m.

Village Attorney Eric Larson reminded the Board of the standards being applied to the variance.

Member Mark Grady commented that he does think that it is clearly not contrary to public interest in allowing the garage within 6 feet of another property, as it has been in existence already for 70 years. It is a hardship to move it. He is struggling with the last provision as to whether the property owner has demonstrated that the unnecessary hardship is due to conditions unique to the property.

Member Scott Ratke stated he not seeing anything unique and is struggling with trees being unique and it seems they could work around the drainage issue.

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Chairperson Nancy Filsinger stated what she is hearing is more of an aesthetic issue not a hardship issue.

Member Thomas Dunst stated he is having the same struggle as Chairperson Nancy Filsinger.

Member Adam Bazelon asked Member Mark Grady if he sees the drainage as a hardship issue and if he does how does, he articulate it? He is not understanding how the drainage is a hardship.

Member Mark Grady stated he is not sure whether it is enough to be considered a hardship.

Member Mark Grady stated he doesn't think, since he has been on the Board, that the issue regarding trees has ever been considered before. Every tree is unique perhaps. Every property that has trees is a concern. He doesn't know if trees can be considered a unique feature of the property. Perhaps Village Attorney Eric Larson can weigh in on this.

Chair Nancy Filsinger inquired if Village Attorney Eric Larson had anything for the Board.

Village Attorney Eric Larson stated one of the Board's obligations is to apply this standard in light of the spirit of the ordinance. The Board does have the ability and the obligation to try to determine the spirit of the ordinance. Throughout other parts of the code, the Board has expressed an interest in retaining all growth trees. We are a Tree City and we have a Forestry Department. There is an interest throughout the code to retain and protect the trees, especially old growth trees.

Member Adam Bazelon if this was brought into compliance by moving it four feet to the east, what would be the hardship of that and how determinative of whether or not to build. Having that 39-foot line, does not look like a huge difference. The tree there still looks like the driveway could be moved and turned. Does the Board have an obligation to enforce the setback? I don't know if it would be determinative for me whether to build.

Without objection and by consensus, Chairperson Nancy Filsinger reopened testimony.

Property Owner David Hanson stated that according to Munson and a few other contractors the owners have worked with, the pavement (as a tool) gives the designers more to work with on the drainage issue to reroute the water away from the home in a more gradual way. The trees are massive, older trees. They are 104 feet tall now. Wachtel Tree service is trying to preserve the trees with the pine spruce beetles that have given the trees some issues. He spent a fair amount of money to try to preserve the trees.

Member Scott Ratke inquired whether he had a lot of water issues unique to Property Owner David Hanson's property.

Property Owner David Hanson stated it was not a lot of water, but there is a cistern or a manhole covered near the home. It has been capped, but there is a space in there that makes There was cistern or well near the home that was capped. There is a space in there that makes that area susceptible to water. The designers suggested this should be worked with and drained away from the home.

Member Thomas Dunst asked for clarification on any trees that would need to be taken out.

Property Owner David Hanson stated he didn't know if any of the trees would have to be taken out yet. One very large arborvitae will have to come out.

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By consensus and without objection testimony was closed at 7:25 p.m.

Member Mark Grady stated on the one hand the Board is told they are supposed to enforce the ordinances. The public interest is 10-foot setbacks. On the other hand, it clearly seems a might silly when someone has had a garage sitting there for the last 70 years. It is not his duty to question the ordinance. They have to comply with the setbacks. It strikes me that when we weigh in on the public interest and the special conditions of the property, we are trying to balance those considerations. His gut says that the variance should be granted because it just seems like the right thing to do. If I read and put my lawyer hat on, I read these words very precisely in the Statutes. I am not sure whether we have unnecessary hardship based on conditions unique to the property. Ultimately what I find myself thinking is everyone seems to be struggling with the same thing, I think.

MOTION: CASE 2022-11

Motion by Member Mark Grady to grant the variance based on the following: the variance would not be contrary to the public interest of the village, relying on the fact that this garage has been in this position for so many years; the four feet is de minimis. In making the case that special conditions exist. Moving the garage four feet to bring it into compliance that is a literal enforcement of the provisions of the ordinance is also practical difficulty in terms of the turning radius for the vehicles and results in unnecessary hardship in the sense of making the driveway and the space less usable. The unique condition of the property is the trees and preserving the rural character of the property.

Member Thomas Dunst seconded the motion.

With no further discussion, the roll was called.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>
<u>Adam Bazelon</u>	<u>Aye</u>
<u>Nancy Filsinger</u>	<u>Nay</u>

Motion carries by roll call vote, (4-1, Opposed-Nancy Filsinger).

Adjourn

Motion by Chairperson Nancy Filsinger, Seconded by Member Adam Bazelon, and carried by roll call vote (5-0) or unanimously, to adjourn the meeting at 7:31 p.m.

Respectfully Submitted,

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

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

BOARD OF APPEALS

NOTICE OF APPEAL AND APPLICATION FOR REVIEW

1. Name of Appellant Summit Clinical Laboratories, LLC
Address of Appellant 21755 Gateway Road
Phone Number _____ 262-788-9311 414-305-2202
Home Work Cell
E-mail Address MikeM@SummitClinicalLabs.com
2. Address of Property 8643 N Port Washington Rd Fox Point, WI
Present Use of Property Testing Clinic
Proposed Use of Property _____
Owner's Name and Address if Different than Above Bryan J O'Boyle, CEO
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.

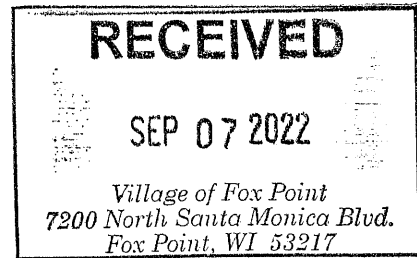
Appellant Name: Summit Clinical Laboratories

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: See brief history of events and corresponding emails
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]
Signature of Appellant

9-7-22

Date

For Office Use Only:

Date Application Received 9/11/2020 Receipt Number for \$200 Filing Fee 1.D58D67

Case Number CASE 2022-12 Hearing Date _____

Disposition _____

Summit Clinical Laboratories, LLC
21755 Gateway Road
Brookfield, WI 53045

We hereby appeal the following:

Village of Fox Point

**ORDER TO CORRECT CONDITION OF PREMISES at 8643 N. Port Washington Rd.
Fox Point, Wisconsin 53217**

Pursuant to Chapter 745-36 we believe this order is erroneous. As stated in emails and phone calls we were working on a solution and these solutions were presented to the Village Manager and Village Inspector. From our standpoint this has always been about having COVID symptomatic individuals being able to locate our clinic. On August 2nd, 2022, we received a court order to have our sign up by the 15th of August 2022. Due to the Village Inspectors blatant comments, inactions, and unwillingness to send a permit, we found it prudent to move forward with courts order of installation of the permanent sign. We are not trying to be defiant in any way! We are a COVID testing clinic and are trying to ensure that symptomatic individuals can clearly locate our clinic and not wander into other locations seeking a COVID Test. Which has occurred in the past when we previously requested to take our sign down.

Brief history of events:

Late April 2022: (Summit Clinical Laboratories; Village of Fox Point; Olympus Group)

Summit Clinical Laboratories (**SCL**) is made aware that our temporary sign permit has expired; SCL communicates via phone and email to Village of Fox Point (**VFP**) that we are working on a solution and have trepidation in removing our temporary sign. Due to prior complaints from neighbors, patients, and the health department unable to find our location. SCL reaches out to Olympus Group for quote and sign production.

May 2022: (Summit Clinical Laboratories, Olympus Group, Poblocki Sign Company)

5/3 Olympus Group referred SCL to Poblocki Sign Company (**PSC**). SCL registered on the PSC website to expedite sales/service request. 5/9 – 5/18 multiple emails were exchanged, and multiple calls were had to finalize artwork by SCL. 5/19 final artwork acknowledged by PSC and forwarded to PSC pricing. 5/23 SCL sent follow up email for pricing/proposal. 5/23 PSC sent proposal. 5/25 SCL signed and returned proposal, PSC acknowledged signed proposal and informed us that they would assign us a Project Manager. 5/26 SCL sent email to PSC asking for an update on production since we received a citation from VFP Police Department. 5/31 Project Manager assigned from PSC. PSC informed SCL that production of the sign will start after approval from the VFP Common Council. However, we could not get on the agenda until Mid-July.

May 2022: (Village of Fox Point, Summit Clinical Laboratories)

5/2 SCL informs VFP that we have filled out the permit and will drop off payment. 5/2 VFP informs SCL that Awning Signs are not permitted per the master sign plan. 5/9 SCL informs VFP that we have selected PSC to have our permanent sign manufactured; reiterated our concern in removing our temporary sign (previous history of COVID symptomatic individuals not being able to locate our clinic) 5/10 VFP suggests SCL remove temporary sign. 5/24 SCL received citation from Village of Fox Point Police Department per the order of the village inspector.

June 2022: (Summit Clinical Laboratories, Poblocki Sign Company)

6/13 PSC emailed SCL that the VFP reviewed and approved the sign permit. Informed us that the sign was being released to production. 6/24 SCL asked PSC for an update on the production status of the sign due to getting reinspection fees daily. 6/24 PSC informed SCL that production was in process but expect at least 6 weeks.

June 2022: (Village of Fox Point, Summit Clinical Laboratories)

6/1 SCL received citation from Village of Fox Point Police Department. SCL representative on site spoke with Officer John Adamaitis who did forward an email correspondence from village inspector. 6/6 SCL sends VFP email expressing concern in taking our temporary sign down. 6/13 VFP responds to email clearly ignoring our concerns for our neighbors or the

public in taking the temporary sign down; ONLY demanding that we do so! 6/24 SCL emails VFP, thanking them! Stating that PSC informed us that VFP approved our permit, and that we will continue to provide updates as we get them. HERE WE WANT TO POINT OUT THAT WE INFORMED VFP ABOUT THE PERMIT BEING COMPLETED, to date, they have not responded to this communication. We feel this is an egregious action on the village inspector's part. At the very least Mr. Rakow could have responded to this communication informing us that the permit had not been sent.

July 2022: (Summit Clinical Laboratories, North Shore Centers Partners) North Shore Centers Partners informed SCL that VFP was reinspecting the SCL temporary sign for a fee of \$100.00 per day. SCL communicated to North Shore Centers Partners that we would commit to pay this reinspection fee and it was for a greater good of the community that our sign remains posted. They fully understood our position and were appreciative that we were willing to have symptomatic individuals locate our clinic.

August 2022: (Summit Clinical Laboratories, Poblocki Sign Company)

8/4 SCL is made aware that our permanent sign has been produced by PSC. When performing their due diligence for installation it was discovered that although the permit was verbally issued and PSC sent in payment, the actual document had not been received by PSC. Had PSC not gotten verbal approval for a permit, PSC would have never produced the sign for SCL. Although the sign for SCL had been produced by PSC, they could not move forward with install due to the permit not being sent by VFP. PSC made a call to VFP inspector, and he affirmed that the permit was not sent due to the temporary sign issue. PSC informs SCL via phone of the current situation. SCL requests email from PSC for a history of events on their interactions with VFP. Several additional calls and emails were exchanged between PSC and SCL between 8/4 and 8/11. 8/12 SCL takes delivery of permanent sign from PSC; SCL installs sign to obey court order from 8/2/2022.

August 2022: (Summit Clinical Laboratories, Village of Fox Point)

8/4 SCL calls VFP village manager who in turn transfers us to the village inspector regarding the delay in sending the permit. The conversation was extremely contemptuous and displayed an unwillingness to partner/remedy a solution. The following are direct quotes from the VFP inspector during the call: "Well, if they have something in writing, they got me" **and** "let's see, I have been dealing with this since April 20th; 2, 3 months; I'll get it done within 2 or 3 months, after the sign comes down". SCL had asked if the village inspector would be willing to provide a recap of the conversation in an email and he stated "sure". VFP did not send an email to recap the conversation. SCL emailed VFP an informal transcript of the conversation. 8/15 SCL receives email from Midland Management, LLC with a Village of Fox Point order to correct that was mailed.

Our appeal will demonstrate a history of professional communications by Summit Clinical Laboratories, LLC; limited email interactions with the village inspector; one (1) returned email from the Village Manager that was self-promoting, pointed and threatening; email communications from Poblocki Signs that Poblocki was led to believe that the permit was issued, and the recording of a phone call between Mike Mattes, Summit Clinical Laboratories, LLC and Mike Rakow, Village of Fox Point Inspector. We believe this information will demonstrate a clear understanding of the abuse of power by the village representatives. It will further show a true understanding of how uninformative the village representatives have been. Again, we fully understand that we were out of compliance with our temporary sign and have monetarily paid for the noncompliance. This has all been done for the greater good of symptomatic individuals, the community, and surrounding businesses. For the village representatives to hold a grudge and abuse their power; we believe this order is erroneous. This is an administrative violation and not harmful to the public in any way. Yet, the village representatives have deemed it necessary to use our permit as a weapon against us. For further demonstration, Summit Clinical Laboratories has been charged reinspection fees, in excess of \$3,500.00 for a sign facing a commercial parking lot, not even clearly visible from the road. We are hopeful that all these items are taken into consideration for our appeal.

Respectfully submitted,

Summit Clinical Laboratories, LLC

From: Andy Kieck <andy.kieck@olympusgrp.com>
Sent: Friday, April 29, 2022 2:30 PM
To: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>; Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: RE: Fox Point Sign

Hey Faisal,
Please advise if approved. Same size and price as before.
\$485

Andy Kieck
Olympus Group
T: 414-365-9714
C: 262-424-8030

From: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Sent: Friday, April 29, 2022 12:52 PM
To: Andy Kieck <andy.kieck@olympusgrp.com>; Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: Fox Point Sign

Andy,

Can you please help us get a sign just like we did in Madison (Metal One) for Fox Point? I have included Eric on this email. He is our facilities manager. He is currently working with Fox Point. They are not the nicest of people.

Thanks,



Faisal Ahmed-Yahia
Director of Sales & Outreach
Summit Clinical Laboratories
21755 Gateway Rd
Brookfield, WI 53045
C: 262-510-3000
F: 262-788-9203

From: Andy Kieck <andy.kieck@olympusgrp.com>
Sent: Tuesday, May 3, 2022 4:34 PM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: RE: Fox Point Sign

They would be a better fit for something like this, especially if they are familiar with the area and current construction.

No hard feelings.

Andy Kieck
Olympus Group
T: 414-365-9714
C: 262-424-8030

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Tuesday, May 3, 2022 4:30 PM
To: Andy Kieck <andy.kieck@olympusgrp.com>
Subject: Re: Fox Point Sign

No, I didn't reach out to Poblocki. I know you and Faisal are good friends, so we def want to use you for the sign if possible. Obv no hard feelings if you want us to use Poblocki

Eric Jansen
Director of Building Services
Summit Clinical Laboratories
21755 Gateway Rd
Brookfield, WI 53045
C: 414.731.8028

From: Benes, Blair <bbenes@poblocki.com>
Sent: Monday, May 9, 2022 2:37 PM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: Signage

Eric,

Thanks for talking, please send me the copy you want to appear on the sign and any logos/artwork. Please send any artwork as Vector artwork with outlines, typically an EPS or AI file will suffice.

We'll need up to 3 days for the rendering, then about 3-5 days for pricing. Upon quote approval we're at about 6-8 weeks for fab and install. We'll procure the permit, any City fee will be passed to you at cost only, I'd expect around \$75 fee for something like this but that's an estimate.

We'll handle fab and install. I look forward to working with you.

Thank you,



Blair Benes
SENIOR SALES EXECUTIVE

Direct: 414-232-0234
Main: 414-453-4010

Poblocki.com

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Wednesday, May 25, 2022 11:25 AM
To: Benes, Blair <bbenes@poblocki.com>
Subject: Re: 93940 UMMIT CLINICAL LABORATORIES RIVERPOINT - PROPOSAL

Here is the signed proposal

Eric Jansen
Director of Building Services
Summit Clinical Laboratories
21755 Gateway Rd
Brookfield, WI 53045
C: 414.731.8028

From: Benes, Blair <bbenes@poblocki.com>
Sent: Monday, May 23, 2022 2:23 PM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: 93940 UMMIT CLINICAL LABORATORIES RIVERPOINT - PROPOSAL

Hi Eric,

Please see the proposal attached, looking at about 5-6 weeks to fab and install once we have the permit.

Thank you.



Blair Benes
SENIOR SALES EXECUTIVE

Direct: 414-232-0234
Main: 414-453-4010

Poblocki.com

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Thursday, May 26, 2022 9:49 AM
To: Benes, Blair <bbenes@poblocki.com>
Subject: Re: Signage

Hi Blair,

We received a citation this morning for our temporary sign, so I have to go take it down... So at this point, our collection site is unmarked and very difficult to find. I know you guys are backed up, but if there is ANY way you can expedite the process, we'd be so grateful.

Eric Jansen

Director of Building Services

Summit Clinical Laboratories

21755 Gateway Rd

Brookfield, WI 53045

C: 414.731.8028

From: Jenson, Drew <djenson@poblocki.com>
Sent: Tuesday, May 31, 2022 11:04 AM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Cc: Benes, Blair <bbenes@poblocki.com>
Subject: 93940 Summit Clinical Laboratories

Good morning, Eric – I hope you had a great holiday weekend! I wanted to let you know I will be the Project Manager for this scope and right now I am having the face change permit applied for while we make some updates to the drawings. The city does require a board meeting for sign permits and the next meeting we can get on to is going to be July 13th. We're going to work with the municipality on what can be done to expedite this process, seeing as this is just a change of face, and I will keep you updated on that progress. Production would be about 6 weeks from when permits are issued, which if we can get a staff level approval ahead of that board meeting, we can provide you with a production waiver that would allow us to start fabrication while we wait for that meeting date. I will have more information shortly.

Please let me know if you have any questions along the way. Looking forward to working with you on this!

Thank you,



From: Jenson, Drew
Sent: Thursday, August 4, 2022 1:28 PM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Eric Jansen <ericj@SummitClinicalLabs.com>
Subject: RE: History of events

Hey Mike – It was good to chat with you today. We had the submittal for the permits completed on 06/03, emailing the application to Mike, the building inspector. By 06/10 we had received a verbal approval that the permit was being issued, so we generated the payment of \$70 for the permit fee and mailed in the check. We proceeded with preproduction and then production of the sign, wrapping that up by 07/28. We noticed that the permit copy had not been received yet, so our permit technician made a call out to Mike to follow up for that, which is when we received his email response advising the permit had not been issued due to the banner situation.

I was informed of the fining situation at the end of June, so we moved to have production wrapped up as soon as we could. My conversation with Mike confirmed that the issuing of the permit is on hold until the banner has been removed, and we can't install without approval from the municipality to do so.

I am understanding more of the situation you have been in, and if following the municipality's requirements to have the banner removed ahead of install, we will follow up with them immediately after it is removed to ensure they can have the permit issued ASAP so we can complete our install.

Please let me know if you have any further questions.

Thank you.



From: Jensen, Drew
Sent: Thursday, August 4, 2022 4:53 PM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Eric Jansen <ericj@SummitClinicalLabs.com>
Cc: Burton, Deb <DBurton@poblocki.com>
Subject: RE: History of events

Hey Mike – I am sorry for the delay on getting these to you, I was out on site. Attached is the email correspondence between our permit tech, Deb, and Mike recapping the verbal conversation that was had between the two of them. It does not have Mike confirming those points back, however.

I saw your email earlier and see that the banner is down. I will let you know as soon as Mike advises the permit is issued in case he relays that to us instead of you.

Considering the legal proceeding surrounding this, would you prefer that I don't follow up with Mike directly until you have seen a response to your email to him?

Thank you,



Drew Jensen
PROJECT MANAGER

Cell: 414-242-7035
Main: 414-453-4010

Poblocki.com

From: Jensen, Drew <djensen@poblocki.com>
Sent: Monday, August 8, 2022 10:43 AM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Eric Jansen <ericj@SummitClinicalLabs.com>
Cc: Burton, Deb <dburton@poblocki.com>
Subject: RE: History of events

Good morning, Mike – We received feedback from Mike at Fox Point confirming that he will get this approval completed in the next couple of weeks. He is on vacation next week and advised that he will have the permit issued the latter part of week of Aug 21, so we will aim installation for the end of that week, depending on when the permit is issued. Otherwise, it will be the beginning of the following week.

I will follow up if anything changes or if we receive the permit sooner.

Thank you,



Drew Jensen
PROJECT MANAGER

Cell: 414-242-7035
Main: 414-453-4010

Poblocki.com

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Tuesday, April 26, 2022 10:07 AM
To: Michael Rakow <mrakow@villageoffoxpoint.com>
Cc: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Subject: sign permit

Hello,

My name is Eric Jansen with Summit Clinical Labs. I know you have been in touch with Faisal. He has handed this off to me, as I am our Director of Building Services. We'd like to come to an agreement about the signing issue at our collection site at 8643 N Port Washington Rd. We plan to occupy this space until March of 2023. Covid is obviously a fluid situation, and by nature this is a temporary arrangement.

This address is extremely difficult to find for a lot of our patients and even staff members who are going there for the first time. As you know, it is in a back parking lot which only has a small entrance. Until you are directly in front and see our sign, you'd likely never know that you're in the right spot. Again, with this likely being a somewhat temporary arrangement, we'd truly appreciate any consideration in allowing us to keep our current sign. I have attached photos of the sign to this email. We would be happy to pay any permit fees associated with this.

We have enjoyed serving the community of Fox Point and providing a fast and accurate Covid testing service.

Please let us know what we need to do moving forward, and thank you for any consideration.

Eric Jansen
Director of Building Services
Summit Clinical Laboratories
21755 Gateway Rd
Brookfield, WI 53045
C: 414.731.8028

From: Michael Rakow <mrakow@villageoffoxpoint.com>
Sent: Thursday, April 28, 2022 3:53 PM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Cc: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Subject: RE: sign permit

The temporary sign in the pictures shall be removed, if not already. It has exceeded the 90 day limit. If you would like a permanent wall sign, an application has been attached. The permanent wall sign has to follow the master sign plan. If none of these options are appealing, you may go the Board of Appeals for a variance.

Regards,

Michael Rakow
Building Inspector



7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247 6622
www.villageoffoxpoint.com

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Monday, May 2, 2022 2:04 PM
To: Michael Rakow <mrakow@villageoffoxpoint.com>
Cc: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Subject: Re: sign permit

Michael,

I have included our sign permit application and drawing from our signing contractor for a new permanent sign for our collection site at 8643 N Port Washington Rd. I will drop the \$75 check off at your village hall. Please let us know the next steps or anything else you need and when we can give our contractor the go-ahead to make this sign.

Eric Jansen

Director of Building Services

Summit Clinical Laboratories

21755 Gateway Rd

Brookfield, WI 53045

C: 414.731.8028

From: Michael Rakow <mrakow@villageoffoxpoint.com>
Sent: Monday, May 2, 2022 3:00 PM
To: Eric Jansen <ericj@SummitClinicalLabs.com>
Cc: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Subject: RE: sign permit

Awning signs are not approved in the master sign plan. If you would like this type of sign, the master sign plan will have to be updated.

Regards,

Michael Rakow
Building Inspector



7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247 6622
www.villageoffoxpoint.com

From: Eric Jansen <ericj@SummitClinicalLabs.com>
Sent: Monday, May 2, 2022 3:50 PM
To: Michael Rakow <mrakow@villageoffoxpoint.com>
Subject: Re: sign permit

Michael,

I just got an update a few minutes ago from Poblocki Sign Company who we've hired to do the permanent sign at our location at 8626 N Port Washington Rd in your village. We hired Poblocki instead of our usual sign company because they have a relationship with your community and had originally produced all of the signs for the entire complex that we are part of. Unfortunately, there was a delay in production, and they are looking now at 6-8 weeks for completion of our sign.

Our contractor has also not been able to stop out at the collection site to remove the temporary sign yet. I know that the village has been patient with allowing us to have a temporary sign in place, but we are asking for a few more weeks of permission until our permanent sign is finished.

This location is very difficult to find, and many of our patients have walked into CVS or Walgreens asking if they were doing Covid testing for Summit Clinical Labs because they could not find our site even with the existing signage. Covid is again in another surge, and we need citizens of your community to be able to find our facility to be tested. We have greatly enjoyed servicing the community of Fox Point and providing the citizens with fast and accurate Covid testing.

Eric Jansen

Director of Building Services

Summit Clinical Laboratories

21755 Gateway Rd

Brookfield, WI 53045

C: 414.731.8028

From: Michael Mattes <mikem@SummitClinicalLabs.com>
Sent: Monday, June 6, 2022 3:42 PM
To: Scott Botcher <sbotcher@villageoffoxpoint.com>
Cc: Michael Rakow <mrakow@villageoffoxpoint.com>; Eric Jansen <ericj@SummitClinicalLabs.com>; Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>
Subject: Summit Clinical Laboratories, LLC temporary sign

Mr. Botcher,

We are humbly requesting to stop receiving citations for violation ordinance 540-3.A; Sign Violation. We are in a very precarious situation due to the location of our clinic, truly it's not easy to find. If we take our temporary sign down, we may have individuals with COVID symptoms entering other businesses looking for Summit Clinical Laboratories, LLC. Our adjoining neighbors are Friendship Café (coffee house) and Nurturing Nook (daycare). Previously, we have received complaints from other businesses that symptomatic individuals were entering their location looking for Summit Clinical Labs for a COVID Test.

We are a service to the community; we serviced an average of 114.2 patients daily with a positivity rate in of 21% over the last 30 days. This data is specifically related to the Summit Clinical Laboratories, Fox Point Location. We continually monitor the statewide statistics as well, per the latest results dated today: "An average of **1,953 cases per day** were reported in Wisconsin in the last week. **Cases have decreased by 11 percent** from the average two weeks ago. **Deaths have increased by 55 percent.**" We are only providing this statistical information so there is an understanding how critical it is that individuals can locate us.

We have been working on a solution for several months and have one. However, we can't even have the sign produced until it is approved by the Village of Fox Point, Common Council. We are set for that meeting on July 13th and anticipate no objections per Poblocki Signs. Yet, we have trepidation in taking our sign down, that symptomatic individuals are unable to locate us and may enter other businesses seeking a COVID Test.

Even if we could pay a fee to extend our temporary sign permit until we get our sign manufactured, it would be helpful during this time of transition.

Kind regards,

Mike Mattes
Summit Clinical Laboratories, LLC
21755 Gateway Road
Brookfield, WI 53045

From: Scott Botcher <sbotcher@villageoffoxpoint.com>
Sent: Monday, June 13, 2022 11:16 AM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>
Cc: Michael Rakow <mrakow@villageoffoxpoint.com>; Eric Jansen <ericj@SummitClinicalLabs.com>; Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Kevin Ausman <kausman@villageoffoxpoint.com>
Subject: RE: Summit Clinical Laboratories, LLC temporary sign

Good morning,

This temporary signage issue was clearly communicated to Summit when Summit moved into Fox Point on an emergency basis (without having to go through the normal approval process, by the way).

This situation could have been avoided had Summit addressed the signage far earlier, perhaps when you moved in. That was 2 years ago, it still hasn't been addressed, and now Summit is asking for special treatment again.

I worked with Summit when their request to come into Fox Point was brought to me, again, without having to go through the normal approval process. (Please note I was glad to grant permission under my emergency powers, but at some point I will withdraw this permission, so you may wish to address this matter soon should you wish to be a permanent commercial resident. It is not a difficult process, but you will need to do it.)

In closing, between expediting your move to Fox Point by my emergency order (avoiding that time and expense) and greatly reducing the number of citations we could issue (we could issue one per day and have not), I think we have done all we should do and more for Summit.

Simply asking Summit to comply with a Fox Point single ordinance in this whole process is reasonable.

Scott A. Botcher
Village Manager
Village of Fox Point
414-247-6620



From: Michael Mattes
Sent: Friday, June 24, 2022 11:39 AM
To: Scott Botcher <sbotcher@villageoffoxpoint.com>
Cc: Michael Rakow <mrakow@villageoffoxpoint.com>; Eric Jansen <ericj@SummitClinicalLabs.com>; Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>; Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Kevin Ausman <kausman@villageoffoxpoint.com>
Subject: RE: Summit Clinical Laboratories, LLC temporary sign

Hello Mr. Botcher,

We received an update from Poblocki Signs that our permit was approved by the Village of Fox Point for our sign. It is currently in production and hope to have it installed soon. They couldn't commit to a specific date for production and install. However, we will continue to communicate with you as we know more.

More so than anything, we are very thankful for the partnership with the Village of Fox Point. If we have not expressed it before, thank you for all that you have personally done. As you are aware, there was no established playbook nor timetable for COVID. We provide a service that is for the greater good of the community and will continue to do so until we get out of this pandemic. Given the research, statistics, reports, and inoculations; we would have never thought that we would have been at this location for 2 years. Every time we think COVID is going to go away; we have another surge.

Again, we are in a very precarious situation due to the location of our clinic. We are not trying to be defiant, nor do we want to create any hardships. Our overall fear remains that if we take our sign down; symptomatic individuals may not be able to find our location.

With great optimism, we are hopeful to have our permanent sign in place as soon as possible.

Kind regards,
Mike Mattes
Summit Clinical Laboratories, LLC
21755 Gateway Road
Brookfield, WI 53045

From: Michael Mattes
Sent: Thursday, August 4, 2022 4:30 PM
To: Michael Rakow <mrakow@villageoffoxpoint.com>; Scott Botcher <sbotcher@villageoffoxpoint.com>; Emckenzie@Villageoffoxpoint.com
Cc: Bryan O'Boyle <BryanO@SummitClinicalLabs.com>; Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>; Eric Jansen <ericj@SummitClinicalLabs.com>; djenson@poblocki.com
Subject: Delay with sign permit for Summit Clinical Laboratories, LLC

Mr. Rakow,

I had asked you for an email regarding our conversation and you stated you would provide one. However, this did not happen. I'm providing a recap of our conversation and asking for you to attest to your position on issuing sign permit for Summit Clinical Laboratories, LLC.

Per our phone conversation today regarding the issuance of a permit for our sign, I introduced myself as Mike Mattes from Summit Clinical Labs. I stated that our sign was produced and ready for installation from Poblocki Signs. Unfortunately, we were informed that they can't install it due to a permit not being issued. You stated "nothing has been approved yet" I reiterated that the sign would have never been produced if the permit was not issued. "Well, if they have something in writing, they got me" I stated that we are taking our temporary sign down today (August 4th, 2022). Placing an emphasis that we want to get the permanent sign taken care of as soon as possible. When asked if we could get a permit issued tomorrow, you stated "can't guarantee anything". When asked for a realistic time frame, you stated "let's see, I have been dealing with this since April 20th; 2, 3 months; I'll get it done within 2 or 3 months, after the sign comes down". I went on further to ask if you were willing to put all of this in an email and you stated "Sure". I stated thank you, and that was the end of the call.

This is my recollection of the conversation and need your confirmation.

In addition, I have included photos that we have removed our temporary sign. Again, we must reiterate our concern with the removal of our temporary sign but have adhered to your demands.

Ellen, we have included you on this communication to forward to the Judge that we met with during our pretrial. Please forward this to him as this may be a delay in further proceedings.

Kind regards,
Mike Mattes







From: Sheila Sanders <ssanders@midlandmgtllc.com>
Sent: Monday, August 15, 2022 1:18:00 PM
To: Faisal Ahmed-Yahia <FaisalA@SummitClinicalLabs.com>
Subject: Village of Fox Point

Faisal –

Attached notice arrived from the Village of Fox Point in today's mail....

Sheila Sanders
Midland Management, LLC
414-928-3974 direct

Kelly Meyer

From: Michael Mattes <MikeM@SummitClinicalLabs.com>
Sent: Wednesday, September 14, 2022 3:53 PM
To: Kelly Meyer
Cc: Bryan O'Boyle
Subject: RE: V Fox Point - Board of Appeals Application Incomplete

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Kelly,

Just for clarification, you are requesting for us to place the below information into the narrative that we drafted:

- a. What date was the order issued? **8/12/2022**
- b. Who issued the order? **Mike Rakow, Village of Fox Point Building Inspector**
- c. If there are multiple orders, identify each one. **We are only aware of one, please see attached.**

Or would it be possible for me to print this email and add it into the appeal application already submitted? If so, I can drop it off tomorrow.

Kind regards,

Mike Mattes

From: Kelly Meyer <kmeyer@foxpointwi.gov>
Sent: Wednesday, September 14, 2022 8:52 AM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>
Cc: Bryan O'Boyle <BryanO@SummitClinicalLabs.com>
Subject: RE: V Fox Point - Board of Appeals Application Incomplete
Importance: High

Hi Michael.

We did receive your application on 9/7/2022. The application should be updated with the below information for Board of Appeals or it is considered incomplete. I saved the Order to Correct to your Case file.

Please update the application attachment information you originally submitted to include the below details.

I will hold the current information in the office. Thank you.

Sincerely,



Kelly A. Meyer, CMC/WCMC/CMTW
Professional Village Clerk Treasurer
Village of Fox Point, Population 6733

Milwaukee County
7200 N Santa Monica Blvd.
Fox Point, WI 53217
(414) 351-8900 – Main
(414) 351-8909 – Fax
E-mail: kmeyer@foxpointwi.gov
Website: <http://www.villageoffoxpoint.com>
MyVote Wisconsin: <https://myvote.wi.gov/en-us/>



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From: Michael Mattes <MikeM@SummitClinicalLabs.com>
Sent: Monday, September 12, 2022 3:24 PM
To: Kelly Meyer <kmeyer@foxpointwi.gov>
Cc: Bryan O'Boyle <BryanO@SummitClinicalLabs.com>
Subject: RE: V Fox Point - Board of Appeals Application Incomplete

Hello Kelly,

Thank you for reaching out for the additional information. Your patience with us is greatly appreciated, as we have never filed for an appeal before.

- a. What date was the order issued? **8/12/2022**
 - b. Who issued the order? **Mike Rakow, Village of Fox Point Building Inspector**
 - c. If there are multiple orders, identify each one. **We are only aware of one, please see attached.**
2. If you have a copy of the order you are appealing, please include a copy or copies with your application to clarify the above.

I also want to confirm that we submitted our application on 9/7/2022, do you need another copy of the application?

Kind regards,

Mike Mattes

From: Kelly Meyer <kmeyer@foxpointwi.gov>
Sent: Monday, September 12, 2022 2:38 PM
To: Michael Mattes <MikeM@SummitClinicalLabs.com>
Subject: RE: V Fox Point - Board of Appeals Application Incomplete
Importance: High

Good afternoon, Mike.

I had some time to review your application. You will need to submit the following for the application to be considered complete:

1. Identify the "order to correct condition of premises" specifically
 - a. What date was the order issued?
 - b. Who issued the order?
 - c. If there are multiple orders, identify each one.
2. If you have a copy of the order you are appealing, please include a copy or copies with your application to clarify the above.

Until we receive the additional information, we cannot process the application.

Please submit this information as soon as possible.

Thank you.

Sincerely,



Kelly A. Meyer, CMC/WCMC/CMTW
Professional Village Clerk Treasurer
Village of Fox Point, Population 6733
Milwaukee County
7200 N Santa Monica Blvd.
Fox Point, WI 53217
(414) 351-8900 – Main
(414) 351-8909 – Fax

E-mail: kmeyer@foxpointwi.gov

Website: <http://www.villageoffoxpoint.com>

MyVote Wisconsin: <https://myvote.wi.gov/en-us/>



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VILLAGE OF FOX POINT

7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247-6622

ORDER TO CORRECT CONDITION OF PREMISES

NORTH SHORE CENTERS
PARTNERS
555 W BROWN DEER RD #220
BAYSIDE WI 53217

Date: August 12, 2022

Tax Key: 0538989001

RE: 8643 N PORT WASHINGTON RD, Fox Point, Wisconsin 53217
(Location of Premises)

An inspection of the premises at the above address on August 12, 2022 revealed conditions that are in violation of the Code of the Village of Fox Point.

Failure to correct the violations noted herein within the time set may subject you to prosecution and to penalties ranging from \$25 to \$2,500 per violation per day (plus court costs) in the manner provided in Chapter 1-4 of the Code of the Village of Fox Point.

Pursuant to Chapter 745-36, you may appeal an order, requirement, decision or determination made by the Building Inspector, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the order, requirement, decision or determination, by filing a notice of appeal with the Village Clerk/Treasurer on the prescribed form specifying the grounds for the appeal, and paying the prescribed fee.

Violation:

Your property currently displays work without permits in violation of Chapter 756-7A of the Code of the Village of Fox Point. The work is not in accordance with the following regulation:

Chapter 756-7A States the following: "Permits required. No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the municipality or moved into, within or out of the municipality except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector."

Action Required:

Please remove your sign until a sign permit is obtained to comply with the Code of the Village of Fox Point.

Correction Deadline:

You are hereby ordered to correct this violation by August 15, 2022.

Questions, comments, or concerns regarding this order shall be directed to Building Inspector Michael Rakow by calling (414) 247-6622. You may also wish to visit the Village web site at www.villageoffoxpoint.com for a look at the entire Code of the Village of Fox Point.

I, 
this official order on August 12, 2022.

Michael Rakow, Building Inspector of the Village of Fox Point, mailed



VILLAGE OF FOX POINT

7200 N Santa Monica Blvd

Fox Point, WI 53217

(414) 247-6622

ORDER TO CORRECT CONDITION OF PREMISES



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

414-351-8900

Receipt No: 1.058067

Sep 7, 2022

Summit Clinical Lab-BOA App

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 2531	
Payor: Summit Clinical Lab-BOA App	
Total Applied:	200.00
Change Tendered:	.00

Duplicate Copy

09/07/2022 11:50 AM



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 INTERPRETATION OF BUILDING CODE &
REVERSAL OF ORDER, REQUIREMENT, DECISION OR DETERMINATION OF
ADMINISTRATIVE OFFICIAL**

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Wednesday, November 23, 2022 at 5:00 p.m. to hear the following appeal:

1. **Case 2022-12: 8643 N Port Washington Rd.** The applicant appeals pursuant to Village Code Sections 7-2, 756-7 A, 745-36 and Chapter 540, as the applicant contends an Order to Correct issued by the Building Inspector is erroneous. The applicant seeks reversal of the order. Specifically, the applicant appeals an Order to Correct issued by the Village Building Inspector on August 12, 2022 which order alleged the property was in violation for failure to obtain a sign permit.

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

Posted: [October 21, 2022]

§ 756-7. Permits.

- A. Permits required. No building or structure, or any part thereof, shall hereafter be built, enlarged, altered or demolished within the municipality or moved into, within or out of the municipality except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. Permits required are as follows:
- (1) Building.
 - (2) Air conditioning. See § 756-34A(2).
 - (3) Wrecking or razing.
 - (4) Heating.
 - (5) Moving of buildings.
 - (6) Occupancy.
 - (7) Reroofing and residing.
 - (8) Other permits as required by governing municipality.
- B. Application for permits. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector, by the owner of the subject property, the owner's agent who shall provide proof of such agency to the satisfaction of the Building Inspector, or a person having a legal and enforceable right to procure title or interest in the property as would allow the right to build thereon. With such application, there shall be submitted to the Building Inspector three complete sets of plans, specifications and three copies of a survey. A building permit shall be issued to an individual or entity who has acquired title in the property.
- (1) Survey. The survey shall be prepared and certified by a surveyor registered by the State of Wisconsin; shall be made, in no case, prior to one year prior to the issuance of a building permit; and shall bear the date of the survey. The certified survey shall also show the following:
 - (a) Location and dimensions of all buildings on the lot, both existing and proposed.
 - (b) Dimensions of the lot.
 - (c) Dimensions showing all setbacks to all buildings on the lot.
 - (d) Proposed grade of proposed structure, to city or village datum.
 - (e) Grade of lot and of road opposite lot.
 - (f) Grade and setback of adjacent buildings. If adjacent lot is vacant, submit elevation of nearest buildings on same side of the road.

- (g) Type of monuments at each corner of lot.
 - (h) Watercourses or existing drainage ditches.
 - (i) Seal and signature of surveyor.
 - (j) A clear delineation of the private property line adjacent to the Village right-of-way.
- (2) Plans and specifications. All plans and specifications must be drawn at a scale that adequately illustrates all of the required information in sufficient detail to demonstrate code compliance, to the satisfaction of the Village staff reviewing the application, on paper or cloth in ink, or by some other process that will not fade or obliterate, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected.
- (a) A complete set of plans for residential construction shall consist of:
 - [1] All elevations.
 - [2] All floor plans.
 - [3] Complete construction details.
 - [4] Fireplace details (3/4 inch per foot) showing cross-section of fireplace and flues.
 - [5] Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
 - (b) All plans shall remain on file in the office of the Building Inspector until at least one year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public record or may destroy them.
- C. Waiver of some requirements. At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
- D. Seal of registered engineer or architect. All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one- and two-family residences, containing more than 50,000 cubic feet, total volume, submitted with an application for permit shall bear the seal of the registered architect or engineer. The plans shall also be stamped as approved as required by the Department of Safety and Professional Services of the State of Wisconsin. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be

responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer, with the Building Inspector, with the application for permit.

E. Drainage.

(1) Grading of lots.

(a) A drainage plan is required:

- [1] For applications for the construction of a new principal building;
- [2] For applications for land disturbing activity requiring a permit that affects the surface area of 4,000 square feet or more;
- [3] For applications for land disturbing activity (other than tree removal) on the face of a ravine bluff or lake bluff;
- [4] For all circumstances where a fill permit is required pursuant to Chapter 272 of this Code; and
- [5] When required by the Village in particular cases due to particular concerns arising in the application.

(b) The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grade shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or stormwater sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times. The plan shall include a pre- and postdevelopment flow analysis which must address all of the following issues:

- [1] Flows off the property in the two-, ten-, and one-hundred-year storm events in both conditions.
- [2] If there will be fill brought to the site, where the excavated soils will be stockpiled until grading activities occur; also, if soils will be delivered to the site and stockpiled prior to grading, identify these locations.
- [3] Identify the cuts and fills on the property.
- [4] Identify the depth and width of flows at the property line, in both

conditions.

[5] Identify how the stormwater that drains toward the road will be tied into the Village system.

- (2) Stormwater drains. No dwelling shall be erected nor shall existing provisions for conveyance of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No stormwater or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

F. Building Inspector to issue permit.

- (1) If the Building Inspector finds that the proposed building will comply in every respect with this chapter, other municipal ordinances, and all laws of the State of Wisconsin, and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.
- (2) In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.
- (3) For the construction of buildings requiring approval of the Department of Safety and Professional Services of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.

G. Inspector may revoke permits.

- (1) The Building Inspector may revoke any permit, occupancy permit or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (a) Whenever there is a violation of any regulation of this chapter or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.

- (c) Whenever there is any violation of any condition or provision of the application for permit or of the permit.
 - (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.
- (2) The notice revoking a permit, occupancy permit or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this chapter.
- H. Fees. Before receiving a building permit, the owner or his agent shall pay the applicable fee as described in Chapter 63 of this Code. In applying the provisions of this chapter in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs or as otherwise provided in the local ordinance.
- I. Expiration and renewal. **[Added 5-14-2013 by Ord. No. 2013-03]**
- (1) Permit expiration. Permits that are subject to the Wisconsin Administrative Code SPS Chapter 320 shall expire as described therein. All other permits shall expire 24 months from the date of issuance of the permit, unless a shorter duration is prescribed by other applicable laws or ordinances. All work depicted in the approved plans shall be completed prior to the expiration of the permit, except as follows. The Building Inspector may extend in writing the duration to no later than June 1 following the expiration date, for the sole purpose of completing exterior seeding, sodding, planting and related site work depicted in the approved plans, in the event the Building Inspector finds that weather conditions unreasonably inhibit or prevent completion of such work during the term.
 - (2) Permit renewal. In the event the work is not completed as required prior to the

expiration of the permit, the permit may be renewed pursuant to this subsection if all of the conditions and requirements of this subsection are satisfied. The permit holder must apply for renewal prior to the expiration of the permit, or within 30 days following the expiration of the permit. The renewal application must be for completion of the same work, with the same plans, as was initially approved when the initial permit was issued; unless such initial plans were later revised and approved by all applicable authorities of the Village, in which case the renewal application shall be for completion of the revised work and revised plans, as previously approved by the Village. The fee described in Chapter 63 of this Code shall be paid for the renewal permit, except that the amount shall be calculated based upon the work that remains to be done, not based upon all of the work contemplated by the initial permit application. No more than one renewal permit may be granted for any project. The Village Building Inspector may grant renewal permit applications upon finding that the conditions of this subsection are satisfied, without conducting further review or referral of the matter, and in particular, the review and referral contemplated by Chapter 19, Article II, Building Board, of this Code shall not apply to a renewal application under this subsection. All conditions imposed on the initial permit shall carry forward and apply to the renewal permit, even if not specifically stated therein. The Building Inspector may impose reasonable conditions upon any renewal permit granted pursuant to this subsection, including, but not limited to, conditions designed to ensure that all exterior site work and exterior structure work on the project is promptly completed, and conditions designed to eliminate or reduce any adverse impacts of the construction project on surrounding properties.



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

BOARD OF APPEALS NOTICE OF APPEAL AND APPLICATION FOR REVIEW

1. Name of Appellant Petrus V Lindeque

Address of Appellant 7411 N Santa Monica Blvd

Phone Number 414-228-7778 414-241-9446
Home Work Cell

E-mail Address lindeque@ameritech.net

2. Address of Property 7411 N Santa Monica Blvd

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 (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: Petrus V Lindeque

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

9/12/22
Date

For Office Use Only:

Date Application Received 9/14/22

Receipt Number for \$200 Filing Fee LD58097

Case Number CASE 2022-13

Hearing Date 11/23/22

Disposition _____

Petrus V. Lindeque
7411 N Santa Monica Blvd
Fox Point, WI. 53217

12 September 2022

Board of Appeals
Village of Fox point

Re: Request to erect an eight feet high privacy fence.

Dear Board Members,

This request is for an 8' fence to replace an existing 6' fence that has deteriorated to the point where it needs to be replaced.

This privacy fence is essential in providing privacy for both occupants of 7416 N Bell Rd and 7411 N Santa Monica Blvd due to the elevation of the ground floor of both buildings a 6' high fence in effect only obscures about 4' of the opposing residence. (see photo #1)

The fence screens an 18' stretch of the boundary between the dining room windows at 7411 N Santa Monica Blvd and the kitchen / breakfast nook windows of 7416 N Bell Rd Fox Point. (see photo #2 and #3)

There is a deck on either side of this fence, one at 7416 N Bell Rd and one at 7411 N Santa Monica Blvd

The location of the fence is indicated on the Building Permit Application, a copy of which is included. Please also see photo's 4 to 7.

The fence material is ProWood Dura Color Treated timber as per attached invoice from Bliffert's

Due to an oversight on my part I did not realize that the approved Building Permit #14785 did not approve the construction of an 8' fence, I thus went ahead and erected the fence and only realized that it had not been approved when I re-read the Letter of Conditional Approval.

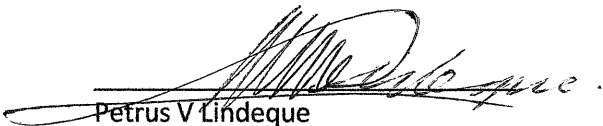
It will be clear from the enclosed photographs that I removed the top panel to illustrate the difference between a 6' and an 8' fence and that being only 18' long it is only visible to the occupants of the two properties involved.

The current occupants of 7416 N Bell have signed the Fence Waiver as they fully support the erection of an 8' foot closed fence which would be advantageous to both properties.

Dear board members, I hope you will give this request your favorable consideration as it will increase the privacy of the occupants and it will make the outside area more useable.

Thank you.

Yours sincerely



Petrus V Lindeque



Northside Location
Bliffert Lumber & Fuel Co.
 1014 E. Chambers St.
 Milwaukee WI 53212
 414-264-5700
 Fax: 414-264-5778

CUSTOMER COPY



ORDER

2208-938547

PAGE 1 OF 1

SOLD TO
Petrus Lindeque 7411 N Santa Monica Blvd Fox Point WI 53217

JOB ADDRESS
Petrus Lindeque 7411 N Santa Monica Blvd Fox Point WI 53217 414-306-1453

CALL WHEN IN TO SET UP DELIVERY

ACCT NO.	JOB
0318825	0
ENTRY DATE	8/2/2022 2:20:58 PM
CUST PICKUP	
BRANCH	3000
CUSTOMER PO#	
STATION	N38
CASHIER	RYAN
SALESPERSON	
ORDER ENTRY	RYAN
MODIFIED BY	RYAN

Item	Description	D	Ordered	Sold	Remain	UM	Price	Per	Amount
BTR040408	PROWOOD DURA COLOR 4 X 4 X 8' #2 SYP TREATED TIMBER		4		4	PC	14.5400	PC	58.16
SO938547-000	72" x 72" PROWOOD DURACOLOR HORIZONTAL FENCE PANEL		4		4	EA	70.0000	EA	280.00
Adjustment	Delivery Remodeler								20.00

Payment Method(s)

MasterCard 377.86 ##1343 09193Z

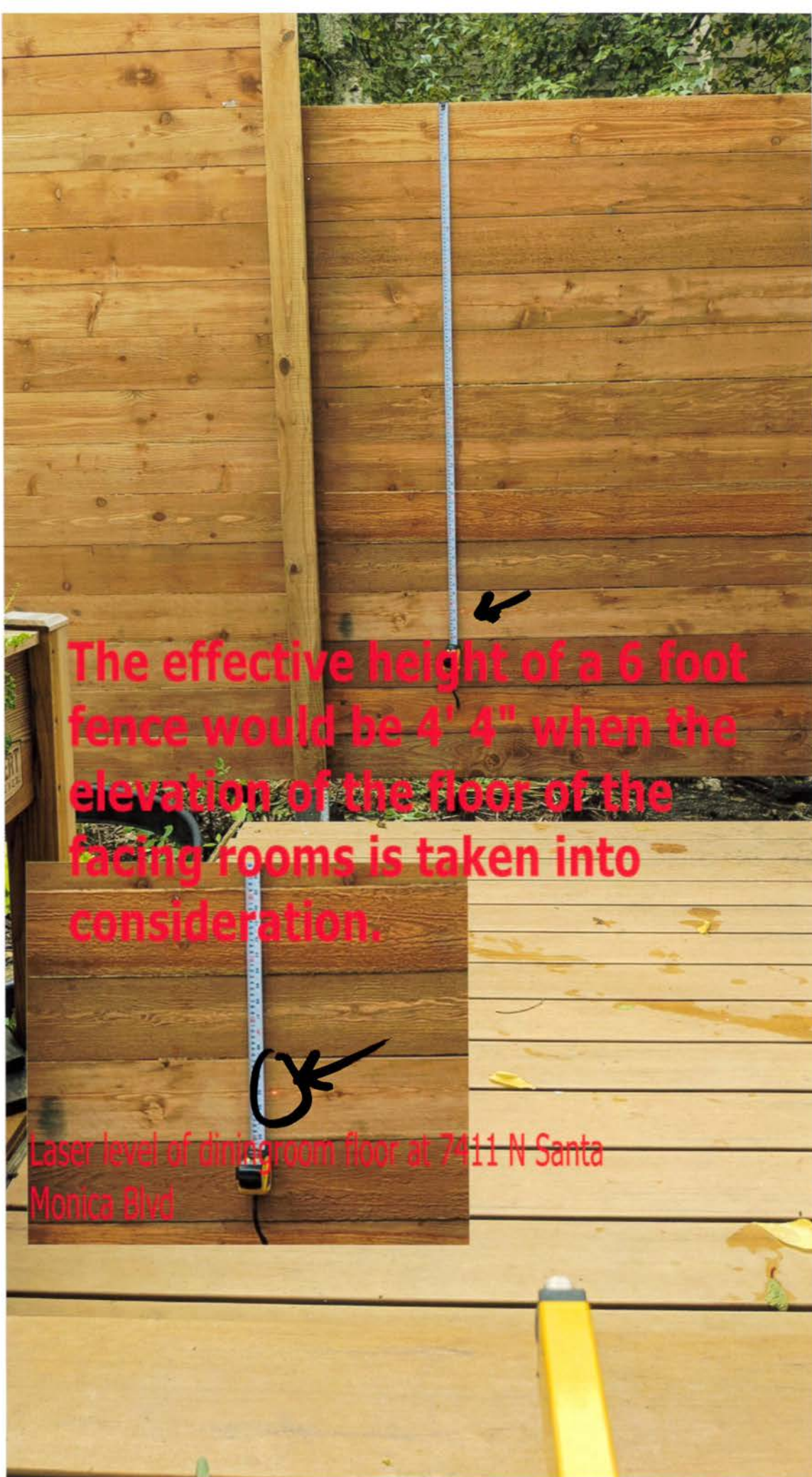
WIMI 5.50%	SubTotal	358.16
	Sales Tax	19.70
	Deposit	-377.86
Please pay this amount		0.00

All returns subject to inspection and restocking fee. There are no returns on special orders. No returns after 30 days.

All material sized nominally, unless otherwise noted.

Signature

#1



The effective height of a 6 foot fence would be 4' 4" when the elevation of the floor of the facing rooms is taken into consideration.

Laser level of diningroom floor at 7411 N Santa Monica Blvd

#2



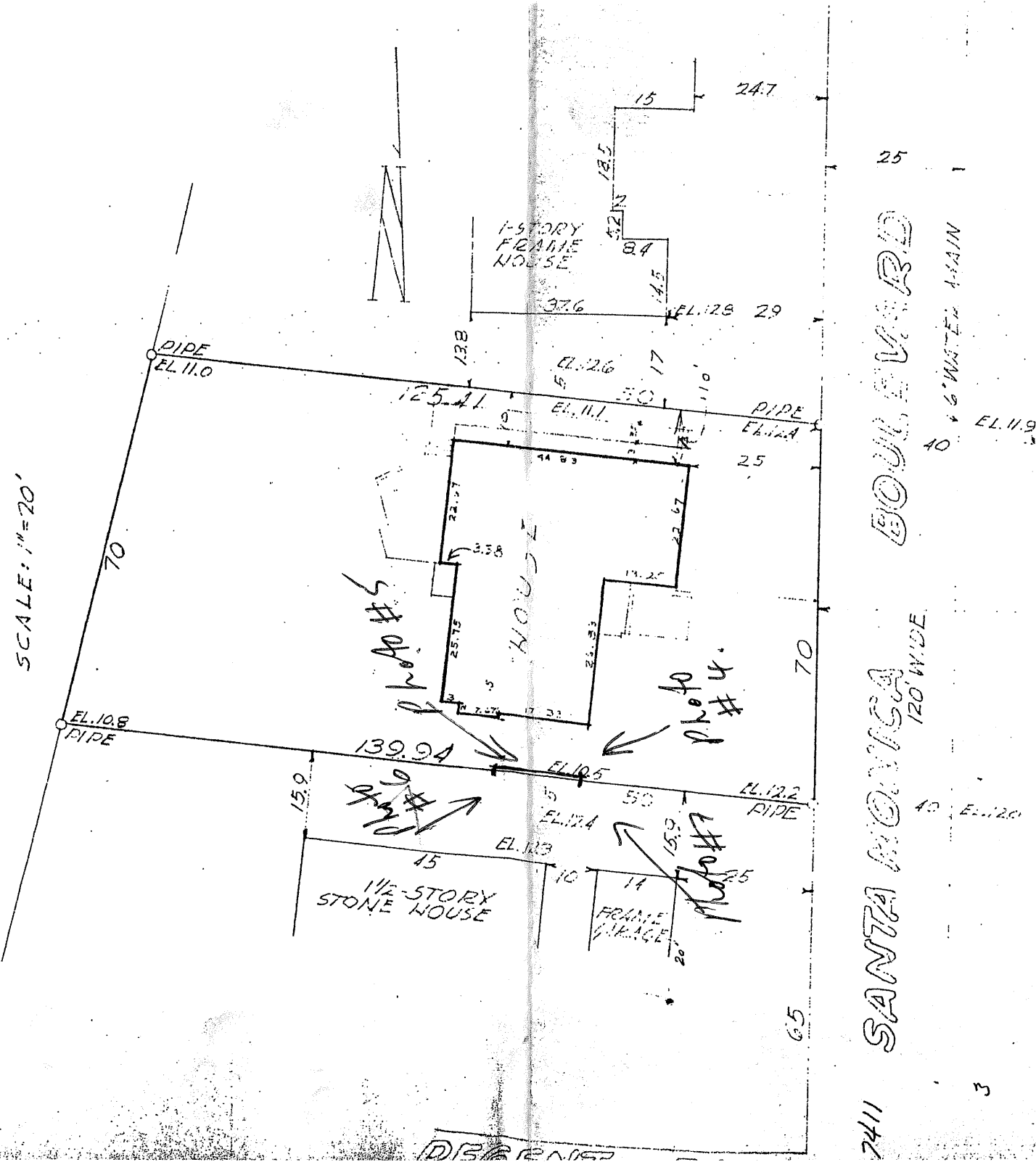
Flowers on neighbor's breakfast nook table
visible from kitchen and dining room of
7411 N Santa Monica

#3

North view from 7416 Bell Rd



Described as --Lot 2 block 1 in Fox Point School Estates in the Southwest 1/4 Section 16. Township 8 North of Range 22 East in the Village of Fox Point.



Milwaukee, Wis. OCTOBER 21 1954

We hereby certify that we have reviewed the property above described according to our records, and that the above is a correct representation of the property lines and present uses of buildings thereon.

STÄHNHAGEN & STÄHNHAGEN

R. C. Timbagen

SEWER.

52

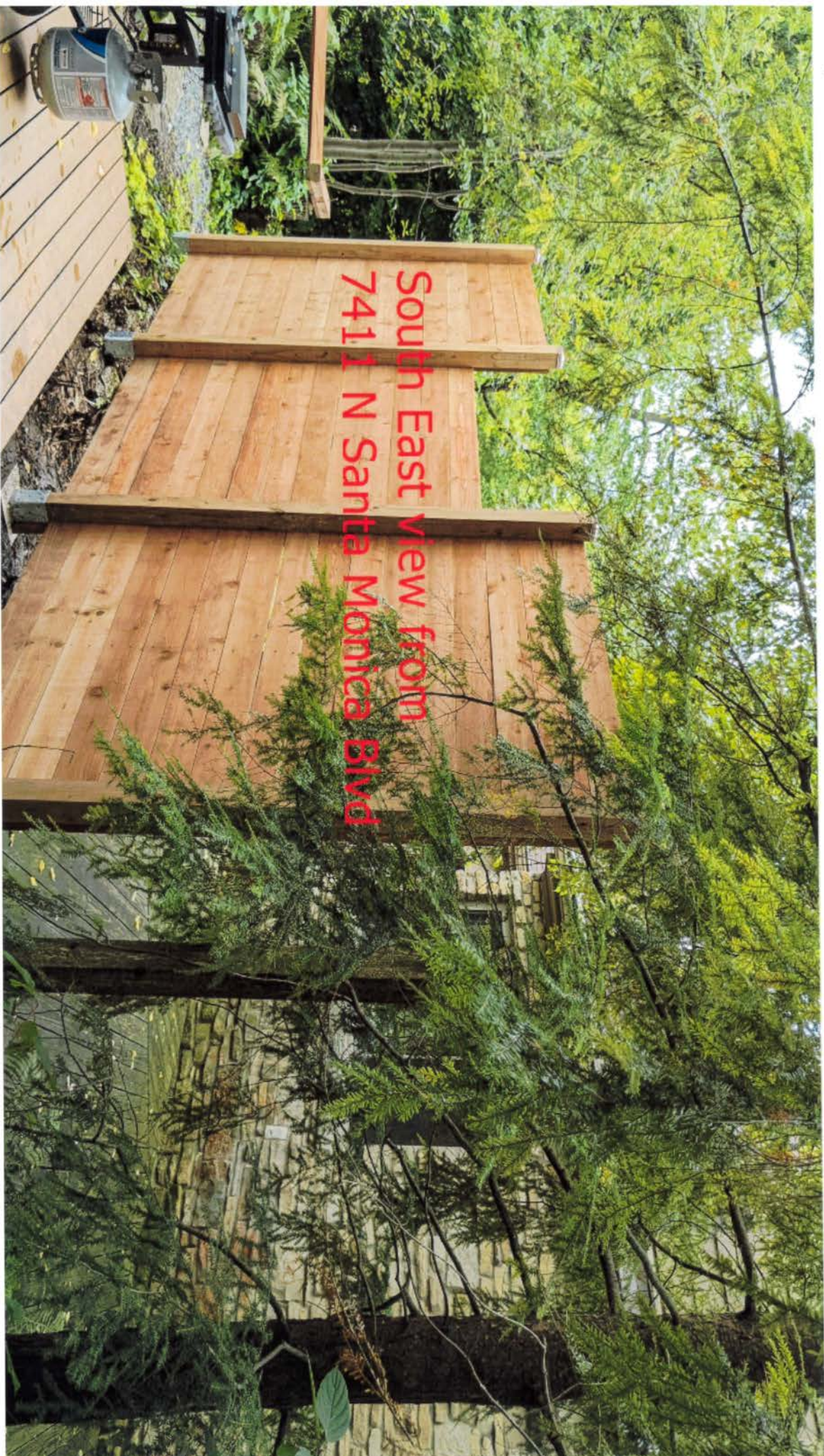
M.H.
RIM-11.80
F.L.-0.00

#4

South Western view
from 7411 N Santa Monica Blvd

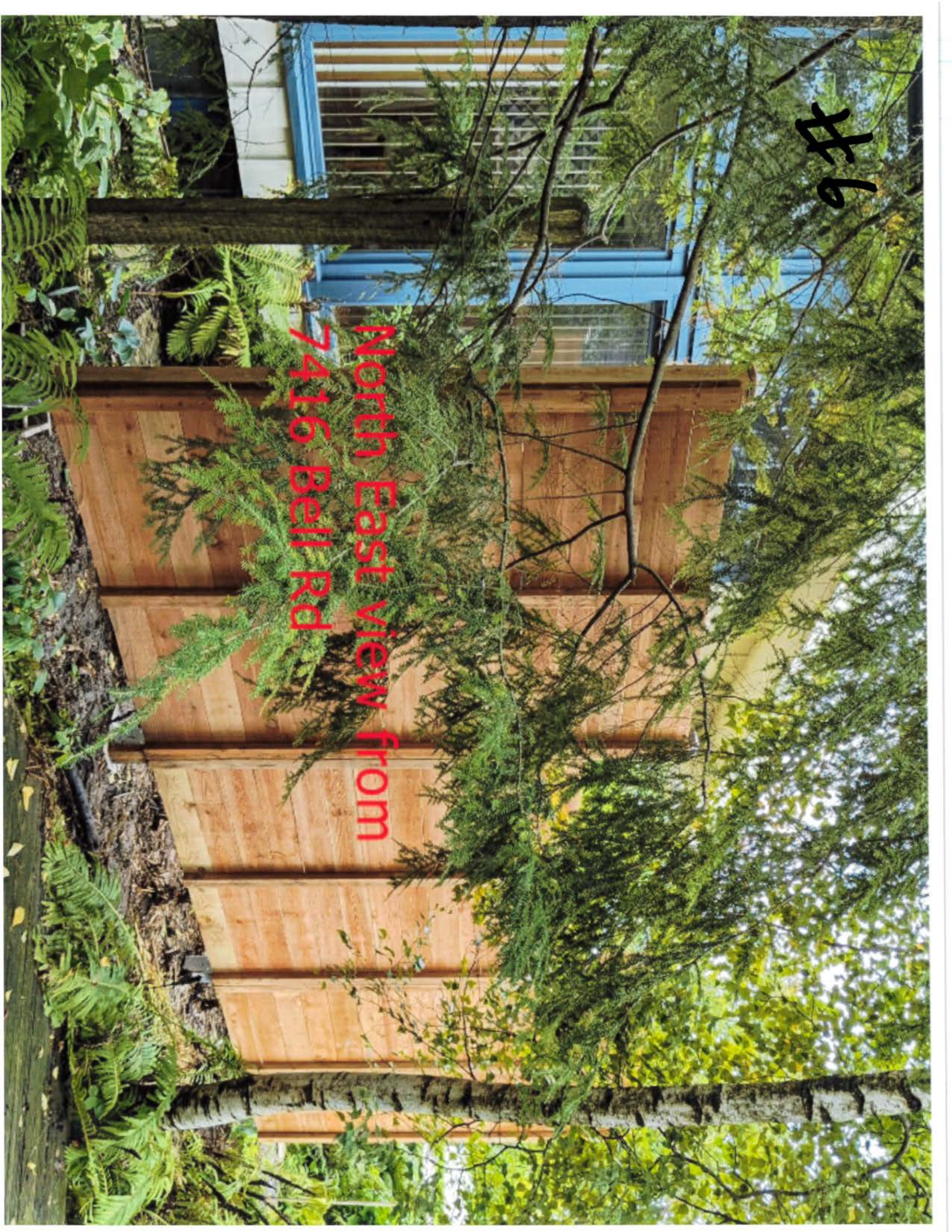


#5



#6

North East view from
7416 Bell Rd



7





VILLAGE OF FOX POINT
7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247-6622
www.villageoffoxpoint.com

Permit Number:

B- 14785

OFFICE USE ONLY	
Issued Date	7-25-22
Zoning	

BUILDING PERMIT

Job Address 7411 N SANTA MONICA BLVD FOX POINT	Building Type: Residential ☒ Commercial ☐
Description of Work	
WOODEN PRIVACY FENCE 8FT HIGH AND 18FT LONG ON LOT AS INDICATED ON PLAN	
Estimated Cost of Project \$ 1000.00	

Owner/Occupant	
Business Name	Contact Name PETRUS LINDEQUE
Address 7411 N SANTA MONICA BLVD	City/State/Zip FOX POINT WI 53217
Phone 414 241-9446	Email

****Cautionary Statement required when homeowner is applying for permit****

Contractor	
Company Name WORK TO BE COMPLETED BY OWNER	Contact Name
Address	City/State/Zip
Phone	Email
Dwelling Contractor #	Dwelling Contractor Qualifier #

Square Footage Under Construction				
1 st Floor	2 nd Floor	Basement	Addition	Garage

Description	Rate	Amount
Project - Per \$1,000 of estimated cost	\$10.00	1000.00
Building Board	\$75.00	
Footing early start - \$230.00 one and two family; \$305.00 commercial		
Plan Review - \$275.00 one and two family; New Single Family Construction \$330.00 plus \$30.00/unit commercial		
State Seal	\$75.00	
Razing, Interior Demolition \$925.00 max/bld \$95.00 minimum plus	\$0.13/sqft	
Moving buildings \$250.00 plus	\$0.13/sqft	
Fuel tanks - Per 1,000 gallons	\$25.00	
Re-inspection	\$100.00	
Work started without permit	Double	
Minimum Fee	\$70.00	70
Payable to: Village of Fox Point	Total Permit Fee	\$ 70.00

Applicant Signature

Date

7/22/22

ISSUED PERMITS are available on the Village website under **PERMITS & LICENSES**

PLAN REVIEW

INSPECTION DEPARTMENT
VILLAGE OF FOX POINT

Letter of Conditional Approval

- 1) A copy of the Village fence ordinance 745-7B(3) can be found at www.villageoffoxpoint.com.
- 2) The person picking up this permit is responsible for all contractors calling in requests for final inspections.
- 3) Inspections may be completed 48 hours after notification.
- 4) A fence may be permitted up to the lot line in the side and rear yard of any property.
- 5) A fence 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.
- 6) 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.
- 7) Fences 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.
- 8) If owners rear lot abuts a neighbor's side yard, the proposed fence shall be an "Open Fence" style, unless neighbor signs waiver.
- 9) All construction shall meet current code.



VILLAGE OF FOX POINT

7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247-6622
www.villageoffoxpoint.com

FENCE WAIVER

Fence Owner
Name PETRUS V LINDEQUE
Address 7411 N SANTA MONICA BLVD FOX POINT WI 53217
Phone 414-241-9446

Abutting Neighbor
Name PARKER SHRIVER
Address 7416 N BELL RD FOX POINT WI
Phone

I have reviewed the fence application and: ☒ **APPROVE** ☐ **OBJECT** of the proposed fence.

Neighbor Signature [Signature] Date 7/21/2022

If you object, briefly state your reason:

Abutting Neighbor
Name
Address
Phone

I have reviewed the fence application and: ☐ **APPROVE** ☐ **OBJECT** of the proposed fence.

Neighbor Signature _____ Date _____

If you object, briefly state your reason:

Abutting Neighbor
Name
Address
Phone

I have reviewed the fence application and: ☐ **APPROVE** ☐ **OBJECT** of the proposed fence.

Neighbor Signature _____ Date _____

If you object, briefly state your reason:



VILLAGE OF FOX POINT

7200 N Santa Monica Blvd
Fox Point, WI 53217
(414) 247-6622
www.villageoffoxpoint.com

CAUTIONARY STATEMENT TO OWNERS OBTAINING BUILDING PERMITS

101.65(1r) of the Wisconsin Statutes requires municipalities that enforce the Uniform Dwelling Code to provide an owner who applies for a building permit with a statement advising the owner that:

If the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under s. 101.654(2)(a), the following consequences might occur:

- (a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
- (b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two- family dwelling code or an ordinance enacted under sub. (1)(a), because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

Wetlands Notice to Permit Applicants

You are responsible for complying with state and federal laws concerning the construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources wetlands identification web page or contact a Department of Natural Resources service

Additional Responsibilities for Owners of Projects Disturbing One or More Acre of Soil

I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and will comply with those standards.

PETRUS V LINDEQUE

Homeowner's Name – PRINTED

7411 N SANTA MONICA BLVD

Property Address

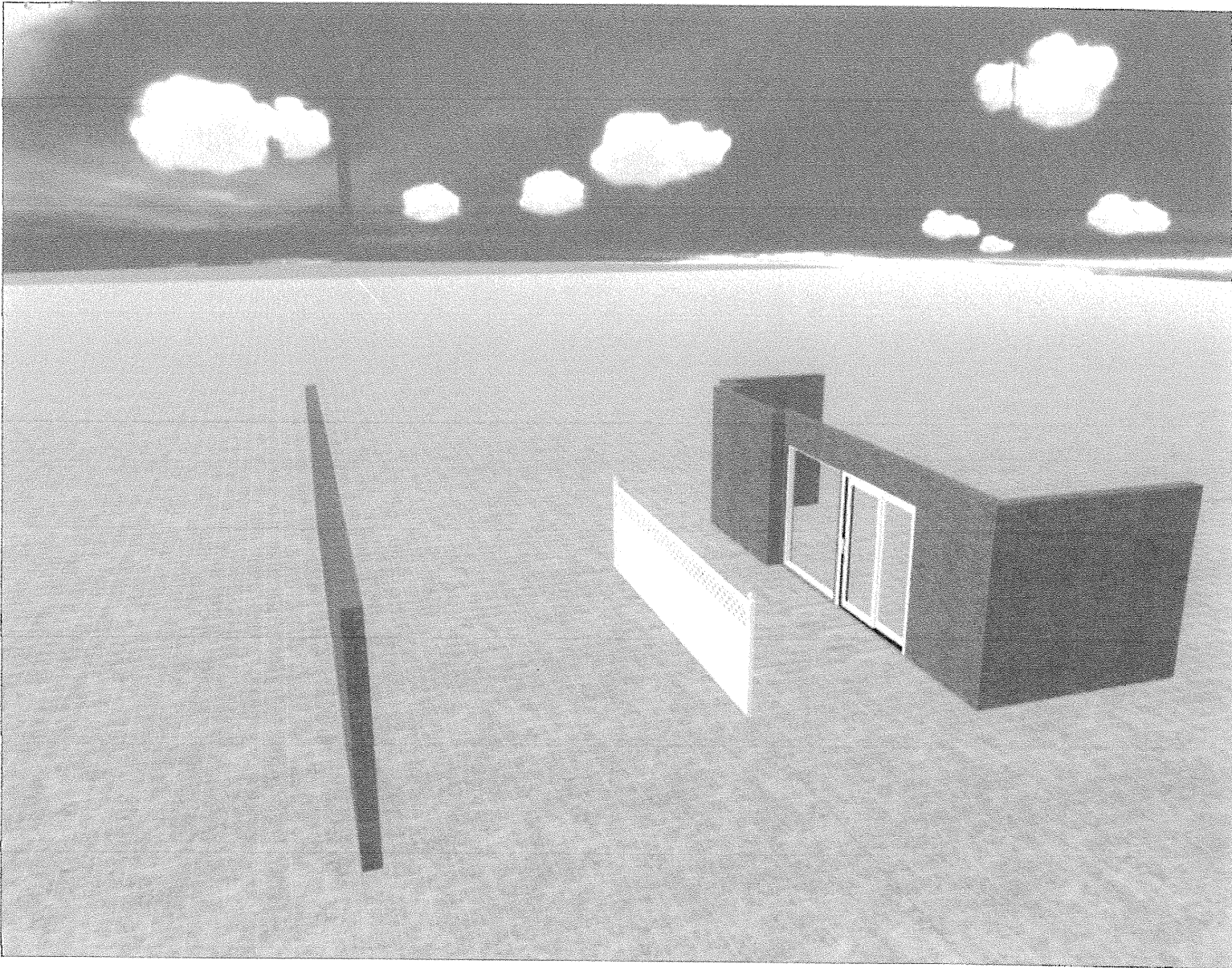

Homeowner's Signature


Date

Technical drawing of a deck layout. The deck is 8' by 8'4". Dimensions shown include: 7'5" (width of the deck area), 26" (width of the deck area), 17" (width of the deck area), 8'4" (width of the deck area), 10" (width of the deck area), 6'0" (width of the deck area), 3" (width of the deck area), 18'3" (width of the deck area), 6'6" (width of the deck area), 56" (width of the deck area), 0.8" (width of the deck area), and 0.1" (width of the deck area). The text "Deck 8' by 8'4\"" is present.

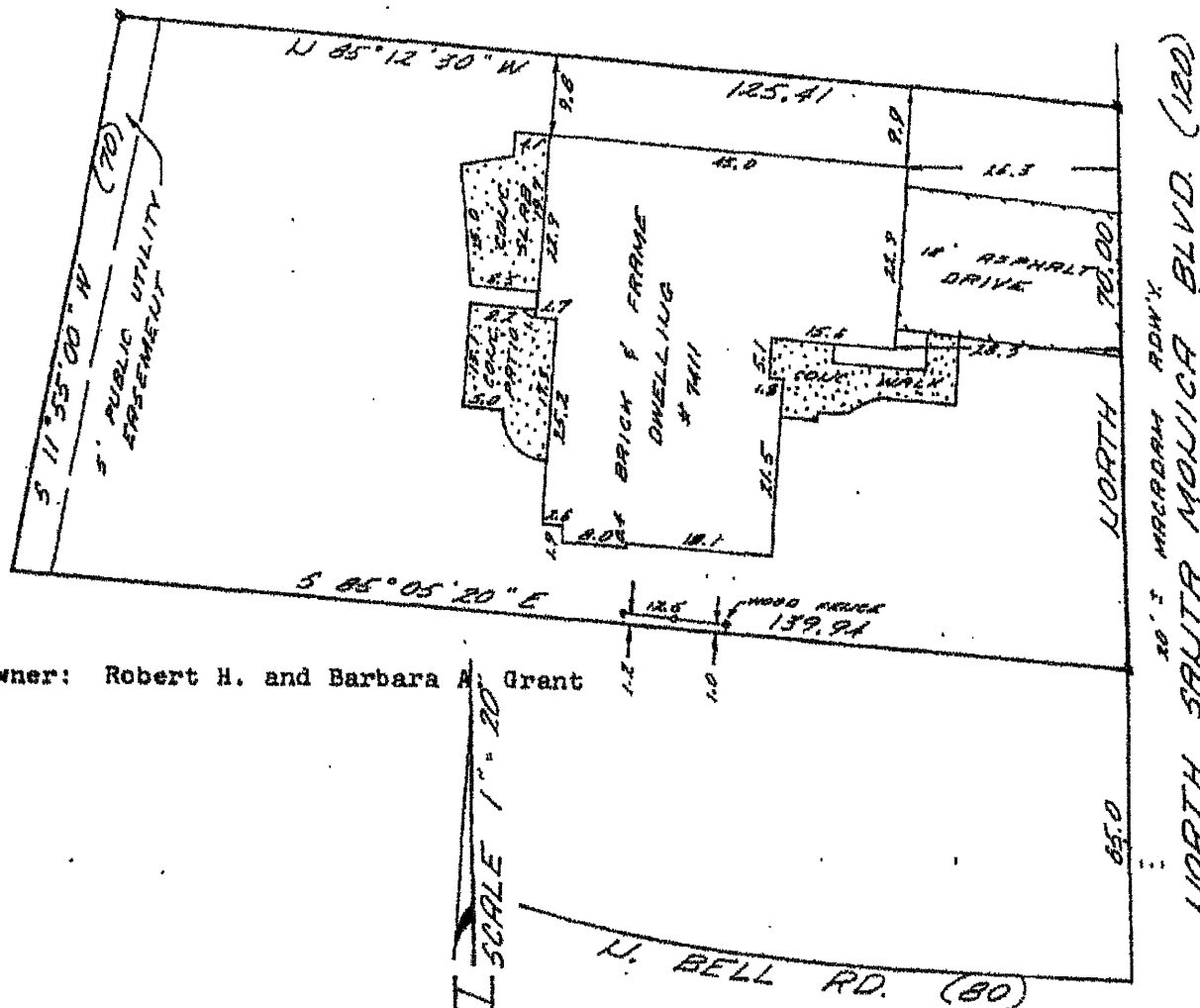
7416 N. BELL RD.

36'11"



LOT 2 - BLOCK 1 - FOX POINT SCHOOL ESTATES
being a subdivision of part of the Southwest 1/4 of Section 16, Town 8
North, Range 22 East, Village of Fox Point, Milwaukee County, Wisconsin.

Located at 7411 North Santa Monica Boulevard



Owner: Robert H. and Barbara A. Grant

SCALE 1" = 20'

In accordance with Chapter A-E 5.01b, a signed agreement is on file waiving the setting of monuments on the property.

* - FOUND IRON PIPE

o - SET IRON PIPE

8622 West Lisbon Avenue
Milwaukee, Wisconsin 53222

SURVEYED FOR

Mutual Savings and Loan
Association
510 E. Wisconsin Avenue
Milwaukee, WI 53202

LANDMARK SURVEYING CO.

I, Richard J. Lammi, surveyed the above described property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, roadways and visible encroachments.

This survey is made for the exclusive use of the present owners of the property; also those who purchase, mortgage or guarantee the title thereto, within one year from date hereof.

REGISTERED LAND SURVEYOR NO. 5177 - STATE OF WISCONSIN

PHONE
461-3730



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

414-351-8900

Receipt No: 1.058097

Sep 14, 2022

7411 N Santa Monica Blvd

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 2969	
Payor: Petrus & Cornelia Lindeque	
Total Applied:	200.00
Change Tendered:	.00

09/14/2022 11:01 AM

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 Wednesday, November 23, 2022 at 5:00 p.m. to hear the following appeal:

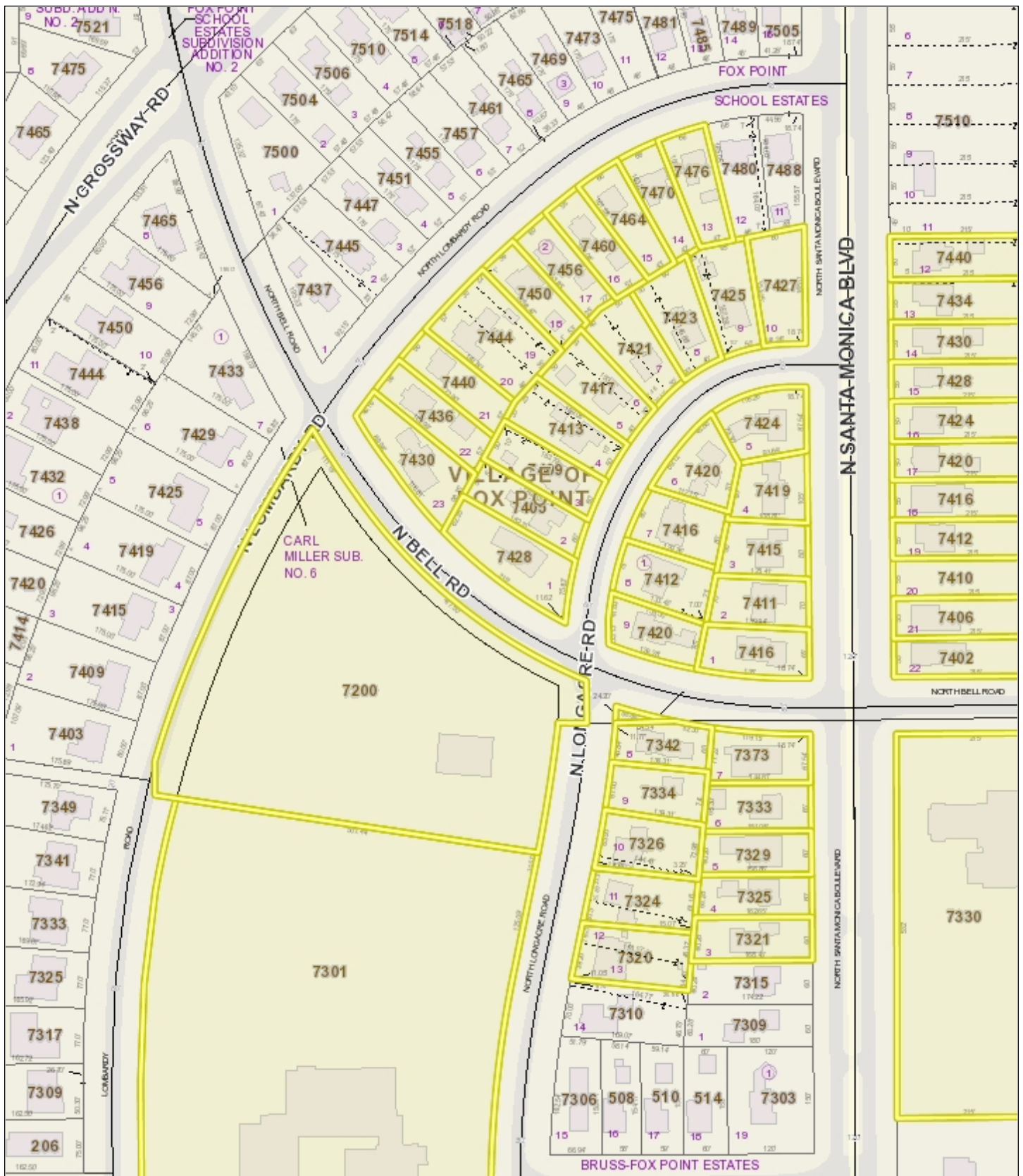
- 1. Case 2022-13 7411 N Santa Monica Blvd.** The applicant is requesting a special exception to install a new 8-foot-high privacy fence replacing an existing 6-foot-high fence. The special exception request is made pursuant to 745-7 B.(3)(h) and 745-7 B.(3)(j) of the Fox Point Code.

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: []
Posted: []



Village of Fox Point GIS

Board of Appeals / 7411 N Santa Monica Blvd

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: 10/20/2022

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 § **25-4** 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 § 2-5-3 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:

A-1-O

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

A-1-N

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

A-1-A

A fence that opens and closes across a driveway.

A-1-N

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.

A-1-N

Does not include berms, artificial hills and mounds.

A-1-N

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.

OP-N

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.

Opaque 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.

Accessory 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 **3** 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 **3** 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 **3** 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 **3** 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 § **57-17.5** of this Code;
- [d] Beehives for permitted beekeeping pursuant to § **57-17.6** 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 § **745-10** **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 §§ 6-7 and 6- 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 § 57-17.5 of this Code and beehives that have been approved pursuant to § 57-17.6 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 § **57-17.5** regarding any matter regulated therein, or differ from § **57-17.6** 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 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 [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 6[1], 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. 2014-0]

- (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. 2014-0]**

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

- (1) Where permitted. Subject to the provisions of this Subsection ☐, 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 1 ☐ Article ☐ of this Code, the Building Board shall have the powers described in this Section **745-7** ☐.
- (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.

Appellant Name: Paul Sternlieb

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.

Paul Sternlieb
Signature of Appellant

Sept. 27, 2022
Date

For Office Use Only:

Date Application Received 9/26/22

Receipt Number for \$200 Filing Fee 1058139

Case Number ~~CASE 2022-13~~

Hearing Date 11/23/2022

Disposition CASE 2022-14

7644 N. Beach Dr.
Fox Point, WI 53217

September 27, 2022

Fox Point Board of Appeals
7200 N. Santa Monica Blvd.
Fox Point, WI 53217

RE: Variance request for generator setback on side yard

To Whom It May Concern:

We are respectfully requesting a variance for a generator setback on our side yard on the northwest side of the house, in order to replace the current generator that is already installed there. The existing Generac generator was installed in October 1999. While it still works, it may not be completely reliable when it is needed. Therefore, we would like to replace the generator with a new unit, which we intend to place in the same location. The new unit will be slightly smaller than the current generator.

With the current code as written, there is no place in the side yard where we could place the generator that would meet the current requirements. If we are not granted a variance, we would be unable to install a new generator to protect our home against power outages. As we understand, these power outages have been a normal occurrence in our area, and it is important that we have consistent power to our property in order to ensure all critical devices (including the grinder pump to the sewer) are functioning properly.

The variance requested places the generator in an area that is as far from the property line as feasible, which is approximately 16.25 feet from the property line. To reiterate, the generator would replace the current (larger) unit that is already there. In addition, the neighbor directly to the north is the Fox Point Beach Club, and as such there is no structure within any meaningful distance from the generator, since the Beach Club structure is much further east on their property. In addition, we have heavy tree coverage between our property and the Beach Club to the north, so the generator will not be visible to the neighboring property and any noise from the generator would also be somewhat dulled by the heavy tree coverage. We have also attached a letter from the Fox Point Beach Club indicating their full support and endorsement for this requested variance.

As the code is in place to ensure the generator is in a safe and unobtrusive area, we firmly believe that the proposed placement achieves that to the best extent possible.

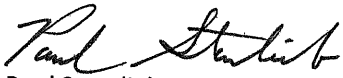
We have also attached brochures for the proposed generator (we will purchase either the 26kW or 24kW – both units are the same dimensions and have the same decibel output per the Generac spec sheets), the survey of the property where we have indicated the placement of the unit, and a GIS map also indicating placement of the unit. In addition, we have enclosed a letter from the contractor, Pieper Electric Inc. indicating their professional assessment and recommendation.

Please note that the new generator will be substantially smaller than the old generator it is replacing:

	Old generator	New generator
Length	60.5"	48"
Width	30"	25"
Heigh	38"	29"

The generator is located in a very safe area of our yard, and we can assure you that we will do the utmost to maintain our home and yard in a truly first-class manner, respecting our neighbors and the Village of Fox Point in the process. Thank you for your consideration of this variance request.

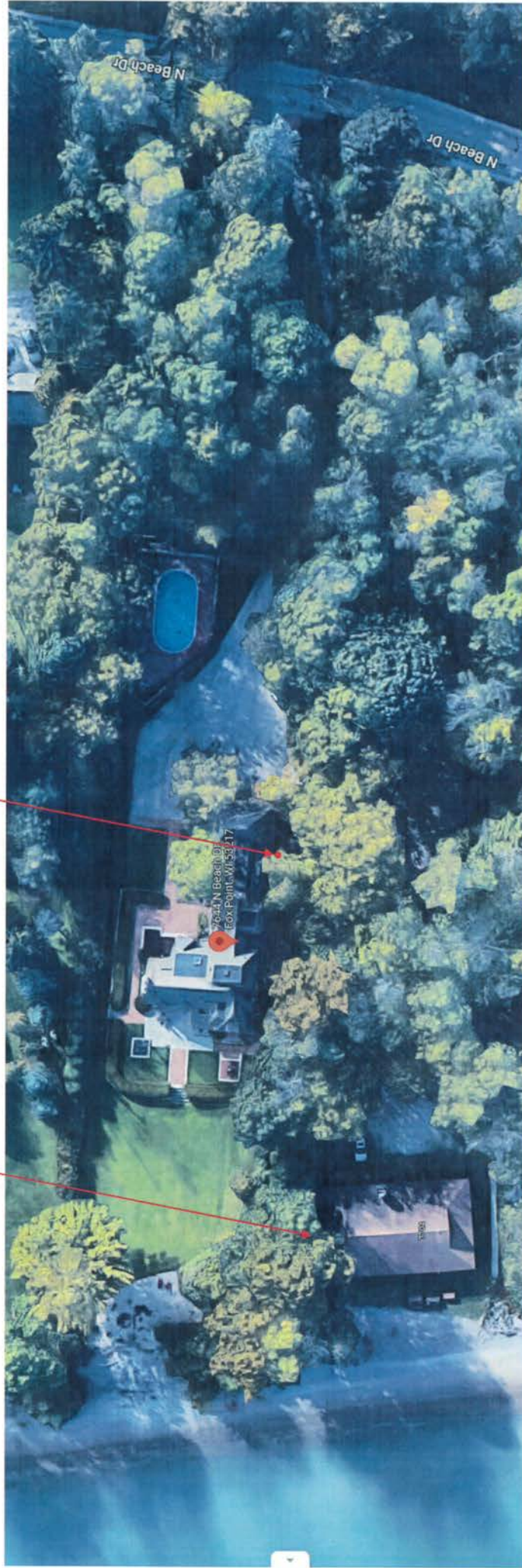
Thank you,


Paul Sternlieb

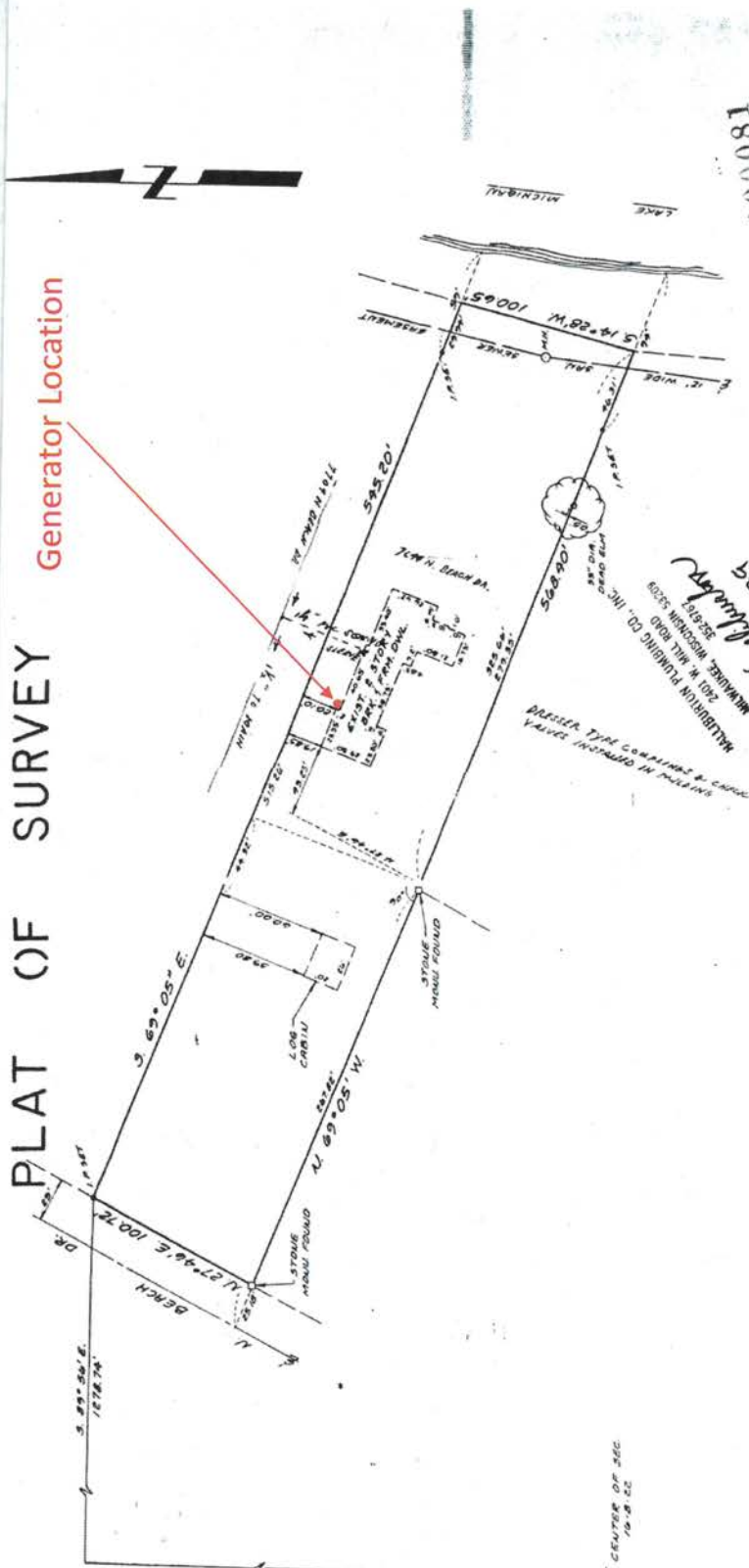
7644 N. Beach Dr., Fox Point, WI

Generator Location

Beach Club structure



PLAT (OF SURVEY



10-8-22
CENTER OF SEC.

00000081



R. A. Smith & Assoc.
MUNICIPAL-INDUSTRIAL-SANITARY-CIVIL ENGI
SURVEYORS

17400 W. NORTH AVENUE
BROOKFIELD, WISC 53005 PH. (414) 788-
THOMAS & KATHLEEN POJUNAS

PLAT OF SURVEY

SCALE: 1" = 40'

I hereby certify that I have reviewed the above described property and that the above map is a true representation thereof and that the size, location and boundaries of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, adjacent easements, roadways and visible encroachments, if any, of this Survey is made for the use of the several owners of the property, and also those who are authorized to sell or otherwise dispose of the same, and I will not warrant or guarantee the title thereto, within one year from date hereof.

to Eastham Point.
(Furnish):
Date: July 15, 1980

TAN KAY JIN - 91-59011

7644 N. Beach Dr., Fox Point, WI

Generator Location



7644 N. Beach Dr., Fox Point, WI

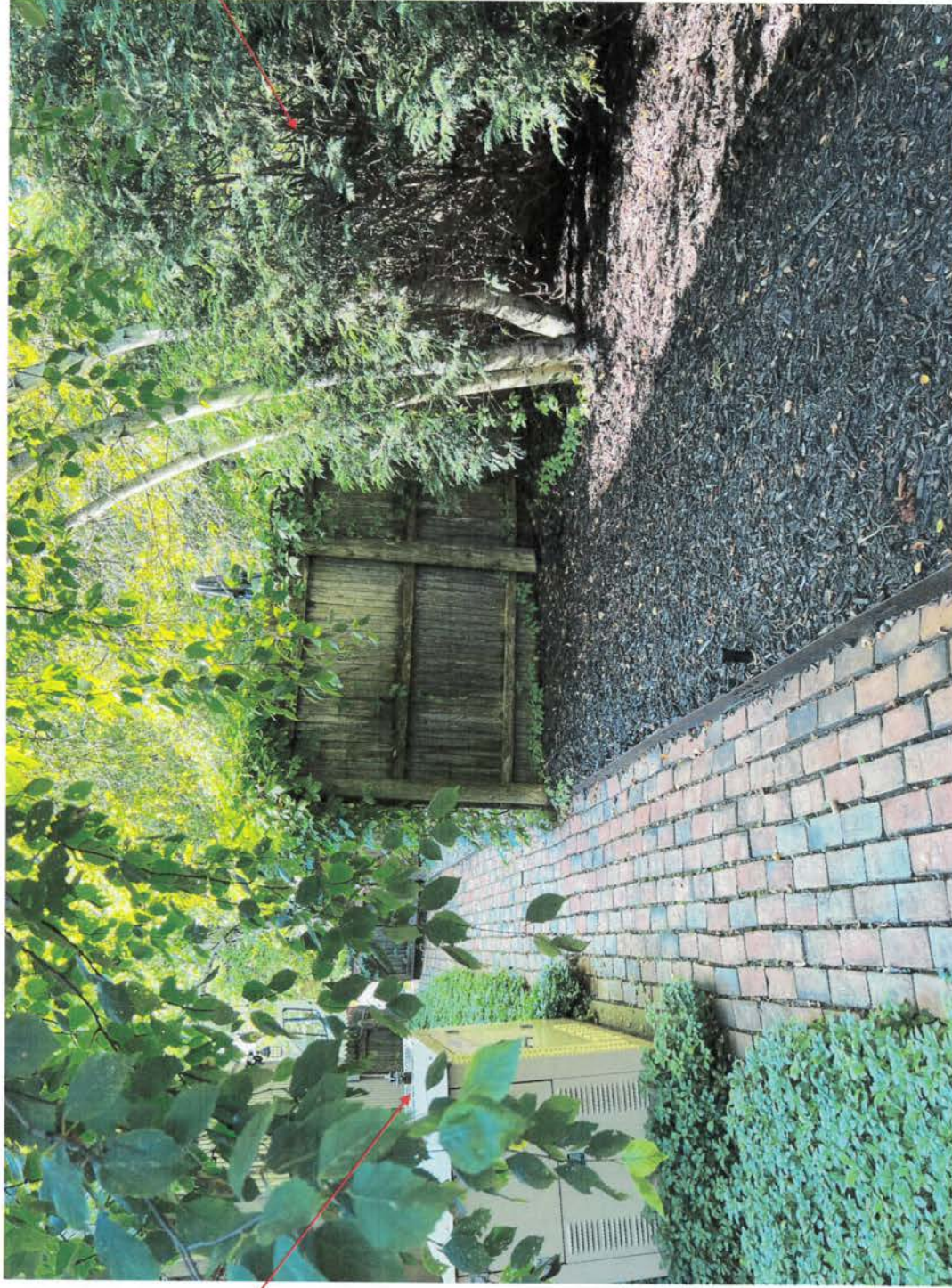


Existing
Generator

Lot line (fence)

North
↑

7644 N. Beach Dr., Fox Point, WI



Existing
Generator

Lot line (fence)

North
↑

7644 N. Beach Dr – Existing Generator Photos



GENERAC®

20/22/24 kW

20/22/24 kW

GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

1 of 6

INCLUDES:

- True Power™ Electrical Technology
- Two-line multilingual digital LCD Evolution™ controller (English/Spanish/French/Portuguese)
- 200 amp service rated transfer switch available
- Electronic governor
- Standard Wi-Fi® connectivity
- System status & maintenance interval LED indicators
- Sound attenuated enclosure
- Flexible fuel line connector
- Natural gas or LP gas operation
- 5 Year limited warranty
- Listed and labeled for installation as close as 18 in (457 mm) to a structure.*
**Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*

Standby Power Rating

G007038-1, G007039-1, G007038-3, G007039-3 (Aluminum - Bisque) - 20 kW 60 Hz
G007042-10, G007042-11, G007043-10, G007043-11 (Aluminum - Bisque) - 22 kW 60 Hz
G007209-10, G007210-10 (Aluminum - Bisque) - 24 kW 60 Hz



Product shown with optional fascia kit



QUIET-TEST™



Note: CETL or CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are ETL or UL certified in the USA only.

FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when it's needed the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
 - ✓ **PROTOTYPE TESTED**
 - ✓ **SYSTEM TORSIONAL TESTED**
 - ✓ **NEMA MG1-22 EVALUATION**
 - ✓ **MOTOR STARTING ABILITY**
- **MOBILE LINK® CONNECTIVITY:** FREE with select Guardian Series Home standby generators, Mobile Link Wi-Fi allows users to monitor generator status from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account to an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Digital voltage regulation at $\pm 1\%$.
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line is offered with its own transfer systems and controls for total system compatibility.

THE GENERAC
PROMISE



* Assembled in the USA using domestic and foreign parts.

20/22/24 kW**Features and Benefits****Engine**

- Generac G-Force design
- "Spiny-lok" cast iron cylinder walls
- Electronic ignition/spark advance
- Full pressure lubrication system
- Low oil pressure shutdown system
- High temperature shutdown

Maximizes engine "breathing" for increased fuel efficiency. Plateau honed cylinder walls and plasma moly rings help the engine run cooler, reducing oil consumption and resulting in longer engine life.

Rigid construction and added durability provide long engine life.

These features combine to assure smooth, quick starting every time.

Pressurized lubrication to all vital bearings means better performance, less maintenance, and longer engine life. Now featuring up to a 2 year/200 hour oil change interval.

Shutdown protection prevents catastrophic engine damage due to low oil.

Prevents damage due to overheating.

Generator

- Revolving field
- Skewed stator
- Displaced phase excitation
- Automatic voltage regulation
- EPA Certified for non-emergency applications
- UL 2200 listed

Allows for a smaller, light weight unit that operates 25% more efficiently than a revolving armature generator.

Produces a smooth output waveform for compatibility with electronic equipment.

Maximizes motor starting capability.

Regulating output voltage to $\pm 1\%$ prevents damaging voltage spikes.

Allows unit to be used for demand response applications (excluding 20 kW units).

For your safety.

Transfer Switch (if applicable)

- Fully automatic
- NEMA 3R
- Integrated load management technology
- Remote mounting

Transfers vital electrical loads to the energized source of power.

Can be installed inside or outside for maximum flexibility.

Capability to manage additional loads for efficient power management.

Mounts near an existing distribution panel for simple, low-cost installation.

Evolution™ Controls

- AUTO/MANUAL/OFF illuminated buttons
- Two-line multilingual LCD
- Sealed, raised buttons
- Utility voltage sensing
- Generator voltage sensing
- Utility interrupt delay
- Engine warm-up
- Engine cool-down
- Programmable exercise
- Smart battery charger
- Main line circuit breaker
- Electronic governor

Selects the operating mode and provides easy, at-a-glance status indication in any condition.

Provides homeowners easily visible logs of history, maintenance, and events up to 50 occurrences.

Smooth, weather-resistant user interface for programming and operations.

Constantly monitors utility voltage, setpoints 65% dropout, 80% pick-up, of standard voltage.

Constantly monitors generator voltage to verify the cleanest power delivered to the home.

Prevents nuisance start-ups of the engine, adjustable 2-1500 seconds from the factory default setting of 5 seconds by a qualified dealer.

Verifies engine is ready to assume the load, setpoint approximately 5 seconds.

Allows engine to cool prior to shutdown, setpoint approximately 1 minute.

Operates engine to prevent oil seal drying and damage between power outages by running the generator for 5 minutes every other week. Also offers a selectable setting for weekly or monthly operation providing flexibility and potentially lower fuel costs to the owner.

Delivers charge to the battery only when needed at varying rates depending on outdoor air temperature.

Compatible with lead acid and AGM-style batteries.

Protects generator from overload.

Maintains constant 60 Hz frequency.

Unit

- SAE weather protective enclosure
- Enclosed critical grade muffler
- Small, compact, attractive

Sound attenuated enclosures ensure quiet operation and protection against mother nature, withstanding winds up to 150 mph (241 km/h). Hinged key locking roof panel for security. Lift-out front for easy access to all routine maintenance items. Electrostatically applied textured epoxy paint for added durability.

Quiet, critical grade muffler is mounted inside the unit to prevent injuries.

Makes for an easy, eye appealing installation, as close as 18 in (457 mm) away from a structure.

20/22/24 kW

Features and Benefits

Installation System

- 14 in (35.6 cm) flexible fuel line connector
- Integral sediment trap

Listed ANSI Z21.75/CSA 6.27 outdoor appliance connector for the required connection to the gas supply piping.

Meets IFGC and NFPA 54 installation requirements.

Connectivity (Wi-Fi equipped models only)

- Ability to view generator status
- Ability to view generator Exercise/Run and Total Hours
- Ability to view generator maintenance information
- Monthly report with previous month's activity
- Ability to view generator battery information
- Weather information

Monitor generator with a smartphone, tablet, or computer at any time via the Mobile Link application for complete peace of mind.

Review the generator's complete protection profile for exercise hours and total hours.

Provides maintenance information for the specific model generator when scheduled maintenance is due.

Detailed monthly reports provide historical generator information.

Built in battery diagnostics displaying current state of the battery.

Provides detailed local ambient weather conditions for generator location.

20/22/24 kW

Specifications

Generator

Model	G007038-1 G007039-1 (20 kW)	G007042-10 G007043-10 (22 kW)	G007038-3 G007039-3 (20 kW)	G007042-11 G007043-11 (22 kW)	G007209-10 G007210-10 (24 kW)
Rated maximum continuous power capacity (LP)	20,000 Watts*	22,000 Watts*	20,000 Watts*	22,000 Watts*	24,000 Watts*
Rated maximum continuous power capacity (NG)	18,000 Watts*	19,500 Watts*	18,000 Watts*	19,500 Watts*	21,000 Watts*
Rated voltage	240				
Rated maximum continuous load current – 240 volts (LP/NG)	83.3 / 75.0	91.7 / 81.3	83.3 / 75.0	91.7 / 81.3	100 / 87.5
Total Harmonic Distortion	Less than 5%				
Main line circuit breaker	90 amp	100 amp	90 amp	100 amp	100 amp
Phase	1				
Number of rotor poles	2				
Rated AC frequency	60 Hz				
Power factor	1.0				
Battery requirement (not included)	12 Volts, Group 26R 540 CCA minimum or Group 35AGM 650 CCA minimum				
Unit weight (lb / kg)	448 / 203	466 / 211	436 / 198	445 / 202	455 / 206
Dimensions (L x W x H) in / cm	48 x 25 x 29 / 121.9 x 63.5 x 73.7				
Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**	67	67	67	67	67
Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**	55	57	55	57	57
Exercise duration	5 min				

Engine

Engine type	GENERAC G-Force 1000 Series				
Number of cylinders	2				
Displacement	999 cc				
Cylinder block	Aluminum w/ cast iron sleeve				
Valve arrangement	Overhead valve				
Ignition system	Solid-state w/ magneto				
Governor system	Electronic				
Compression ratio	9.5:1				
Starter	12 VDC				
Oil capacity including filter	Approx. 1.9 qt / 1.8 L				
Operating rpm	3,600				
Fuel consumption					
Natural gas	ft ³ /hr (m ³ /hr)				
1/2 Load	204 (5.78)	228 (6.46)	164 (4.64)	203 (5.75)	
Full Load	301 (8.52)	327 (9.26)	287 (8.13)	306 (8.66)	
Liquid propane	ft ³ /hr (gal/hr) [L/hr]				
1/2 Load	87 (2.37) [8.99]	92 (2.53) [9.57]	86 (2.36) [8.95]	92 (2.53) [9.57]	
Full Load	130 (3.56) [13.48]	142 (3.90) [14.77]	136 (3.74) [14.15]	142 (3.90) [14.77]	

Note: **Fuel pipe must be sized for full load.** Required fuel pressure to generator fuel inlet at all load ranges - 3.5–7 in water column (0.87–1.74 kPa) for NG, 10–12 in water column (2.49–2.99 kPa) for LP gas. For BTU content, multiply ft³/hr x 2500 (LP) or ft³/hr x 1000 (NG). For Megajoule content, multiply m³/hr x 93.15 (LP) or m³/hr x 37.26 (NG).

Controls

Two-line plain text multilingual LCD	Simple user interface for ease of operation.
Mode buttons: AUTO	Automatic start on utility failure, Weekly, Bi-weekly, or Monthly selectable exerciser.
MANUAL	Start with starter control, unit stays on. If utility fails, transfer to load takes place.
OFF	Stops unit. Power is removed. Control and charger still operate.
Ready to Run/Maintenance messages	Standard
Engine run hours indication	Standard
Programmable start delay between 2–1500 seconds	Standard (programmable by dealer only)
Utility Voltage Loss/Return to Utility adjustable (brownout setting)	From 140–171 V / 190–216 V
Future Set Capable Exerciser/Exercise Set Error warning	Standard
Run/Alarm/Maintenance logs	50 events each
Engine start sequence	Cyclic cranking: 16 sec on, 7 rest (90 sec maximum duration).
Starter lock-out	Starter cannot re-engage until 5 sec after engine has stopped.
Smart Battery Charger	Standard
Charger Fault/Missing AC warning	Standard
Low Battery/Battery Problem Protection and Battery Condition indication	Standard
Automatic Voltage Regulation with Over and Under Voltage Protection	Standard
Under-Frequency/Overload/Stepper Overcurrent Protection	Standard
Safety Fused/Fuse Problem Protection	Standard
Automatic Low Oil Pressure/High Oil Temperature Shutdown	Standard
Overcrank/Overspeed (@ 72 Hz)/rpm Sense Loss Shutdown	Standard
High Engine Temperature Shutdown	Standard
Internal Fault/Incorrect Wiring protection	Standard
Common external fault capability	Standard
Field upgradable firmware	Standard

Rating definitions - Optional Standby: Applicable for supplying backup power for the duration of the utility power outage with correct maintenance performed. No overload capability is available for this rating. (All ratings in accordance with BS5514, ISO3046, UL2200, and DIN6271).

* Maximum kilovolt amps and current are subject to and limited by such factors as fuel BTU/megajoule content, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases approximately 3.5% for each 1,000 ft (304.8 m) above sea level; and also will decrease approximately 1% for each 10 °F (6 °C) above 60 °F (16 °C).

**Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on installation parameters.

20/22/24 kW

Switch Options

Service Rated Automatic Transfer Switch Features

- Intelligently manages up to four air conditioner loads with no additional hardware.
- Up to eight additional large (240 VAC) loads can be managed when used in conjunction with Smart Management Modules (SMMs).
- Electrically operated, mechanically-held contacts for fast, clean connections.
- Main breakers are rated for 80% continuous load.
- 2-pole, 250 VAC contactors.
- Service equipment rated, dual coil design.
- Rated for both aluminum and copper conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA/UL 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.

Model

G007039-1, G007039-3 (20 kW)
G007043-10, G007043-11 (22 kW)
G007210-10 (24 kW)

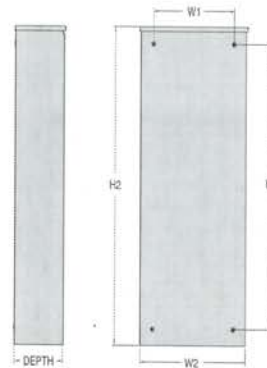
No. of poles	2
Current rating (amps)	200
Voltage rating (VAC)	120/240, 1Ø
Utility voltage monitor (fixed)*	
-Pick-up	80%
-Dropout	65%
Return to Utility*	Approx. 13 sec
ETL or UL listed	Standard
Enclosure type	NEMA/UL 3R
Circuit breaker protected	22,000
Lug range	250 MCM - #6

*Function of Evolution controller
Exercise can be set to weekly, bi-weekly, or monthly

Dimensions

200 Amps 120/240, 1Ø Open Transition Service Rated					
	Height		Width		Depth
	H1	H2	W1	W2	
in	26.8	30.1	10.5	13.5	6.9
cm	67.95	76.43	26.67	34.18	17.5

Wire Ranges		
Conductor Lug	Neutral Lug	Ground Lug
250 MCM - #6	350 MCM - #6	2/0 - #14

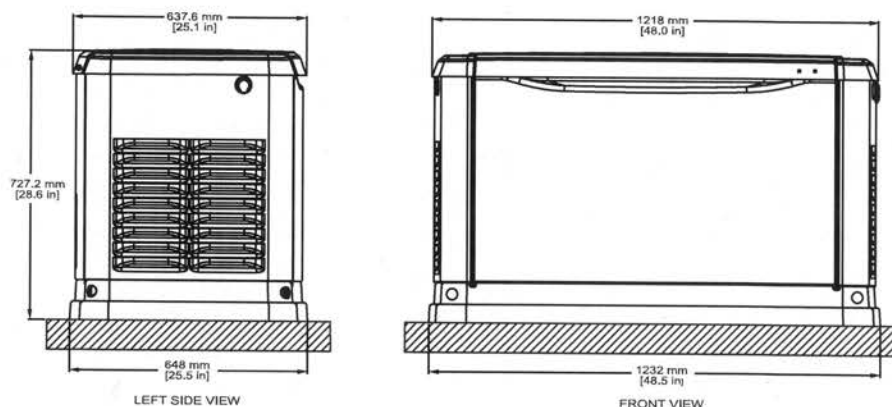


20/22/24 kW**Available Accessories**

Model #	Product	Description
G007101-0	Battery Pad Warmer	Pad warmer rests under the battery. Recommended for use if temperature regularly falls below 0 °F (-18 °C). (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if temperature regularly falls below 0 °F (-18 °C).
G007103-1	Breather Warmer	Breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load that may not be needed. Not compatible with 50 amp pre-wired switches.
G007027-0 - Bisque	Fascia Base Wrap Kit	The fascia base wrap snaps together around the bottom of the new air-cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Touch-Up Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch up the paint to protect from future corrosion. The touch-up paint kit includes the necessary paint to correctly maintain or touch up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kit provides all the items necessary to perform complete routine maintenance on a Generac automatic standby generator (oil not included).
G007005-0	Wi-Fi LP Tank Fuel Level Monitor	The Wi-Fi enabled LP tank fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in verifying the generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify users when the LP tank is in need of a refill.
G007000-0 (50 amp) G007006-0 (100 amp)	Smart Management Module	Smart Management Modules (SMM) are used to optimize the performance of a standby generator. It manages large electrical loads upon startup and sheds them to aid in recovery when overloaded. In many cases, using SMM's can reduce the overall size and cost of the system.
G007169-0 - 4G LTE G007170-0 - Wi-Fi/ Ethernet	Mobile Link® Cellular Accessories	The Mobile Link family of Cellular Accessories allow users to monitor generator status from anywhere in the world, using a smart phone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account with an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
G007220-0 - Bisque	Base Plug Kit	Base plugs snap into the lifting holes on the base of air-cooled home standby generators. This offers a sleek, contoured appearance, as well as offers protection from rodents and insects by covering the lifting holes located in the base. Kit contains four plugs, sufficient for use on a single air-cooled home standby generator.

Dimensions & UPCs

Model	UPC
G007038	696471074185
G007039	696471074192
G007042	696471074208
G007043	696471074215
G007209	696471071511
G007210	696471084801



Dimensions shown are approximate. See installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.

26 kW

GENERAC®

GUARDIAN® SERIES
Residential Standby Generators
Air-Cooled Gas Engine

26 kW

1 of 6

INCLUDES:

- True Power™ Electrical Technology
- Two-line multilingual digital LCD Evolution™ controller (English/Spanish/French/Portuguese)
- 200 amp service rated transfer switch available
- Electronic governor
- Standard Wi-Fi® connectivity
- System status & maintenance interval LED indicators
- Sound attenuated enclosure
- Flexible fuel line connector
- Natural gas or LP gas operation
- 5 Year limited warranty
- Base fascia
- Listed and labeled for installation as close as 18 in (457 mm) to a structure.*
**Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*

Standby Power Rating

G007290-0, G007291-0 (Aluminum - Bisque) - 26 kW 60 Hz



QUIET TEST



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 - ✓ **MOTOR STARTING ABILITY**
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GENERAC
PROMISE



* Assembled in the USA using domestic and foreign parts

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Pressurized lubrication to all vital bearings means better performance, less maintenance, and longer engine life. Now featuring up to a 2 year/200 hour oil change interval.

Shutdown protection prevents catastrophic engine damage due to low oil.

Allows unit to be used for demand response applications.

Prevents damage due to overheating.

Generator

- Revolving field
- Skewed stator
- Displaced phase excitation
- Automatic voltage regulation
- UL 2200 listed

Allows for a smaller, light weight unit that operates 25% more efficiently than a revolving armature generator.

Produces a smooth output waveform for compatibility with electronic equipment.

Maximizes motor starting capability.

Regulating output voltage to $\pm 1\%$ prevents damaging voltage spikes.

For your safety.

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- NEMA 3R
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Allows engine to cool prior to shutdown, setpoint approximately 1 minute.

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Unit

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- Enclosed critical grade muffler
- Small, compact, attractive

Sound attenuated enclosures ensure quiet operation and protection against mother nature, withstanding winds up to 150 mph (241 km/h). Hinged key locking roof panel for security. Lift-out front for easy access to all routine maintenance items. Electrostatically applied textured epoxy paint for added durability.

Quiet, critical grade muffler is mounted inside the unit to prevent injuries.

Makes for an easy, eye appealing installation, as close as 18 in (457 mm) away from a structure.

26 kW

Features and Benefits

Installation System

- 14 in (35.6 cm) flexible fuel line connector
- Integral sediment trap

Listed ANSI Z21.75/CSA 6.27 outdoor appliance connector for the required connection to the gas supply piping.

Meets IFGC and NFPA 54 installation requirements.

Connectivity (Wi-Fi equipped models only)

- Ability to view generator status
- Ability to view generator Exercise/Run and Total Hours
- Ability to view generator maintenance information
- Monthly report with previous month's activity
- Ability to view generator battery information
- Weather information

Monitor generator with a smartphone, tablet, or computer at any time via the Mobile Link application for complete peace of mind.

Review the generator's complete protection profile for exercise hours and total hours.

Provides maintenance information for the specific model generator when scheduled maintenance is due.

Detailed monthly reports provide historical generator information.

Built in battery diagnostics displaying current state of the battery.

Provides detailed local ambient weather conditions for generator location.

26 kW

Specifications

Generator

Model	G007290-0 G007291-0 (26 kW)
Rated maximum continuous power capacity (LP)	26,000 Watts*
Rated maximum continuous power capacity (NG)	22,500 Watts*
Rated voltage	240
Rated maximum continuous load current – 240 volts (LP/NG)	108.3 / 93.8
Total Harmonic Distortion	Less than 5%
Main line circuit breaker	110 amp
Phase	1
Number of rotor poles	2
Rated AC frequency	60 Hz
Power factor	1.0
Battery requirement (not included)	12 Volts, Group 26R 540 CCA minimum or Group 35AGM 650 CCA minimum
Unit weight (lb / kg)	518 / 235
Dimensions (L x W x H) in / cm	48 x 25 x 29 / 121.9 x 63.5 x 73.7
Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**	67
Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**	57
Exercise duration	5 min

Engine

Engine type	GENERAC G-Force 1000 Series
Number of cylinders	2
Displacement	999 cc
Cylinder block	Aluminum w/ cast iron sleeve
Valve arrangement	Overhead valve
Ignition system	Solid-state w/ magneto
Governor system	Electronic
Compression ratio	9.5:1
Starter	12 VDC
Oil capacity including filter	Approx. 1.9 qt / 1.8 L
Operating rpm	3,600
Fuel consumption	
Natural gas	ft ³ /hr (m ³ /hr)
1/2 Load	188 (5.32)
Full Load	333 (9.43)
Liquid propane	ft ³ /hr (gal/hr) (L/hr)
1/2 Load	75 (2.06) [7.78]
Full Load	132 (3.63) [13.73]

Note: **Fuel pipe must be sized for full load.** Required fuel pressure to generator fuel inlet at all load ranges - 3.5–7 in water column (0.87–1.74 kPa) for NG, 10–12 in water column (2.49–2.99 kPa) for LP gas. For BTU content, multiply ft³/hr x 2500 (LP) or ft³/hr x 1000 (NG). For Megajoule content, multiply m³/hr x 93.15 (LP) or m³/hr x 37.26 (NG).

Controls

Two-line plain text multilingual LCD	Simple user interface for ease of operation.
Mode buttons: AUTO	Automatic start on utility failure. Weekly, Bi-weekly, or Monthly selectable exerciser.
MANUAL	Start with starter control, unit stays on. If utility fails, transfer to load takes place.
OFF	Stops unit. Power is removed. Control and charger still operate.
Ready to Run/Maintenance messages	Standard
Engine run hours indication	Standard
Programmable start delay between 2–1500 seconds	Standard (programmable by dealer only)
Utility Voltage Loss/Return to Utility adjustable (brownout setting)	From 140–171 V / 190–216 V
Future Set Capable Exerciser/Exercise Set Error warning	Standard
Run/Alarm/Maintenance logs	50 events each
Engine start sequence	Cyclic cranking: 16 sec on, 7 rest (90 sec maximum duration).
Starter lock-out	Starter cannot re-engage until 5 sec after engine has stopped.
Smart Battery Charger	Standard
Charger Fault/Missing AC warning	Standard
Low Battery/Battery Problem Protection and Battery Condition indication	Standard
Automatic Voltage Regulation with Over and Under Voltage Protection	Standard
Under-Frequency/Overload/Stepper Overcurrent Protection	Standard
Safety Fused/Fuse Problem Protection	Standard
Automatic Low Oil Pressure/High Oil Temperature Shutdown	Standard
Overcrank/Overspeed (@ 72 Hz)/rpm Sense Loss Shutdown	Standard
High Engine Temperature Shutdown	Standard
Internal Fault/Incorrect Wiring protection	Standard
Common external fault capability	Standard
Field upgradable firmware	Standard

Rating definitions – Optional Standby: Applicable for supplying backup power for the duration of the utility power outage with correct maintenance performed.

* No overload capability is available for this rating. (All ratings in accordance with BS5514, ISO3046, UL2200, and DIN6271). Maximum kilovolt amps and current are subject to and limited by such factors as fuel BTU/Megajoule content, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases approximately 3.5% for each 1,000 ft (304.8 m) above sea level and approximately 1% for each 10 °F (6 °C) above 60 °F (16 °C). ** Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on installation parameters. U.S. EPA certified for non-emergency applications.

26 kW

Service Rated Automatic Transfer Switch Features

- Intelligently manages up to four air conditioner loads with no additional hardware.
- Up to eight additional large (240 VAC) loads can be managed when used in conjunction with Smart Management Modules (SMMs).
- Electrically operated, mechanically-held contacts for fast, clean connections.
- Main breakers are rated for 80% continuous load.
- 2-pole, 250 VAC contactors.
- Service equipment rated, dual coil design.
- Rated for both aluminum and copper conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA/UL 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.

Model G007291-0 (26 kW)

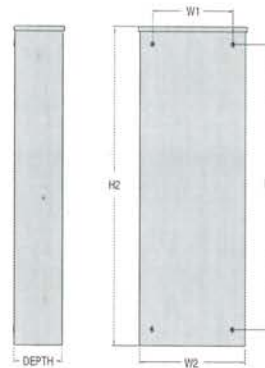
No. of poles	2
Current rating (amps)	200
Voltage rating (VAC)	120/240, 1Ø
Utility voltage monitor (fixed)*	
-Pick-up	80%
-Dropout	65%
Return to Utility*	Approx. 13 sec
ETL or UL listed	Standard
Enclosure type	NEMA/UL 3R
Circuit breaker protected	22,000
Lug range	250 MCM - #6

*Function of Evolution controller
Exercise can be set to weekly, bi-weekly, or monthly

Dimensions

200 Amps 120/240, 1Ø Open Transition Service Rated					
	Height		Width		Depth
	H1	H2	W1	W2	
in	26.8	30.1	10.5	13.5	6.9
cm	67.95	76.43	26.67	34.18	17.5

Wire Ranges		
Conductor Lug	Neutral Lug	Ground Lug
250 MCM - #6	350 MCM - #6	2/0 - #14

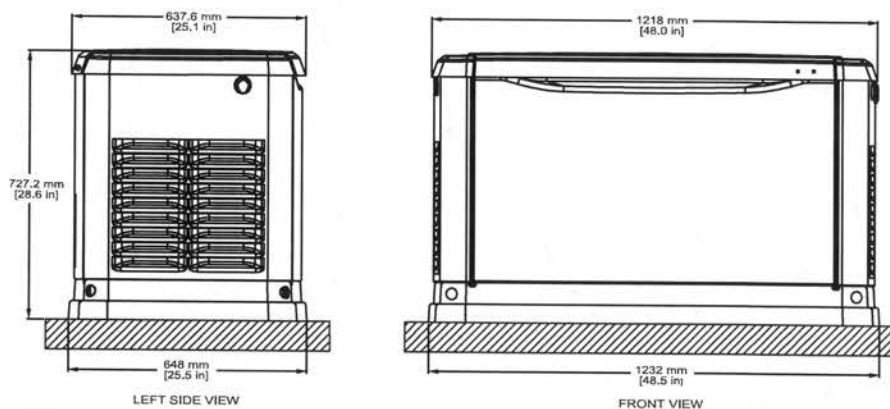


Available Accessories

Model #	Product	Description
G007101-0	Battery Pad Warmer	Pad warmer rests under the battery. Recommended for use if temperature regularly falls below 0 °F (-18 °C). (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if temperature regularly falls below 0 °F (-18 °C).
G007103-1	Breather Warmer	Breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load that may not be needed. Not compatible with 50 amp pre-wired switches.
G007027-0 - Bisque	Fascia Base Wrap Kit	The fascia base wrap snaps together around the bottom of the new air-cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Touch-Up Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch up the paint to protect from future corrosion. The touch-up paint kit includes the necessary paint to correctly maintain or touch up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kit provides all the items necessary to perform complete routine maintenance on a Generac automatic standby generator (oil not included).
G007005-0	Wi-Fi LP Tank Fuel Level Monitor	The Wi-Fi enabled LP tank fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in verifying the generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify users when the LP tank is in need of a refill.
G007000-0 (50 amp) G007006-0 (100 amp)	Smart Management Module	Smart Management Modules (SMM) are used to optimize the performance of a standby generator. It manages large electrical loads upon startup and sheds them to aid in recovery when overloaded. In many cases, using SMM's can reduce the overall size and cost of the system.
G007169-0 - 4G LTE G007170-0 - Wi-Fi/ Ethernet	Mobile Link® Cellular Accessories	The Mobile Link family of Cellular Accessories allow users to monitor generator status from anywhere in the world, using a smart phone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account with an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
G007220-0 - Bisque	Base Plug Kit	Base plugs snap into the lifting holes on the base of air-cooled home standby generators. This offers a sleek, contoured appearance, as well as offers protection from rodents and insects by covering the lifting holes located in the base. Kit contains four plugs, sufficient for use on a single air-cooled home standby generator.

Dimensions & UPCs

Model	UPC
G007290-0	696471087307
G007291-0	696471087314



Dimensions shown are approximate. See installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.

Fox Point Beach Club
7704 N. Beach Dr.
Fox Point, WI 53217

September 12, 2022

Fox Point Board of Appeals
7200 N. Santa Monica Blvd.
Fox Point, WI 53217

RE: Variance request for generator setback on side yard at 7644 N. Beach Dr.

To Whom It May Concern:

I am the President of the Fox Point Beach Club located at 7704 N Beach Drive. I am writing regarding the variance request for a generator setback at the neighboring property to our south, 7644 N. Beach Drive.

7644 N Beach Drive has had a generator in place for over two decades. Like all generators, it makes some noise, but this has never been an issue of consequence for our Club or our members. It is our understanding that a replacement generator will be quieter than the existing unit.

We have discussed the proposed generator replacement with the owners of 7644 N Beach and have given them our full support and endorsement for the project. We have no objections to them replacing their current generator and installing a newer / quieter unit in the same location. Please consider this letter our approval to issue a placement variance for this new generator.

Feel free to contact me at kenney82455@gmail.com or by phone at (262) 865-0556 if you have questions or would like any additional input from the Beach Club.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Kenney', with a stylized flourish extending from the end.

Mike Kenney
President
Fox Point Beach Club

Cc; Paul Sternlieb, 7644 N Beach Drive



PIEPER ELECTRIC, INC. | Solutions Powered by People Since 1947

Fox Point Board of Appeals
7200 N. Santa Monica Blvd.
Fox Point, WI 53217

RE: Variance request for generator setback on side yard at 7644 N. Beach Dr.

To Whom It May Concern:

I am the manager for the residential generator department at Pieper Electric, Inc. Our company is a PowerPro Elite+ dealer for Generac generators, and we have been installing generators for over fifteen years. Generac's PowerPro Elite+ designation is a comprehensive program available for members of the Generac dealer network. These dealers meet a stringent set of requirements ensuring customers receive a best-in-class sales and service experience when purchasing Generac products. PowerPro dealers also employ factory trained staff of Generac generators.

The owners of 7644 N. Beach Drive, Fox Point, WI have contracted with us to install a new Generac generator at their home to replace the current Generac generator which is now nearly 23 years old and likely unreliable. We are proposing to place the new generator in the exact same location as the old generator, which is approximately 16.25 feet from the property line. Based on our professional review of the property, we firmly believe the best location is in the northwest corner, exactly where the current unit is placed.

The current location is an ideal choice since the gas and electric meters are both located nearby, and the current hookups for the existing generator, as well as the concrete pad, are already present. Further, we have reviewed all other guidelines for generator placement (code and manufacturer guidelines) and have not identified any other issues or concerns for placing it in this location. Moreover, the new generator will be smaller in length, width, and height than the current generator it is replacing.

We also reviewed alternate locations around the property, but unfortunately no other spots are better choices due to proximity to windows/doors or other equipment in the vicinity. In addition, we would need to run new gas lines and electric to any other location.

With all this in mind, it is our professional opinion and recommendation that the optimal location for the new generator is where we are proposing, to replace the current generator, as we believe this is the only viable area on the property.

Thank you,

Karen Haas

Karen Haas
Department Manager
262-879-8495

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

414-351-8900

Receipt No: 1.058139

Sep 27, 2022

7644 N Beach Drive

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CREDIT CARD	200.00
Payor: Paul Sternlieb	
Total Applied:	200.00
Change Tendered:	.00

09/27/2022 3:13 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, for the date of Wednesday, November 23, 2022, at 5:00 p.m. to hear the following appeal for a variance:

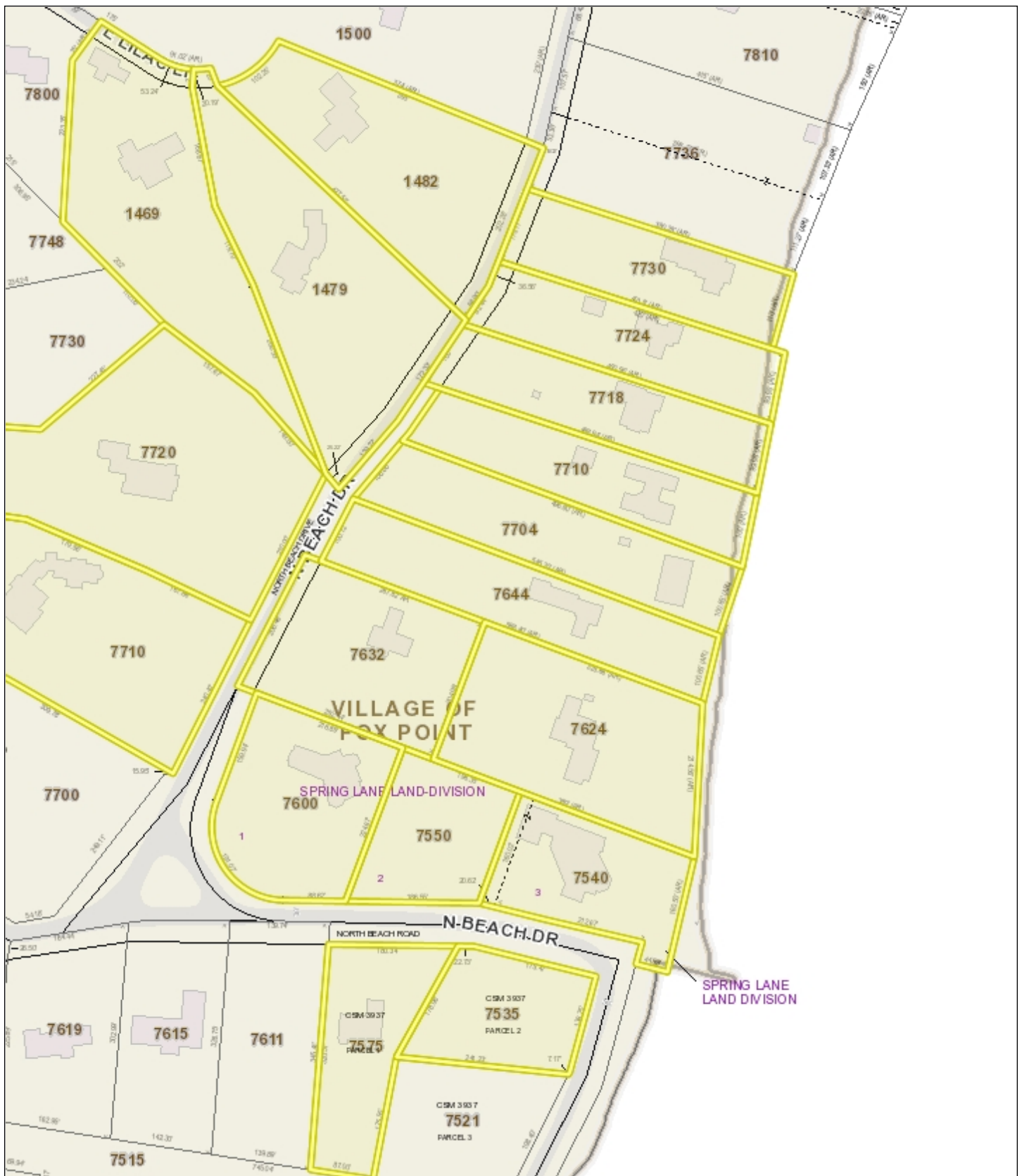
1. **Case 2022-14: 7644 N Beach Drive.** The applicant is requesting a variance pertaining to Section 745-13 B. (3) of the Fox Point Village Code in the A1 Residence District, concerning side yard setback requirement of not less than 20 feet. The applicant is proposing to install a new generator 16.25 feet from the property line to replace the current generator in the same location.

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: [October 21, 2022]
Posted: [October 21, 2022]



Village of Fox Point GIS
Board of Appeals / 7644 N Beach Dr.

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: 10/20/2022

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

§ 745-13 A-1 **Residence District.**

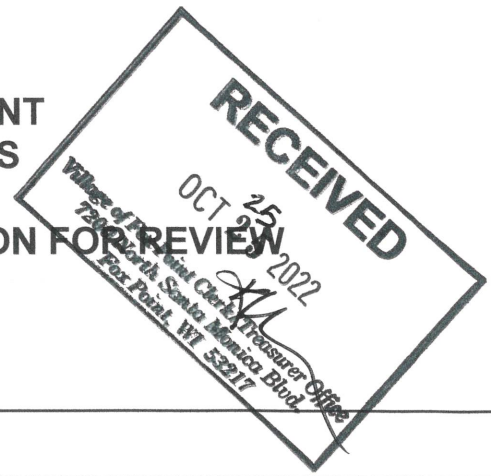
- A. **Uses.** In an A-1 Residence District, no building or premises, unless otherwise provided in this chapter, shall be erected or used except for dwelling, together with accessory uses incident to the permitted use, provided always accessory use does not constitute or become a public or private nuisance.
- B. **Areas and yards.** In an A-1 Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the center line thereof, shall not be reduced to less than 40,000 square feet for each family. No building not erected for a dwelling shall occupy more than 10% of the gross area of the lot or exceed a height of 25 feet.
 - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereinafter provided for. Every building shall be set back from the center line of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the Official Zoning Map, except that the following reductions may be made for corner lots from the setbacks specified on the Official Zoning Map: five feet when width of lot is more than 80 feet but less than 90 feet; 10 feet when width of lot is more than 70 feet but less than 80 feet; and 15 feet when the width of lot is 70 feet or less; provided, however, that no setback will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes. **[Amended 11-2012 by Ord. No. 2012-11]**
 - (3) A side yard of not less than 20 feet shall be provided for on each side of every building, except that in the case of lots existing as of May 6, 1958, and less than 100 feet in width measured at the narrowest place adjacent to the location of the dwelling, the side yard may be reduced by 1/4 of the difference between said width and 100 feet; provided, however, that the side yard shall in no event be less than 15 feet.
 - (4) A rear yard of not less than 20 feet shall be provided for every building.
 - (5) Every lot on which a building is erected shall have a minimum width of 120 feet.
 - (6) No single-family residence built or existing in this district shall have a height greater than 40 feet from the grade abutting the structure on the front side of the structure, with the exception in that, upon application to the Board of Appeals, the Board of Appeals may grant a special exception on a lot of not less than 80,000 square feet in total area upon the following criteria: **[Amended 2-2021 by Ord. No. 2021-01]**
 - (a) Special exceptions to the height limitations as hereinbefore set forth may be granted by the Board of Appeals upon consideration of the following:
 - [1] Reasonable compatibility with the character of the immediate neighborhood.
 - [2] Whether there will be unreasonable interference with the aesthetics and scenic views of residences in the surrounding area.
 - [3] Compatibility of the overall size of the structure in relation to the size of the lot.
 - (b) For any special exception granted, an additional two feet of setback on all sides of the structure is required for each foot of additional height allowed.

- (c) In no event shall the Board of Appeals grant a special exception allowing a height greater than 55 feet.
- (d) For purposes of this subsection, the height of the building shall include the highest roof point of any interior portion of the structure which can be occupied, including but not limited to attic and storage structures and observatories which accommodate entry or occupancy by a person, but shall not include roof attachments such as chimneys, antennas or decorative cupolas.
- (e) The special exceptions herein are not deemed to be variances from this chapter, but an allowed height upon satisfactory compliance with the foregoing conditions.
- (f) The Clerk/Treasurer shall provide notice of Board of Appeals proceedings under this subsection to owners or occupants of properties the boundaries of which are within 500 feet of any boundary of the subject property.



VILLAGE OF FOX POINT
BOARD OF APPEALS

NOTICE OF APPEAL & APPLICATION FOR REVIEW



1. Name of Appellant Nathan Kopydlowski
Address of Appellant 8001 N. Lake Drive
Phone Number 810-240-0399 _____
Home Work Cell
E-mail Address nkopydlowski@gmail.com
2. Address of Property 8001 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 () 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: Nathan Kopydlowski

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.

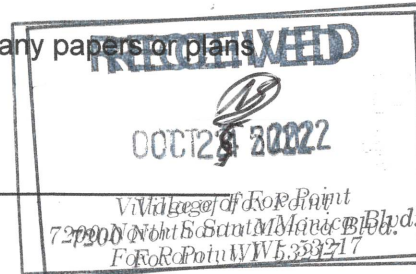
I hereby swear that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Nh

Signature of Appellant

10/24/2022

Date



For Office Use Only:

Date Application Received 10-29-2022 Receipt Number for \$200 Filing Fee N/A
Case Number CASE 2022-15 Hearing Date 11/23/22
Disposition _____



Fox Point Board of Appeals

7200 N. Santa Monica Blvd
Fox point, WI, 53217
414-351-8906

Nathan Kopydlowski
8001 N. Lake Drive
Fox Point, WI, 53217

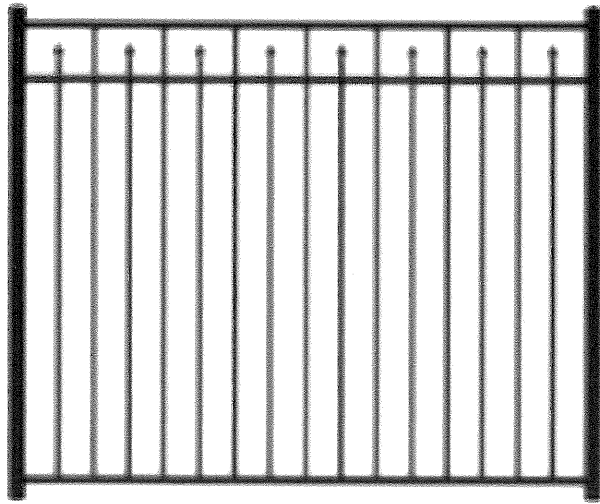
October 25, 2022

Dear Board of Appeals,

This letter is in regards to a special exemption from the Fence Ordinance. We live at a corner lot at North Lake Dr. and Bradley Rd and would like to build a black aluminum decorative fence that encloses our back yard and some of our side yard towards Bradley Rd (picture of fence design included). The purpose of the fence is to allow a large enclosed area for our 15 Month old daughter to play in. We live on the busiest road in fox point with the highest speed limit, and want to build the fence for her safety. The fence will be 4 ft tall and see through. It will be well back from the corner of Bradley Rd. and N Lake drive to not impede the vision of cars turning out of or onto Bradley Rd. The south side of our lot along the road is already hidden from the road due to large bushes and trees (picture included) and the addition of the fence would not be seen from the road. The exact location of the fence is included and this will not be a replacement fence. I look forward to discussing this further at the Board of Appeals meeting.

Warm Regards,

Nathan Kopydlowski



Fence Design: 4 ft tall aluminum fence with a gate on both sides of the house.



Pictures show the south side yard from the corner of N. Lake dr and Bradley rd. The planned fence will be from the southwest corner of the house along the west side of the drive way to the bushes along the road and remain on the north side of the bushes to the west side of the lot.

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 Wednesday, November 23, 2022 at 5:00 p.m. to hear the following appeal:

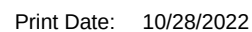
- 1. Case 2022-15: 8001 N Lake Drive.** The applicant is requesting a special exception to install a black aluminum decorative 4-foot-tall fence. The special exception request is made pursuant to 745-7 B.(3)(h), 745-7 B.(3)(h) [1-2], and 745-7 B.(3)(j) of the Fox Point Code.

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: [10/28/2022]
Posted: [10/28/2022]



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 § **25-4** 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 § 2-5-3 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:

Aesthetic Support System

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.

Automatic Gate

A fence that opens and closes across a driveway.

Barrier

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.

Does Not Include Berms, Artificial Hills and Mounds

Does not include berms, artificial hills and mounds.

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.

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.

Enclosure, Barrier or

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.

Opaque 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.

Accessory 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 **3** 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 **3** 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 **3** 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 **3** 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 § **57-17.5** of this Code;
- [d] Beehives for permitted beekeeping pursuant to § **57-17.6** 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 § **745-10** **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 §§ 6-7 and 6- 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 § **57-17.5** of this Code and beehives that have been approved pursuant to § **57-17.6** 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 § **57-17.5** regarding any matter regulated therein, or differ from § **57-17.6** 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 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 [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 6[1], 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. 2014-0]

- (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. 2014-0]**

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

- (1) Where permitted. Subject to the provisions of this Subsection ☐, 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 1 ☐ Article ☐ of this Code, the Building Board shall have the powers described in this Section **745-7** ☐.
- (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.