

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

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

WEDNESDAY
MARCH 22, 2023
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Approval of the Minutes and Determinations – November 23, 2022 Meeting**
- 3. Case 2023-01: 7363 N Navajo Rd.** 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 20 feet. The applicant is proposing to build a new garage 6 feet wider and 13 feet from the property line to replace the current garage in the same location.
- 4. Case 2022-02 7607 N. Lake Drive.** The applicant is requesting a special exception to install a new three-and-a-half-foot high ornamental aluminum fence forward of the frontline of the home. The special exception request is made pursuant to 745-7 B.(3)(h) and 745-7 B.(3)(j) of the Fox Point Code.
- 5. Case 2023-03: 130 W Bradley Rd.** 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 20 feet. The applicant is proposing to build a new 2-car garage that is smaller than the current garage footprint, 15 feet from the rear property line, and approximately 40 feet from the 60-foot setback on Navajo Road. This variance request is to replace the current garage, in the same location.
- 6. Adjourn**

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

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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, November 23, 2022 at 5:00 p.m. The Village Clerk took roll call. Those present included: Village Clerk Kelly Meyer called the meeting to order at 5:01pm.

Mark Grady, Acting Chairman
Thomas Dunst, Board Member
Scott Ratke, Board Member
Lucille Sells (Alt. #1), Board Member
Alan Polan (Alt. #4), Board Member

Staff members also present were Acting Village Attorney Luke Martell, 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.

Selection of Acting Chair

Village Clerk/Treasurer Meyer asked for nominations for Office of Chairperson.

Member Thomas Dunst nominated Mark Grady for Acting Chairperson. Scott Ratke seconded the nomination. Hearing no other nominations, nominations were closed.

Motion by Member Thomas Dunst, Seconded by Member Scott Ratke, and carried by roll call vote (5-0), to nominate Mark Grady as the acting Chair.

Approval of Minutes of September 28, 2022 Meeting and the Findings of Fact, Decision and Order

Motion by Member Scott Ratke, Seconded by Member Thomas Dunst, and carried by roll call vote (5-0), to approve the September 28, 2022 Meeting Minutes and the Findings of Fact, Decision and Order of the last meeting, as revised.

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.

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.

Acting Chair Mark Grady inquired of Michael Rakow to state where this case currently stands today without going through the whole history.

Building Inspector Michael Rakow gave background on Case 2022-12, stated there no temporary sign hanging. That has been down for some time now. There is no current sign permit; there is currently a wall sign up which was put up without a permit.

Acting Chair Mark Grady stated he thought he saw in the materials that a permanent that a permit had been applied for and that allegations had been verbally approved, but approval had not been provided in writing.

Building Inspector Michael Rakow distributed Exhibit A – an Email dated July 18, 2022 from Michael

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Rakow to Deb Burton at Poblocki Sign Company and Exhibit B – a return Email dated August 12, 2022 from Deb Burton at Poblocki Sign Company to the Board of Appeals, notifying Michael Rakow that the sign permit dated 6/3/22 was being cancelled. Building Inspector Michael Rakow stated until he receives a sign permit application, the installed sign is currently in violation.

Mark Grady inquired if the only thing holding up approval of the sign pre-existing installation is an application for a permit with whatever fees have to be paid. From your standpoint, assuming that happens, you have no basis to deny that application at that point.

Building Inspector Michael Rakow stated that is correct.

Chair Mark Grady further stated that his understanding earlier the basis for denial was there was a temporary sign that had not been taken down and that is no longer the case.

Building Inspector Michael Rakow stated that is correct.

Member Alan Polan stated he has some timeline questions. On 8/12, the order to correct by the 15th – has this been corrected? As we sit here today, is it corrected or not corrected?

Building Inspector Michael Rakow stated it has not been corrected. He does not have a signed permit application for that sign.

Member Alan Polan stated upon the filing of an application and payment, you would anticipate that this would be approved.

Building Inspector Michael Rakow stated that is correct.

Member Alan Polan inquired if it were submitted and then approved, then where do they stand again? As of today, are there sanctions be accrued?

Building Inspector Michael Rakow stated he has only issued one citation and that was per my order to correct on September 13th. There was no citations pertaining to the August.

Member Alan Polan inquired if there were any citations for court appearance. Building Inspector Michael Rakow stated there was one, but not for this.

Member Alan Polan inquired what Building Inspector Michael Rakow's understanding what the remedy is they are asking the village for this Board to do.

Building Inspector Michael Rakow stated the applicants are appealing the August 12th occurrence. He stated all he needs is a sign permit application. He doesn't want more work.

Village Attorney Luke Martell stated procedurally it does matter to the effect that the question before the Board was the order issued in error? That is the only determination that the Board is supposed to make tonight. Whether Michael's order from August 12 was issued in error. That is what the Board should focus everything around.

Member Lucille Sells inquired if the order they are discussing in regard to the temporary sign?

Building Inspector Michael Rakow stated the August 12th, is for the permanent wall sign, not the temporary sign. He further stated he does not have an application to issue a sign permit.

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Applicant/Summit Clinical Laboratories, Michael Matts and Adam Chansen

Michael Matts and Adam Chansen of Summit Clinical Laboratories stated their names and were sworn in to provide testimony by the Village Clerk Treasurer.

Acting Chair Mark Grady asked Director Michael Matts why they did not apply for the sign permit.

Summit Clinical Laboratories Michael Matts was told they had to work with a sign company. Poblocki Sign Company gives full services from their stand point.

Acting Chair Mark Grady stated he understands that Summit Clinical Laboratories is relying on Poblocki Sign Company to get the sign permit, Poblocki believed they had approval, but apparently, they didn't officially on paper. So, the sign permit never got issued.

When the sign was produced in early to mid-August. When Summit Clinical Laboratories called the village, the village stated they did not have a sign permit. They called Building Inspector Michael Rakow regarding the sign permit. Summit Clinical Laboratories reached out to the village several different times. They were offered an extended temporary sign permit. In late June when they found out they did not have to go before the board, which they appreciated. The process is not as easy as Summit Clinical Laboratories thinks it is. In June when Summit Clinical Laboratories found out that they did not have to go in front of the Board, they were under the impression that the permit was approved. Summit Clinical Laboratories thanked the village representatives. There was no return communication from the village, reaching out to let Summit Clinical Laboratories know the permit wasn't issued or wasn't going to be issued. Had Summit Clinical Laboratories know, they would have done whatever need to be done to complete the process to make this happen.

Acting Chair Mark Grady stated, no question that the communication was two ships passing in the night from the history that Summit Clinical Laboratories gave the Board. The Board is really trying to focus on where the process is at today. Technically this appeal is for Summit Clinical Laboratories to show why the August 12th issue was issued in error. Acting Chair Mark Grady is trying to ask a slightly different question. If Summit Clinical Laboratories applied for a sign permit tomorrow, the Building Inspector will issue it the next day and we are done. Acting Chair Mark Grady stated his question is why doesn't Summit Clinical Laboratories just apply for a sign permit.

Summit Clinical Laboratories Michael Matts stated let's do that right now. He stated that has never been a question.

Acting Chair Mark Grady stated he understands there is a history of noncommunication, but there is no reason to go through the whole history when there is a really simple solution to solve this.

Adam Chansen stated that on the call with Building Inspector Michael Rakow that was recorded that if they take the temporary sign that was up and take that down when the new sign is ready, how soon can they get that permit issued. Mr. Rakow's response was I have been dealing with this for two to three months now; if he gets to it, he will do it.

Acting Chair Mark Grady wants to propose is that the Board adjourn you appeal to the next Board of Appeals meeting in January. In the meantime, assuming that Summit Clinical Laboratories gets the permit, you would withdraw the appeal at that time. There would be nothing left to do at that time.

Acting Chair Mark Grady inquired of Building Inspector Michael Rakow, assuming Summit

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Clinical Laboratories gets the permit and you approve it sometime next week, will they have an issue with the September 12th citation?

Building Inspector Michael Rakow stated he would hold off on all citations. Acting Chair Mark Grady stated it would become Moot. There will be nothing left for the Board to decide.

Motion: Case 2022-12

Motion by Member Thomas Dunst, seconded by Member Scott Ratke, to adjourn case 2022-12 to the next Board of Appeals meeting on January 25, 2023 at 5:00 p.m., if necessary.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Lucille Sells (Alt #1)</u>	<u>Aye</u>
<u>Alan Polan (Alt #4)</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>

Motion carried.

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.

Applicant/Owner Petrus V Lindeque

Owner Petrus V Lindeque was sworn in to provide testimony by the Village Clerk Treasurer.

Acting Chair Mark Grady stated his understanding is that Mr. Lindeque installed an eight-foot fence, 18 feet long between his home and the home behind him. Mr. Lindeque discovered after installing the fence that it was only allowed to be 6 feet without permission. Acting Chair Mark Grady asked Mr. Lindeque to briefly explain why he wants the fence to be eight feet.

Owner Petrus Lindeque stated the 6-foot fence has been there since 2001. The main floor is likely higher than the grade. If you stand on the mid-level floor, you are quite high up. A 6-foot fence does not give much privacy between the two homes. The neighbor (7416 N Bell Rd) has a large window in their kitchen, which is their breakfast nook area. They spend quite a bit of time in that area. 7411 has 12-foot floor to ceiling windows facing directly on the south wall which gives direct access to look into the neighbor's home and into their living room, dining room and kitchen with an unrestricted view. Putting up a six-foot fence in effect is only around four-foot because of the difference between the grade and the floor levels. Raising it to 8-foot, just gives both homes privacy. If Petrus stands in his kitchen, he can actually see what is for breakfast on the table. That is the only reason – specifically to give privacy. Mr. Lindeque had the opportunity to take photos to show the difference between a 6-foot fence and an 8-foot fence.

Acting Chair Mark Grady stated Mr. Lindeque noted there was a fence previously in the same location. He inquired what height the prior fence was.

Mr. Lindeque commented the prior fence was a 6-foot fence. 6-foot fence prior inquired if the prior fence was 8 feet. Owner Petrus stated it was 6 feet.

Acting Chair Mark Grady inquired on the photo submittals included in the Board of Appeals

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packet. Photo #2 and Photo #3 were of 7416 N Bell Road. He inquired if this was a photo taken from Mr. Lindeque's home at 7411 N Santa Monica Blvd of 7416 N Bell Road.

Mr. Lindeque stated that was correct.

Acting Chair inquired if photo #3 was taken from the neighbor's home looking at Mr. Lindeque's home.

Mr. Lindeque stated that was correct.

Member Alan Polan stated a lot of what you're talking about, is concern for you being able to see through their windows. But it is your fence that is keeping them from looking into your home, so from your perspective, what is your concern as to why there needs to be eight feet instead of six feet. You would have two more feet wide restricting their sightline.

Mr. Lindeque stated it actually just stops them from being able to look into each other's homes.

What is the visibility of the fence from those walking in the area.

Mr. Lindeque stated if you walk down Santa Monica, part of the fence approximately a quarter of it is visible.

Member Alan Polan when the code talks about impeding the purpose, spirit and intent section and we talk about a six-foot fence, why six feet? What is the purpose and the spirit of the code? Why six feet, why can't it be eight feet?

Village Attorney Luke Martell stated that is a great question; he was not there when it was passed and doesn't believe Village Attorney Eric Larson was either. Six feet is the standard across the board across the entire village with one exception. It allows for 11 feet but only if the property abuts a commercial. There may have been one recently or a few years back. There was a home next to a shopping mall and they were allowed to put up a high fence, but that is the only exception that he is aware of and that Village Attorney Eric Larson is aware of in the village for to exceed six feet. This was for uniformity and he is not aware of any other fences that are over six feet in the village at this time. It has been capped at six feet so far.

Acting Chair Mark Grady stated he wanted to clarify they have dealt with fences and front yards, but this is not that. For the Board's purposes, statutes and code provisions that the Board is supposed to be referring to is 745-7 (3)(h) and 745-7 (3)(j). Legitimate need for a special exception was discussed by the Board.

Village Attorney Luke Martell stated in regard to the definition of legitimate need, it is clear and convincing evidence that the applicant has a legitimate need that will not adversely affect the health, safety or welfare of the community and will not impede the purpose, spirit and intent of the subsection. It is up to the Board to determine what that means.

Representative for Neighbor and Owner Joan Shriver, Holly Trotter

Representative for Neighbor/Owner Joan Shriver, Holly Trotter was sworn in to provide testimony by the Village Clerk Treasurer.

Ms. Trotter clarified she is the daughter and power of attorney for neighbor and owner Joan Shriver.

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The land between the two homes have enough space between them, approximately 12 feet, but the windows are all very tall. It is not the houses that were built in the 1940's anymore. The home is more contemporary and they can see each other. Ms. Trotter stated she is only 5 foot, 5 inches. When the 8-foot fence went up, it gave them the privacy they needed and they were very happy with the fence. When they found out the fence was outside of the regulations, Ms. Trotter came to represent her mother. The Shriver family would like to see the eight-foot fence due to the closeness of the homes. The fence is running perpendicular to the Santa Monica Blvd and the Shriver home is blocking it from Bell Road. Anyone driving by would have a difficult time being able to view the fence. The Shriver's feel it is the right decision to permit the eight-foot fence.

Ms. Trotter further stated that no one is currently living in the home and she is planning on selling the home in the future. It would be a great selling point. Anyone moving into the home, would want that privacy. She would like a buyer to be able to have the privacy she would want if she were to live there. Ms. Trotter noted she does believe that the houses are above the grade of where the fence is and the fence may not actually be a full 8 feet.

Member Alan Polan inquired what the legitimate need from Mr. Lindeque's perspective, as far as it being 8 feet instead of 6 feet.

Mr. Lindeque stated the first photo actually shows you only have about four feet of privacy and that is the crux of the matter. The homes have very high windows from floor to ceiling. Since the installation of the fence, the homeowners can now leave the blinds open in the home, to let the sunlight in, to have more privacy. Previously they always kept the shades down in the home. If it has to be a 6-foot fence, it is not the end of the world, but why not have a fence that enhances the property. The 8-foot fence is a benefit to the homes on both sides.

Acting Chair Mark Grady stated he understands in his words from what Mr. Lindeque is saying, the differences in the height of the homes and the land, an 8-foot fence is needed to be equivalent to a 6-foot fence to bring it up to grade.

Member Alan Polan inquired if the concern was that the next owners coming into the home will have the privacy that they need based on the higher ground grades so they will be unable to look into Mr. Lindeque's home.

Mr. Lindeque stated he does have a concern with new owners coming into the home once it sells, as one could see into the home. The current neighbors have actually experienced living with both the old fence and the new fence.

Member Alan Polan inquired if there is a window from Mr. Lindeque's home that you can see directly into the neighbor's home.

Mr. Lindeque stated absolutely, as in photo three on the right-hand side of the photo, you can actually see the picture in the kitchen. You can see all the way through the home. It is uncomfortable to see the neighbors while you're eating.

Ms. Trotter noted is uncomfortable; it would be more comfortable knowing that there is not someone eating breakfast, able to see into the home.

Member Lucille Sells asked for clarification on the survey in the packet.

Closing of Testimony, Case 2022-12

Without objection and by unanimous consent, Acting Chairperson Mark Grady closed testimony

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at 5:45 p.m.

Motion: Case 2022-13

Mark Grady stated he sees this as an 8-foot fence that is seen by these two properties...

Motion by Member Thomas Dunst, that the applicant has demonstrated a legitimate need for a special exception based on the differences in height of the properties and this will not adversely affect the health, safety or welfare of the community or immediate area and will not impede the purpose, spirit and intent of the ordinance. Member Lucille Sells seconded the motion.

Acting Chair Mark Grady asked for any discussion on the motion. A brief discussion took place.

Acting Chair Mark Grady stated what he asked the applicant, he sees this as an 8-foot fence that will not affect anyone's properties in the community or the surrounding area. The applicant needs an 8-foot fence to have the functionality of a 6-foot fence. Therefore, he agrees with the motion.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Lucille Sells (Alt #1)</u>	<u>Aye</u>
<u>Alan Polan (Alt #4)</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>

The application for the special exception for the eight-foot fence was granted by roll call vote, 5-0.

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.

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.

Acting Chair Mark Grady stated his understanding is that this generator has been in this spot for approximately 24 years, within the 20-foot setback. He inquired of Building Inspector Michael Rakow, as far as he knows does this pre-date the setback requirements and was this installed without permission.

Building Inspector Michael Rakow stated he could not tell him that.

Acting Chair Mark Grady inquired whether or not this generator is a nonconforming use and whether there are any provisions of the code related to nonconforming structures that would apply to the Board's consideration today.

Village Attorney Luke Martell stated governing statutes is 756-34 (b), which states a generator is an exterior structure. The legal nonconforming structure section of the village code is 745-4 (c) (2). That code states that a legal nonconforming use of a nonconforming structure existing at the time of the

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365 adoption of the amendment may be continued even though the size and location does not conform to
366 the setback. From what Village Luke Martell understands, there is not much modification here other
367 than that it is within a smaller footprint. Therefore, the sentence of the last section, 745-4 (c) (2) of that
368 code states, in addition, such structure may be totally rebuilt if such reconstruction is identical in size
369 and shape and use to the original structure.

370
371 Village Attorney Luke Martell stated his understanding based on the application, that would
372 apply assuming the structure was put in place prior to the adoption. He does not know when it was
373 adopted.

374
375 Applicant/Owner Paul Sternlieb

376 *The Property Owner Paul Sternlieb was sworn in to provide testimony by the Village Clerk Treasurer.*
377

378 Acting Chairperson Mark Grady inquired of Mr. Sternlieb if he knew at the time the generator was
379 installed whether the setback requirements were in place or whether it was installed without looking into the
380 issue. He also inquired whether Mr. Sternlieb owned the home back at that time.

381
382 Applicant/Owner Paul Sternlieb stated he did not know the answer to that. He purchased the home just
383 this past summer. He understands there were multiple previous owners. He stated he did speak to Building
384 Inspector Michael Rakow and at the time, he also did indicate that he was not here at that time. He is also
385 unaware if this pre-dates the generator section of the code. There was a permit taken out for the generator
386 previously; that is in the files for the home property.

387
388 Acting Chairperson Mark Grady directed to Village Attorney Luke Martell that he would assume based
389 on that testimony that if a permit was issued either the setback requirement didn't exist or a variance was
390 granted at a Board of Appeals meeting or the building inspector at the time made a mistake.

391
392 Village Attorney Luke Martell noted that is correct, which you can also take into account when making
393 the decision on a variance
394

395 Acting Chairperson stated that it is his understanding that they do not have to make a decision on the
396 variance issue if we can assume that this generator was placed prior to the setback requirements being
397 adopted. Assuming that is true, this is a pre-existing, non-conforming use that is not being altered in any way
398 that requires the applicant to get a variance. They can replace it in the same footprint and continue that non-
399 conforming use.

400
401 Village Attorney Luke Martell stated that is correct. It would be a continuation of the legal non-
402 conforming structure so long as it is built in the same footprint as the previous one.

403
404 Acting Chairperson stated it strikes him as an easier decision for this Board to make to find that it is a
405 continuation of a non-conforming use than addressing the variance question. This issue is determinative if they
406 do not have to get to the variance issue. He asked for discussion on that particular matter.

407
408 The Board members stated they agreed with the above discussion. Based on the consensus by the
409 Board, Acting Chairperson Mark Grady moved to close testimony at this time.

410
411 **Closing of Testimony, Case 2022-14**

412
413 ***Without objection and by unanimous consent, Acting Chair Mark Grady closed testimony***
414 ***at 7:11 p.m.***
415
416

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Motion: Case 2022-14

Motion by Acting Chair Mark Grady, the Board of Appeals find that this generator replacement using the same or smaller footprint as the prior generator is a continuation of a previous existing non-conforming use and therefore, may be allowed to continue assuming it is installed as described. Member Thomas Dunst seconded the motion.

Roll call vote was called.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Lucille Sells (Alt #1)</u>	<u>Aye</u>
<u>Alan Polan (Alt #4)</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>

Motion carried by roll call vote, 5-0. The variance was not granted; however, you may continue the non-conforming use assuming you install as the Board has described.

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.

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.

Acting Chair Mark Grady asked Building Inspector Michael Rakow to give the Board his understanding of what the request is and what the issue is before the Board.

Building Inspector Michael Rakow stated the applicant is installing a 4-foot-high fence. The address is on Lake Drive; if you look on the northwest corner of Bradley, the southwest corner of the property on Bradley Road jogs out parallel with the house and then jogs forward to head south, which is technically the way he views forward of the front line of the home.

Acting Chair Mark Grady stated this is a corner lot; the Board would have to determine where the front of the house is. For the sake of argument, if the front of the house is Lake Drive. Because it is a corner lot, the fence without permission from the board, could not extend beyond the western corner of the home. Essentially there are two front yards under the Village Code.

Building Inspector Michael Rakow stated that is correct. There are multiple things, corner lots, irregular shaped lot, and determination of the location of the front of the home.

Acting Chair Mark Grady stated the issue is the place the fence forward of the frontline of the home from either side.

Building Inspector Michael Rakow stated that is correct and is the reason he sent it to the Board.

Acting Chair Mark Grady stated either way, the request is to put the fence under any definition, forward of the front line of the house, extended on the Lake Drive side. It is also forward of the front line if we use the side of the house as a front now. Either way, it is in the front yard.

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Building Inspector Michael Rakow stated he agreed.

Acting Chair Mark Grady stated this is the reason Building Inspector Michael Rakow could not grant it and it was sent to the Board of Appeals.

There were no further questions for the Building Inspector.

Owner Nathan Kopydlowski

The Property Owner Nathan Kopydlowski was sworn in to provide testimony by the Village Clerk Treasurer.

Acting Chairperson Mark Grady asked the owner(s) to provide testimony regarding case. He stated there are a couple of things they have to do as a Board. The first provision is to determine where the Board believes the front of the home is; he will operate under the assumption that Lake Drive will be the front of the home. The second provision, the home is on a corner lot, the side yard is also essentially treated as a front yard in the fence ordinance. No fence can essentially go onto the side yard without permission from this Board. Not only the little small bump out along the driveway, but it is also the entire section that is on the south side of the house that needs approval. The Board also has to find that the special exceptions is necessary to protect the safety of the persons within and a couple of other provisions as well. He asked the applicant to focus on that provision and tell the Board why you feel that fence is necessary for the safety of the persons within the home.

Mr. Kopydlowski stated the main concern for safety is their 16-month-old daughter. They live on the busiest road in Fox Point with the highest speed limit in Fox Point. Cars travel at 35 miles an hour at the low end of the speed limit. Therefore, they want to have a sizeable yard for the children to play in without having to worry about them running into the road. They moved into the home in September; since they moved in, they have had a car accident in the middle of the night that ended up in the lot down from theirs in the front yard. It is a very curvy road. They just want their children to have a sizeable yard to play in and to be safe from the road. Part of the problem is that they need a fence to go from western corner to use a very sizeable area of their yard so the back yard is not cut in half. The fence that they are proposing to install would be a see through fence, very decorative, and 4-foot high. Determining the front of the house and what passes the front of the house, having to determine whether it is based on whether the house is parallel to the road or not may not need to be discussed. The fence does not go in front of the corner of the house that is parallel to the front should be Lake Drive. It goes west-southwest from the house and then drifts south towards Bradley Road from there. The reasons for having those provisions on a corner lot is to alleviate blocked viewing for cars making turns. The proposed fence is well back from the corner. As you can see in the pictures, the south side of that fence would actually be hidden from view from Bradley Road with the plants that are already planted there. The fence would then go up the west side of the lot be against the neighbor's lot. The fence is a see through fence, so it would not block any visuals of the neighbor. As far as the safety portion, it is to keep my daughter safe. As far as provisions in placing the fence, because it is a corner lot, he doesn't feel it violates any of the nature and spirit of the code.

Acting Chair Mark Grady inquired about the section regarding the safety of persons.

Village Attorney Luke Martell cited Section 745-7 B.(3)(h) [2].

Acting Chair Mark Grady read Subsection, [2] of 745-7 B. (3)(h), regarding safety of persons on the property. In Subsection (j) of 745-7 B. (3), a legitimate need for a special exception that is not contrary to the public interest.

Member Scott Ratke inquired if Mr. Kopydlowski considered a smaller fence, not quite all the way to the

**VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, NOVEMBER 23, 2022**

front.

Applicant/Owner Mr. Kopydlowski stated they would be cutting off half of their yard to do this. They would have to go straight southwest corner of the house. They would leave this very large area of their yard behind.

Acting Chair Mark Grady stated for the benefit of the Board members who have not been here previously, every case is unique. There have been cases in the last few years on corner lots on busier streets or roads. There has been some precedence in the past due for approving fences like this on corner lots on busier streets. That doesn't mean that the Board has to approve every single one that comes before the Board. Again, he just wanted the newer Board members to know that has happened.

There were no further questions.

Closing of Testimony, Case 2022-15

Without objection and by unanimous consent, Acting Chairperson Mark Grady closed testimony at 6:08 p.m.

Motion: Case 2022-15

Member Alan Polan commented that it looks like the Board is still doing Subsection (j) of 745-7 B. (3). So, if the Board is talking about having to come in front of the Board for a special exception to build this fence and the reference to it will not impede the spirit and intent of the section, what would be the purpose, spirit and intent of the section to where the Board would limit that as opposed to allowing via an exception.

Acting Chair Mark Grady stated that another Board, Member Mr. Bazelon talked about it. The spirit of the fence ordinance in Fox Point is openness, on the whole the appearance and feel of the village to be as open, rural, and as non-urban as possible. It is also due to site lines; obviously on a corner you have site lines you have to be concerned about. That has been discussed as well. The overall spirit of the fence ordinance is to keep fences from backyards under the ordinance so that they don't change the appearance of the village. That is the spirit you are weighing against this request. Due to safety reasons and then due to the area.

Member Alan Polan inquired of Applicant/Owner Mr. Kopydlowski if he has one child and if the 16-month-old would ever be outside unsupervised. Mr. Kopydlowski stated no. Member Alan Polan inquired if there was more of a comfort level if there was fencing. Mr. Kopydlowski stated absolutely, especially since children sometimes make thoughtless decisions and he is a physician and works at the hospital. He sees what happens when children end up in front of cars. It is a scary situation and probably colors his view a little more. If there is a fence there it would most definitely bring more peace of mind for, he and his family. It should also bring more peace of mind to everyone driving around on the roads. Yes, it is a corner lot, but on any other lot the fence would be in the back yard.

Due to testimony being closed, without objection and by unanimous consent, Acting Chair Mark Grady received the testimony for record just given by Mr. Kopydlowski.

Acting Chair Mark Grady stated testimony is technically closed now. It can be re-opened if there are any other questions, but otherwise it is closed. It is time to deliberate.

Acting Chair Mark Grady noted he goes by the property running frequently so he is very familiar with the appearance of the lot. He believes this is very similar to a couple of requests we have received

**VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, NOVEMBER 23, 2022**

previously. Not that he wants a fence on every busy street in the village, but the Board has granted some requests when there have been primarily children involved, in order to protect the safety of the children from traffic and at a minimum, protecting children from going out into traffic. I am predisposed to granting the special exception.

Member Thomas Dunst stated twice previously the Board has considered Lake Drive to be a special case in terms of the speed and the risk.

Motion by Acting Chair Mark Grady to grant the special exception, as requested: for the reasons the applicant made, for the safety of the children residing on the property, due to the legitimate need for it, due to the circumstances with traffic on Bradley Road and on Lake Drive, and although it is contrary to the overall spirit of the ordinance to keep the village open and non-urban, there is also a provision for the special exception in circumstances where needed. Member Lucille Sells seconded.

Roll call vote was called.

<u>Thomas Dunst</u>	<u>Aye</u>
<u>Scott Ratke</u>	<u>Aye</u>
<u>Lucille Sells (Alt #1)</u>	<u>Aye</u>
<u>Alan Polan (Alt #4)</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>

The special exception was granted, as submitted by roll call vote, 5-0.

Adjourn

Without objection and by unanimous consent, the Board adjourned the meeting at 6:15 p.m.

Respectfully Submitted,

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



VILLAGE OF FOX POINT
BOARD OF APPEALS

NOTICE OF APPEAL & APPLICATION FOR REVIEW

1. Name of Appellant Geoffrey J. Daley
Address of Appellant 7363 N. Navajo Rd.
Phone Number 414-336-2726 same same
Home Work Cell
E-mail Address geoffjdaley@gmail.com
2. Address of Property 7363 N. Navajo Rd.
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: Geoffrey J. Daley

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: Tear down of existing attached garage & rebuild attached garage 6ft. wider.
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.

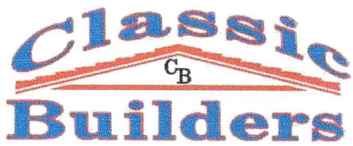
Geoffrey J. Daley
Signature of Appellant

1-25-23
Date

For Office Use Only:

Date Application Received 1/25/2023 Receipt Number for \$200 Filing Fee 1.0588524
Case Number 2023-01 Hearing Date 3/22/2023
Disposition _____

- B.1. An additional 6ft would be added to the width of the garage for additional storage.
2. A workbench will be added at a later date and give me more room
3. There's plenty of additional space and leaves 13 feet to the lot line
4. Meets necessary requirements to the lot line
5. It won't hinder the changes we requested to our neighbors.



Garage Layout

OFFICE: S83 W18901 Saturn Dr, Muskego, WI 53150

Phone (262) 679-4800 Fax (262) 679-4802

Owner(s) **Daley, Gwen & Geoff**

Date: **9/21/2022**

Property Address **7363 N Navajo Rd**

City **Milwaukee**, WI Zip **53217**

DEMOLITION:

Existing Structure Removal **22 x 22**

Concrete/Asphalt Removal **Slab + + 336 Sq Ft**

MASONRY: (see EXHIBIT A)

Slab size **28 X 22** w/ Curbs Apron **14 X 24**

Driveway Joints **Best Way**

Sidewalks **3 x 5** Patio

Block Size **8"** Qty **None** Tile/Stone **Yes**

BUILDING:

Garage Size **28 X 22** Walls **2 x 4 - 9' Tall**

Roof Style **Rev Gable** Roof Pitch **4/12**

Trusses **None** Ridge Vent **Yes**

Overhangs: Front **12** Rear **12** Sides **12**

Siding **D4_Vinyl Ovation**

Color **Cypress green** Housewrap **Yes**

Shingles **OC** Color **Desert Tan**

Windows **1-**

Color **white** Grills **Ø**

Overhead Door **2283** Size(s) **16 x 7**

OH Windows **Ø** Color **white**

Door Operators **1 1/2 HP - Quiet Chain**

Keyless Entry **Yes** Total Remotes **2**

Primed 6-Panel Service Door **36"** **Must be painted*

Deadbolt? **Yes** Door Trim **Aluminum - white**

Soffit **Aluminum - white**

Fascia **Aluminum - white**

Seamless Gutters **60** ft Color **white**

Downspouts **2** Size **4"**

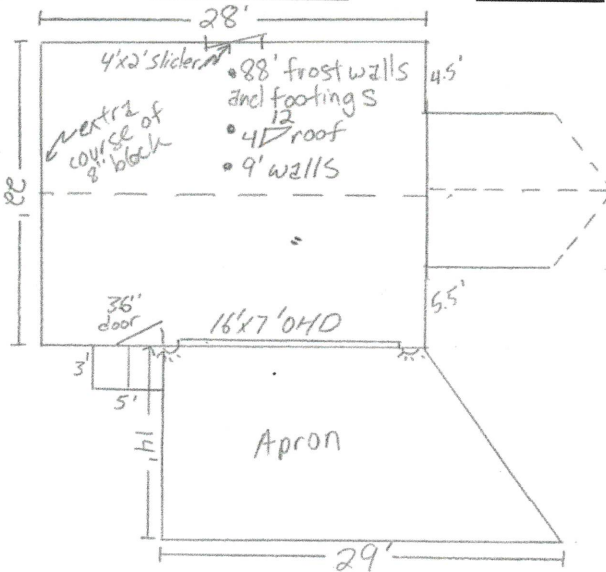
ELECTRIC: **Yes**

Basic Package Includes:

- 2** Interior Lights w/ 1 Switch
- 3** Inside Outlets
- 20** Amp Circuit
- 1** Coach Light w/ 1 Switch
- *Install Only* -*
- *Fixture Not Included**
- Up to 50' Of Trench*

Additional Electric

- 1** Interior Lights
- 1** Coach Light(s)
- Inside Outlets
- Switches



MISCELLANEOUS:

NOTICE TO OWNER(S): Owner(s) should NOT sign this contract before reading both sides of all pages.

Owner is entitled to an exact copy of any agreement you sign.

Owner _____ Date _____

Classic Builders Representative _____

Date **9/22/22**

MORE INFORMATION ON BACK



Building Agreement

OFFICE: S83 W18901 Saturn Dr, Muskego, WI 53150

Phone (262) 679-4800 Fax (262) 679-4802

CONTRACT INFO: The BUILDING AGREEMENT, GARAGE LAYOUT, EXHIBIT A, (if used), and CHANGE ORDER is the CONTRACT between Classic Builders (CB) and the Property Owner.

Owner(s) Daley, Gwen & Geoff Date 9/21/2022
Property Address 7363 N Navajo Rd City Milwaukee, Wi Zip 53217
Phone (414)336-8207 Phone (Alt) _____ Email geoffjdaley@gmail.com

Owner(s) agrees to pay Classic Builders a fixed rate for project stated as 28 X 22 detached/attached framed garage.
GARAGE SIZE

Total Amount of Contract \$77,720

PAYMENT TERMS:

1. Down Payment ^{9/22}	<u>\$7,800</u>	upon signing of this agreement
2. "Progress" Payment	<u>\$34,320</u>	due upon receipt of permit AND before any work is started.
3. "Concrete" Payment	<u>\$25,600</u>	due when concrete work is completed and before lumber delivery.
4. Final Payment	<u>\$10,000</u>	due upon completion of framed garage or in use.

**Gravel overage charged at \$ 28.00 per yard. Price includes up to 49 yards of gravel.

**Slab height from grade estimated at 0" 0" 0" 0" Additional walls to grade will be charged accordingly.
Front R Front L Rear L Rear R

PERMIT: To Obtain Building Permit: CB / OWNER

To Obtain Zoning Permit: CB / OWNER

Permits & Survey fees at cost to owner _____ (Initial)

BACKFILL: Owner is responsible for all finish grading and landscaping.

Classic Builders does not supply dirt or topsoil for this purpose. _____ (Initial)

PAYMENT AGREEMENT: Owner agrees to make the payments as scheduled above. Owner agrees to pay 1.5% (equals 18% annually) on all past due charges. Owner agrees that if payment is not made and turned over to collections, owner will pay reasonable attorney fees, court cost, and interest together with the amount owed. Owner agrees to pay a \$30.00 NFS for all returned checks. Owner understands that if the contract is not paid under its terms and conditions all warranties are void.

DELIVERY OF MATERIALS: Heavy trucks can cause damage to concrete, blacktop, cause ruts in dirt & grass and also cause property damage. By initialing below the owner gives permission for CB to enter and exit the jobsite with dump trucks, & concrete trucks. Owner accepts all responsibility and release CB agents and subcontractors from the liability for any damage caused from trucks entering or exiting the property along with repair of access routes from construction equipment.

It is O.K to enter trucks. Owner _____ DOES give CB permission to enter trucks on the property of the jobsite.

Trucks cannot enter on the property. Owner _____ DOES NOT give CB permission to enter trucks on the property.

INSURANCE PROTECTION: While working on your property CB provides General Contractors Insurance coverage including Workman's Compensation Insurance, covering subcontractors if necessary, at no cost to the Owner.

START and FINISH: Work will begin within 120 days of the contract date and be completed within 180 days of the start date. Start and completion date may be extended if by unsuitable weather, soil conditions, delay of materials and building permits or any other conditions beyond CB's control.

CONCRETE WORK: CB does not warranty cracking or peeling of any concrete regardless of when it occurs.

WORK NOT INCLUDED: Unless specified in the Work description, CB will not do any of the following: finish grading, seeding, painting, landscaping, covering of the electrical trench or backfilling.

EXISTING SLAB: Concrete removal is based on a standard 4" thickness only. Additional removal will be charged accordingly. When building on existing slabs, CB will not be responsible for level or the square ness of the entire frame structure or any part of the frame structure if slab is not suitable for construction, when erected on Owner concrete slab.

NOTICE TO OWNER(S): Owner should NOT sign this contract before reading both sides of all pages. Owner is entitled to an exact copy of any agreement you sign.

Owner _____ Owner _____ Date _____
Classic Builders Representative _____ Date 9/22/22

MORE INFORMATION ON BACK

From: bszajna@classicbuilderswi.com
Subject: Garage Proposal from Classic Builders
Date: Sep 16, 2022 at 12:39:34 PM
To: geoffjdaley@gmail.com

Good Afternoon Gwen & Geoff,

Thank you so much for meeting with me on Wednesday and giving Classic Builders the opportunity to earn your business.

Attached is a proposal for the building that we discussed. Look it over and let me know if I missed anything.

I've also attached our reference sheet with the garages we've built recently in your area that you can take a look at.

Please feel free to contact me via email or phone if you have any questions or to move forward with a contract for this project.

Thank you and have a wonderful weekend!



Brian Szajna

Address: S83 W18901 Saturn Drive, Muskego, WI 53150

Office: (262) 679-4800 **Cell:** (262) 751-4581

Email: bszajna@classicbuilderswi.com **Website:** www.classicbuilderswi.com

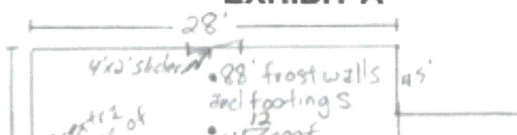


S83 W18901 Saturn Dr.
Muskego, WI 53150
262.679.4800
www.classicbuilderswi.com

Demolition	22 X 22	\$ 6,170
Concrete Removal	Slab	\$ 726
Excavation		\$ 4,100
Size	28 X 22 Rev Gable	\$ 60,039
	4/12 Pitch Roof	
Overhangs:	FRT 12 RR 12 SD 12	\$ 110
Roofing	30-Yr Dimensional Shingles	INCL
Siding	Ovation D4_Vinyl	INCL
Windows	1 4x2 Slider	INCL

Name	Daley, Gwen & Geoff	Date	9/16/22
Address	7363 N Navajo Rd		
City	Milwaukee	Zip	53217
Phone	(414)336-8207	Cell	
Email	geoffjdaley@gmail.com		

EXHIBIT A

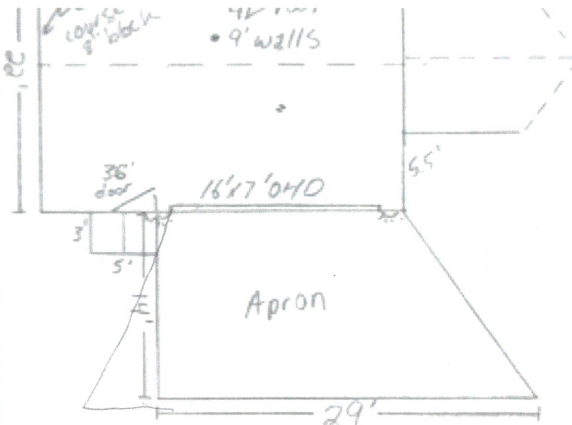


6-Panel FG Service Door	36"	INCL
2" Insulated Steel Garage Door		
Style	2283 16 x 7	INCL
Operator	1 1/2 HP - Quiet Chain	INCL
Remotes	2	
Block	None w/ Drain Tile & Stone	
Soffit/Fascia	Aluminum	\$ -
Door Trim	Aluminum	\$ 400
Gutters	5" Seamless Alum w/4" Downspouts	\$ 740
20 AMP Circuit	1 Main Switch	\$ 2,000
3 Inside Outlets	2 Interior Lights	
1 Coach Light(s)	2 Switches	
Up to 50ft Trench		
Apron	14 X 24	\$ 3,273
-	-	
-	-	
Sidewalks	3 X 5	\$ 162
Steps		
Gravel Allowance	49 Yards	

Total Price

\$ 77,720

VALID FOR 30 DAYS



Permits and Survey as Needed - @ Cost



Classic Builders Representative

Optional Items (in red) not included in this "Total Price"

W

Attached Garages.doc

1.1 MB

W

NORTH Garages.docx

1 MB

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Brian Szajna

Address: S83 W18901 Saturn Drive, Muskego, WI 53150

Office: (262) 679-4800 **Cell:** (262) 751-4581

Email: bszajna@classicbuilderswi.com **Website:** www.classicbuilderswi.com

Thurs dr

9/22

9 AM

10%

down

\$

7,800

- check - geoff's ck. acct. ✓

Certainteed
Monogram
cypress green



S83 W18901 Saturn Dr.
Muskego, WI 53150
262.679.4800
www.classicbuilderswi.com

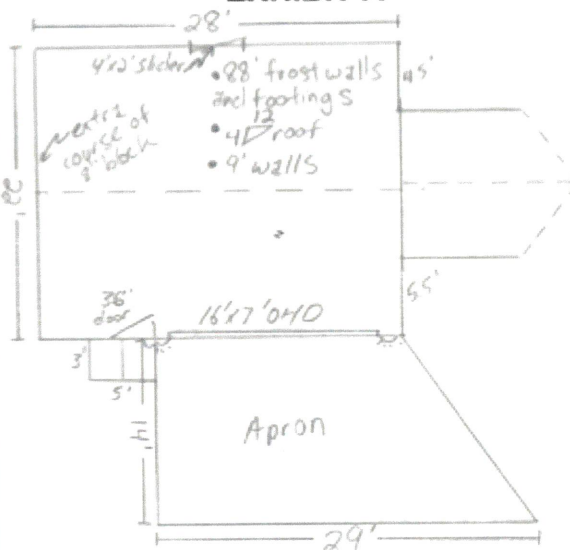
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	-	
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VALID FOR 30 DAYS

Name Daley, Gwen & Geoff Date 9/16/22
Address 7363 N Navajo Rd
City Milwaukee Zip 53217
Phone (414)336-8207 Cell
Email geoffdaley@gmail.com

EXHIBIT A



Permits and Survey as Needed - @ Cost



Classic Builders Representative

Optional Items (in red) not included in this "Total Price"

Backyard
Motion
Light
and
Deck
Motion
Light

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

414-351-8900

Receipt No: 1.058526

Jan 25, 2023

7363 N Navajo Road

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
Total:	200.00
CHECK	200.00
Check No: 1600	
Payor: Daley	
Total Applied:	200.00
Change Tendered:	.00

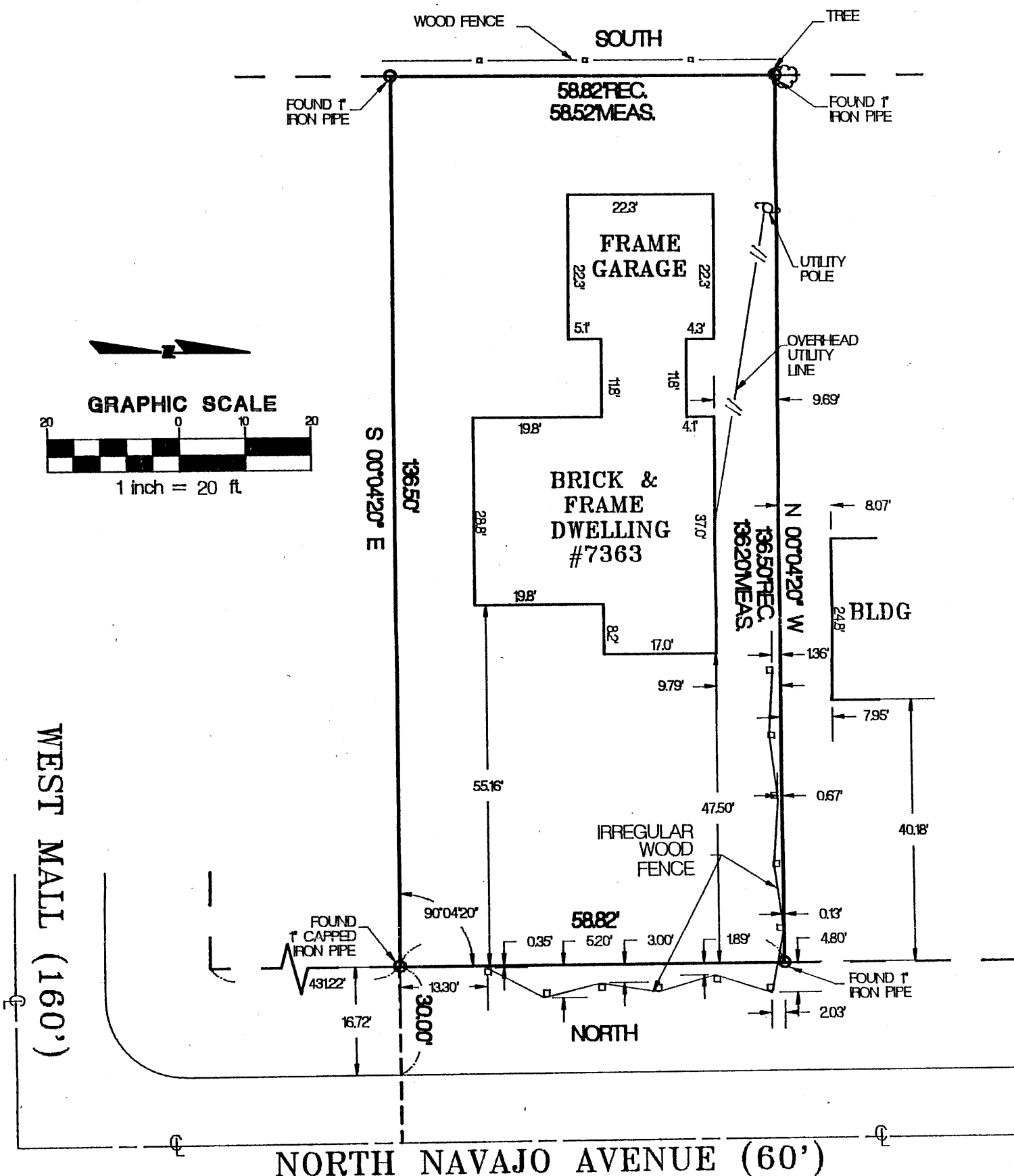
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PLAT OF SURVEY

DESCRIPTION

Lot 16, Block 7 in BAY SHORE MANOR, being a subdivision in the Southeast
1/4 of Section 17, Township 8 North, Range 22 East, Village of Fox Point,
Milwaukee County, State of Wisconsin. Containing 8028 sq.ft., 0.18 acres - net.

DATE: 07/06/93 PREPARED FOR: Geoffrey J. & Gwen D. Dailey LIS # 31145-01
Daley



LAND
INFORMATION
SERVICES
INC.

SURVEYORS & CONSULTANTS
214 EAST MICHIGAN STREET
MILWAUKEE, WISCONSIN 53202
414-971-9488



I CERTIFY THAT I HAVE 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, BOUNDARY FENCES, APPARENT
EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT
PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE,
OR GUARANTEE THE TITLE THERETO, WITHIN ONE (1) YEAR FROM
DATE THEREOF.

07-06 93
DATE

Mark L. Wertz
MARK L. WERTZ, PLS.
REGISTERED LAND SURVEYOR S-1915

DRAWN BY:

CLH

CHECKED BY:

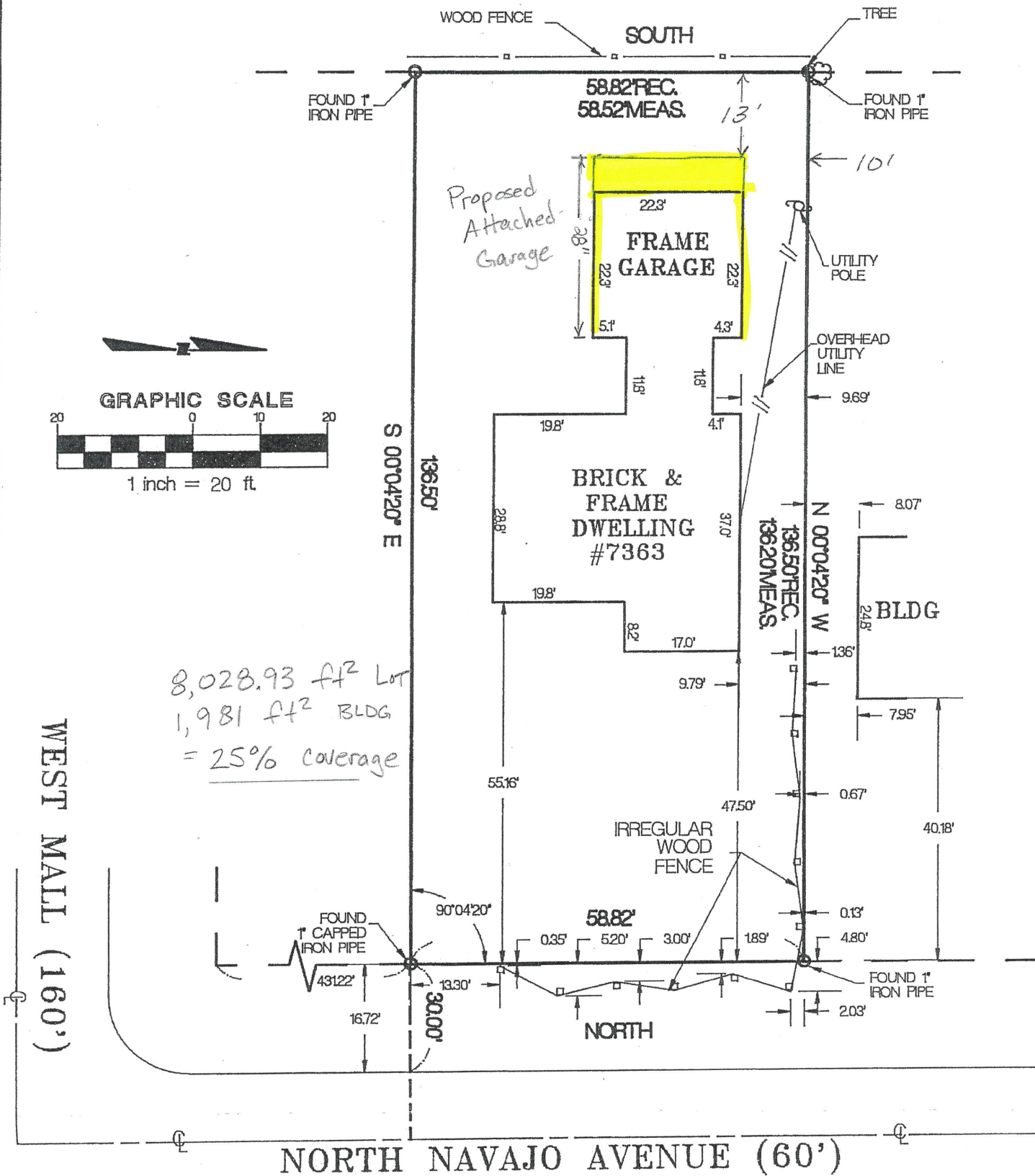
CAJ

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DATE: 07/06/93 PREPARED FOR: Geoffrey J. & Gwen D. Dailey LIS # 31145-01



**LAND
INFORMATION
SERVICES
INC.**
SURVEYORS & CONSULTANTS
214 EAST MICHIGAN STREET
MILWAUKEE WISCONSIN 53202
414-251-0485



I CERTIFY THAT I HAVE 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, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

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OR GUARANTEE THE TITLE THERETO, WITHIN ONE (1) YEAR FROM
DATE THEREOF.

07-06 1993
DATE

MARK L. WERTZ, P.L.S.
REGISTERED LAND SURVEYOR S-1915

DRAWN BY:

CLH

CHECKED BY:

CAJ



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA BLVD.
FOX POINT WI 53217-3505
414-351-8900
FAX 414-351-8909

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

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Wednesday, March 22, 2023, at 5:00 p.m. to hear the following appeal for a variance:

1. **Case 2023-01: 7363 N Navajo Rd.** 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 20 feet. The applicant is proposing to build a new garage 6 feet wider and 13 feet from the property line to replace the current garage in the same location.

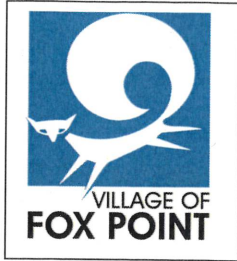
Any interested party may attend this meeting and be heard concerning this case.

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/CMTW
Village Clerk Treasurer

Notice Sent: [February 22, 2023]
Posted: [February 22, 2023]





VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

*Hand Delivered to
Clerk March*

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

Notice Sent: [February 22, 2023]
Posted: [February 22, 2023]

March 3, 2023

*We are the sole trustees of the
William P. Nagle and Christine A. Nagle
Joint Revocable Trust which is the
Title Holder of 7360 N. Mohawk Rd.
~~It~~ It is also our Residence.
We have NO objection to the
granting of this variance.
William P. Nagle Christine A. Nagle*



1. Name of Appellant TAYLOR HOUSTON & JEVON CARTER
Address of Appellant 7607 N. LAKE DRIVE
Phone Number - - 919-454-6032
Home Work Cell
E-mail Address SUBFENCEBUY@ATT.NET

2. Address of Property 7607 N. LAKE DRIVE
Present Use of Property RESIDENTIAL USE
Proposed Use of Property _____
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: _____

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. 3 1/2' HIGH FENCE
2. Exact location of the proposed fence. ENCLOSE FRONT YARD PER SURVEY
3. Indicate whether the fence is replacement fence. NEW FENCE
4. Type of fence and materials. 3 1/2' HIGH ORNAMENTAL ALUMINUM

☐ 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

02/10/2023
Date

For Office Use Only:

Date Application Received 2/10/23

Receipt Number for \$200 Filing Fee 1.058582

Case Number 2023-02

Hearing Date 3/22/23

Disposition _____

Plat of Survey

CENTER OF
SEC. 16; T8N, R22E

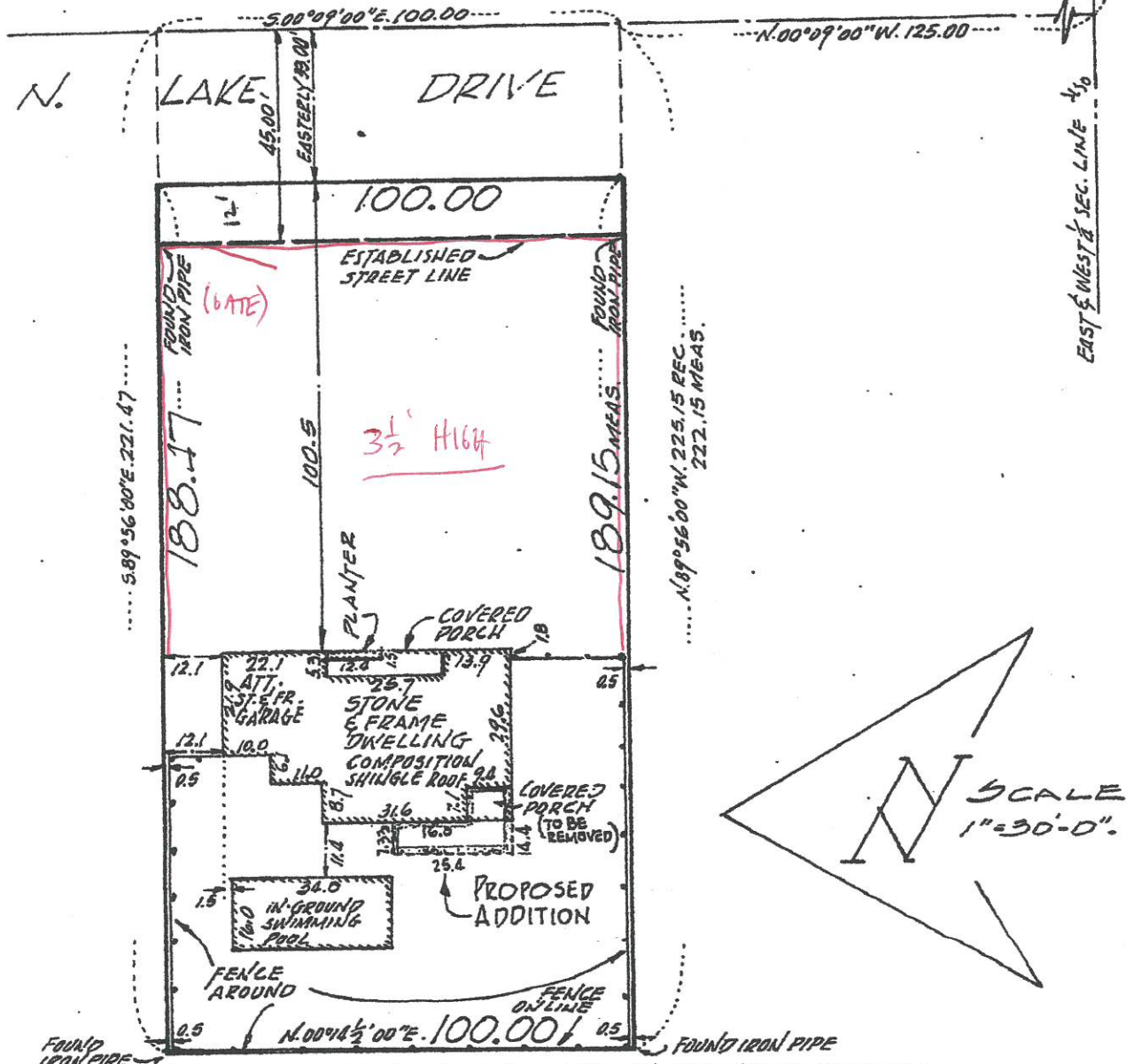
Known as 7607 North Lake Drive, in the Village of Fox Point, Wisconsin
That part of the NW 1/4 of Section 16, T 8 N, R 22 E, in the Village of Fox Point, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at a point which is in the East and West 1/4 Section line 250.00 ft North 89° 56' 00" West of the center of said Section 16; thence North 00° 09' 00" West 125.00 ft. to a point which is the place of beginning of the land to be described; thence North 89° 56' 00" West 225.15 ft. to a point; thence North 00° 14 1/2' 00" East 100.00 ft. to a point; thence South 89° 56' 00" East 221.47 ft. to a point in the center line of Fox Point Road; thence South 00° 09' 00" East along the center line of said Fox Point Road 100.00 ft. to the place of beginning.

EXCEPTING therefrom the Easterly 33.00 ft. for highway purposes.

MARCH 15, 1978

BERNARD J KLEES-OWNER

SURVEY NO. 47262-S



I Certify that I have surveyed the above described property (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, boundary fences, apparent easements and roadways and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto, within one (1) year from date hereof.

Kenneth E. Burke
SURVEYOR



national survey & engineering

3470 North 127th Street • P.O. Box 444 • Brookfield, Wisconsin, 53005 • Phone 414 / 781-1000



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

414-351-8900

Receipt No: 1.058582

Feb 10, 2023

7607 N Lake Drive

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	

Total:	200.00
--------	--------

CHECK	Check No: 1104	200.00
Payor: Suburban Fence		

Total Applied:	200.00
----------------	--------

Change Tendered:	.00
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02/10/2023 11:57 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, March 22, 2023 at 5:00 p.m. to hear the following appeal for a special exception:

- 1. Case 2022-02 7607 N. Lake Drive.** The applicant is requesting a special exception to install a new three-and-a-half-foot high ornamental aluminum fence forward of the frontline of the home. The special exception request is made pursuant to 745-7 B.(3)(h) and 745-7 B.(3)(j) of the Fox Point Code.

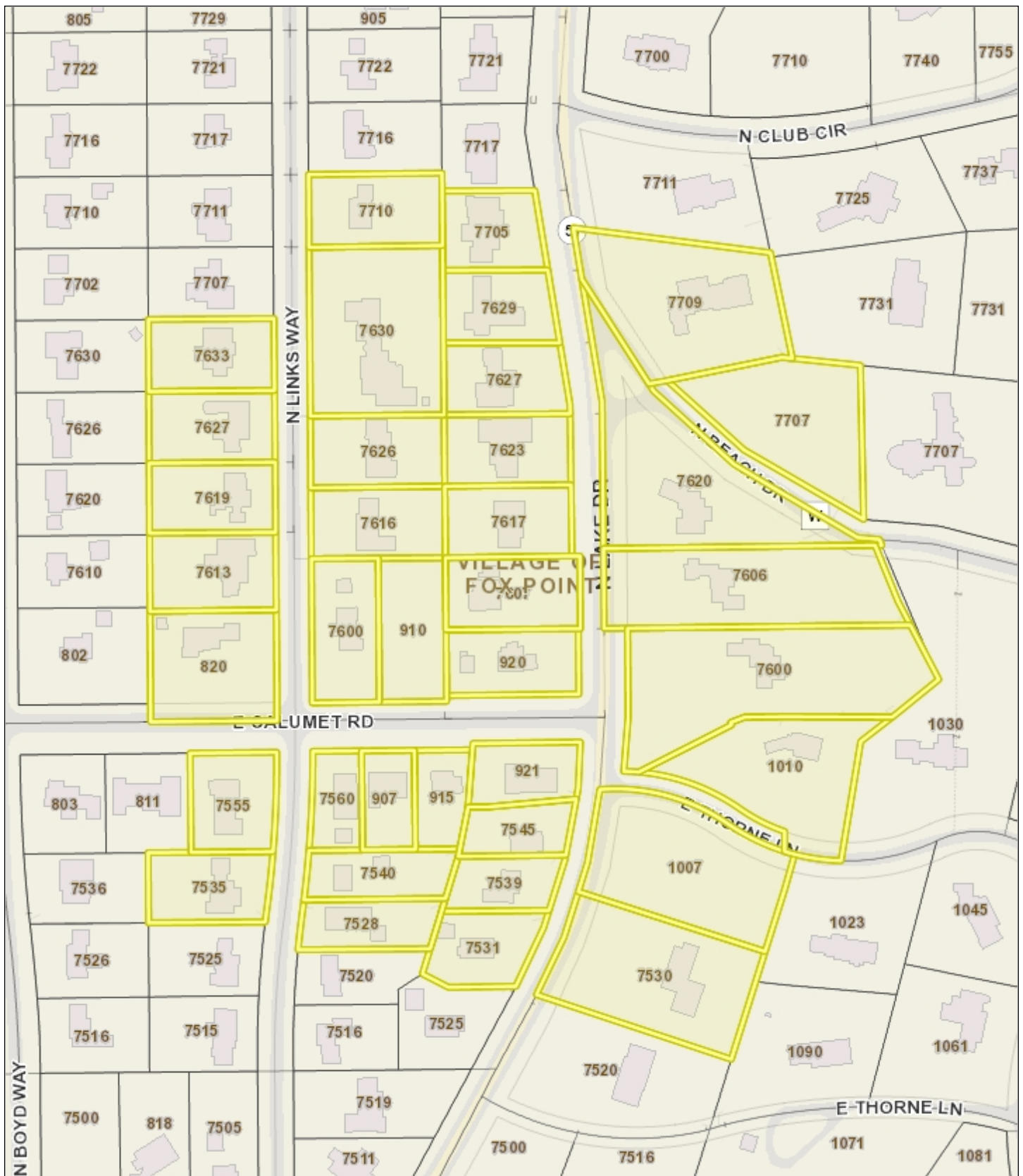
Any interested party may attend this meeting and be heard concerning this case.

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.

A handwritten signature in black ink, appearing to read "Kelly A. Meyer".

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer

Notice Sent: [February 22, 2023]
Posted: [February 22, 2023]



Village of Fox Point GIS

BOA Request for Sp Exception-7607 N Lake 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: 2/16/2023

**VILLAGE OF FOX POINT
BOARD OF APPEALS**

**VILLAGE OF
FOX POINT**

NOTICE OF APPEAL & APPLICATION FOR REVIEW

1. Name of Appellant Alexander James Godfrey
Address of Appellant 130 West Bradley Road
Phone Number N/A N/A 4143990443
Home Work Cell
E-mail Address alexanderjgodfrey@gmail.com
2. Address of Property 130 West Bradley Road
Present Use of Property Two car attached garage.
Proposed Use of Property Rebuild two car attached garage.
Owner's Name and Address if Different than Above Same
3. Has a Previous Appeal or Application Been Made to the Board of Appeals with Respect to This Property?
Yes ☐ No ☒ If Yes, State the Nature of Previous Appeal or Application

Disposition of Previous Appeal
Date of Decision in Previous Case
4. Date of Decision or Order of Administrative Official from which Appeal is Taken _____
Date of Notice of Such Decision Received by Appellant _____
5. Purpose of Grounds of Appeal or Application. Check Below the Relief Requested by This Appeal or Application:
☐ A. Request for interpretation of Zoning Code and reversal of order, requirement, decision or determination of administrative official. Attach separate sheet listing reasons why you claim this order, requirement, decision or determination is erroneous.
☒ B. Request for variance. Attach separate sheet explaining the following:
 1. Variance requested.
 2. What special conditions exist which will cause unnecessary hardship if the variance requested is not granted.

Appellant Name: Alexander James Godfrey

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

February 27, 2023

Date

For Office Use Only:

Date Application Received 2/27/2023 Receipt Number for \$200 Filing Fee LD58635
Case Number CASE 2023-D3 Hearing Date 3/27/2023
Disposition _____

Board of Appeals

As per Chapter 745-17, C Residence District, the backyard (north end of property) does not have the necessary 20 feet clearance from structure to property line. it is 15 feet. The proposed structure is smaller than the current one, adding just over two inches to the 15 feet. In no way will the proposed structure be larger than the current foot print. Currently, the existing structure makes up 10.3% of the gross property square footage falling below 15% of the total lot.

The aforementioned addition will remain legally nonconforming, but status may be granted should public health, safety, or welfare be in question per Chapter 745-4, Section F. The structure does not have any exterior lighting, a window, or service door which does raise safety concerns. In addition, mold has been discovered on the back (easterly facing) wall of the structure.

The initial infrastructure was never removed, just built over, leaving rotting wood as 1/2 of the ceiling. The same wood makes up 1/2 of the easterly facing wall and the wall separating the garage into two stalls. The southern wall, the one shared with the house, also rotting, lacks insulation leaving a large section of the interior colder than the rest of the house. As for the concrete making up the foundation, it is not level, causing any water to pool and settle in the center, partially freezing on exceptionally cold days. The roof keeps most elements out, but does leak in two spots and is in need of a new roof.

Should the proposal be accepted, the property, a corner lot, will look more appealing and may raise the value of the property as well as the properties nearby and personal property within will remain protected too.

Thank You,



Alexander James Godfrey

130 West Bradley Road
Fox Point, WI 53217
(414) 399-0443

Plat of Survey

KNOWN AS 130 WEST BRADLEY ROAD, IN VILLAGE OF FOX POINT, WISCONSIN
 LOT 15 IN BLOCK 10 IN SAVINGS AND INVESTMENT ASSOCIATION OF MILWAUKEE SUBDIVI
 SION NO. 24, BEING A SUBDIVISION OF A PART OF THE SE 1/4 OF SECTION 8. T 8 N.
 R 22 E, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN

OCTOBER 24, 1980

SURVEY NO. 146584-S

GO.

RD.

NAVAJO

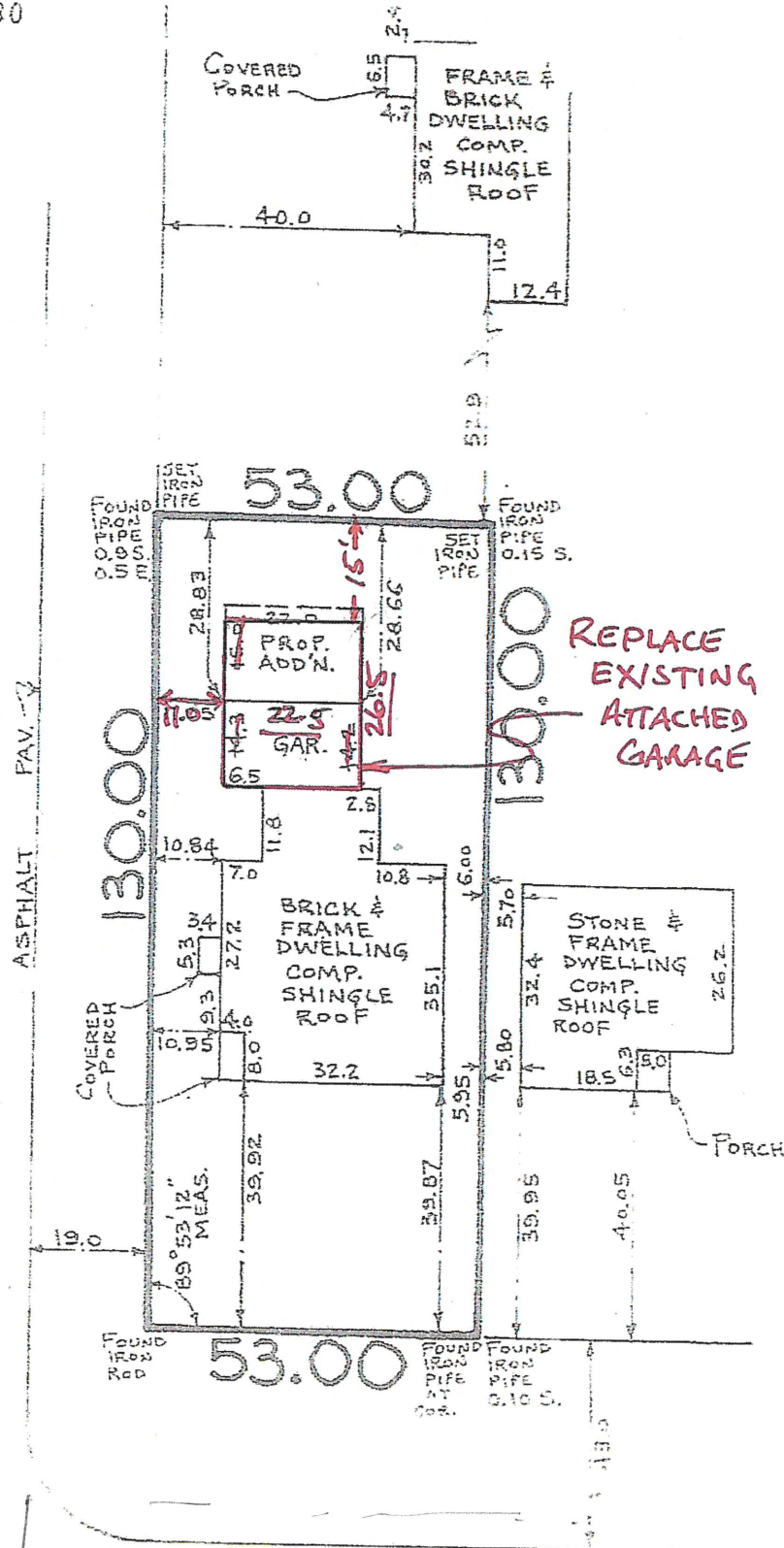
W.

60 W.

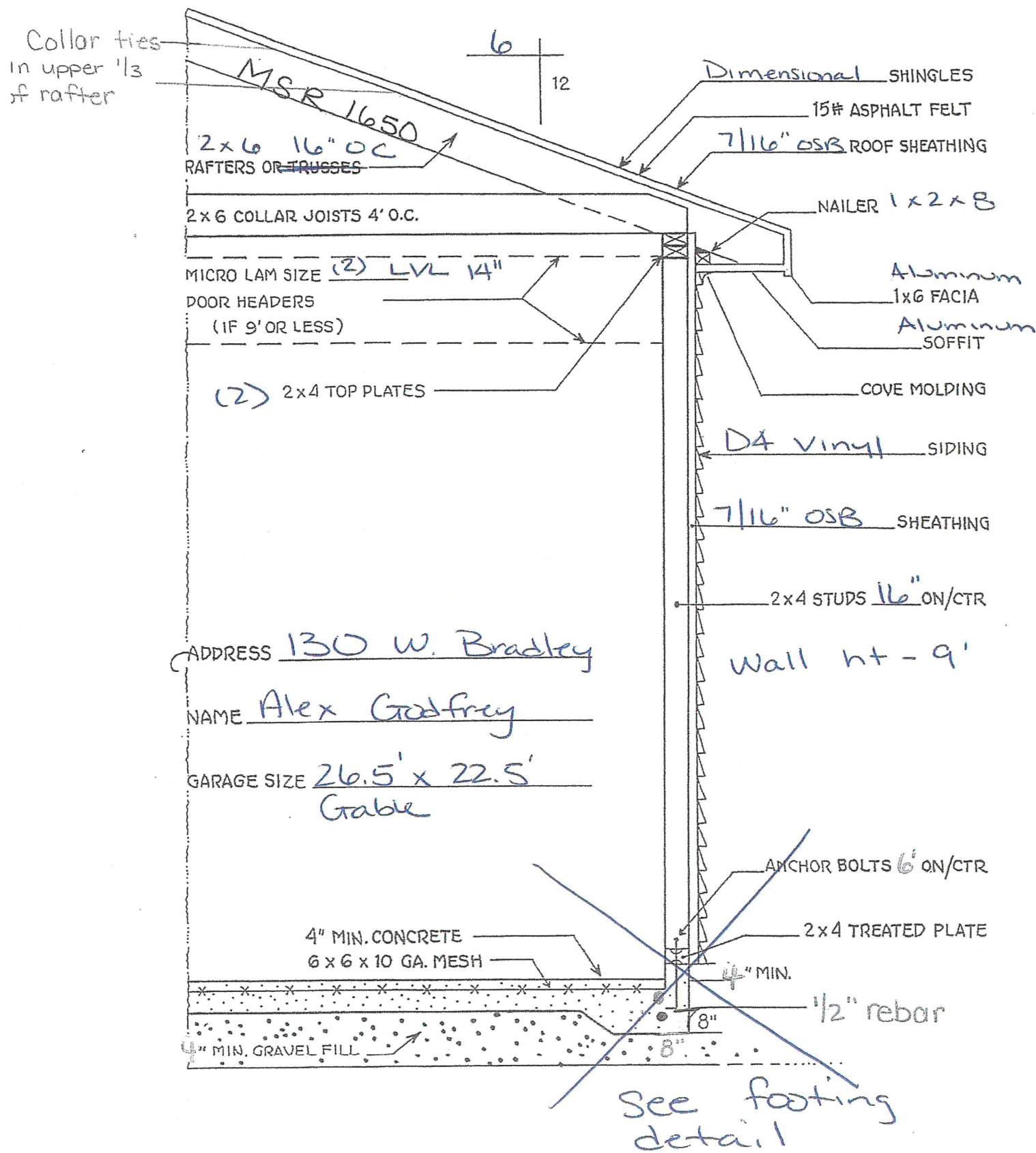
BRADLEY

RD.

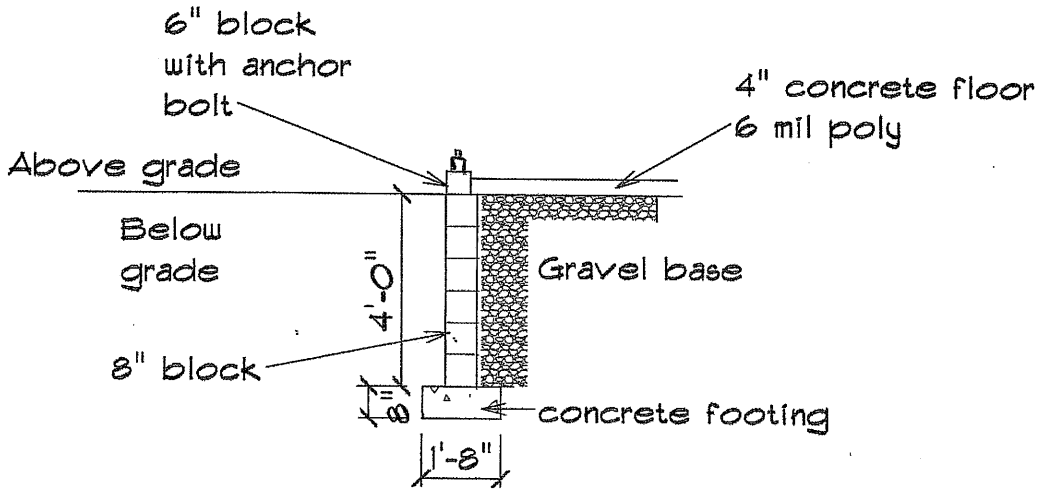
110.

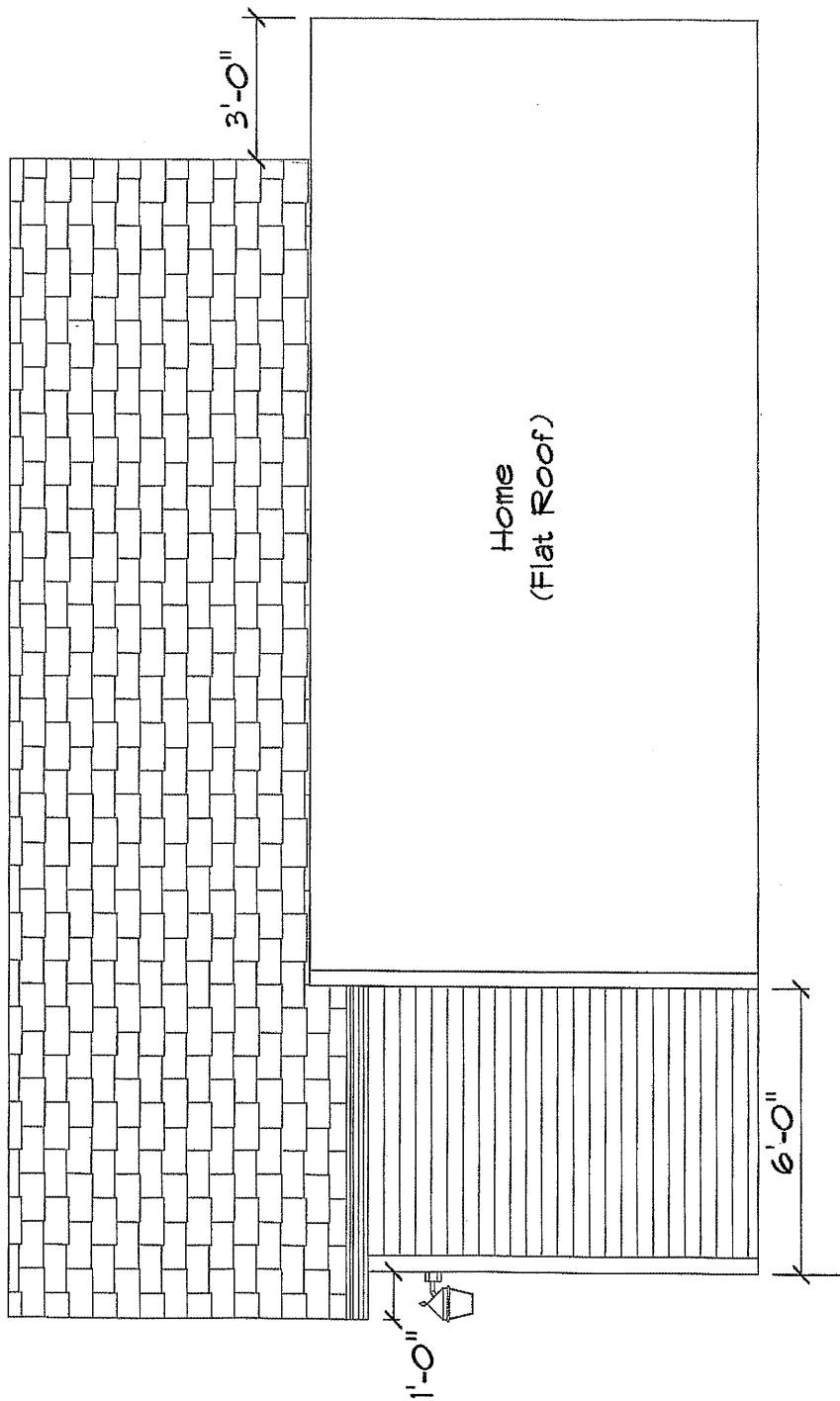


SCALE 1"=30'



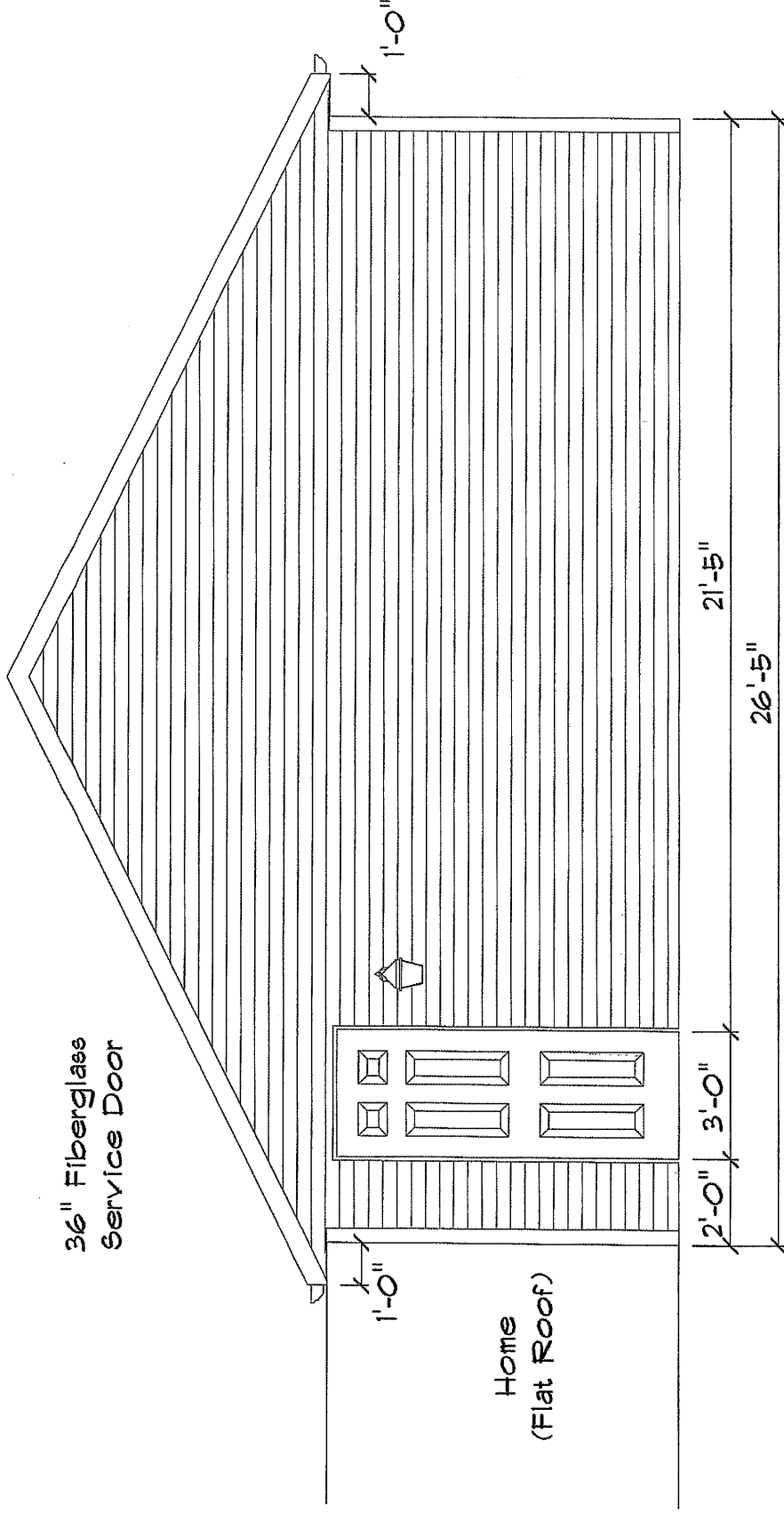
FOOTING DETAIL





RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



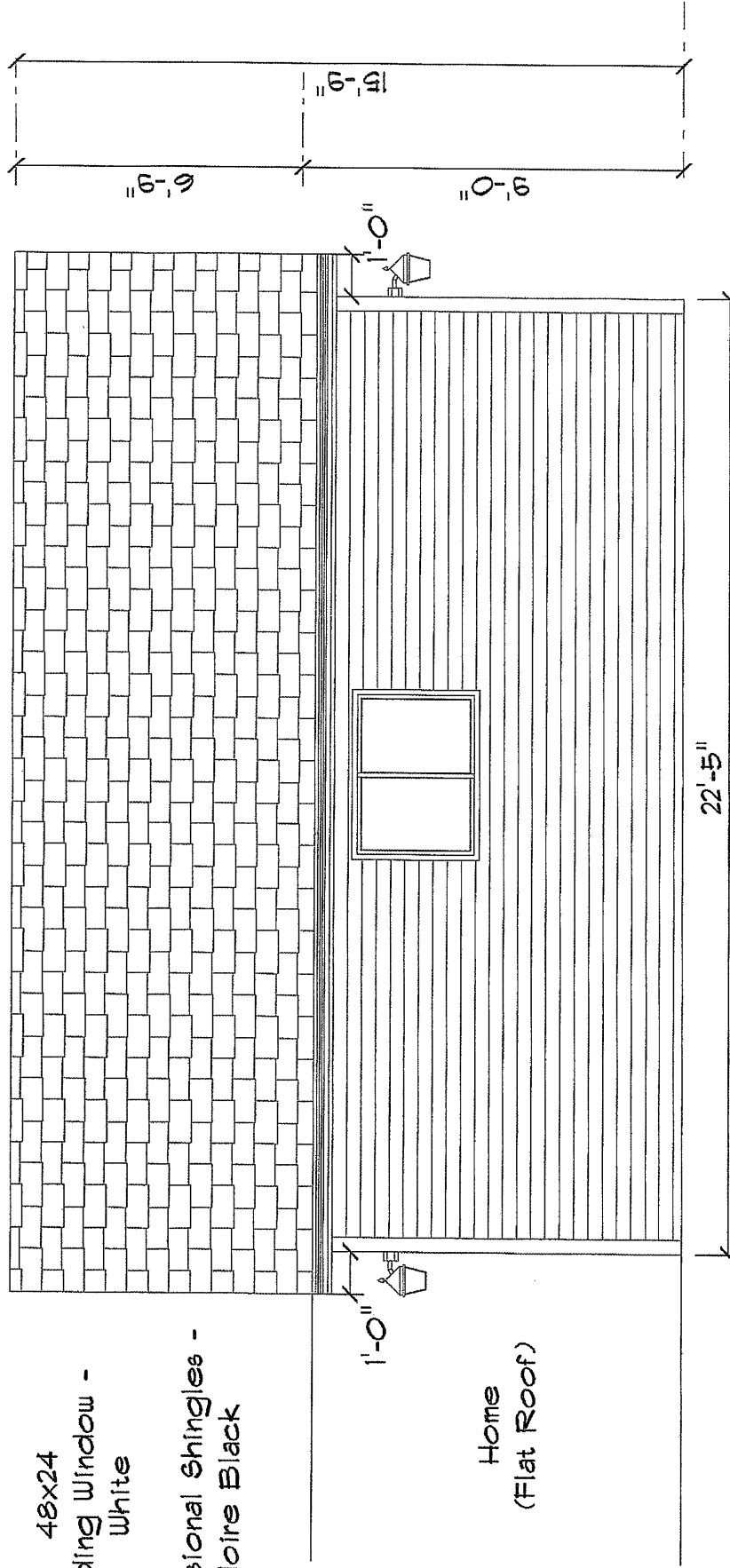
REAR ELEVATION

SCALE: 1/4" = 1'-0"

48x24
Sliding Window -
White

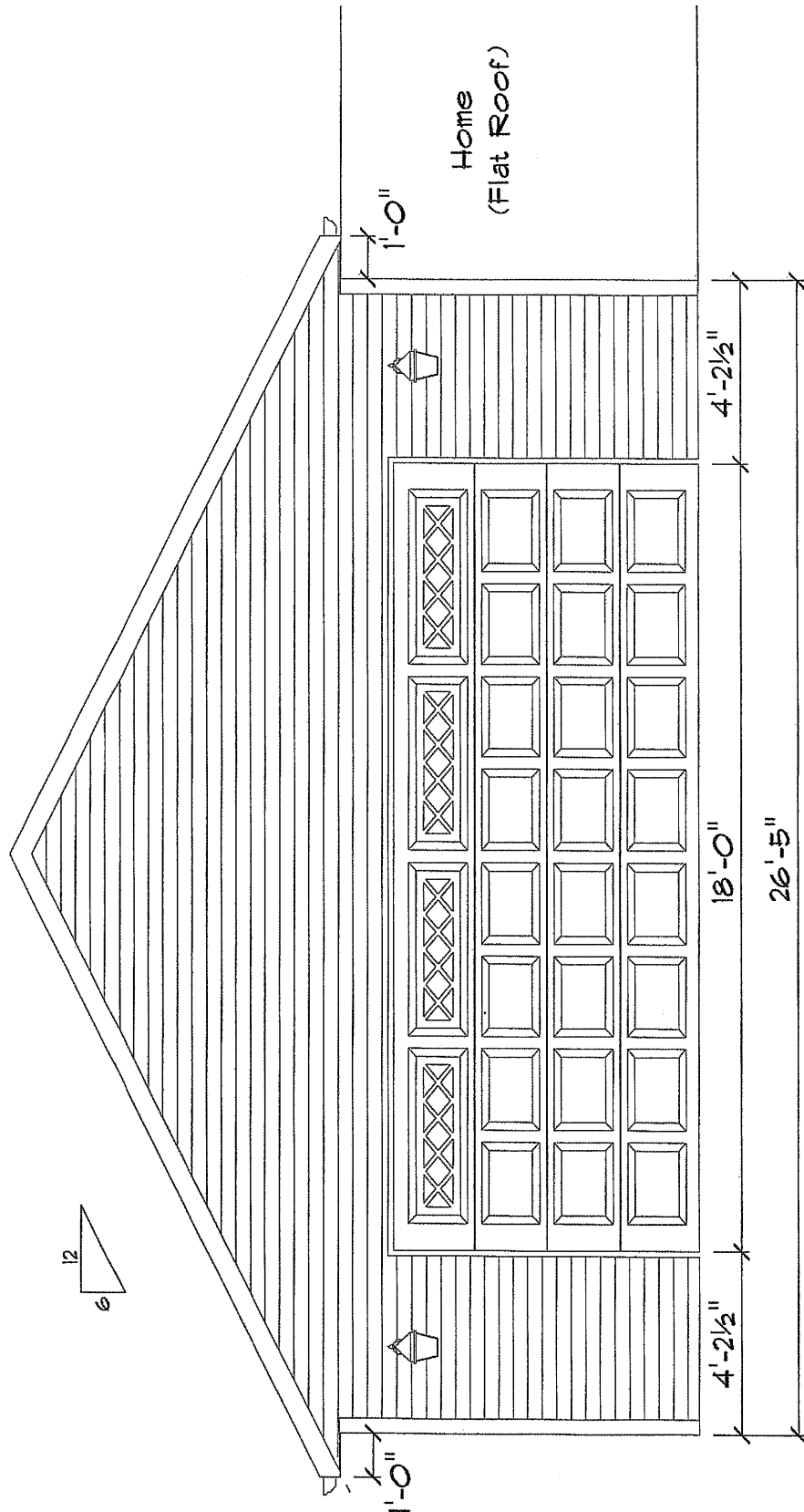
Dimensional Shingles -
Moire Black

Home
(Flat Roof)



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



18x6
Overhead door -
White

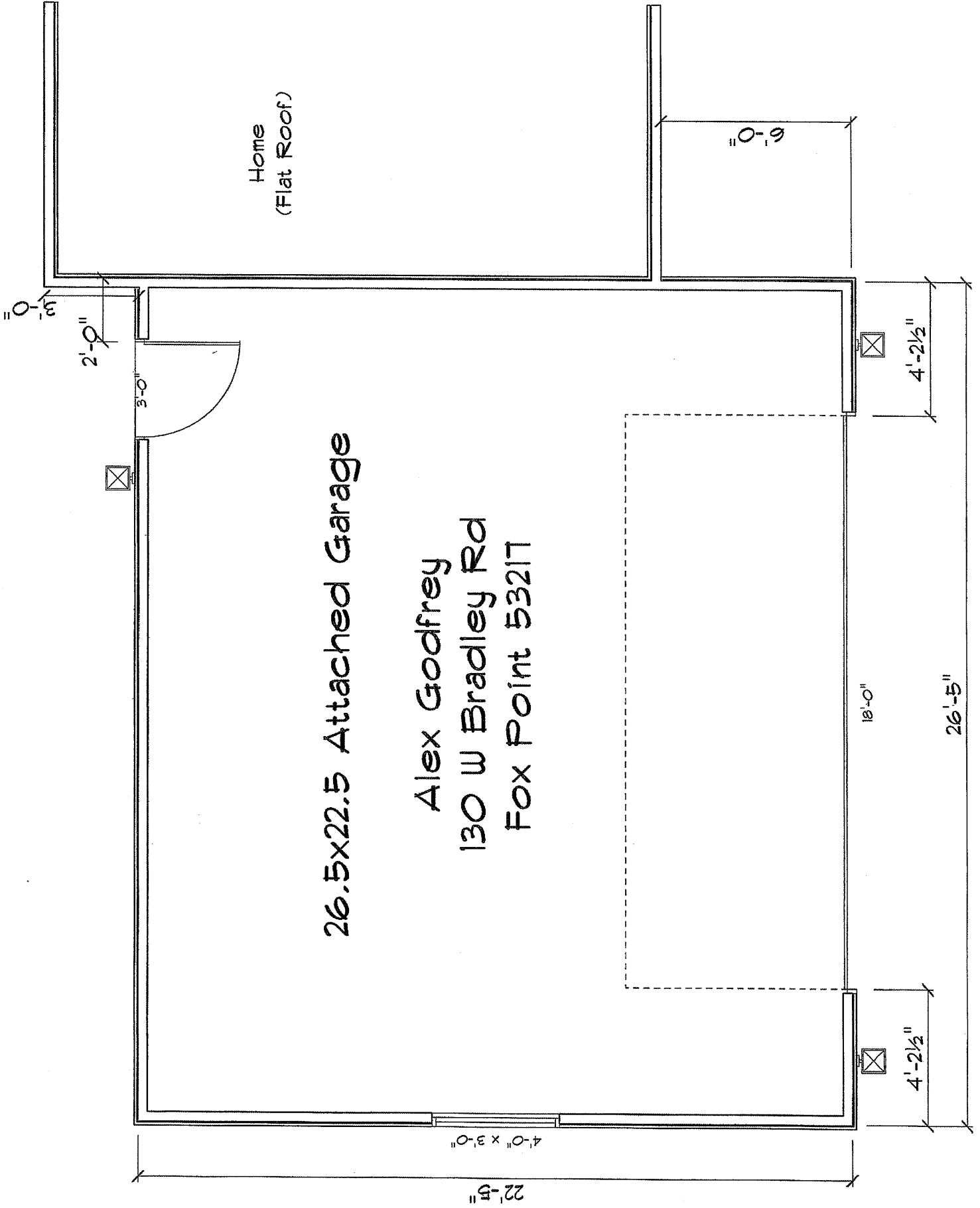
D4_Vinyl Siding -
Classic Cream

Aluminum Soffit/Fascia
& Trim -
White

Seamless Gutters -
White

FRONT ELEVATION

SCALE: 1/4" = 1'-0"



Google Maps 8028 N Navajo Rd

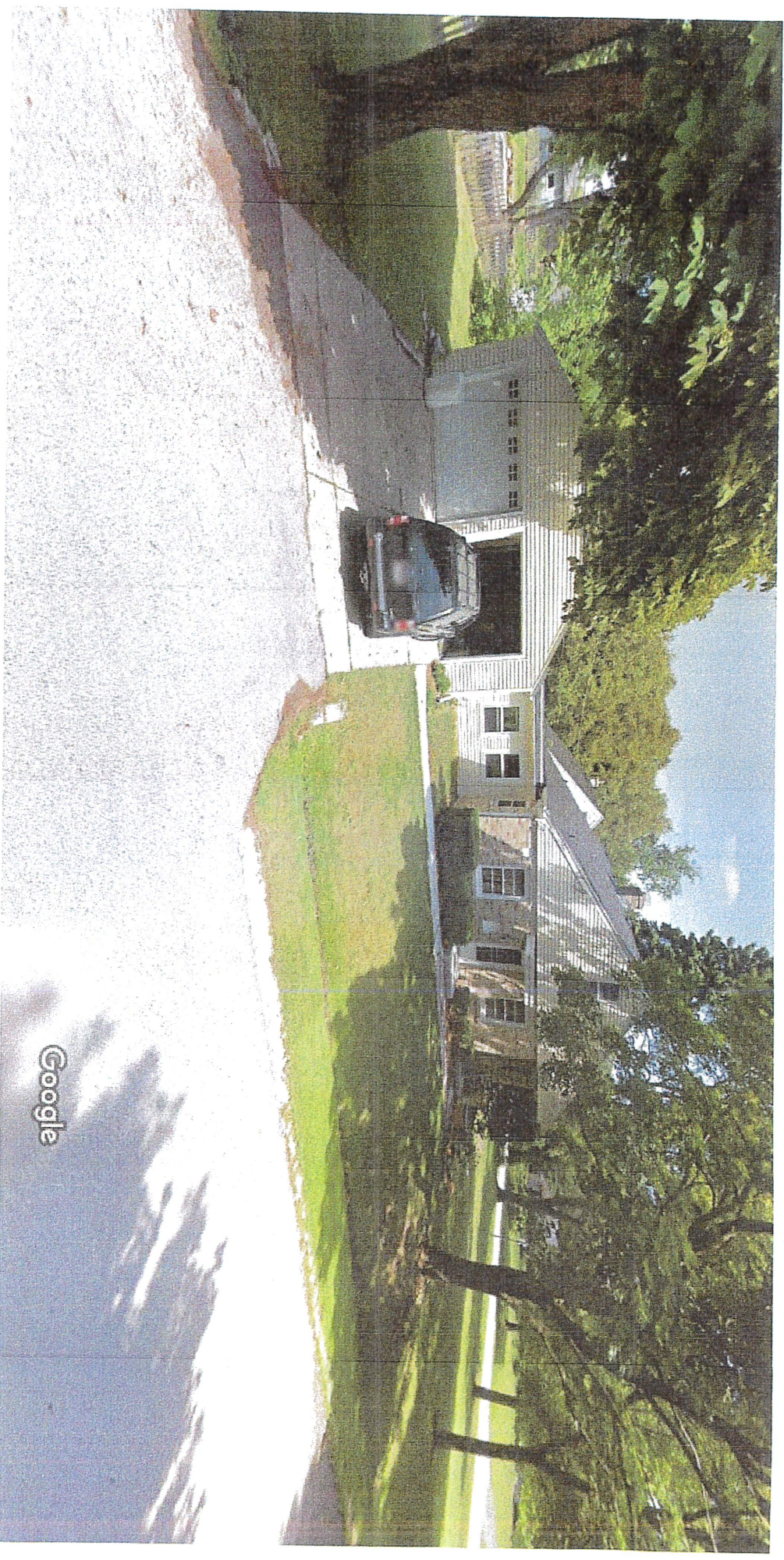


Image capture: Jul 2011 © 2022 Google

← 130 W Bradley Rd

All

Street View & 360°

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

414-351-8900

Receipt No: 1.058635

Feb 27, 2023

130 W Bradley Road

Previous Balance:	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	

Total:	200.00
--------	--------

CHECK	Check No: 225	200.00
Payor: Alexander Gdodfrey		

Total Applied:	200.00
----------------	--------

Change Tendered:	.00
------------------	-----

Duplicate Copy

02/27/2023 2:30 PM



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA BLVD.
FOX POINT WI 53217-3505
414-351-8900
FAX 414-351-8909

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

PLEASE TAKE NOTICE that the Fox Point Board of Appeals will meet in Schwemer Hall, 7200 N. Santa Monica Blvd, Fox Point, WI, on Wednesday, March 22, 2023, at 5:00 p.m. to hear the following appeal for a variance:

1. **Case 2023-03: 130 W Bradley Rd.** 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 20 feet. The applicant is proposing to build a new 2-car garage that is smaller than the current garage footprint, 15 feet from the rear property line, and approximately 40 feet from the 60-foot setback on Navajo Road. This variance request is to replace the current garage, 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/CMTW
Village Clerk Treasurer

Notice Sent: [March 1, 2023]
Posted: [March 1, 2023]

