

**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 22, 2023
5:00 P.M.

AGENDA

- 1. Roll Call**
- 2. Selection of Acting Chair**
- 3. Approval of the Minutes and Determinations – July 26, 2023 Meeting**
- 4. Case 2023-08: 8330 N Regent Road.** The applicant is requesting a variance pertaining to Section 745-17 B (3), concerning the C Residence District with regard to the required setback of 10 feet which should be provided for every building and Section 756-34 B., concerning the air conditioning unit setback requirements. The applicant is proposing to install an air conditioner on the north side of the home within the side yard setback.
- 5. Case 2022-09: 6801 N Yates Road.** The applicant is requesting a special exception to install gates at the North and Southeast entrances to the campus. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Fox Point Code
- 6. Case 2022-10: 7938 N Beach Dr.** The applicant is requesting a special exception to install aluminum or steel powder coated swinging driveway gates at the entry piers. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Village of Fox Point Code.
- 7. Case 2022-11: 7944 N Beach Dr.** The applicant is requesting a special exception to install aluminum or steel powder coated swinging driveway gates at the entry piers. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Village of Fox Point Code.
- 8. Case 2023-12: 8566 N Regent Rd.** The applicant is requesting a variance pertaining to Section 745-16 B (3), concerning the B Residence District with regard to the required setback of 10 feet which should be provided for every building. The applicant is proposing to install a two-car attached garage on the south side of the home within the side yard setback, six and a half to seven feet into the required 10-foot setback.
- 9. 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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MINUTES AND DETERMINATION
WEDNESDAY, JULY 26, 2023**

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, July 26, 2023 at 5:00 p.m. Chair Nancy Filsinger called the meeting to order at 5:01 p.m. The Village Clerk-Treasurer took roll call. Those present included:

Nancy Filsinger, Chair
Mark Grady, Board Member
Thomas Dunst, Board Member
Julianna Javor, Board Member Alternate 3

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 May 24, 2023 Meeting and the Findings of Fact, Decision and Order

Motion by Member Mark Grady, Seconded by Member Thomas Dunst, and carried unanimously by roll call vote, 5-0, to approve the May 24, 2023 Meeting Minutes and the Findings of Fact, Decision and Order of the last meeting.

Case 2023-06: 6811 N Barnett Lane

The applicant is requesting a variance pertaining to Section 745-16 B. (2), concerning the B Residence District with regard to the required setback of 85 feet off of Lake Drive from the centerline of the right-of-way. The applicant is proposing to install a small shed within the Lake Drive setback, on the northwest side of the parcel.

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 Deputy Clerk-Treasurer.

Building Inspector Michael Rakow stated the applicant would like to install a shed on his property. Since there is an 85-foot setback from Lake Drive, the shed would be in the setback. Therefore, he has requested a variance.

Member Thomas Dunst inquired how far the proposed shed is from the road.

Building Inspector Michael Rakow stated he doesn't know the exact location, but it is probably 60 plus feet, from the centerline of the right-of-way. He does not know the dimension from the property line to the shed.

Member Mark Grady asked to clarify what was just said. The house itself is within the 85-foot setback now.

Building Inspector Michael Rakow stated he has not ever measured it or scaled

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49 it, but he believes it is.

50
51 Member Julianna Javor inquired whether any trees would need to be cut down.

52
53 Member Mark Grady inquired whether there is a location on the property where
54 the shed could be installed and still comply with the 85-foot setback.

55
56 Building Inspector Michael Rakow technically he would say yes. He is not sure
57 where the driveway is. Without seeing the applicant's driveway with a colored photo, it is
58 difficult to determine. It may be able to be installed down by the "U". But again, it is
59 difficult to determine for certain.

60
61 Member Mark Grady inquired if it is also an 85-foot setback on Barnett Lane as
62 well.

63
64 Building Inspector Michael Rakow stated it is not; it is a 65-foot setback.

65
66 Member Julianna Javor inquired if the trees would be cut down.

67
68 Building Inspector Michael Rakow stated he did not know about any of the trees
69 or vegetation.

70
71 Applicant/Appellant Adam Karnes

72 Applicant Adam Karnes of 6811 N Barnett Lane stated his name and was sworn
73 in to provide testimony by the Village Clerk-Treasurer.

74
75 Chair Nancy Filsinger asked applicant Adam Karnes to give background
76 regarding Case 2023-06.

77
78 Applicant Adam Karnes described his proposed installation of a shed on the
79 northwest corner of his property.

80
81 Applicant Adam Karnes stated in regard to the question of the vegetation, he
82 stated they are arborvitae trees.

83
84 Applicant Adam Karnes stated you would not be able to see the shed from the
85 road. There is probably a small section of the property that is in accordance to the
86 Barnett Lane setbacks where the shed could be placed. If not for the fact that there are
87 a couple of trees there and the ground slopes pretty intensely in that area.

88
89 Applicant Adam Karnes stated in respect to where it is in relation to the setbacks
90 from his best estimate, it would start from the road about 65 feet and end somewhere in
91 the 72 to 73-foot range from the right-of-way. It is well within the property line, but
92 obviously not compliant with the setback on Lake Drive. His intention is to install an 8
93 foot by 10 foot shed. The longer side of the shed would not be further into the setback.
94 With the approximate location there, he was attempting to tuck it as close to the house
95 as possible, without having to disturb any trees. That area is one of the only flat areas in

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his yard; therefore, he felt that was a good location for the shed placement. He would not be disturbing anything or doing any digging. He would be placing a Menards shed, making it look a little nicer, in that area. This is not a major structure.

Applicant Adam Karnes commented in regard to consideration of placing the shed anywhere else, this area would be out of sight from the road and any of the 3-4 neighbors' properties directly around him. That was one of his considerations when looking at where to install the shed.

Applicant Adam Karnes stated the front of his house on Barnett Lane so if he would put it in the U-Shaped area, it may be within the setback. Due to his respect for his neighbors, it would be an eyesore if it were not hidden behind the trees.

Applicant Adam Karnes elaborated on the reason for the variance proposal is the garage is very tight for the snowblower, wheelbarrow, tools, and lawnmower. There is no space for both he and his wife to park in the garage if they store anything. Currently they park only one vehicle in the garage and that is even problematic. He took some measurements. To the west of his car when it is parked, there is about 14 inches of clearance. If both cars are parked in the garage, there is 22 inches of clearance. If he is able to install a shed, he can put the extra yard equipment and tools in there. It would not be intrusive or an obstruction.

Member Thomas Dunst inquired where the entrance would be.

Applicant Adam Karnes stated it would be facing south.

Member Thomas Dunst inquired if he could move it closer to that side.

Applicant Adam Karnes said he probably could; this was just a rough estimate of where the shed would be located. He will work to tuck it in as close as he can, without obstructing trees and avoiding the HVAC unit. It cannot be placed right up against that side but there are trees and vegetation. It looks further back on the drawing than where it actually would be located. It would be at least 7-8 feet inside the property line. It would be as close to the house as it can be. It would be 10-11 feet away from the house.

Member Mark Grady inquired for clarification from the applicant, if it was placed next to the garage, it would still be within the setback.

Applicant Adam Karnes stated that is correct. After research, his understanding is the garage is precisely on the 85-foot setback.

Building Inspector Michael Rakow added another comment as well. The north property line the setback is 10 feet from there. His house is currently in the setback there, too. Again, he is not sure how far south the applicant would want to place the shed, it might be encroaching in that setback as well. If you are placing it as far north as you can, that would be best.

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143 Applicant Adam Karnes stated it would be outside of that 10-foot setback for
144 certain. He stated that shouldn't be an issue.

145
146 Chair Nancy Filsinger stated it looks like the front corner on the north side is 12.9
147 feet.

148
149 Building Inspector Michael Rakow stated that is correct. That would be the
150 northeast corner of the shed. The northwest corner is 2.85 feet. You can use that as a
151 reference.

152
153 Applicant Adam Karnes stated he doesn't know the exact measurements, but he
154 can be sure that side going north would definitely be outside the potential setback. They
155 will start it as far as 20 feet and tuck it in as well as they can.

156
157 Village Attorney Eric Larson stated it needs to be very clear on what is being
158 proposed tonight. The Board will either approve or not approve what is proposed. It
159 seems to be a little bit unclear on what is proposed. The applicant said as close as he
160 can, but we need to know exactly where that is proposed to be.

161
162 Village Attorney Eric Larson inquired of Building Inspector Michael Rakow, many
163 of his clients have a separation distance between principal structures and accessory
164 structures. Ten feet is common. Does Fox Point have a separation requirement
165 between the buildings?

166
167 Building Inspector Michael Rakow stated if the building are ten feet, it is fine. He
168 believes the closest structures can be is five feet, but then you have to create a fire
169 separation with drywall or on the wall of your garage or shed. Ten feet or more, you do
170 not have to concern yourself with a fire separation.

171
172 Applicant Adam Karnes stated that is a good question; it will be ten feet from the
173 house. He is willing to cut trees down but he was really hoping he wouldn't have to do
174 that.

175
176 Village Attorney Eric Larson stated to the applicant, what you are proposing is an
177 8-foot by 9-foot dimensions for the shed.

178
179 Applicant Adam Karnes stated he was proposing 8-foot by 10-foot.

180
181 Village Attorney Eric Larson stated that the proposal says 9-foot.

182
183 Applicant Adam Karnes stated he didn't buy the shed yet.

184
185 Village Attorney Eric Larson stated the Board needs to know what you are
186 proposing.

187
188 Applicant Adam Karnes stated 8-foot by 9-foot.

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190 Village Attorney Eric Larson stated you are saying you will be as close to the
191 house as possible so he assumes he means 10 feet from the house. Where will it be
192 located north to south? If we look at the map, we have identified where it will be east to
193 west. The Board does not know where it will be north to south.

194
195 Applicant Adam Karnes stated he proposes to install it 11 feet to the south of the
196 setbacks.

197
198 Member Julianna Javor asked if the trees were scattered in that area.

199
200 Applicant Adam Karnes stated they are in a row in front of where the shed would
201 be towards the house and then there is a row behind it, behind where the fence was
202 built.

203
204 Chair Nancy Filsinger inquired if they talked to the neighbors.

205
206 Applicant Adam Karnes stated he had. Everyone seem to be fine with it and a
207 couple of people complimented him on preserving the trees. His immediate neighbors
208 said it was not a problem at all and probably would appreciate the shed not being in
209 view.

210
211 Member Mark Grady stated to the applicant, you talked theoretically about the
212 possibility of placing the shed in compliance with all the setbacks somewhere in the
213 southeastern portion of your property. You mentioned it was sloped there. If you were
214 able to place the shed there, would you be able to put it there if you were to level off a
215 9-foot section of ground ignoring what it would look like from the neighbors'
216 perspective?

217
218 Applicant Adam Karnes stated he could but the only other problem he may run
219 into is an underground irrigation system. With the amount of pitch in his yard if he was
220 to level, it out from where he would envision it might go, there is a 9-inch to 10-inch
221 pitch sloping west to east. The yard is definitely very uneven. If that were the case, he
222 would probably have to abandon the installation of the shed because it would be a
223 bigger project to undertake. His father-in-law is a landscape architect and he had asked
224 him a question about the sprinkler head prior and he stated the lines would be 10-12
225 inches underground. He would not want to risk hitting the irrigation system lines and
226 having a problem. Therefore, he would have to scrap the idea if he had to go that route.

227
228 Member Julianna Javor inquired about the fence.

229
230 Applicant Adam Karnes commented the fence goes around pretty much the
231 entire western portion of the property. It follows the contour of the horseshoe starting at
232 the most northwestern point and continuing to the southeast portion of the property. It is
233 a split-rail fence.

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Closing of Testimony: Case 2023-06

Without objection and by unanimous consent, Chair Nancy Filsinger closed testimony for Case 2023-06 at 5:23 p.m.

Village Attorney Eric Larson reminded the Board of the variance standards.

The WI State Statute [62.23(e) 7. (b) (d)], empowers the Board to authorize upon appeal for specific cases to grant such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Member Mark Grady commented he thinks the variance should be denied for the reason that will follow. It is partially due to a misunderstanding on the part of an average citizen of what a variance is and what the Board is required to find in order to grant a variance.

1. The first test is the public interest. The first reason for the 85-foot setback is for example here next to Lake Drive is that someday down the road, Fox Point and or the County of Milwaukee, as a county highway, may want to widen the road and they may want to use that land. Another reason for a setback is for sightlines if there are trees there. The sightlines in this particular case is not really an issue. The ordinance has this policy of setbacks to create openness in the village so it doesn't look like a densely packed village. The more variances that are granted to put sheds, bigger garages, or etcetera, defeats that purpose village-wide. The Board really has to look upon variance requests very closely. Any variance request defeats the public interest. It is in the zoning code for this openness and setbacks for safety, among other reasons in the village.
2. The second test is hardship. When you look at a variance, it is to be looked at based on the uniqueness of the property – the physical land of the property. It should have nothing to do in the Boards consideration of the applicant's individual needs. Because the variance lasts forever. Therefore, the variance is not just for this property owner, it is for every property owner down the line whose needs may be different. They may not have the need for a shed. The needs for a property owner for their personal use really are not relevant to the Board in a variance request. This may seem contrary to what you think, but it is the law. The Board really needs to look at the physical property that prevents them from using it because of a steep ravine slope or an accumulation of water ponding in

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an area of the land or something that tells the Board they cannot use the property unless the Board grants a variance. In Member Mark Grady's mind, there is not any of that here in this case. I recall this property from the split-rail fence that we approved previously. He has seen it driving by it. Even with the slope discussion, there is not a severe enough slope like there are on some properties. There is not something unique about this property. The primary reason that has been given to the Board, with the primary burden of proof on the property owner, is basically that there is not enough space in the garage. While he understands the property owner's concerns, it is not enough for a variance.

Therefore, it does not meet the hardship test and it does not meet the public interest test.

If the applicant doesn't want to build it in the southeast corner because it will cost too much money or it will create problems with the sprinkler system or it will look bad to the neighbors or themselves, he understands all of those reasons. It just may mean that you are not entitled to install a shed on this piece of property because you don't have a good place to put it.

Motion: Case 2023-06

Motion by Member Mark Grady, for the reasons mentioned above, to deny the variance to install a small shed within the Lake Drive setback, on the northwest side of the parcel. Seconded by Chair Nancy Filsinger.

A brief discussion took place by the Board.

Member Thomas Dunst noted he was thinking about the difficulty of setting the shed and having to dig out the land. It seems to be kind of an unnecessary burden to be placed on the property owner. It is a unique physical property. It is not really a ravine, but we would be asking him to level off a part of his property a change the nature of the property. The purpose of the shed is to store items he cannot fit in the garage. He is not sure that it is being caused by the individual property owner. That's a choice that a lot of people make; it is not unusual.

Member Mark Grady responded his agreement to that people do have sheds. The issue is where do you put the shed without a variance. It almost always ends up needing to go somewhere that is unsightly on many people's properties. The problem he has is that yes, it is a uniquely shaped property, the house and garage are already in the setbacks. That may pre-date the ordinance or it may have been through a variance. He has a hard time distinguishing this from a rectangular lot. If you grant this variance, the Board would be granting every variance. Then we would not be satisfying the legal test.

Chair Nancy Filsinger stated she agrees. It would be there and would be hidden by trees, but it could physically become an issue further on. She also thinks that many

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people in Fox Point have the same kind of garage and it is what it is.

Member Julia Javor stated she also has a really small, tight garage and struggles to use it.

Member Mark Grady stated, fundamentally, the lots are the lots. If you buy in the village, you buy into that lot. If it doesn't fit your needs and you cannot fit your things in your home, your garage, or you want a pool, you may have to move. Member Mark Grady clarified he is not asking people to move out of Fox Point, but that is just the way it works. You take the lot as it is.

Village Attorney Eric Larson stated the ordinance could be different. If you have all said you are facing a similar situation, that is actually relevant to our standards. It is something that applies and has to be unique to this situation. If it is not unique, then that is a concern under the standards that you are asked to enforce.

Member Julianna Javor stated we all have small garages and could use a shed.

Member Mark Grady stated an analogy that they have had in the past, is generators. People want generators in the most hidden spot that they can. The Board has granted a couple, but generally, it is hard to prove the need for a variance. It is not hard to prove the need for a generator. The Village Board could amend the ordinance to say they will allow generators within setbacks under certain conditions. The Village Board so far has not amended the ordinance. The same here with this case, if this is not a unique condition and the Board feels a lot of people need sheds, then the Board really needs to amend the ordinance without us granting a bunch of variances.

Chair Nancy Filsinger called the question.

Roll call vote:

Nancy Filsinger, Chair	Aye
Mark Grady, Board Member	Aye
Thomas Dunst, Board Member	Aye
Julianna Javor, Board Member Alternate 3	Aye

Motion carried unanimously by roll call vote, 4-0.

Case 2023-07: 7425 N Longacre Rd.

The applicant is requesting a variance pertaining to Section 745-17 B (3), concerning the C Residence District with regard to the required setback of 10 feet which should be provided for every building. The applicant is proposing to install a detached garage on the property line of two parcels owned by the applicant.

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 Deputy Clerk-Treasurer.

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382
383 Building Inspector Michael Rakow this applicant currently has a garage, which is
384 currently on the property line. There are two parcels within his property. The zoning
385 code requires a 10-foot setback from the property line. He is proposing to move a new
386 garage closer to the north property line, but it needs to meet the 10-foot setback
387 requirement. It is right on the property line. He cannot approve it; therefore, he is asking
388 for a variance.

389
390 Member Julianna Javor inquired if there is a change from what the current
391 garage is. Is it moving?

392
393 Building Inspector Michael Rakow stated he is moving it a little bit farther north
394 and the size is a little bit bigger by 100 square feet. Again, it is right on the property line.

395
396 Member Mark Grady commented your understanding of the proposed location
397 would comply with the 10-foot setbacks to the north, even with the new location. It is
398 only the setback to the west that the Board is concerned with, correct?

399
400 Building Inspector Michael Rakow stated no that is not correct. The property line
401 bi-sects the garage. There are two parcels. From that parcel line, it would have to be a
402 ten-foot setback east or west.

403
404 Member Mark Grady stated he understands that. But you are talking about him
405 moving it further north, correct?

406
407 Building Inspector Michael Rakow stated yes.

408
409 Member Mark Grady commented that new location to the north is still in
410 compliance with the ten-foot setback to the north property line, correct?

411
412 Building Inspector Michael Rakow stated yes, that is correct.

413
414 Member Mark Grady inquired if it is his assumption that the garage was built prior
415 to the ten-foot setback requirement went into effect. Do you know why it was allowed to
416 be where it is today?

417
418 Building Inspector Michael Rakow, he believes that years ago, this is considered
419 one big parcel. If you look on GIS software, it shows you the outline of the whole parcel,
420 not the property line that bi-sects the two parcels. Back in the day when things were
421 being built, a property owner could build that way. But now, and Village Attorney Eric
422 Larson could probably expand on this, it currently cannot be done.

423
424 Village Attorney Eric Larson stated he would be happy to speak about this but
425 this may not be the appropriate time.

426
427 Member Mark Grady inquired if he had any discussion with the applicant about
428 rebuilding the garage in the exact same location and exact dimensions?

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Building Inspector Michael Rakow stated he believes that they did. He noted he also discussed that the combination of the two parcels would solve the issue.

Member Mark Grady stated subsequently those options were discussed. He noted the Board will talk to the applicant in a minute.

Member Julianne Javor inquired if it would be a bigger garage.

Building Inspector Michael Rakow stated it would be about 100 square feet bigger according to the survey rendering.

Member Thomas Dunst inquired if he has any reason why that small lot was created in the first place.

Building Inspector Michael Rakow, it was before his time and he does not know. This happens a lot. There are a lot of parcels in Fox Point that are similar. Some people will combine the lots.

Applicant/Appellant Craig Harper

Applicant Craig Harper of 7425 N Longacre Road stated his name and was sworn in to provide testimony by the Village Clerk-Treasurer.

Chair Nancy Filsinger asked applicant Craig Harper to give a brief synopsis regarding Case 2023-07.

Applicant Craig Harper noted the current garage is really in deficient condition. The garage is only 20 feet from the house. Because of that, previous owners have run into the house. A minimum of 27 feet is recommended between the house and a detached garage. When the contractors came out, they suggested pushing the garage back so the property owners would not have trouble coming and going. It would be a lot safer. There is plenty of room in the back of the property. He asked to move it back 10 feet, but really moving it back 7 feet would be fine. Since they are building a new garage, he figured it would be a good time to move the garage back. If you look at this property, it seems like the setbacks from the property line would not apply since the parcels are owned by one person. If you look at the house itself, it was actually built 6-7 feet off the property line. Setbacks are still the same. Moving the garage and replacing it would be a great thing to do. The garage is really the same as the old one except the addition that comes out of the garage in the photos would not be on the new garage. The new garage would be 22' x 28'.

Member Mark Grady asked to clarify the two parcels. Your address is given as 7425 North Longacre Road. You have two parcels that comprise the same address or do you also own 7423?

Applicant Craig Harper stated it is two parcels with the same address, according to the records when he bought the house two years ago.

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476
477 Member Mark Grady stated he is looking at the diagram that was submitted with
478 the yellow highlighting on it.

479
480 Building Inspector Michael Rakow stated it is one address with two parcels.

481
482 Applicant Craig Harper stated the old garage is sitting on the property line and
483 the new garage would be sitting on the property line.

484
485 Member Mark Grady inquired Lot 8, as shown on the diagram, is that 7423 or is
486 that still part of your property?

487
488 Applicant Craig Harper stated that is his neighbor.

489
490 Member Mark Grady inquired if the lot the they own is just a sliver of land that is
491 10 feet wide at the widest maybe?

492
493 Applicant Craig Harper stated yes, but in the front the second lot is about 25 feet.

494
495 Member Mark Grady noted that piece of land is not saleable by itself anyway.

496
497 Applicant Craig Harper stated he wouldn't think so.

498
499 Member Mark Grady stated you couldn't build anything on it and you couldn't put
500 anything on it.

501
502 Village Attorney Eric Larson noted there is a legal question here. At some point I
503 will need to tell you. I don't know if you want it now or later. Prior to 2017 Wisconsin Act
504 67, the Village of Fox Point along with municipalities throughout the State of Wisconsin
505 took a position that if you own two substandard lots together, under many
506 circumstances a title to those lots' merges. It really becomes one lot. Municipal Law and
507 Litigation litigated this all the way to the U.S. Supreme Court and won. That's what
508 happens, the title merges. It is a merger of title. You bought them together, intending to
509 use them together. We treat them as though they are bound together. You cannot sell
510 them separately; you cannot build on them separately. That is not a taking. That is
511 common sense and the title is merged. The reaction from the Wisconsin State
512 Legislature was "no" we don't like that result. They enacted WI State Stats, Section
513 66.10015 (4), Merging, "No political subdivisions may enact or enforce an ordinance or
514 take any other action that requires one or more lots to be merged with another lot for
515 any purpose without consent of the owners of the lots that are to be merged." We
516 cannot rely on merger of title. He can sell or build on that lot. As a result, we have to
517 treat those as different lots. That is the problem. He is proposing to build on that lot line.
518 If he was proposing to replace what is already there, based on another set of rules, this
519 is legal nonconforming. He can replace it exactly the same as it is today, as a new
520 structure. It would be the same size, same height, same footprint, same everything. We
521 wouldn't be regulating that building. We do allow continuance replacement of a
522 nonconforming structure. But that is not what he is proposing. He is proposing slightly

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different, a little bit bigger and moving it a little bit. It is on a lot line; it is a lot line. It should be treated as a lot line. Without a variance or combining the lots, he cannot do that. It is not hard to combine lots. A document is filed with the register of deeds and the Village Board has to approve it. It is rather simple to do. We have done that in the past with some places where the lot owner had the ability to solve the issue by combining the lots and they did combine the lots.

Applicant Craig Harper stated the reason chose to request a variance is because he manages a non-profit and works very hard. The cost would be \$3,000, plus it would take eight weeks. He owns both sides of this and owns the lot line. Why would he have to go through all of that. The garage likely couldn't be done this year. Moving the garage back seven feet still stays way clear of the property lines.

Member Julianna Javor inquired about building the same size building.

Applicant Craig Harper stated it is basically the same width and depth, but to invest \$50,000 and keep it that close to the house would be a nuisance because it is so hard to get in and out of the garage.

Closing of Testimony, Case 2023-07

Without objection and by unanimous consent, Chair Nancy Filsinger closed testimony for Case 2023-07 at 5:55 p.m.

Member Julianna Javor stated the options are to keep the garage the same size, combine the two lots or approve the variance.

Member Mark Grady noted the owner has either rebuild the garage on the same footprint, because our ordinance allows a legally non-conforming structure to be rehabilitated or rebuilt on the same footprint without the Board's permission. The building inspector can approve that. Although he understands why the homeowner may not want to spend the money to build the same garage, same size, same proximity to the house. That is something he can do without coming to the Board for a variance. The second option is the discussion about combining the lots. We have had this discussion before with Village Attorney Eric Larson on prior cases. I don't understand why the state legislature did what it did, it doesn't make any sense to him, but there are probably some good reasons that he is unaware of. Because of what the state legislature did, the Board has to treat this property line that the garage is currently sitting on, the same as if it was the neighbor's property line. The Board has to enforce the ten-foot setback, unless grounds for a variance can be found. For the same reasons he gave in the last case, he doesn't think the Board can allow people to build garages on lot lines, on neighbor's lot lines unless there is something really unique about their property, which there isn't here in this case. The hardship is financial, which we are also told by the Wisconsin Supreme Court is not a consideration for the Board. It is certainly a consideration for the homeowner. The Board doesn't get to say, we don't want you to have to spend that kind of money. It has to be something very unique about the property. To him, as he understands, there is a cost involved. The obvious solution, as it

**VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, JULY 26, 2023**

has been for some other property owners who are in this situation, is to combine the lots. While legally that little sliver lot can be sold, practically speaking, it probably has no market value. He is unsure who would buy it other than a neighbor. In his opinion, the only solution for the owner in this case is to combine the two lots. Then he can build the garage right where he wants to build it without a problem. For those reasons, he doesn't feel a variance can be granted.

Member Thomas Dunst stated he agreed 100 percent.

Member Julianna Javor stated she understands.

Motion: Case 2023-07

Motion by Member Mark Grady, to deny the variance, for the reasons given earlier, to install a detached garage on the property line of two parcels owned by the applicant within the ten-foot setbacks.

Member Mark Grady stated he understands why this is kind of baffling and kind of a mystery, but variances are a highly legalized concept in the zoning law and the Board is bound by the legal standards that the Wisconsin Supreme Court and the Wisconsin State Legislature has given us. We are only to grant variances under a very unique set of circumstances that are very unique to the individual property.

Member Julianna Javor seconded the motion.

Roll call vote:

Nancy Filsinger, Chair	Aye
Mark Grady, Board Member	Aye
Thomas Dunst, Board Member	Aye
Julianna Javor, Board Member Alternate 3	Aye

Motion carried by roll call vote, 4-0. The variance is denied.

Adjourn

***Motion by Member Mark Grady, seconded by Chair Nancy Filsinger, and by roll call vote, the Board of Appeals adjourned the meeting at 6:00 p.m.
Motion carried unanimously.***

Respectfully Submitted,

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

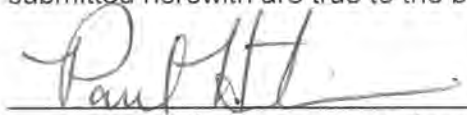
10/25/23

Appellant Name: Paul Horvatin

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

9/20/2023

Date

For Office Use Only:

Date Application Received 10/10/2023

Receipt Number for \$200 Filing Fee 1.059589

Case Number 2023-08

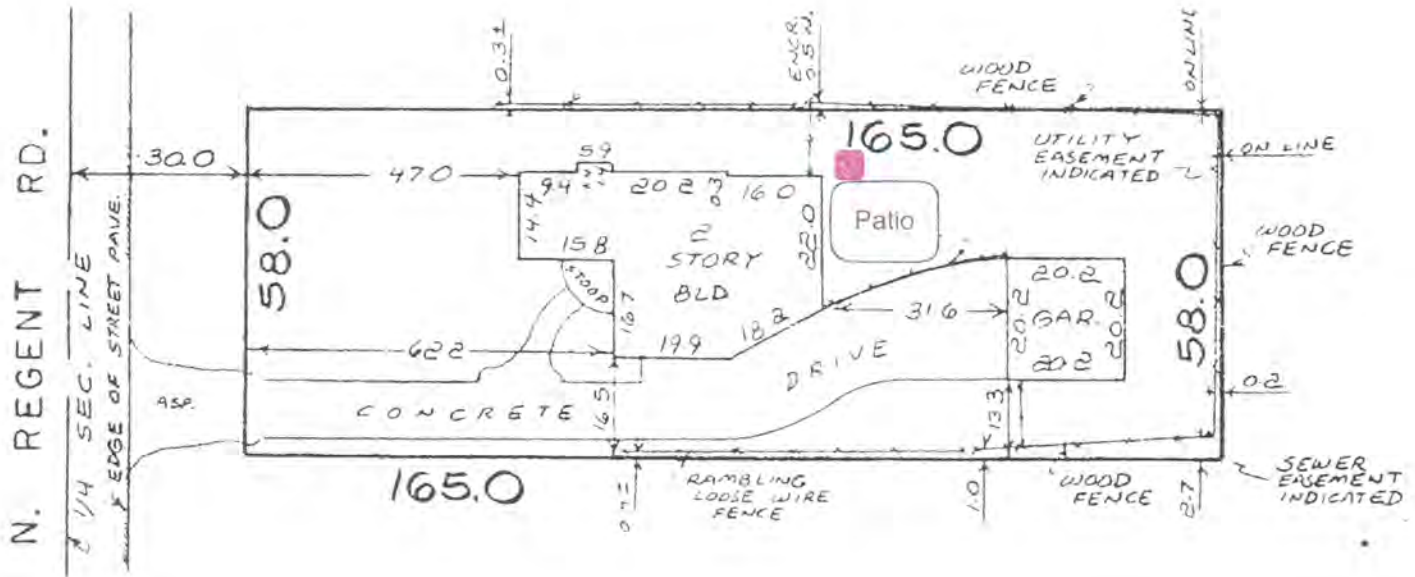
Hearing Date 11/22/2023

Disposition _____

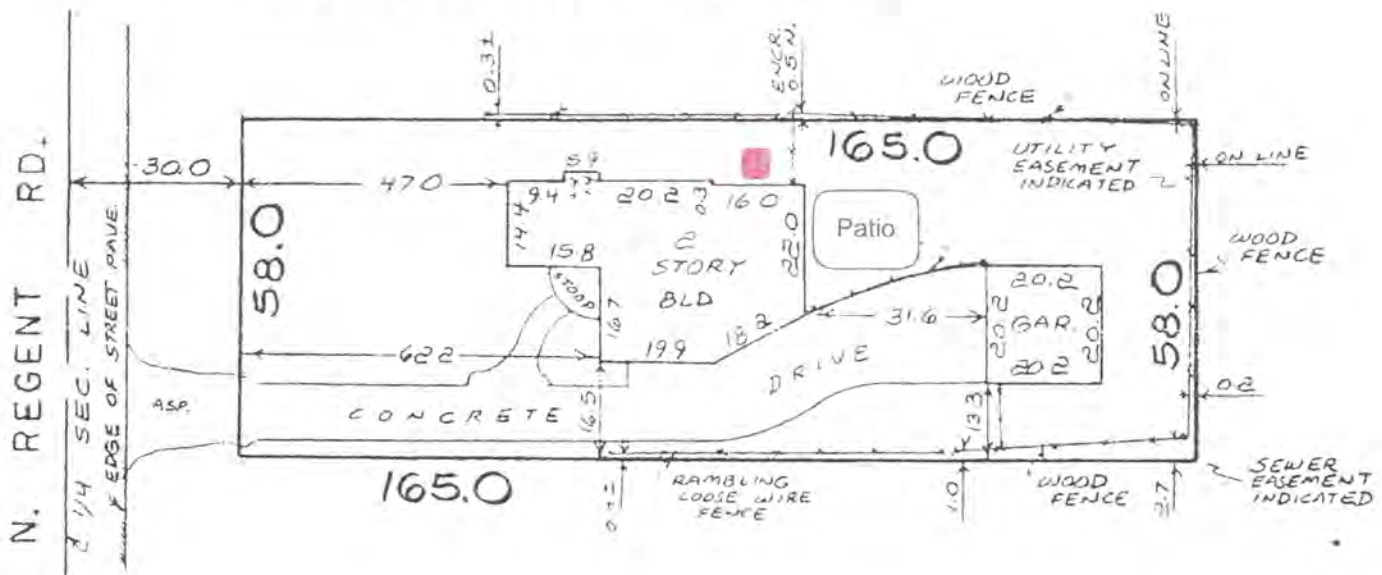
8330 N Regent Rd Request for Variance

1. *Variance requested* - We are requesting moving our air conditioner to the side-rear of our house. It would be moving the air conditioner ~13 feet west to be more on the side of our house. Below is an explanation of where the air conditioning will be moved to:

Existing Location of Air Conditioner in RED



New Proposed Location of Air Conditioner in RED



2. *What special conditions exist which will cause unnecessary hardship if the variance requested is not granted.* - This new location is ~7 feet from our lot line so it violates section 745-17(B)(3) of the Village Code. However, after looking at all the options, this location seems to be best for everyone.
 - a. The old location was constantly being tripped on by children playing and just floating in the back of our yard. It was also loud when running when people were in the backyard
 - b. There is not really a good spot on the rear of the house, since our house narrows in the rear and the driveway runs next to it.
 - c. The new spot is away from all foot traffic and hidden from view by bushes on the lot line. It is also hidden from view at the road because of the landscaping and bump out from our chimney.
3. *Why the variance requested is not contrary to the public interest and will not endanger public safety and welfare.* -This has the best public interest in mind. The air conditioner will go in a spot that is hidden from view and foot traffic. It is better for public safety also, since the tripping hazard of the existing AC location will be gone.
4. *Why the variance requested will be in accord with the spirit of the Zoning Code.* -I understand the reasoning behind this section of the code, but we are not trying to build a new building within 10 feet of our neighbors. We are just trying to find a good spot for our air conditioner. This will only improve our lives, our neighbors lives and our home.
5. *How the variance, if granted, will cause substantial justice to be done* - If this variance is granted, it shows that the zoning code is in place for the right reasons. It protects residences from unnecessary neighborly issues, but is flexible enough when needed.

Thank you for your consideration. I appreciate all the work you do keeping Fox Point great. Below are a few pictures to go along with the surveys above. NOTE: The air conditioner in the pictures is not hooked up yet, it is just in the spot we wish to put it.



View from the rear of the house. The dirt path in the foreground is the existing location and the air conditioner in the picture is the proposed new location



View from the front of the house, looking towards the side with the air conditioner. It is mostly hidden behind the chimney



View from our neighbor's backyard. There are some large bushes (that have been cut back now for the winter in this picture) that obstruct the view of the air conditioner.

Below is the signature of consent from our neighbors who share the lot line with us Matt and Sarah Leibham of 8334 N Regent Rd.

Sarah Leibham
Sarah Leibham
9-28-23

Matt C-
MATT LEIBHAM
9/28/23

Current Building Permit



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

Permit Number:

B- 15157

OFFICE USE ONLY	
Issued Date	8.23.23
Zoning	

BUILDING PERMIT

Job Address 8330 N Regent Rd, Fox Point, WI 53217	Building Type: Residential ☒ Commercial ☐
Description of Work	
Basement Finish - Relocate Water Heater and Furnace to new utility room, install (2) egress windows per plans, install perimeter walls, per plans, install new bathroom with toilet, sink, and shower, install exhaust fan over shower, finish flooring with carpet in living areas and LVT in bathroom, reconstruct stairs to basement per code, storage/utility rooms to remain unfinished, insulate walls and ceilings for thermal/sound.	
Estimated Cost of Project \$50,000	

Owner/Occupant	
Business Name N/A	Contact Name Paul and Danielle Horvatin
Address 8330 N Regent Rd	City/State/Zip Fox Point, WI 53217
Phone 262-227-5115	Email horvatin.paul@gmail.com

Cautionary Statement required when homeowner is applying for permit**

Contractor	
Company Name Tamarack Renovations LLC	Contact Name Matt Hafemeister
Address 3101 State Road 83	City/State/Zip Hartford, WI 53027
Phone 262-894-6773	Email matt@tamarackrenovations.com
Dwelling Contractor #DC-022000189 ✓	Dwelling Contractor Qualifier #DCQ-032000254 ✓

Square Footage Under Construction				
1st Floor	2nd Floor	Basement 450	Addition	Garage

Description	Rate	Amount
Project - Per \$1,000 of estimated cost	\$10.00	500.00
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/bid \$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	
Payable to: Village of Fox Point	Total Permit Fee	\$ 500.00

Applicant Signature

Date

8/11/23

Rev 01/22

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

Current HVAC Permit



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

Permit Number:

H- 9455

OFFICE USE ONLY

Issued Date 9-26-23

HEATING VENTILATING & AIR CONDITIONING PERMIT

Job Address 8330 N Regent Rd	Building Type: Residential ☒ Commercial ☐
Description of Work Ductwork alterations for basement remodel	
Owner/Occupant Name Paul Horvatin	Phone Number 262-894-6773

Contractor	
Company Name Heinrichs Home Comfort	Contact Name Sara Grisius
Address 16622 W Rogers Dr	City/State/Zip New Berlin, WI, 53151
Phone 414-764-6060	Email shop@heinrichshome.com
HVAC Contractor License Number 843798 ✓	

Heating Unit Description	BTU	A/C Unit Description	Ton
1.			
2.			
3.			
4.			

EXTERIOR UNIT shall comply with setback requirements

Distance from lot line _____
REQUIRED for approval of exterior unit

Description	Rate	Qty	Amount
Heating Units: Up to 150,000 BTU input	\$58.00		
Each additional 50,000 BTU or fraction thereof	\$20.00		
Distribution per 100 square foot	\$2.25		
Air Conditioners: Up to 3 ton	\$60.00		
Each additional ton or fraction thereof	\$20.00		
Distribution per 100 square foot	\$2.25	600 sqft	\$13.50
Permanently installed wall units each	\$20.00		
Commercial Exhaust Hood	\$195.00		
Fireplace, Solid Fuel Burning Appliance	\$58.00		
Heat Recovery Ventilator, Energy Recovery Ventilator	\$58.00		
Re-inspection	\$100.00		
Work started without permit	Double		
Minimum Fee	\$60.00		
Payable to: Village of Fox Point	Total Permit Fee		\$ 60.00

Applicant Signature

Rev 01/22

Date

9/15/23

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

414-351-8900

Oct 10, 2023

8330 N. Regent Road

.00

200.00

10-44540 OTHER PERMIT

200.00

200.00

Payor: Paul Horavtin

200.00

.00

10/10/2023 8:11 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 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, November 22, 2023, at 5:00 p.m. to hear the following appeal for a variance:

1. **Case 2023-08: 8330 N Regent Road.** The applicant is requesting a variance pertaining to Section 745-17 B (3), concerning the C Residence District with regard to the required setback of 10 feet which should be provided for every building and Section 756-34 B., concerning the air conditioning unit setback requirements. The applicant is proposing to install an air conditioner on the north side of the home within the side yard setback.

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: [October 26, 2023]
Posted: [October 26, 2023]

Village of Fox Point GIS
CASE 2023-08 / 8330 N REGENT ROAD

§ 745-17. C Residence District.

- A. Uses. In a C 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 the accessory use does not constitute or become a public or private nuisance. **[Amended 11-11-2014 by Ord. No. 2014-08]**
- B. Areas and yards. In a C Residence District, no building may be erected, enlarged or altered except in conformity with the following:
- (1) The open area of a lot upon which a dwelling is erected, or proposed to be erected, shall not be reduced to less than 10,500 square feet for each family. No building not erected for a dwelling shall occupy more than 15% of the gross area of the lot or exceed a height of 25 feet above the proposed grade of the ground.
 - (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 a corner lot 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; 15 feet when width of lot is 70 feet or less; provided, however, that no setbacks will be less than 15 feet plus 1/2 the width of the abutting road or area reserved for highway purposes.
 - (3) A side yard of not less than 10 feet shall be provided for on each side of every building.
 - (4) A rear yard of not less than 20 feet shall be provided for every building, except one of not less than 10 feet shall be provided for a building used for or classified as an accessory use.
 - (5) Every lot on which a building is erected shall have an average minimum width of 80 feet.
 - (6) No single-family residence built or existing in this district shall have a height greater than 35 feet above the lowest point of the lot grade abutting the structure. 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. **[Amended 2-9-2021 by Ord. No. 2021-01]**

§ 756-34. Air conditioning and refrigeration systems and backup generator installations.

A. Permit requirements.

- (1) Permit required. Except as hereinafter provided, before proceeding with the construction, erection or installation of any air-cooled, water-cooled or mechanically cooled air-conditioning or refrigeration system or unit or backup generator installations, in or to serve any building, a permit shall first be obtained from the Building Inspector.
- (2) Permits shall not be required for the installation of any air-conditioning or refrigeration system or unit that does not use water for cooling and where the source of operating power is obtained by plugging in an electrical cord connection to an electrical outlet. This subsection shall be applicable to portable units.
- (3) Application for a permit shall be made by the installing contractor upon a form provided by the Building Inspector, shall be filled out completely and shall provide the following information:
 - (a) Name and address of contractor.
 - (b) Location of premises where installation is proposed.
 - (c) Name and address of owner.
 - (d) Location of unit on premises, including distance to lot lines for exterior apparatus.
 - (e) Manufacturer's identification, classification and size of unit.
 - (f) Nature of coolant, if applicable.
 - (g) If water cooled, source of water and method of discharging wastewater. (Refer to Department of Building Inspection.)¹
 - (h) Where water conservation devices are required, manufacturer's name, identification, classification and size of equipment.
 - (i) Such additional information as shall be required by the Building Inspector.

- B. Exterior structures.** Where any unit of an air-conditioning or refrigeration system or backup generator installation is located outside of the structure, said unit shall comply with setback requirements for accessory structures as set forth in the Chapter 745, Zoning, and said location shall be subject to approval of the Building Inspector. Said location shall not, by noise or sight, be detrimental to adjoining property. As an exception to the requirements of this subsection, however, the

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

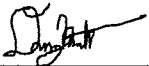
Village Manager may authorize a temporary backup generator installation to be located anywhere on a lot if the Village Manager finds that the generator serves a public purpose and will be removed no later than 12 months from the date of the approval, subject to the temporary structure approval procedure described in § 745-7D of this Code. **[Amended 2-12-2010 by Ord. No. 2010-02]**

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.
 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

10.03.2023

Date

For Office Use Only:

Date Application Received 10/13/2023

Receipt Number for \$200 Filing Fee 1.059640

Case Number 2023-09

Hearing Date 11/22/2023

Disposition _____



W233 N2847 ROUNDY CIRCLE WEST
PEWAUKEE, WI 53072

OFFICE: 262.542.9000
WEBSITE: www.vjscs.com



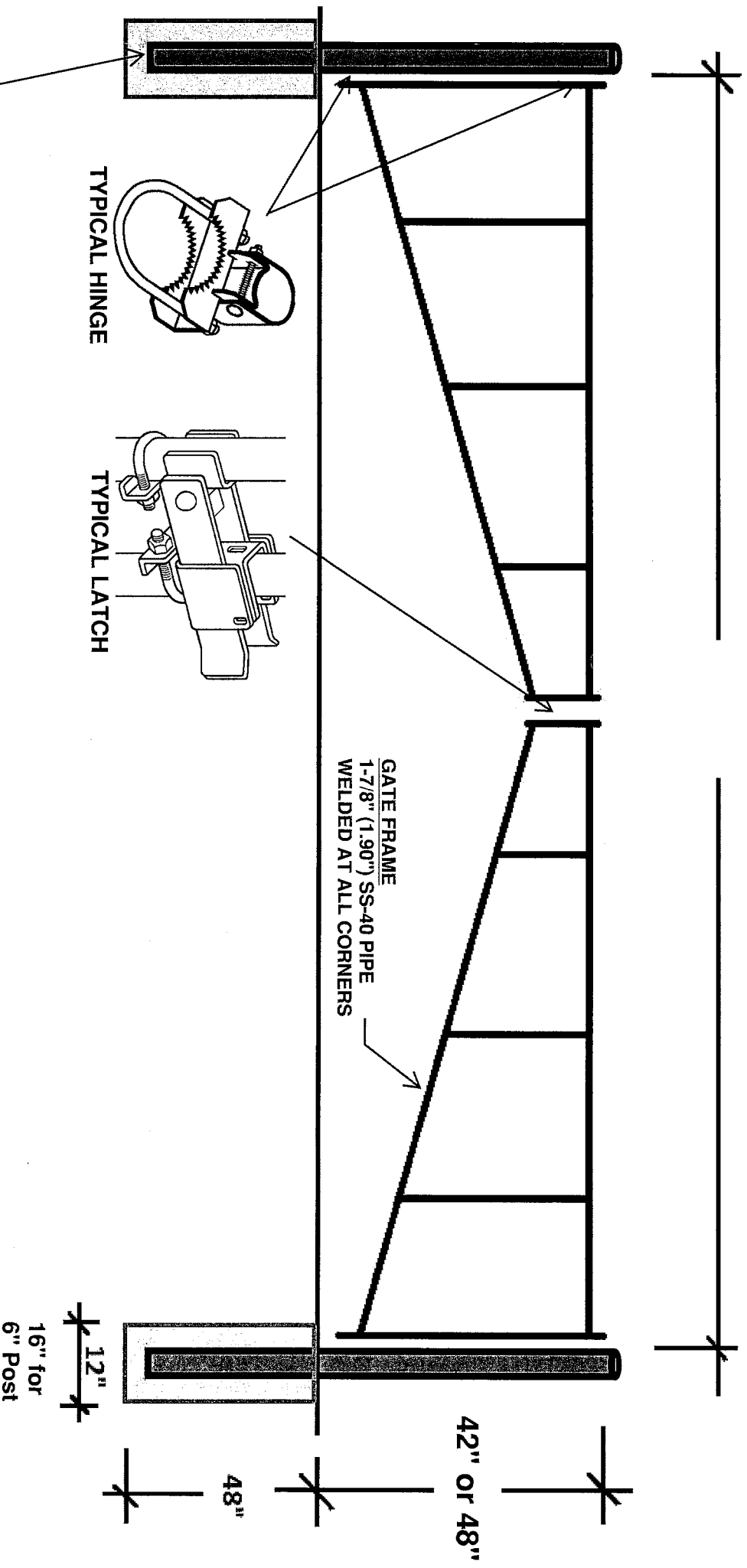
Re: **VJS Construction Services, Inc.**
St. Augustine Preparatory Academy
Aug Prep Campus at CSU

VJS Construction Services is seeking approval for the installed gates at the North and Southeast entrances to the campus. These gates have been installed to reduce trespassing and increase public safety. See attached site plan showing the gate locations as well as the gate specifications.

VJS will provide locks as recommended to ensure access to both Village of Fox Point Police Department and North Shore Fire department.

Thank you for your consideration.

BARRIER PIPE GATE



Danny Merkt

From: Matthew Mertens <mmertens@nsfire.org>
Sent: Monday, October 9, 2023 10:43 AM
To: Joe Jorgensen
Cc: Ben Bergles
Subject: RE: Cardinal Stritch Aug Prep

Follow Up Flag: Follow up
Flag Status: Flagged

Joe and Ben,

The NSFD does not have a problem with the installation of the security gates for the demolition and construction and would assume there will likely be site fencing as well.

Please make sure that:

- 1) The entry/exit width is not reduced from the original size
- 2) The gate is fitted with Knox padlock for emergency response access.
 - a. Knox padlocks can be found here: <https://www.knoxbox.com/products/gate-key-switches/knox-padlock/c-24/c-83/p-8604>
 - i. Make sure to select exterior use with shrouded shackle and a length appropriate for use.
 - ii. Note: all padlocks must be turned into the NSFD at the completion of the project.

Regarding a walkthrough, I would be looking at Thursday or Friday afternoon around 1:30.

Thank you and Stay Safe!

Matthew J. Mertens

Fire Marshal

North Shore Fire Department

Fire Prevention Bureau

665 E. Brown Deer Road

Bayside, WI 53217

mmertens@nsfire.org

Office: 414-357-0113 ext. 1511

Fax: 414-351-0495

For Permit Applications please click this link:

Plan Review, Inspection and Permit Fee Application

Vendors, to enroll in our online ITM tracking through IROL please go to: <https://www.nsfire.org/254/IROL>



POLICE DEPARTMENT

VILLAGE OF FOX POINT

October 13, 2023

Michael Rakow; Building Inspector
Village of Fox Point
7200 North Santa Monica Boulevard
Fox Point, Wisconsin 53217

RE: Driveway Gate, 6801 North Yates Road

Inspector Rakow;

I am writing in response to the request for special exception from the property owner at 6801 North Yates Road to install two driveway gates on the access drives from North Yates Road. In accordance with village code 745-7 B.3.h.2, the gates must receive the written approval of the Police and Fire Chiefs.

The Police and Fire Departments primary mission is to protect the safety and welfare of the residents. In order to fulfill this mission, the first responders must have rapid access to the person or property in need of assistance. I have consulted with the North Shore Fire Department Chief, Robert Whitaker, visited the property at 6801 North Yates Road, and spoke with the property owners' representatives requesting the special exception regarding our mission to protect public safety. The gate posts are set, and gates retract along the edge of the driveway, allowing access to the property for an emergency vehicle (more than two car widths) and the property owners representatives have agreed to provide the emergency responders with access (master keys) to open the gate in instances when the gate is closed and locked.

Providing for the safety and security of a school campus is challenging and needs to remain a priority; however, the current location / gate placement will essentially prohibit routine police patrol of the property and delays will be encountered when emergency services are requested. I would encourage the property owner to reconsider the location (placement) of the north driveway gate once final construction plans for the new school are identified to facilitate access from the Fox Point side of the campus if the perimeter driveway is maintained.

After the site visit and with the cooperation from the property owners' representatives to provide emergency access, the Police and Fire Departments are satisfied that the installation of the driveway gate may delay, but will not significantly hamper access in the event of an emergency and do not object to the installation.

Sincerely,


Christopher Freddy
Chief of Police

ALTA/ACSM LAND TITLE SURVEY

GATE LOCATION

CLIENT
Cardinal Stritch University
650 N. V. Road, Village of Fox Point, Milwaukee County, Wisconsin

LEGAL DESCRIPTION
Parcel 3 of Certified Survey Map No. 4593, recorded as Document No. 5807600 on Reel 1743, Images 1810-1816, being a division of a part of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 and a part of the Northeast 1/4 and the Northwest of the Southeast 1/4 of Section 20, Town 8 North, Range 22 East in the City of Glendale and the Village of Fox Point, Milwaukee County, Wisconsin
EXCEPTING THEREFROM that portion of Lot 3 lying in the City of Glendale
Parcel 3 of Certified Survey Map No. 4593, recorded as Document No. 5807600 on Reel 1743, Images 1810-1816, being a division of a part of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 and a part of the Northeast 1/4 and the Northwest of the Southeast 1/4 of Section 20, Town 8 North, Range 22 East in the City of Glendale and the Village of Fox Point, Milwaukee County, Wisconsin
EXCEPTING THEREFROM that portion of Lot 3 lying in the Village of Fox Point.

BASIS OF BEARINGS
Bearings are referenced to the East line of the Southeast 1/4 of Section 20, which is assumed to bear South 00°20'00" West.

TITLE COMMITMENT
This survey was prepared based on Chicago Title Insurance Company Commitment No. CO-4013 effective date of October 21, 2015 which lists the following easements and/or restrictions from schedule B-II.

- 1, 5, 6, 7 & 8, visible evidence shown, if any
- 2, 3, 4, 9, 23, not survey related
10. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on October 13, 1960, as Document No. 3859720. Affects property by location shown.
11. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on February 14, 1974, as Document No. 4821589. Affects property by location shown.
12. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on February 12, 1975, as Document No. 4897196. Affects property by location shown.
13. Common Ownership Plumbing System Inspection and Enforcement Easement granted by Cardinal Stritch College to State of Wisconsin, Department of Industry, Labor and Human Relations, Bureau of Plumbing, dated July 12, 1985 and recorded July 15, 1985 on Reel 1775, Image 502. In Document No. 5470008. Affects property by location shown.
14. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on December 9, 1985, as Document No. 5871090. Affects property by location shown.
15. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on August 19, 1986, as Document No. 5951591. Affects property by location shown.
16. Twenty Foot Sanitary Sewer Easement as set forth on Certified Survey Map No. 4503, recorded April 16, 1985 on Reel 1743, Image 1810, as Document No. 5802600. Affects property by location shown.
17. Easement Agreement dated April 30, 1985 and recorded on April 16, 1985 as Document No. 5803359.
18. Rights of Cardinal Stritch College, Inc. as lessor and obligations incurred under the lease under Lease entered into by and between said lessor and The Wisconsin Society for Brain Injured Children, Inc., a Wisconsin corporation, dated November 9, 1972, recorded May 31, 1973, as Document No. 4794165. Affects property by location shown, as modified by Agreement amending lease dated May 23, 1973 and recorded May 31, 1973 as Document No. 4794167. Affects property by location shown, and further amended by Agreement dated June 1, 1989 and recorded June 2, 1989 on Reel 2335, Image 281, as Document No. 6281065. Affects property by location shown.
19. Water Main Easement recorded on January 8, 1987 as Document No. 6015068. Affects property by location shown.
20. Easement by and between Cardinal Stritch College, Inc. and The Wisconsin Society for Brain Injured Children, Inc. recorded on June 2, 1989 recorded as Document No. 6281066. Affects property by location shown.
21. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company, for utility, recorded on January 13, 1977, as Document No. 7314603. Affects property by location shown.
22. Declaration of Conditions, Covenants and Restrictions for Maintenance of Stormwater Management Measures recorded as Document No. 8091183. Affects property by location shown.

PARKING SPACES
There are 985 regular parking spaces and 31 handicap spaces marked on this site.

FLOOD NOTE
According to the Flood Insurance rate map of the County of Milwaukee, Community Panel No. 560760043E, effective date of September 26, 2008, this site falls in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).

MUNICIPAL ZONING
Municipal Code Village of Glendale Sec. 13.1.38
Site is zoned: S-1 Special (Institutional) District
Front setback: 35 feet
Side setback: 25 feet
Rear setback: 25 feet
Maximum building height: 50 feet

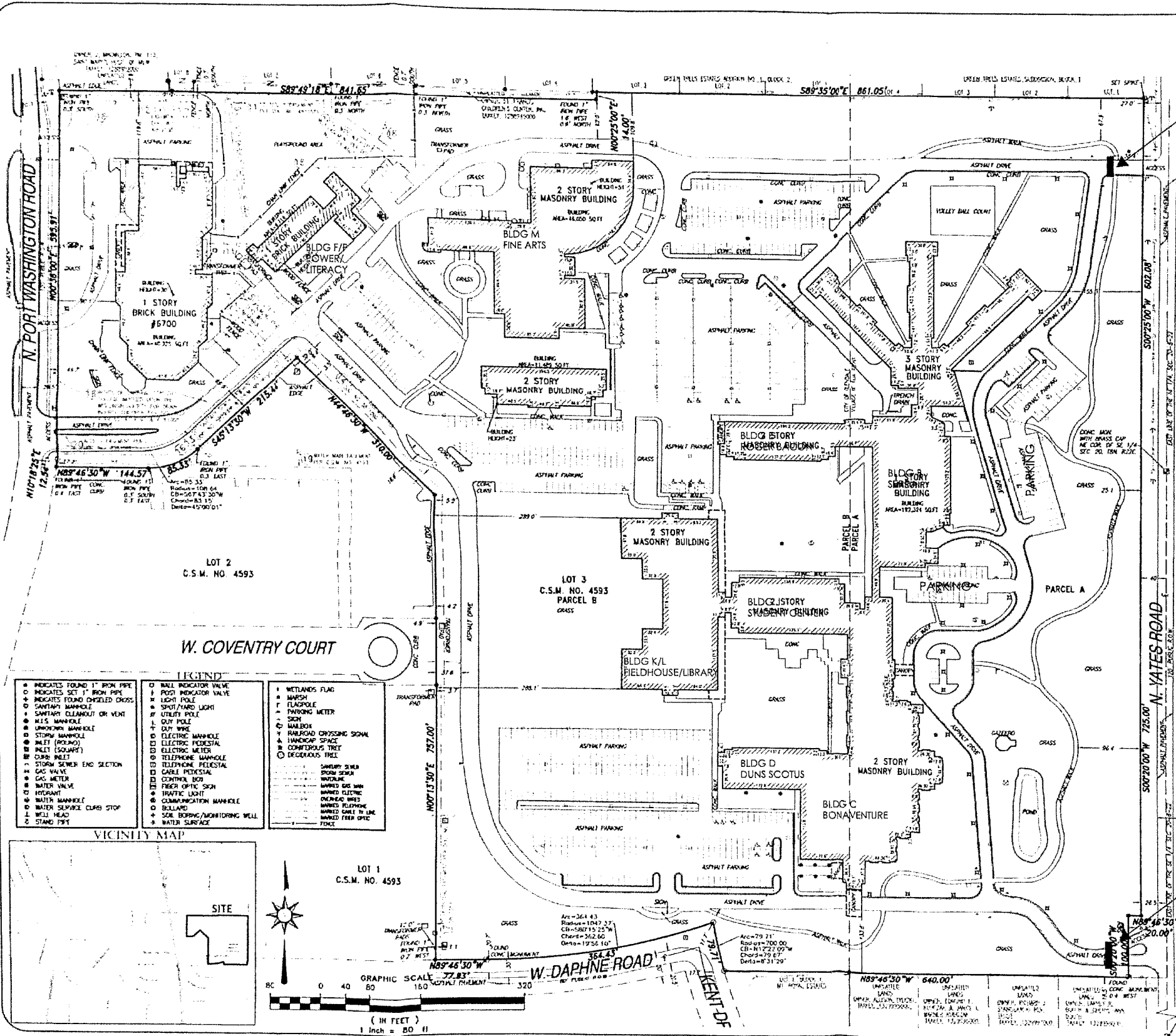
MUNICIPAL ZONING
Municipal Code Village of Fox Point Zoning Code Sec. 745.20
Site is zoned: I (Institutional District)
Front setback: 70 feet
Side setback: 20 feet
Rear setback: 20 feet
Maximum building height: 35 feet

LAND AREA
The Total Land Area of the subject property is 1,896,180 square feet or 43.5303 acres.
The Land Area of Parcel A is 654,627 square feet or 15.0782 acres.
The Land Area of Parcel B is 1,241,553 square feet or 28.5021 acres.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and RPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a) and 21 of Table A thereof. The field work was completed on January 6, 2016.

GATE LOCATION

CHAPUT LAND SURVEYS, INC.



Date of Map: January 13, 2016
CHAPUT LAND SURVEYS, INC.
211 W. FLORENCE STREET
MILWAUKEE, WISCONSIN 53201
TEL: 414.224.2000
FAX: 414.224.2001
www.chaputland.com

Donald C. Chaput
Professional Land Surveyor
Registration Number S 1316

Drawing No. 219.dmb

VILLAGE OF FOX POINT

7200 N. SANTA MONICA BLVD

FOX POINT WI 53217

414-351-8900

Receipt No: 1.059640

Oct 20, 2023

Danny Merkt-BOA Application

Previous Balance: .00

LICENSES & PERMITS - LIQUOR/BEER/CIGARETTE
LICENSE 200.00

10-44120 LIQUOR/TOBACCO LICENSES

Total: 200.00

CHECK Check No: 1016 200.00

Payor: Danny Merkt-BOA Application

Total Applied: 200.00

Change Tendered: .00

Duplicate Copy

10/23/2023 8:09 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 22, 2023 at 5:00 p.m. to hear the following appeal for a special exception:

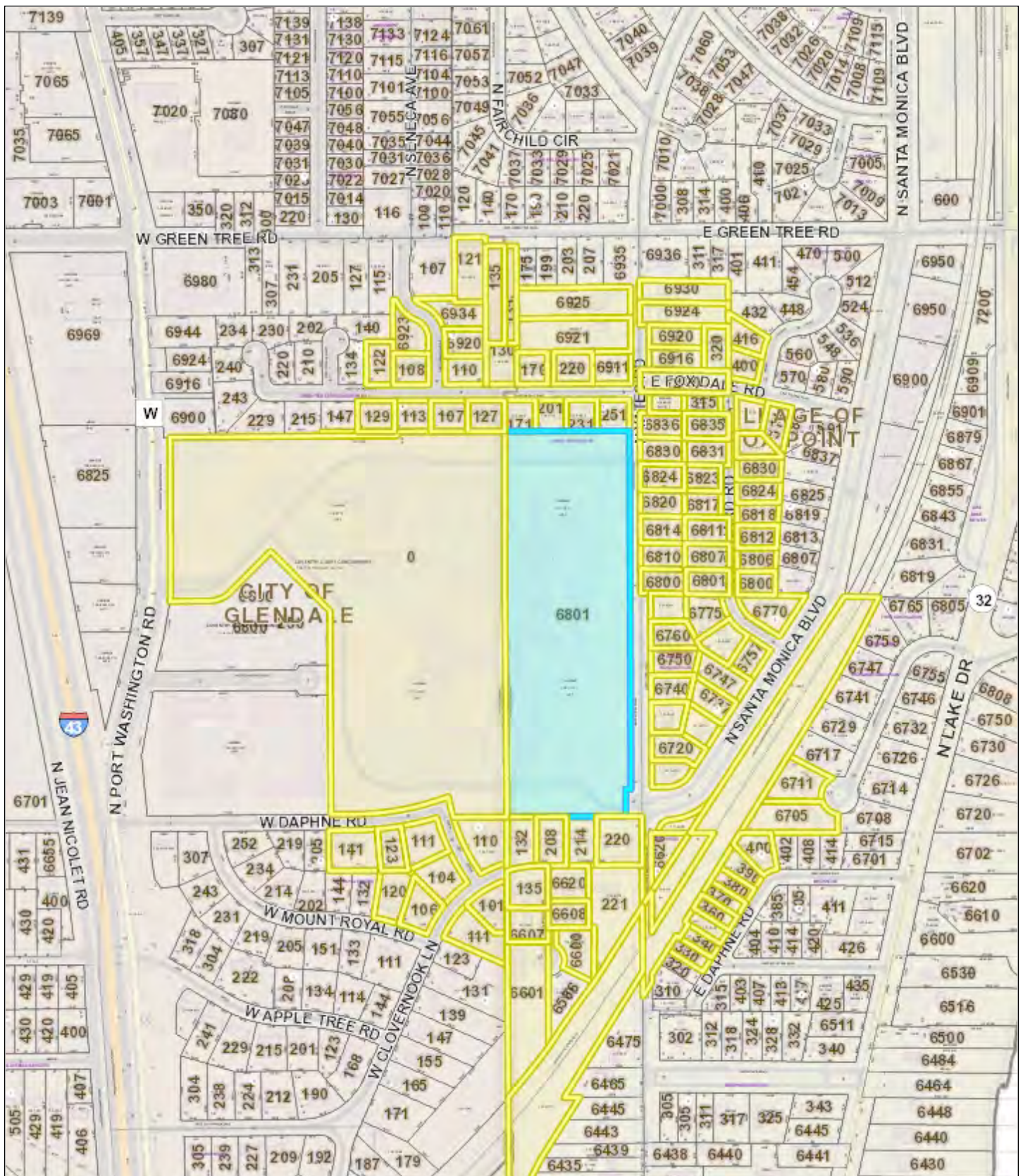
- 1. Case 2023-09 6801 N Yates Road.** The applicant is requesting a special exception to install gates at the North and Southeast entrances to the campus. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Fox Point Code.

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

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

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

Notice Sent: [October 25, 2023]
Posted: [October 25, 2023]



Case 2023-09 / 6801 N Yates

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" = 500'



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

Print Date: 10/23/2023

745-7(B)(3)(h)[\[1\]](#) [\[Fencing for corner/Irregularly shaped lot\]](#)

In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection [B\(3\)\(j\)](#) herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.

745-7(B)(3)(h)[\[2\]](#) [\[Fencing forward of front lot line special exception\]](#)

No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection [B\(3\)\(j\)](#) below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection [B\(3\)\(j\)](#) below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.

745-7(B)(3)[\(j\)](#) [\[Special exception, generally\]](#)

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.

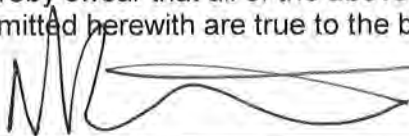
1. Name of Appellant Laurie and Byron Vielehr c/o Deep River Partners
- Address of Appellant Vielehr's: 7944 N. Beach Drive - Deep River Partners: 240 N Milwaukee St. Suite 400
- Phone Number _____ Deep River Partners - 414-276-8550 Byron - 609-915-1496
- Home Work Cell
- E-mail Address Laurie - lbvielehr@gmail.com Byron - bvielehr@hotmail.com Nick - nblavat@deep-river.com
2. Address of Property 7938 N Beach Drive
- Present Use of Property Single Family Residence
- 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 (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: _____

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

10.25.2023

Date

For Office Use Only:

Date Application Received 10/25/2023 @ 10:52 am Receipt Number for \$200 Filing Fee 1.059644

Case Number 2023-10 Hearing Date 11/22/2023

Disposition _____

10.25.2023 Board of Appeals Application

1. **Name of Appellant:** Laurie and Byron Vielehr c/o Deep River Partners
Email: lbvielehr@gmail.com bvielehr@hotmail.com nblavat@deep-river.com
Phone: Owner (Byron Vielehr): 609-915-1496 / Architect (Deep River Partners): 414-276-8550
2. **Address:** 7938 / 7944 N. Beach Drive, Fox Point, WI 53217

1. Height of Proposed Fence / Gate:

The Driveway Gate Design has a slight arch where the lower part of arch is 4'-10" tall with the peak of the arch being 5'-10" in the middle. Please see attached Driveway Gate Elevation for design and dimensions.

2. Exact Location of the proposed fence / Gate.

The Swinging Driveway Gates will be installed between the (2) entry piers on both properties. Please see attached C1.0 for Site location and 7938 /7944 Driveway Gate Plan for a blow up.

3. Indicate whether the fence / gate is replacement fence / gate.

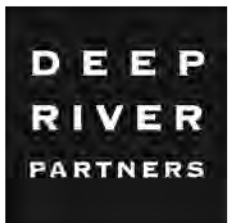
The Swinging Driveway Gates will be a new installation.

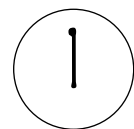
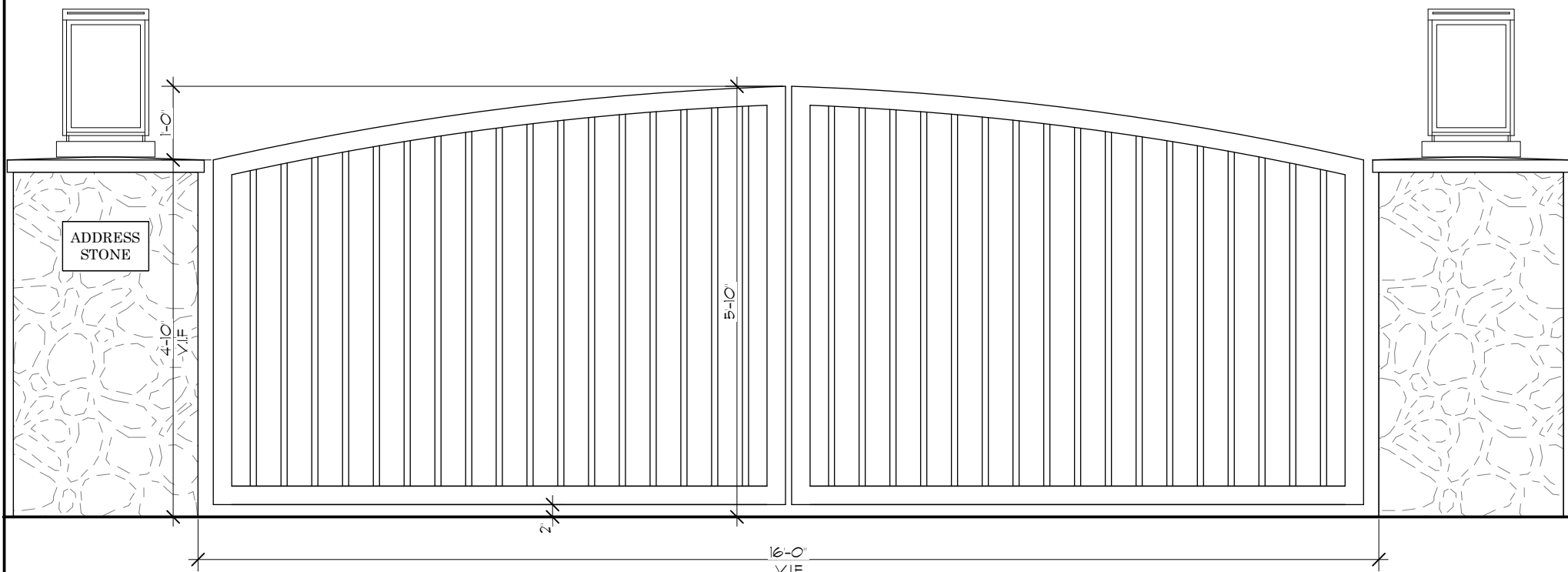
4. Type of Fence and materials.

The Swinging Driveway Gates will be Aluminum or Steel Powder Coated Black.

(414) 276.8550
deep-river.com

240 N. Milwaukee Street
Suite 400
Milwaukee, WI 53202





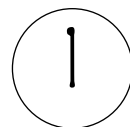
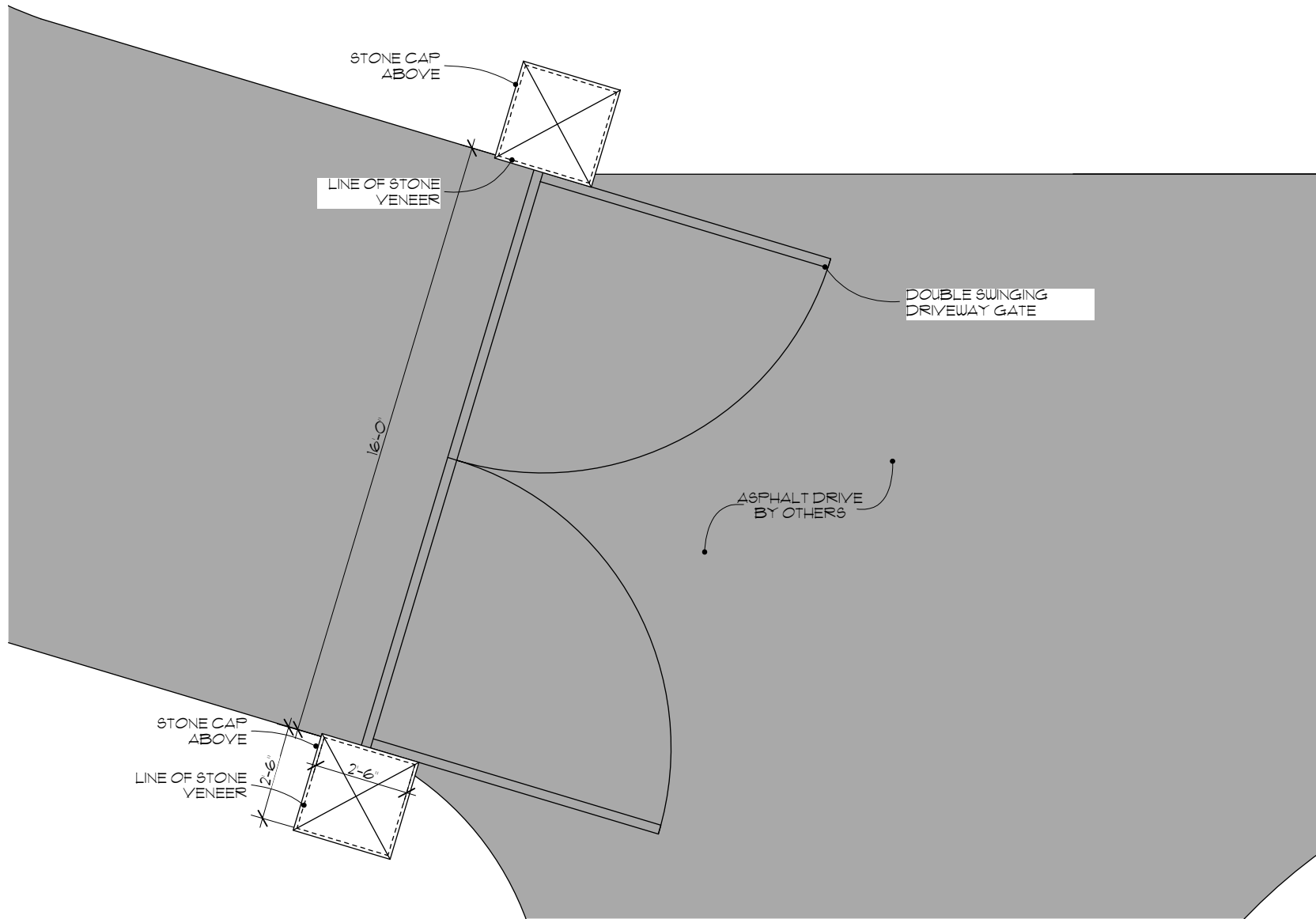
DRIVEWAY GATE

SCALE: 1/2" = 1'-0"

PROJECT 2113
BEACH DRIVE POOL HOUSE & GARAGE
 7938 N. BEACH DRIVE
 FOX POINT, WI 53217

Deep River Partners, Ltd.
 240 N. Milwaukee Street Suite 400 Milwaukee,
 Wisconsin 53202
 414.276.8550

10/25/2023



7938 N BEACH DRIVE

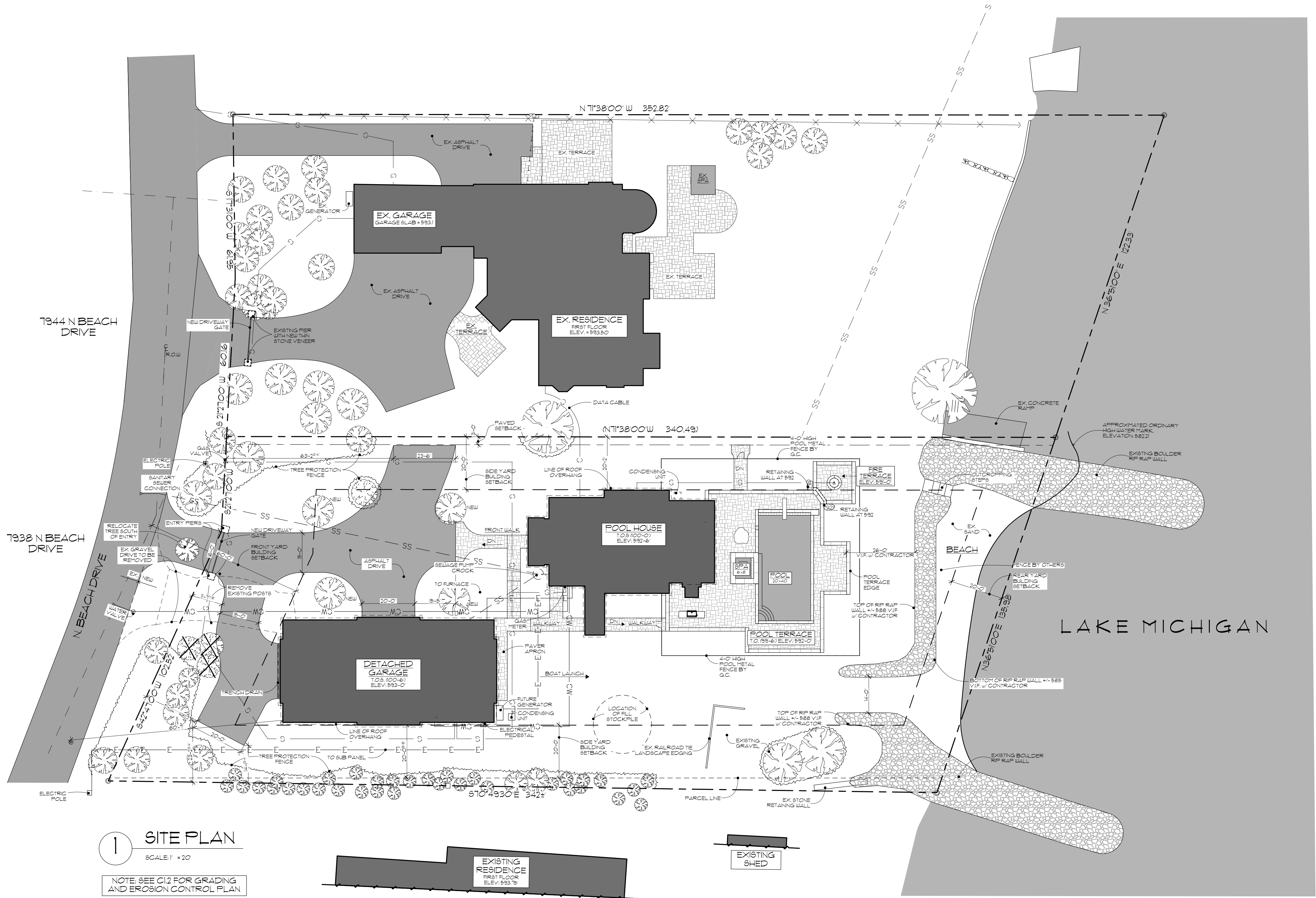
SCALE: 1/4" = 1'-0"

PROJECT 2113
BEACH DRIVE POOL HOUSE & GARAGE
 7938 N. BEACH DRIVE
 FOX POINT, WI 53217

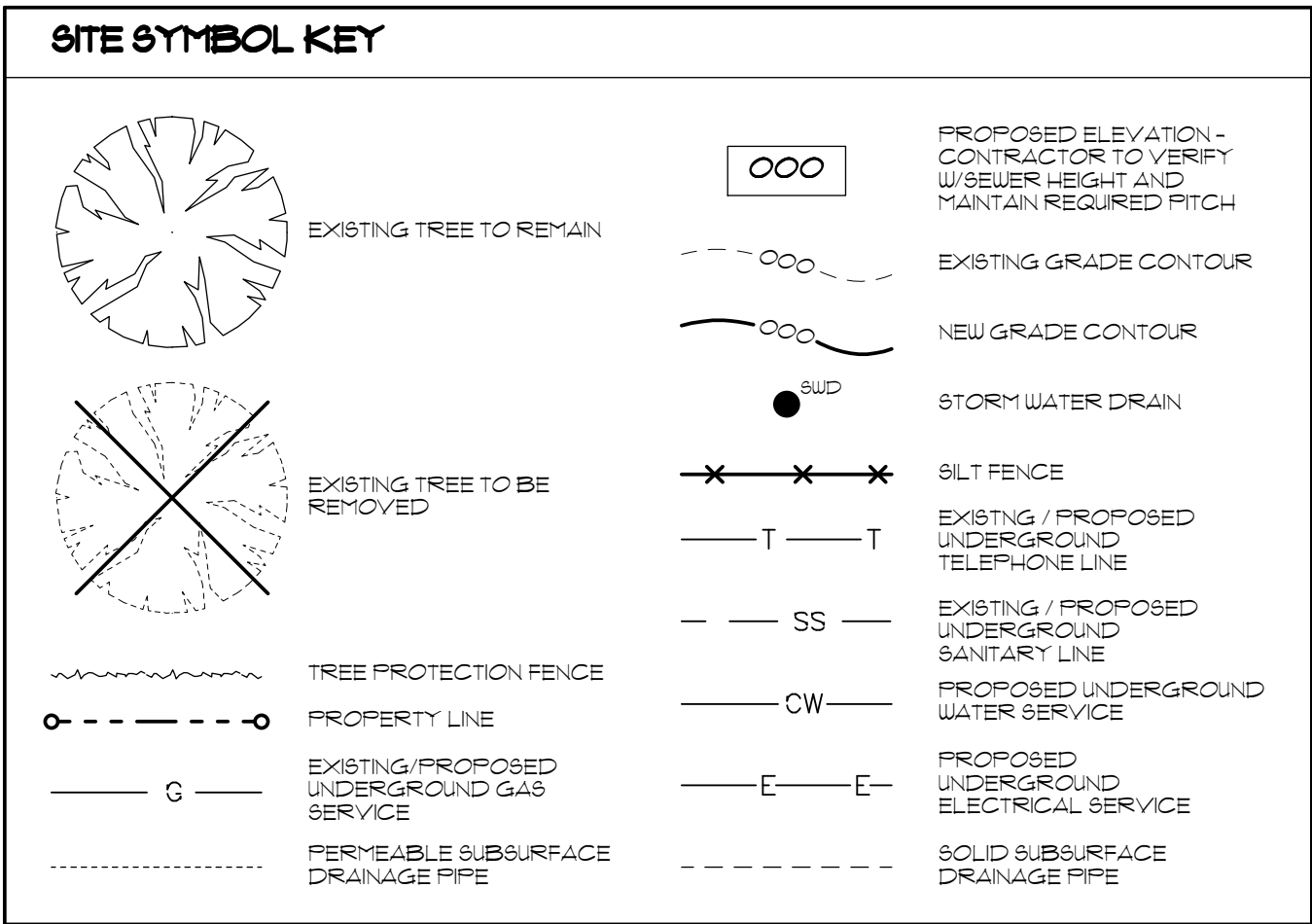
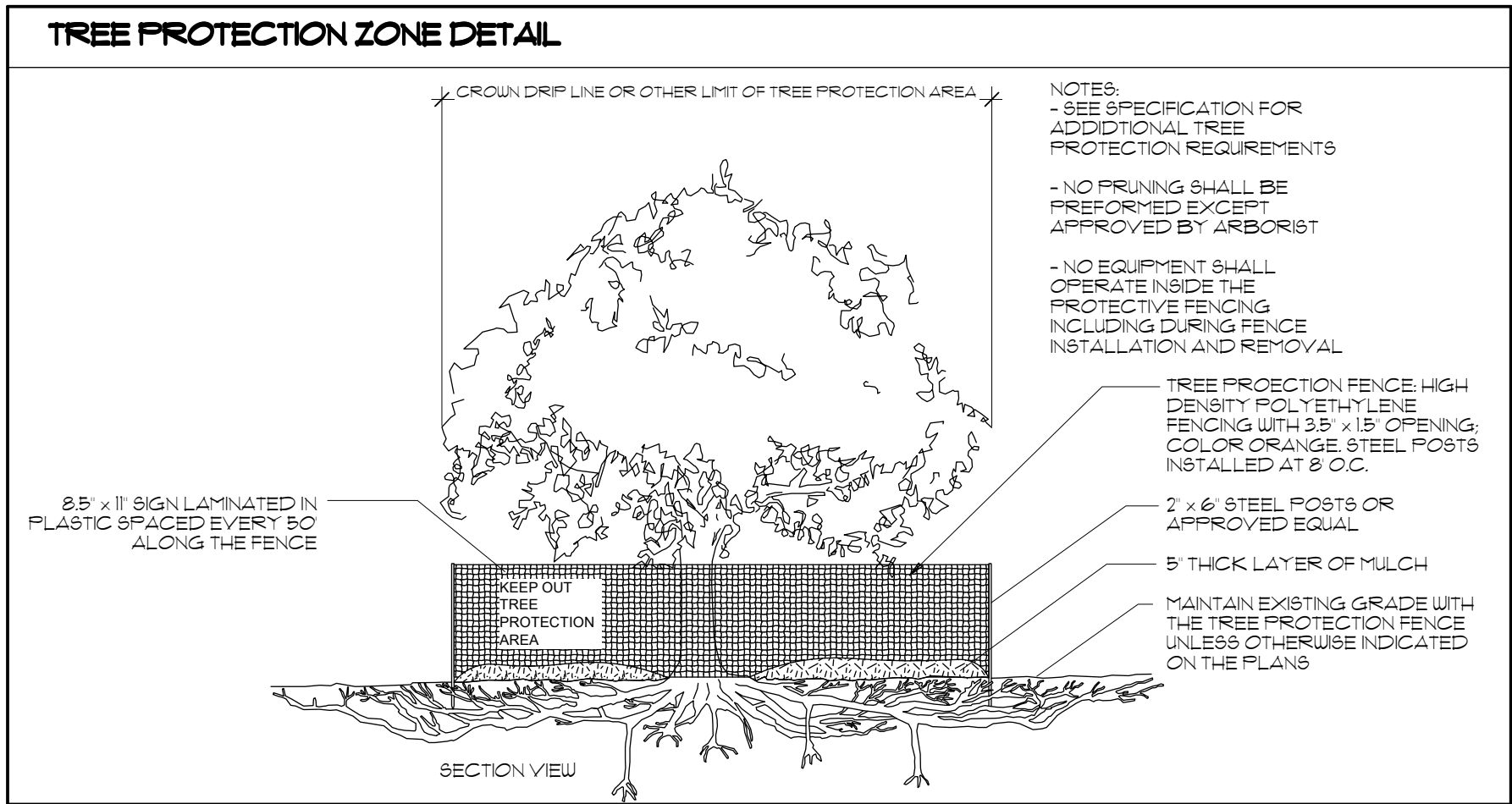
Deep River Partners, Ltd.
 240 N. Milwaukee Street Suite 400 Milwaukee,
 Wisconsin 53202
 414.276.8550

10/25/2023

NOTE:
ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE CONTRACT DOCUMENTS AND CHECKING THEM FOR ACCURACY, THE CONTRACTORS MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR SAME. THE CONTRACTORS SHALL BE RESPONSIBLE FOR MAKING SURE THAT ALL WORK IS DONE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES. THE CONTRACT DOCUMENTS UTILIZE A PROCESS CALLED FREE DESIGN OR DESIGN/BUILD FOR ROOF, WINDOW, PLUMBING, ELECTRICAL, HVAC DETAILS, AND AS DESIGNATED IN THE SPECIFICATION AS "TO BE COMPLETED ON A DESIGN/BUILD BASIS." THIS MEANS THAT THE CONTRACT DOCUMENTS DO NOT INCLUDE ALL REQUIRED DETAILS, AND THAT THE CONTRACTORS SHALL, USING THEIR OWN STAFF OR QUALIFIED SUBCONTRACTORS, DESIGN AND BUILD THE FREE DESIGN AND DESIGN/BUILD PORTIONS OF THE WORK. THE CLIENT IS DIRECTLY CONTRACTING WITH THE CONTRACTORS AND THEREFORE THE CLIENT AND THE CONTRACTORS ARE ASSUMING THE DESIGN AND BUILD RESPONSIBILITY FOR THE FREE DESIGN AND DESIGN/BUILD PORTIONS OF THE PROJECT. DEEP RIVER PARTNERS, LTD. IS NOT RESPONSIBLE FOR INSPECTING ANY ASPECT OF THE CONTRACTORS' WORK, OR FOR OBSERVATION OF THE CONTRACTORS' WORK FOR COMPLIANCE WITH THE CONTRACT DOCUMENTS.



1 SITE PLAN
SCALE: 1" = 20'
NOTE: SEE C12 FOR GRADING AND EROSION CONTROL PLAN



SITE CALCULATIONS		ZONING - A1
LOT AREA (FROM CENTER OF RIGHT OF WAY):		43,426 SQUARE FEET
REQUIRED OPEN AREA:		40,000 SQUARE FEET
LOT COVERAGE ALLOWED:		3,426 SQUARE FEET
PROPOSED BUILDING LOT COVERAGE AREA:		8,814 SQUARE FEET
INCLUDED OPEN AREA REDUCTION	- POOL HOUSE:	2,510 SQUARE FEET
	- GARAGE:	3,200 SQUARE FEET
	- POOL:	916 SQUARE FEET
	- POOL AND FIRE TERRACES:	2,188 SQUARE FEET
	- WALKWAYS	781 SQUARE FEET
- PARKING AREA / DRIVEWAY		4,377 SQUARE FEET
PROPOSED OPEN SPACE REDUCTION:		5,388 SQUARE FEET
OPEN SPACE REDUCTION PERCENTAGE:		13.5%

Project 2113
BEACH DRIVE POOL HOUSE & GARAGE
7938 N. BEACH DRIVE
FOX POINT, WI 53217

ISSUE DESCRIPTION	DATE
BOARD OF APPEALS	10.25.2023

LEGAL DESCRIPTION :
All that part of the Northeast 1/4 of Section 16, Town 8 North, Range 22 East, Village of Fox Point, County of Milwaukee, State of Wisconsin, bounded and described as follows:

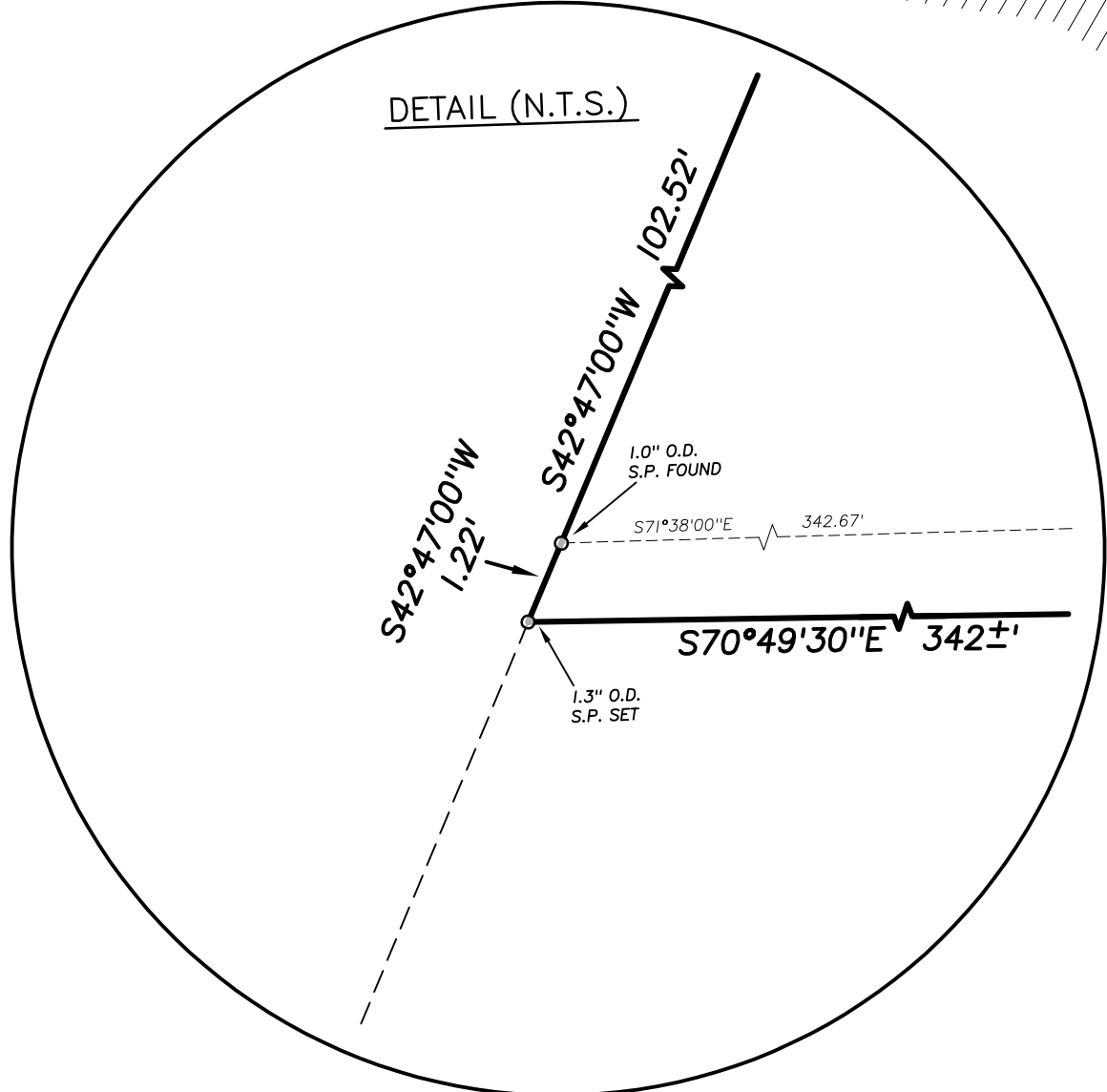
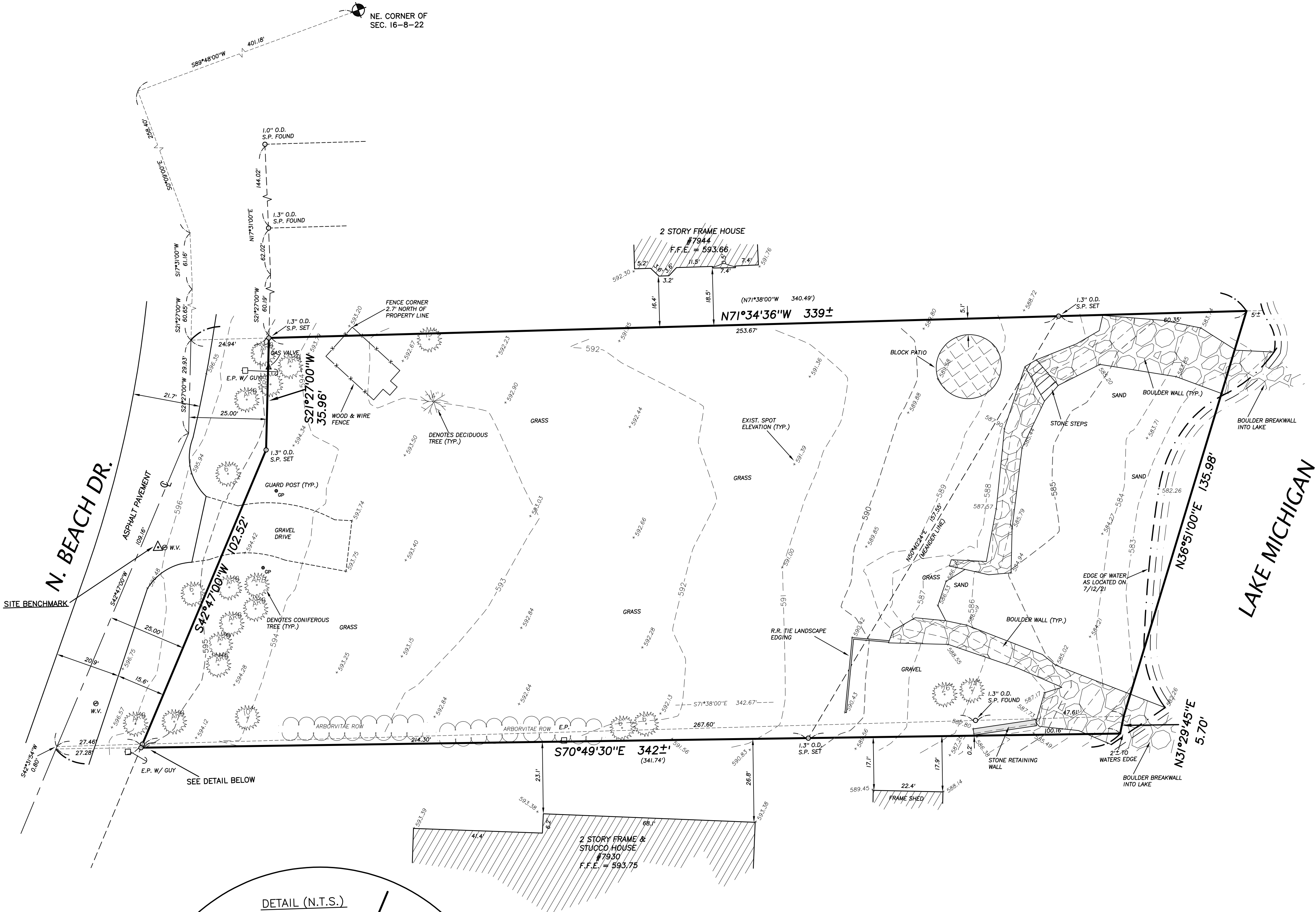
Commencing at a point in the centerline of the public highway known as North Beach Drive, running Northeasterly and Southwesterly 401.18 feet South 89° 48' West of and 258.40 feet South 0° 09' East of the Northeasterly corner of said Section 16; thence South 17° 31' West along the centerline of said North Beach Drive, 61.16 feet to a point; thence South 21° 27' West along said centerline of said North Beach Drive, 60.65 feet to a point of beginning of land to be described; thence South 21° 27' West along said centerline of said North Beach Drive, 29.93 feet to a point; thence South 42° 47' West along the centerline of said North Beach Drive, 109.16 feet to a point; thence South 71° 38' East 342.67 feet to point on the shore line of Lake Michigan; thence North 36° 51' East along said shore line of Lake Michigan at low water mark, 135.98 feet to a point; thence North 71° 38' West 340.49 feet to the point of beginning.

ALSO: All that part of the Northeast 1/4 of Section 16, Town 8 North, Range 22 East, Village of Fox Point, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said 1/4 section; thence South 89° 48' 00" West along the North line of said 1/4 section, 638.64 feet to a point; thence South 00° 09' 00" East 600.38 feet to a point on the centerline of North Beach Drive, thence South 71° 38' 00" East 374.69 feet to the shore of Lake Michigan; thence North 31° 29' 45" East along said shore line 146.89 feet to the point of beginning of the lands to be described; thence continuing North 31° 39' 45" East 5.70 feet to a point; thence North 71° 38' 00" West 342.67 feet to a point on the centerline of North Beach Drive; thence South 42° 31' 54" West along said centerline 0.80 feet to a point; thence South 70° 49' 30" East 341.74 feet to the point of beginning.

Said Parcel containing 41,008 sq. ft/0.941 acres of land exclusive of the prescribed Right Of Way of N. Beach Dr., more or less.

- NOTES :**
- () DENOTES BEARING OR DISTANCE PER DEED.
 - ALL BEARINGS ARE REFERENCED TO THE CENTERLINE OF N. BEACH DR., WHICH BEARS S42°47'W PER DEED.
 - SITE BENCHMARK IS MAG NAIL IN ASPHALT PAVEMENT OF N. BEACH DR. AS SHOWN ON SURVEY. ELEVATION = 596.40
 - MAIN BENCHMARK IS REFERENCE BENCHMARK FOR NE. CORNER OF SECTION 16-8-22. (CHISELED CROSS IN FRAME FOR TRAP DOOR OF SEWAGE LIFT STATION) ELEVATION = 589.46 (NGVD 1929)

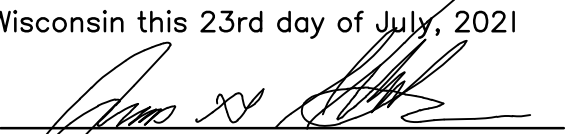


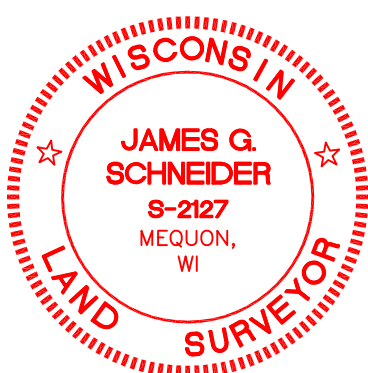
SURVEY CERTIFICATE

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, roadway, 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.

Dated at City of Mequon, State of Wisconsin this 23rd day of July, 2021


James G. Schneider
Surveyor - S-2127



THIS IS AN ORIGINAL PRINT
ONLY IF STAMPED IN RED



NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.NorthShoreEngineering.net

MARK	DATE	REVISION	BY	APVD	
"PROPERTY SURVEY"					
FOR DEEP RIVER PARTNERS VIELEHR RESIDENCE					
7938 N. Beach Drive Fox Point, WI					
FIELD CREW:	E.A.J. & S.W.S.		APPROVED:		
DWN. BY:	J.M.B.	DATE:	JULY 23, 2021		
CHKD. BY:	A.R.H.	Plat No.	LS-5058-21		

Chapter 745. Zoning

§ 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.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., where subject to "permanent structure" classification, shall not be permitted closer than three feet to an abutting property line other than a street line.
- (3) Fences, walls, architectural screening devices, driveway gates and arbors. The following regulations are established to ensure that the Village of Fox Point retains the openness and semirural character of its landscape.

- (a) Permit required. No person shall erect or construct any fence, wall, driveway gate, architectural screening device or arbor, unless specifically exempted by the provisions of this subsection, on any property within the Village of Fox Point without having first obtained a permit from the Building Inspector and having paid the fee prescribed by ordinance. Retaining walls regulated by § **285-4** of this Code are exempt from the requirements of this subsection. A survey by a licensed surveyor shall be submitted with each application for a fence, wall, architectural screening device, driveway gate or arbor 10 feet or less from the lot line of the property. The determination of the Building Inspector as to proximity shall be final. When required, the survey shall show the location of the proposed fence, wall, architectural screening device, driveway gate or arbor in relation to the property line but need not depict any other aspect of the subject property. The Building Inspector shall deny a permit if the proposed fence, wall, architectural screening device, driveway gate or arbor is in the right-of-way or if its proposed location will impede visibility of vehicular traffic.
- (b) Replacement or reconstruction. If an existing fence, wall, architectural screening device, driveway gate or arbor is substantially or completely destroyed or becomes deteriorated to a material degree, it may be replaced or reconstructed in the same location, height and materials by first obtaining a permit, provided that it must be replaced or reconstructed within 12 months of being removed. All other replacement or reconstruction of existing fences, walls, architectural screening devices, driveway gates or arbors must fully comply with the terms of this section.
- (c) Temporary fences. Temporary safety, snow or deer fences of any type may be allowed in the discretion of the Village Manager for the purpose of safety, protection from the elements or protection from deer, for a period not to exceed 120 days, unless extended by the Village Manager. Temporary construction fences may be allowed in the discretion of the Village Building Inspector for the time that a building permit is in effect on the property.
- (d) Lake, bluffs and ravines. Where property abuts Lake Michigan, or is located on a bluff or a ravine in such a locale that construction of a fence, wall, architectural screening device, driveway gate or arbor would materially obstruct the aesthetic views of adjoining and surrounding property owners, the Building Inspector may deny a permit based upon his determination that there is a substantial negative impact upon the aesthetic enjoyment of surrounding properties. Any affected party may appeal the Building Inspector's determination to the Board of Appeals within 30 days of the Building Inspectors' determination. No fence, wall, architectural screening device, driveway gate or arbor shall be constructed on the side of a ravine or bluff in violation of § **285-3** of this Code.
- (e) Construction in right-of-way prohibited. Any fence, wall, architectural screening device, driveway gate or arbor that is erected in a street right-of-way or impedes traffic visibility may be removed by the Village of Fox Point at any time.
- (f) Definitions. For purposes of this subsection, the following terms shall have the following meanings; the terms "front yard," "rear yard" and "side yard" shall be defined as set forth in § **745-2** of this chapter:

ARBOR

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

ARCHITECTURAL SCREENING DEVICE

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

DRIVEWAY GATE

A fence that opens and closes across a driveway.

FENCE

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

FINISHED LOT GRADE

Does not include berms, artificial hills and mounds.

HEIGHT

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

OPEN FENCE

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

ORNAMENTAL FENCE

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

SOLID FENCE

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

WALL

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

- [1] Signs. This exclusion applies if the wall is primarily intended to be a sign as regulated by Chapter **540** of this Code.
- [2] Lights. This exclusion applies if the wall is intended primarily as a pediment to support a light fixture.
- [3] Small size. This exclusion applies if the wall is smaller than three feet wide, and smaller than three feet deep, and smaller than five feet high.
- [4] Retaining wall. This exclusion applies if the wall is intended primarily as a landscape feature for retaining soil and the top of one side of the wall is approximately at grade.

- (g) Construction standards. Fences, walls, architectural screening devices, driveway gates and arbors shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Fences shall be constructed of wood or other wood-simulated natural-appearing materials, wrought iron or other metal materials generally employed to obtain an aesthetically pleasing appearance. Open fences may be permitted; however, barbed wire, electric wire, chicken wire, or double- or triple-strand wire shall not be used in the construction of a fence, except as allowed by the Building Board.
- (h) Location and height restrictions. Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project forward of the front line of the principal building. An arbor shall not exceed a height of eight feet seven inches from the finished lot grade and shall not project forward of the front line of the principal building.
- [1] In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection **B(3)(j)** herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.
- [2] No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection **B(3)(j)** below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection **B(3)(j)** below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.
- [Amended 6-11-2013 by Ord. No. 2013-04]
- [3] If the rear of the applicant's lot abuts a neighbor's side yard, any proposed fence shall be an "open fence," unless the neighbor consents to an alternate type fence in writing.
- [4] An ornamental fence or architectural screening device may be allowed anywhere on the property without a permit, provided the fence or screening device does not exceed 3 1/2 feet in height and is set back in its entirety 20 feet or more from all boundaries of the property.
- [5] For purposes of this section, the side yard of any corner lot that abuts a road shall be treated as a front yard; however, if a building footprint is other than square or rectangular in configuration, the provisions of Subsection **B(3)(h)[1]** generally shall control over the provisions of this subsection.

[6] The provisions of this section, the limitations set forth herein, and the requirement for a permit shall not apply to:
[Amended 4-1-2012 by Ord. No. 2012-05; 11-10-2020 by Ord. No. 2020-06]

- [a] Lands owned by the state, school district, county, Village or any other publicly held land, where fencing is employed for sport or recreational purposes such as baseball diamonds, backstops, swimming pools, playgrounds or any other public recreational or safety purpose;
- [b] Private athletic or country clubs, or cemeteries, employing such fencing for similar uses as stated herein;
- [c] Chicken enclosures for permitted keeping of chickens pursuant to § **579-17.5** of this Code;
- [d] Beehives for permitted beekeeping pursuant to § **579-17.6** of this Code;
- [e] Dog kennels or runs less than 120 square feet, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property;
- [f] Private residential swimming pool fencing; or
- [g] Tennis court fencing, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property unless modified pursuant to § **745-10G(3)**.

[7] Notwithstanding the otherwise applicable height limitations stated elsewhere in this section, a fence may be constructed to a height of 11 feet from the finished lot grade on property in the D Business District or the adjacent single-family residential use district along a lot line which separates a large business use from such single-family residential use. For purposes of this exception, a large business use is defined as a use conducted in the D Business District for which 150 or more off-street parking spaces are available to the business. Such a fence may be constructed on the top of a berm, provided the berm is constructed in compliance with the requirements of this Code and all applicable laws, and further provided that the height of the fence shall be measured from the finished lot grade as defined in this section. This exception is intended to allow a fence to be constructed which will screen the large business use from the abutting single-family residential use.

- (i) Maintenance. The owner, occupant or their agent shall keep all fences, architectural screening devices, walls, driveway gates and arbors structurally sound and maintained in a neat and attractive manner. The maintenance standards established in this section shall be enforced as provided in §§ **681-7** and **681-8** of the Village of Fox Point Code.
- (j) Special exceptions. A special exception to the height, size, material, design, setback or other physical standards set forth in this subsection or to allow a driveway gate may, upon filing a written application, be considered by the Board of Appeals after a hearing. The application must include an accurate visual rendering of the proposed wall, architectural screening device, driveway gate or arbor, along with a written statement outlining the applicant's need for the same. Notice of hearing shall be given to all property owners within a radius of 500 feet of the property upon which the fence, wall, architectural screening device, driveway gate or arbor is proposed to be constructed and the notice shall include the visual rendering submitted by the applicant. The Board of Appeals may grant the request for a special exception upon finding that the property owner has shown clear and convincing evidence to believe that the applicant has a legitimate need for the special exception and that granting the special exception will not adversely affect the health, safety or welfare of the community or the immediate area where located and will not impede the purpose, spirit and intent of this section, in addition to such other specific findings as may be required by other subsections of this section. Every special exception granted by the Board of Appeals shall be conditioned upon the applicant submitting the visual rendering to the Village Building Board and receiving the Building Board's approval of the architectural

appearance, design and construction materials for the proposed fence, wall, architectural screening device, arbor or driveway gate, taking into consideration the existing development on the lot and in the surrounding neighborhood, and if the Building Board denies the application, the special exception is thereby denied.

- C. Residential accessory building and detached garage limitations. The following limitations apply to all lots in a residence district and also on all lots where the principal use is residential and the principal building is a single-family or two-family dwelling.

[Amended 4-12-2022 by Ord. No. 2022-01]

- (1) Definitions.

ACCESSORY BUILDING

For purposes of this section, the term "accessory building" shall mean an accessory building as defined in § **745-2** of this Code, that is not a detached garage as defined herein.

DETACHED GARAGE

For purposes of this section, the term "detached garage" shall mean an accessory structure designed primarily to be used for parking passenger vehicles.

- (2) Size. Accessory buildings and detached garages shall be no larger than permitted by the district regulations applicable to the lot where located.

- (3) Number. The number of accessory buildings and detached garages on such lots shall be limited as follows:

- (a) Lots 25,000 square feet or less in size:

[1] Detached garage. Not more than one detached garage is permitted. A detached garage is allowed without regard to whether there is also one or more attached garages on the premises.

[2] Accessory building. Not more than one accessory building is permitted. Such accessory building is allowed without regard to whether or not there is also a detached garage.

- (b) Lots greater than 25,000 square feet in size. In addition to accessory buildings permitted by Subsection **C(3)(a)**, above, one additional detached garage or accessory building, conforming to the size limitations described in Subsection **C(2)** above, may be permitted for every additional 25,000 square feet of lot size.

Lot Size	Detached Garage(s) and/or Accessory Building(s) Permitted
Greater than 25,000 square feet to 50,000 square feet	One detached garage and one accessory building plus a total of one additional, whether a garage or accessory building.
Greater than 50,000 square feet to 75,000 square feet	One detached garage and one accessory building plus a total of two additional, whether garage(s) or accessory building(s).
Greater than 75,000 square feet to 100,000 square feet	One detached garage and one accessory building plus a total of three additional, whether garage(s) or accessory building(s).
Further increments of 25,000 square feet	Add one additional detached garage or accessory building per increment.

- (4) Subject to applicable laws. Nothing herein shall be interpreted to modify to waive more restrictive requirements of applicable laws or Village ordinances. The open area limitations of this chapter continue to apply and may prevent construction of the size or number of accessory buildings or detached garages described herein.
- (5) Building code. All requirements of Chapter **756**, Building Construction, must be satisfied in addition to any requirements of this chapter.
- (6) Detached garage limited yard reduction. The side and rear yard provisions for a detached 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.
- (7) Minimum separation. No detached garage or accessory building shall be located closer than 20 feet to the principal building on an adjoining lot in residential use.
- (8) No limit on attached garages. Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.

D. Temporary structures.

- (1) Any temporary structure over 500 cubic feet in bulk shall require a building permit, except as follows:
[Amended 6-11-2013 by Ord. No. 2013-04]
 - (a) No building permit is required for the placement of a trash receptacle for purposes of disposing demolition materials from a building or structure on the property in conjunction with a project for which a building permit has been issued, subject to the following. Such trash receptacle shall not be placed prior to the issuance of a building permit, or prior to one week before commencement of demolition work, whichever is later. Such trash receptacle shall be removed within one week of completion of the demolition work, or when the work is suspended for more than seven days, or when the building permit expires or is terminated, whichever occurs first. Notwithstanding the foregoing, the Village Building Inspector may impose more restrictive requirements regarding trash receptacles as a condition of the building permit, which must be stated on the building permit when it is issued, or may be added by the Building Inspector after the permit is issued if the use of a trash receptacle was not shown in the plans submitted with the building permit application.
- (2) Every temporary structure shall comply with the front, side and rear yard requirements of the district in which it is located, except that such structure may be permitted anywhere on the lot with the approval of the Village Manager where in his opinion such structure where proposed to be located would not be detrimental to general community aesthetic values or enjoyment of use of adjoining properties.
- (3) Appeal from the decision of the Village Manager may be taken to the Board of Appeals.
- (4) No person shall build, place, or maintain any portable outhouse, privy vault, surface privy, dry closet, septic tank, or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits except as follows:
[Added 3-13-2012 by Ord. No. 2012-03]
 - (a) The Village Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the

project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Village, whichever occurs first.

- (b) The Building Inspector or Village Manager may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Village Manager that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. Application for a permit under this subsection shall be made on the application form provided by the Village and shall be accompanied by the fee as established by the Village Board from time to time. For purposes of this subsection, the Building Inspector and Village Manager shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
- (5) Enclosures for keeping of chickens that have been approved pursuant to § **579-17.5** of this Code and beehives that have been approved pursuant to § **579-17.6** of this Code, during such time that such permit has been approved and is in effect, shall not be subject to the requirements of this Chapter **745** except as expressly stated otherwise, and except as follows. The structure in its totality, including any fencing, covered enclosure, chicken coop, hive or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit. Violation of this section shall be subject to the penalties and remedies described in §§ **745-33** and **745-34** of this chapter in the event the requirements of this Chapter **745** differ from § **579-17.5** regarding any matter regulated therein, or differ from § **579-17.6** regarding any matter regulated therein, the most restrictive provision shall apply as determined by the Village Manager.
[Added 11-10-2020 by Ord. No. 2020-06]

E. Unenclosed storage.

- (1) No camp, boat, house or other trailer, bus, boat, recreational vehicle, camp trailer on a truck, or truck over three-quarter-ton capacity may be stored or parked regularly on a lot in a residence district except within a garage or other enclosed storage structure except as hereinafter set forth:
 - (a) For the period extending from April 15 to October 31 of each year, the following type of vehicle may be parked unenclosed on the driveway of a lot in a residential district, provided it is in actual use during such period and is not merely being stored, and that when parked it is sufficiently far in from the street as to not interfere with the view of operators of vehicles on the street, or on an adjacent intersecting street:
 - [1] A camp trailer or boat on a trailer, in either case not exceeding 35 feet in length, and designed to be hauled by a passenger automobile.
 - [2] A recreational vehicle not exceeding 35 feet in length.
 - [3] A camp trailer on a pickup truck not exceeding three-quarter-ton capacity.
 - (b) Open storage of any such vehicle may be permitted at any time with the approval of the Chief of Police or designee if such vehicle is effectively shielded from normal observation from the street or adjoining properties by landscaping, walls or fencing, and provided such storage is not between any portion of the building and an abutting street. No such permitted storage shall by reason of the permissive grant have any future claim to legal nonconforming use rights and such permissive grant may be rescinded at any time for due cause.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (c) Parking a vehicle as permitted above or storage as permitted above does not authorize the use of any such trailer, boat or truck for the housing (sleeping and/or eating) therein of any person, and such housing is a violation of this chapter.
- (2) Materials, equipment, supplies or waste.
[Amended 9-11-2012 by Ord. No. 2012-11]
 - (a) Definition. For purposes of this subsection, "materials, equipment, supplies or waste" shall mean the following: worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof; machinery and equipment or parts thereof; vehicles or parts thereof; tools; iron, chain, brass, copper, tin, lead and other base metals; trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials; lumber or building materials; rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever; oil, kerosene, benzene, or other similar oil or oily substance or liquid; wood, brush, and any form of discarded vegetation; yard trimmings, grass clippings, foundry sand and industrial waste of any kind or description; sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems; or any similar materials which constitute health, fire or safety hazards or which contribute to a blighting influence upon the immediate or surrounding area or other unsightly debris.
 - (b) Prohibition; exceptions. No unenclosed storage of materials, equipment, supplies, or waste shall be permitted where such storage may be viewed from a public street or another property, except as follows:
 - [1] Firewood. Firewood may be stored for use on the property as follows. Firewood must be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges or other vegetation. Notwithstanding the foregoing, wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.
 - [2] Lawn and garden items. Lawn and garden items that are in regular seasonal use may be stored outdoors provided they are neatly arranged on the property. Such items may include but not be limited to outdoor furniture, planters, flowerpots, and grills.
 - (c) Public nuisance. Violation of this Subsection **E(2)** is hereby declared to be a public nuisance.
 - (d) Nonexclusive authority. This subsection may be enforced by the Village Building Inspector, which shall be in addition to, and not to the exclusion or prejudice of, the matters enforced by the Village Building Inspector pursuant to Chapter **681**, Property Maintenance, of this Code.
- (3) In the case of such storage related to the construction, remodeling, or repairing of a building on the property, this regulation shall apply to items placed on the property and allowed to remain thereon more than one week prior to the commencement of such operation or more than one week after its completion.

F. Home occupations.

- (1) Restrictions. A home occupation may be permitted in residential zoning districts in the Village, in single-family or multifamily dwellings, together with accessory uses incidental thereto, subject to the restrictions described in this subsection "Home occupation" is defined as an accessory use of a dwelling carried on by one or more members of the immediate family residing in the premises, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence so as

to adversely affect the residential character of the neighborhood. Home occupations shall be limited to professional and nonmanual labor, or nonindustrial type uses, and shall not involve the use of machinery or equipment not generally found or maintained on residential premises. A home occupation shall be conducted with minimal disturbance, or it shall be minimally apparent from the exterior of the building that any type of business activity is taking place on the premises, and without materially increasing traffic, noise or pedestrian activity on the premises or the surrounding neighborhood. No sign relating to the home occupation shall be visible from the exterior of the building.

- (2) Home occupation permit required. A home occupation shall be deemed a special use and shall require that an application for a home occupation permit be filed with the Building Inspector. A home occupation permit for a home occupation may be granted by the Building Inspector if he/she determines that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. In making his/her determination, the Building Inspector shall consider, without limitation, the effects on the surrounding area of noise, pedestrian and motor vehicle traffic which may be generated by such use. A home occupation permit for a home occupation shall be subject to review every five years, or sooner if the Village receives a complaint concerning the use of residential property for home occupation purposes. A home occupation permit may be revoked upon a determination that the home occupation has adversely impacted the residential character of the surrounding neighborhood. Violation(s) of any portion of the Fox Point Code pertaining to noise, odors, hazardous materials and emissions generated as the result of a home occupation being conducted on a residential premises may serve as the basis for the immediate revocation or nonrenewal of a home occupation home occupation permit, as it is expressly intended that the impact of a home occupation on surrounding neighbors in any of the foregoing respects be of a far more minimal nature than is prohibited by the general regulations of the Village Code as to each of the foregoing matters.

[Amended 11-11-2014 by Ord. No. 2014-08]

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

[Amended 11-11-2014 by Ord. No. 2014-08]

G. Solar energy systems.

[Added 3-10-2020 by Ord. No. 2020-02]

- (1) Where permitted. Subject to the provisions of this Subsection **G**, solar energy systems are a permitted use in any district in the Village of Fox Point.

- (2) Approval procedure. No solar energy system shall be installed unless all applicable Building Code and Electrical Code requirements are met, including the issuance all necessary permits. Such permits cannot be issued until an application has been submitted and reviewed by the Building Board. In addition to the powers of the Building Board described in Chapter **19**, Article **II** of this Code, the Building Board shall have the powers described in this Section **745-7G**.
- (3) Conditions under which permitted.
- (a) General. Unless modified by the applicable conditions described below or by the Building Board, solar energy systems are subject to all accessory structure provisions of this Code.
- (b) Structure-mounted solar energy systems.
- [1] Structure-mounted solar energy systems may be mounted on principal and accessory structures.
- [2] Only structure-integrated and/or flush-mounted solar energy systems may be installed on street-facing structure elevations.
- [3] In residential zoning districts, solar energy systems shall not extend more than three feet above the applicable maximum structure height limit for the subject structure type or more than five feet above the highest point of the roof line, whichever is less. In nonresidential zoning districts, solar energy systems shall not extend more than eight feet above the applicable maximum structure height limit.
- (c) Ground-mounted solar energy systems.
- [1] Ground-mounted solar energy systems are only permitted as an accessory use to an existing principal use of the lot where located, and only as an accessory structure.
- [2] In residential zoning districts, ground-mounted solar energy systems shall not be located between the principal structure and an abutting street.
- (d) Building Board modifications. The Building Board is directed to modify the requirements of this Code when an applicant shows that such standards significantly increase the cost of the system or significantly decrease its efficiency. In that event, the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely as reasonably possible while allowing construction of a solar energy system of comparable cost and efficiency. In every case, the Building Board shall not approve an application or a modification to this Code that jeopardizes the public health or safety. In the event of a conflict between this subsection and from the authority described in Wisconsin Statutes § 66.0401(1m), now or in the future, the Building Board is directed to apply the statutory standard to its consideration of solar energy system applications.







POLICE DEPARTMENT

VILLAGE OF FOX POINT

October 27, 2023

Mike Rakow, Building Inspector
Fox Point Board of Appeals
7200 North Santa Monica Boulevard
Fox Point, Wisconsin 53217

Dear Inspector Rakow and Members of the Board,

Pursuant to Village of Fox Point Code 745-7 B.3.h.2 the Chief for the Police Department and Fire Department must review applications for a driveway gate and subsequently make a written recommendation. This recommendation is related to accessibility to a property in the event of an emergency and not the applicability or necessity of a fence or gate on the driveway.

On October 25, 2023, I was contacted by Alec Uecke from Deep River Partners on behalf of their client, the resident at 7938/7944 North Beach Drive, regarding a driveway gate. I spoke with Mr. Uecke and discussed the proposed gate, along with the need for rapid access by emergency responders in the event of an incident. Mr. Uecke understood the responsibility that will be assumed by the resident in the event of a delayed emergency response and will make plans for a KnoxBox system to be included or a gate code for public safety personnel.

I completed a site evaluation and consulted with the North Shore Fire Department regarding the 16-foot opening between the gate posts. After completing a site visit, reviewing the plans with Mr. Uecke, and consulting with the Assistant Fire Chief, the Police Chief and Fire Chief do not have any objection to the installation of the driveway gate as requested; however, we will reinforce our position as it relates to delayed access to the property in the event of an emergency and encourage the resident to provide some form of access to public safety responders.

If you have further questions on this matter, feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Christopher Freedy". The signature is stylized with a large, looped "C" and a long, sweeping "F".

Christopher Freedy
Chief of Police

Kelly Meyer

From: Matthew Mertens <mmertens@nsfire.org>
Sent: Wednesday, October 25, 2023 2:49 PM
To: Alec Uecke
Cc: Kelly Meyer; Nick Blavat
Subject: RE: 7938 / 7944 N. Beach Drive Driveway Gates

Follow Up Flag: Follow up
Flag Status: Flagged

Alec,

As we discussed today on the phone:

- 1) The installation of access gates to the property will slow emergency response to the property for both fire and medical emergencies.
- 2) The state fire code requires emergency access to properties under NFPA 1:18.2
18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.
- 3) The Fire department may require access boxes per NFPA 1:18.2.2
18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.
- 4) The NSFD uses the Knox Box company to provide either hardware for their approved entry systems. Options include a box to place access keys into or a gate override key that is directly connected to the motor to power the door open and in power out situations, disconnect the motor for the gate to swing open manually.
- 5) NFPA 10.2.2.3 also identifies the owner as responsible for maintenance of the gate and the access system.
- 6) The access width (18-20') and height (14') shall not be reduced as to prevent truck or ambulance access.
- 7) As noted in your email, if the PD is good with a keypad number, that is up to the PD, but the fire department access means is consistently the Knox Box system throughout all of our service area and is the method approved by the NSFD.
- 8) Please keep in mind a basic permit will need to be pulled via our web portal (red link below) to identify the address for ordering and to conduct field testing of the installation to verify function.

If you have any further questions, please let me know.

Thank you and Stay Safe!

Matthew J. Mertens

Fire Marshal

North Shore Fire Department

Fire Prevention Bureau

665 E. Brown Deer Road

Bayside, WI 53217

mmertens@nsfire.org

Office: 414-357-0113 ext. 1511

Fax: 414-351-0495

For Permit Applications please click this link:

[Plan Review, Inspection and Permit Fee Application](#)

Vendors, to enroll in our online ITM tracking through IROL please go to: <https://www.nsfire.org/254/IROL>

From: Alec Uecke <auecke@deep-river.com>

Sent: Wednesday, October 25, 2023 1:17 PM

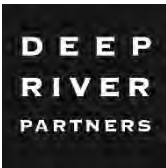
To: Matthew Mertens <mmertens@nsfire.org>

Cc: Kelly Meyer <kmeyer@foxpointwi.gov>; Nick Blavat <nblavat@deep-river.com>

Subject: 7938 / 7944 N. Beach Drive Driveway Gates

Hello Matt,

After speaking with you on the phone about the options for what the owners can do for the Fire Department to get access to the property passed these driveway gates if in need of an emergency. They can have knox box for the Fire Department to have access into the property or not letting the Fire Department be able to go in on their own which leads to delayed response.



After speaking with the chief of police, knox box access is only available for the Fire Department to be able to go into the property but not Police, so that does fully solve the problem of both departments needing access in case of an emergency. Another solution can be a keypad entry with a code that both departments can use and will be in the system for when either department needs to go there, it will show the keypad code with their address. Either way, we will let the owners know all the options and what the pro and cons are with these driveway gates.

Please find the attached Driveway Gate Elevation / design along with the locations of where they are going on the Site Plan for both properties. We look forward towards your approval letter letting the owners know the affects of these Driveway Gates.

Please call or email your questions and comments.

Sincerely,

A handwritten signature in black ink that reads "ALEC UECKE". The signature is stylized with a large, looped "A" and a cursive "U".

Alec Uecke
Design Associate

414-276-8550

414-800-1231 Direct

deep-river.com

*Residential Architects & Interior Designers
creating lifestyles that encourage
people to flourish*

240 N. Milwaukee Street Suite 400
Milwaukee, Wisconsin 53202

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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 22, 2023 at 5:00 p.m. to hear the following appeal for a special exception:

- 1. Case 2023-10: 7938 N Beach Dr.** The applicant is requesting a special exception to install aluminum or steel powder coated swinging driveway gates at the entry piers. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Village of 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/CMTW
Village Clerk Treasurer

Notice Sent: [October 27, 2023]
Posted: [October 27, 2023]



Village of Fox Point GIS

7938 N Beach Drive / Special Exception-Gates

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: 10/25/2023

745-7(B)(3)(h)[\[1\]](#) [\[Fencing for corner/Irregularly shaped lot\]](#)

In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection [B\(3\)\(j\)](#) herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.

745-7(B)(3)(h)[\[2\]](#) [\[Fencing forward of front lot line special exception\]](#)

No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection [B\(3\)\(j\)](#) below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection [B\(3\)\(j\)](#) below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.

745-7(B)(3)[\(j\)](#) [\[Special exception, generally\]](#)

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.

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 Laurie and Byron Vielehr c/o Deep River Partners
- Address of Appellant Vielehr's: 7944 N. Beach Drive - Deep River Partners: 240 N Milwaukee St. Suite 400
- Phone Number _____ Deep River Partners - 414-276-8550 Byron - 609-915-1496
- Home Work Cell
- E-mail Address Laurie - lbvielehr@gmail.com Byron - bvielehr@hotmail.com Nick - nblavat@deep-river.com
2. Address of Property 7944 N Beach Drive
- Present Use of Property Single Family Residence
- 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 (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: _____

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

10.25.2023

Date

For Office Use Only:

Date Application Received 10/25/2023 @ 11:02 AM Receipt Number for \$200 Filing Fee 1.059645

Case Number Case 2023-11 Hearing Date 11/22/2023

Disposition _____

10.25.2023 Board of Appeals Application

1. **Name of Appellant:** Laurie and Byron Vielehr c/o Deep River Partners
Email: lbvielehr@gmail.com bvielehr@hotmail.com nblavat@deep-river.com
Phone: Owner (Byron Vielehr): 609-915-1496 / Architect (Deep River Partners): 414-276-8550
2. **Address:** 7938 / 7944 N. Beach Drive, Fox Point, WI 53217

1. Height of Proposed Fence / Gate:

The Driveway Gate Design has a slight arch where the lower part of arch is 4'-10" tall with the peak of the arch being 5'-10" in the middle. Please see attached Driveway Gate Elevation for design and dimensions.

2. Exact Location of the proposed fence / Gate.

The Swinging Driveway Gates will be installed between the (2) entry piers on both properties. Please see attached C1.0 for Site location and 7938 /7944 Driveway Gate Plan for a blow up.

3. Indicate whether the fence / gate is replacement fence / gate.

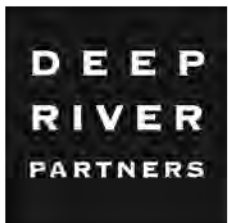
The Swinging Driveway Gates will be a new installation.

4. Type of Fence and materials.

The Swinging Driveway Gates will be Aluminum or Steel Powder Coated Black.

(414) 276.8550
deep-river.com

240 N. Milwaukee Street
Suite 400
Milwaukee, WI 53202



LEGAL DESCRIPTION :
All that part of the Northeast 1/4 of Section 16, Town 8 North, Range 22 East, Village of Fox Point, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point in the centerline of the public highway known as North Beach Drive, running Northeasterly and Southwesterly 401.18 feet South 89° 48' West of and 258.40 feet South 0° 09' East of the Northeasterly corner of said Section 16; thence South 17° 31' West along the centerline of said North Beach Drive, 61.16 feet to a point; thence South 21° 27' West along said centerline of said North Beach Drive, 60.65 feet to a point of beginning of land to be described; thence South 21° 27' West along said centerline of said North Beach Drive, 29.93 feet to a point; thence South 42° 47' West along the centerline of said North Beach Drive, 109.16 feet to a point; thence South 71° 38' East 342.67 feet to point on the shore line of Lake Michigan; thence North 36° 51' East along said shore line of Lake Michigan at low water mark, 135.98 feet to a point; thence North 71° 38' West 340.49 feet to the point of beginning.

ALSO: All that part of the Northeast 1/4 of Section 16, Town 8 North, Range 22 East, Village of Fox Point, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said 1/4 section; thence South 89° 48' 00" West along the North line of said 1/4 section, 638.64 feet to a point; thence South 00° 09' 00" East 600.38 feet to a point on the centerline of North Beach Drive, thence South 71° 38' 00" East 374.69 feet to the shore of Lake Michigan; thence North 31° 29' 45" East along said shore line 146.89 feet to the point of beginning of the lands to be described; thence continuing North 31° 39' 45" East 5.70 feet to a point; thence North 71° 38' 00" West 342.67 feet to a point on the centerline of North Beach Drive; thence South 42° 31' 54" West along said centerline 0.80 feet to a point; thence South 70° 49' 30" East 341.74 feet to the point of beginning.

Said Parcel containing 41,008 sq. ft/0.941 acres of land exclusive of the prescribed Right Of Way of N. Beach Dr., more or less.

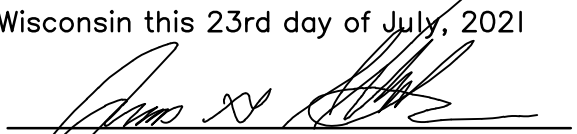
- NOTES :
- () DENOTES BEARING OR DISTANCE PER DEED.
 - ALL BEARINGS ARE REFERENCED TO THE CENTERLINE OF N. BEACH DR., WHICH BEARS S42°47'W PER DEED.
 - SITE BENCHMARK IS MAG NAIL IN ASPHALT PAVEMENT OF N. BEACH DR. AS SHOWN ON SURVEY. ELEVATION = 596.40
 - MAIN BENCHMARK IS REFERENCE BENCHMARK FOR NE. CORNER OF SECTION 16-8-22. (CHISELED CROSS IN FRAME FOR TRAP DOOR OF SEWAGE LIFT STATION) ELEVATION = 589.46 (NGVD 1929)

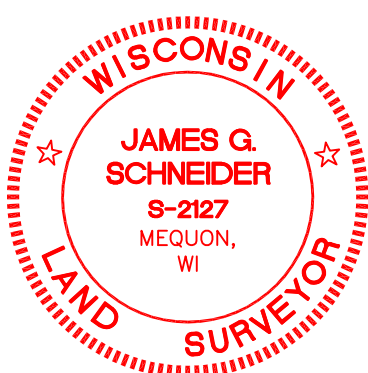
SURVEY CERTIFICATE

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, roadway, and visible encroachments, if any.

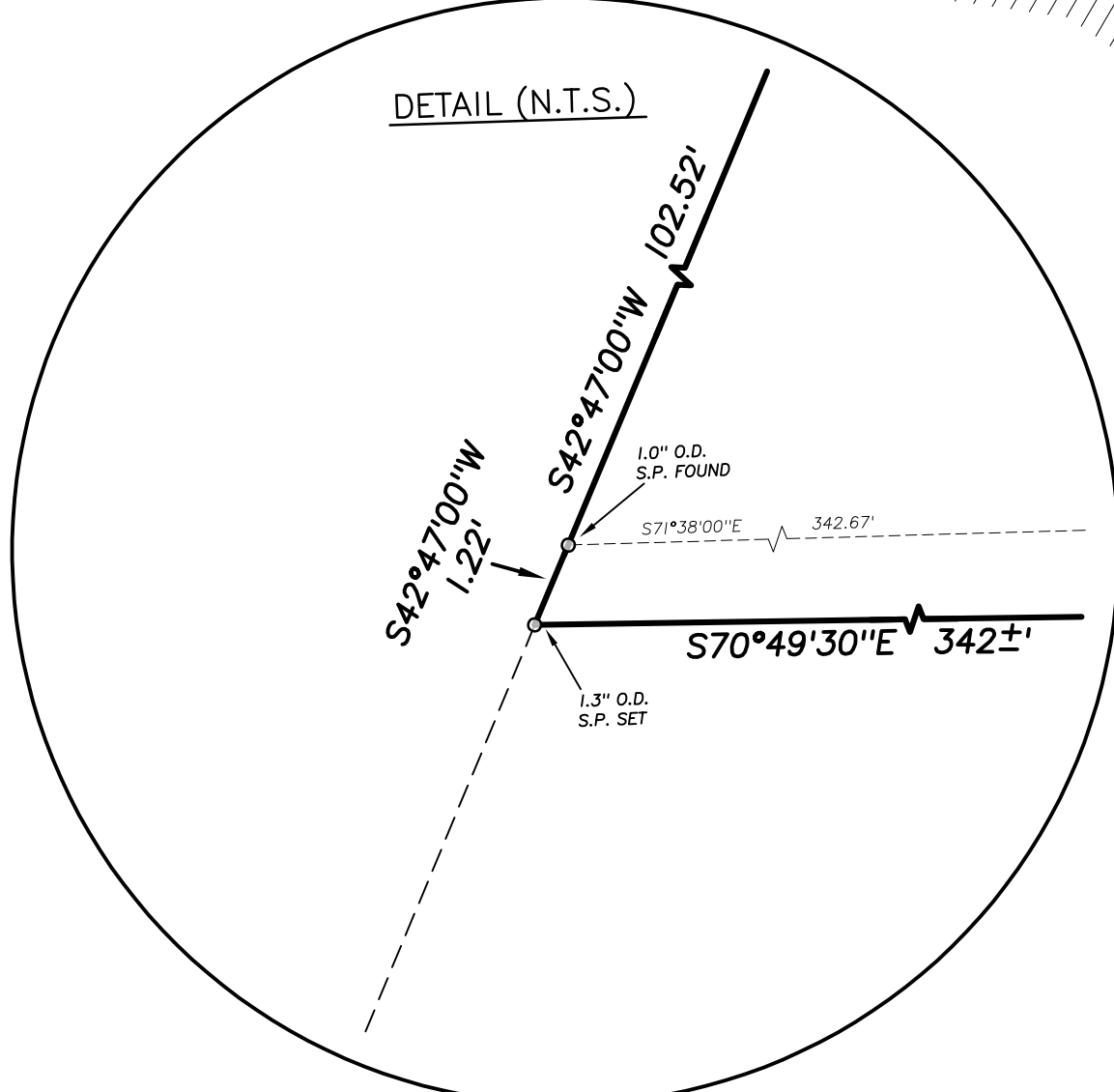
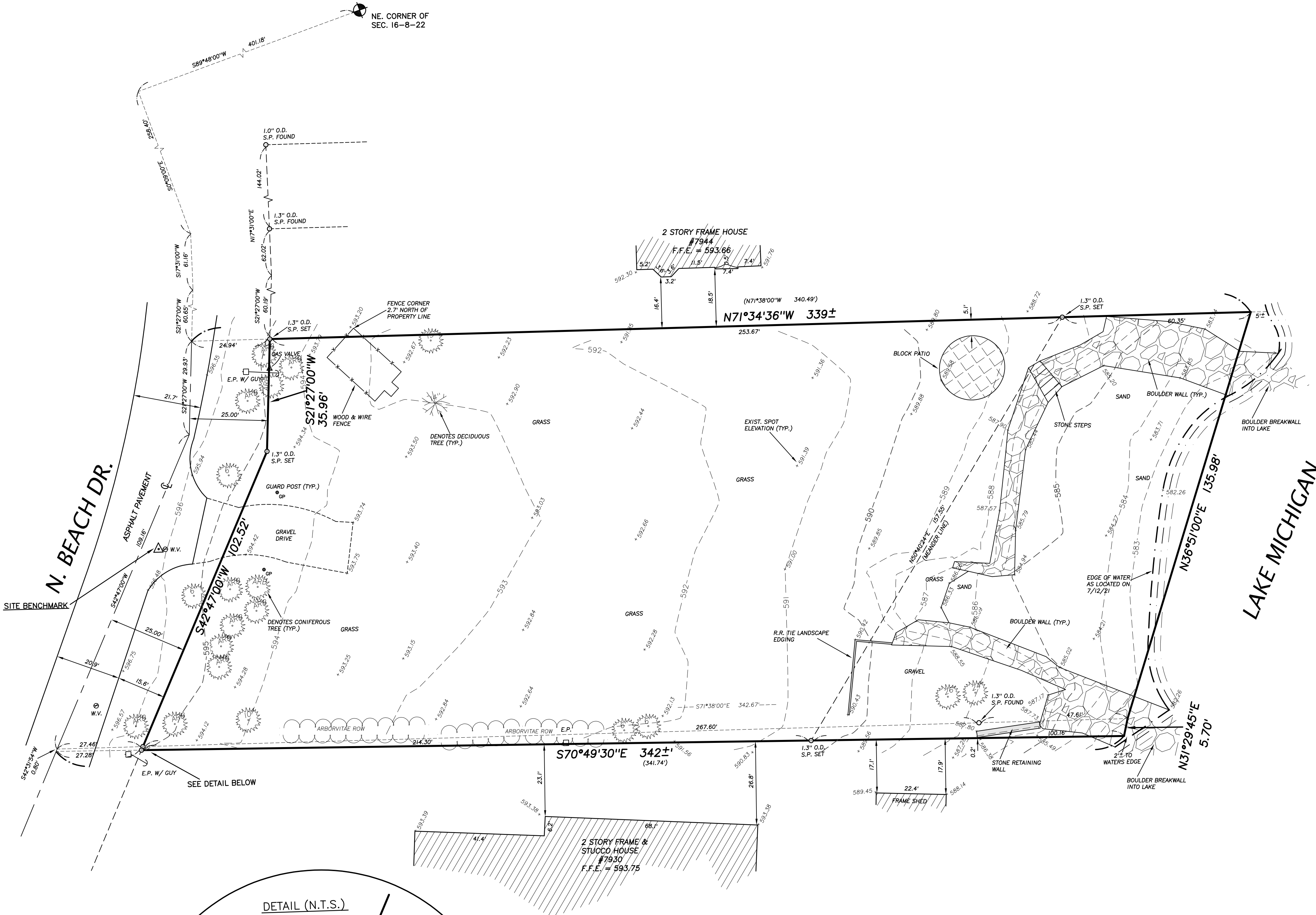
This survey is made for the exclusive use of the present owners of the property, and also those who purchase mortgage, or guarantee the title thereto within one (1) year from date hereof.

Dated at City of Mequon, State of Wisconsin this 23rd day of July, 2021


James G. Schneider
Surveyor - S-2127



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ONLY IF STAMPED IN RED



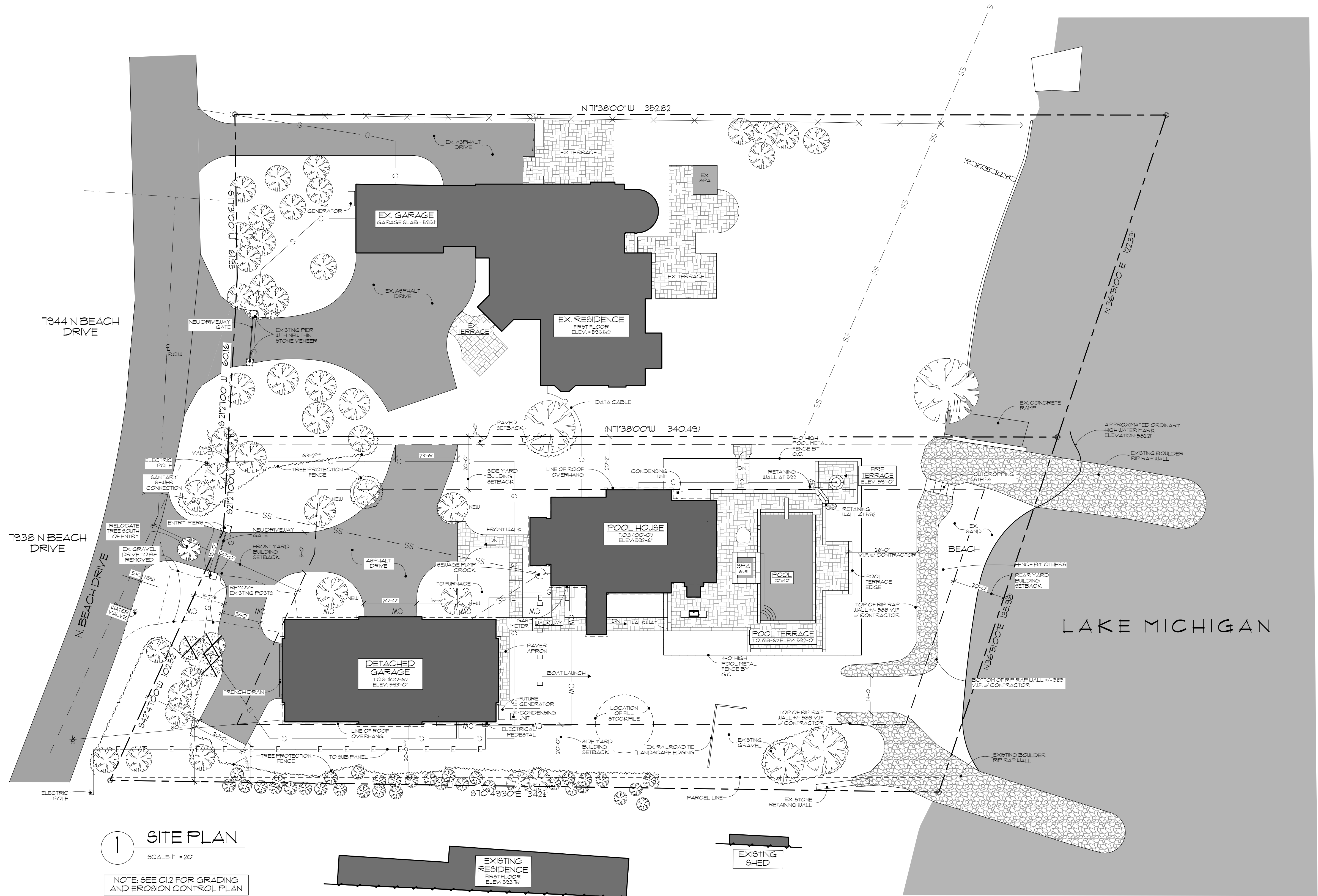
SCALE 1" = 20'



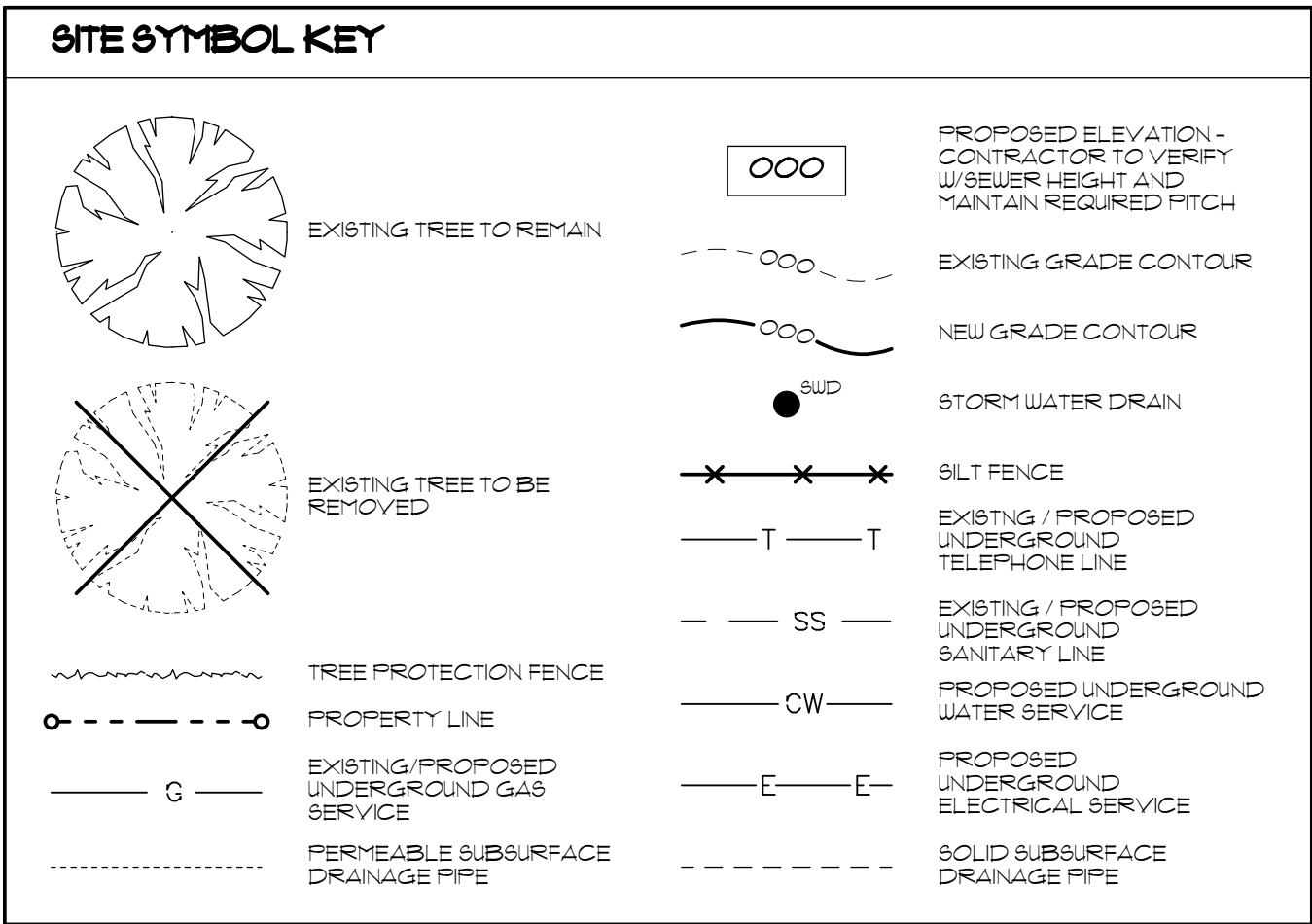
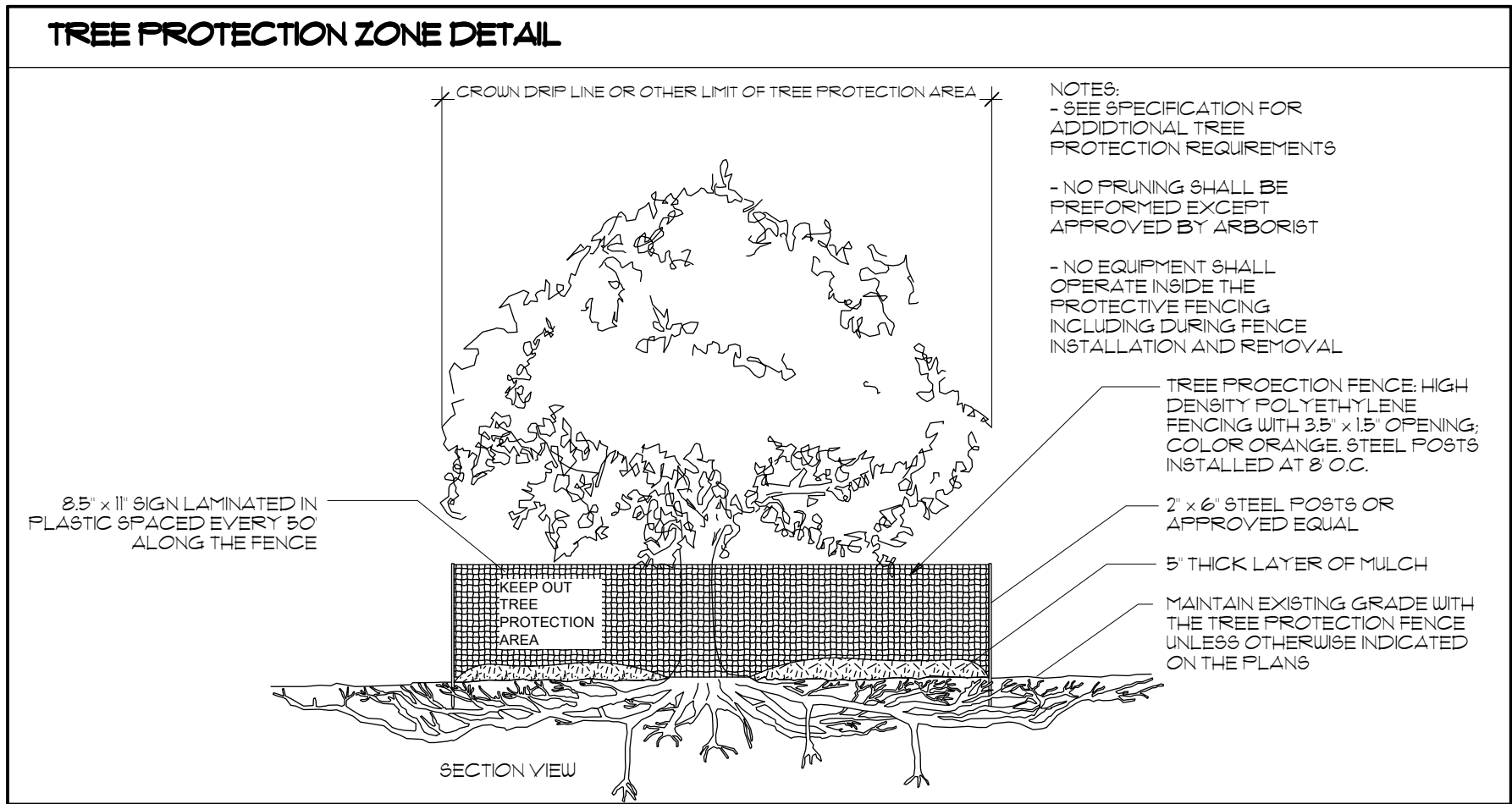
NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.NorthShoreEngineering.net

MARK	DATE	REVISION	BY	APVD	
"PROPERTY SURVEY"					
FOR DEEP RIVER PARTNERS VIELEHR RESIDENCE					
7938 N. Beach Drive Fox Point, WI					
FIELD CREW:	E.A.J. & S.W.S.	APPROVED:			
DWN. BY:	J.M.B.	DATE:	JULY 23, 2021		
CHKD. BY:	A.R.H.	Plat No.	LS-5058-21		

NOTE:
ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE CONTRACT DOCUMENTS AND CHECKING THEM FOR ACCURACY, THE CONTRACTORS MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR SAME. THE CONTRACTORS SHALL BE RESPONSIBLE FOR MAKING SURE THAT ALL WORK IS DONE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES. THE CONTRACT DOCUMENTS UTILIZE A PROCESS CALLED FREE DESIGN OR DESIGN/BUILD FOR ROOF, WINDOW, PLUMBING, ELECTRICAL, HVAC DETAILS, AND AS DESIGNATED IN THE SPECIFICATION AS "TO BE COMPLETED ON A DESIGN/BUILD BASIS." THIS MEANS THAT THE CONTRACT DOCUMENTS DO NOT INCLUDE ALL REQUIRED DETAILS, AND THAT THE CONTRACTORS SHALL, USING THEIR OWN STAFF OR QUALIFIED SUBCONTRACTORS, DESIGN AND BUILD THE FREE DESIGN AND DESIGN/BUILD PORTIONS OF THE WORK. THE CLIENT IS DIRECTLY CONTRACTING WITH THE CONTRACTORS AND THEREFORE THE CLIENT AND THE CONTRACTORS ARE ASSUMING THE DESIGN AND BUILD RESPONSIBILITY FOR THE FREE DESIGN AND DESIGN/BUILD PORTIONS OF THE PROJECT. DEEP RIVER PARTNERS, LTD. IS NOT RESPONSIBLE FOR INSPECTING ANY ASPECT OF THE CONTRACTORS' WORK OR FOR OBSERVATION OF THE CONTRACTORS' WORK FOR COMPLIANCE WITH THE CONTRACT DOCUMENTS.



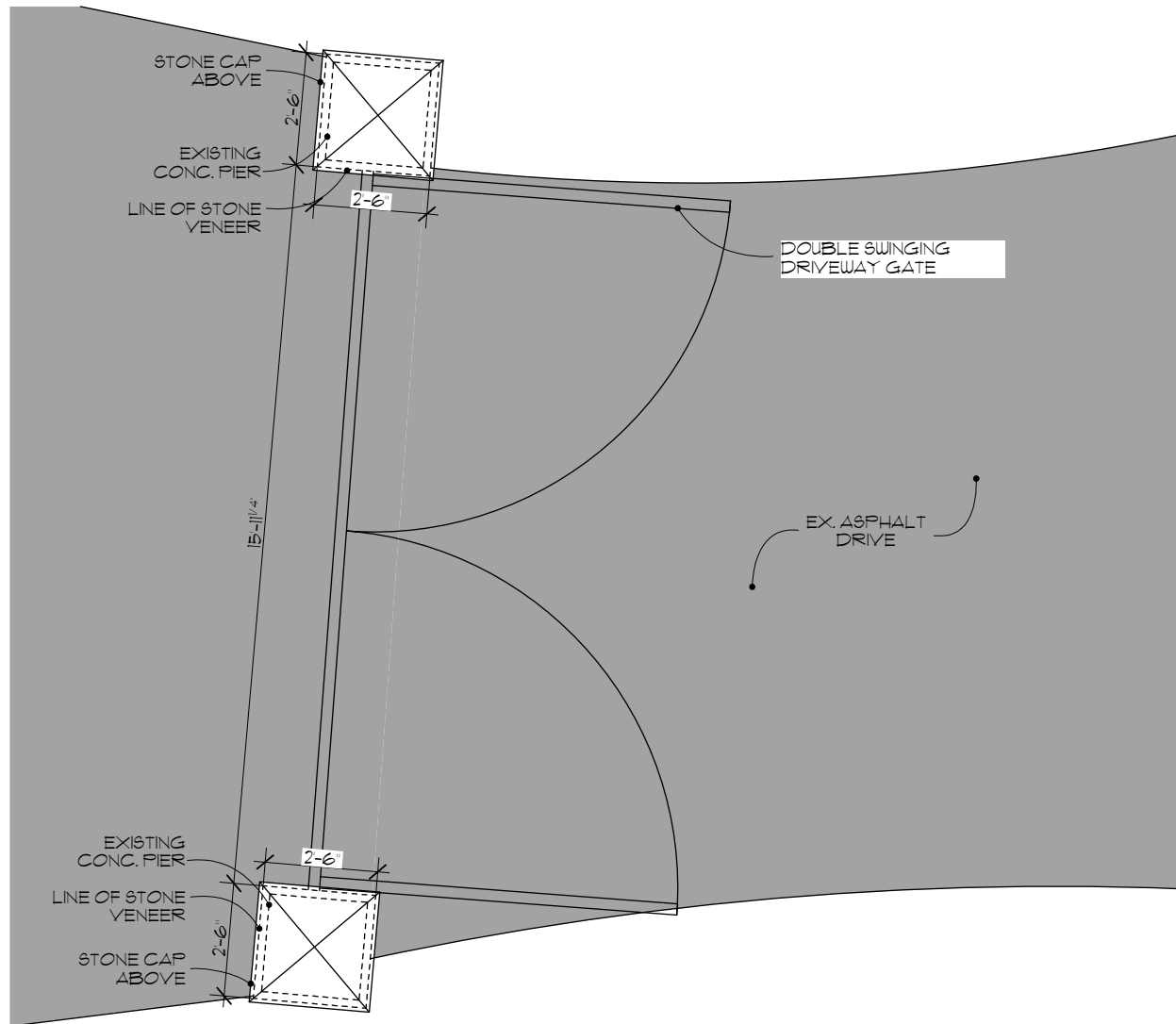
1 SITE PLAN
SCALE: 1" = 20'
NOTE: SEE C12 FOR GRADING AND EROSION CONTROL PLAN



SITE CALCULATIONS		ZONING - A1
LOT AREA (FROM CENTER OF RIGHT OF WAY):		43,426 SQUARE FEET
REQUIRED OPEN AREA:		40,000 SQUARE FEET
LOT COVERAGE ALLOWED:		3,426 SQUARE FEET
PROPOSED BUILDING LOT COVERAGE AREA:		8,814 SQUARE FEET
INCLUDED OPEN AREA REDUCTION	- POOL HOUSE:	2,510 SQUARE FEET
	- GARAGE:	3,200 SQUARE FEET
	- POOL:	916 SQUARE FEET
	- POOL AND FIRE TERRACES:	2,188 SQUARE FEET
	- WALKWAYS	781 SQUARE FEET
- PARKING AREA / DRIVEWAY		4,377 SQUARE FEET
PROPOSED OPEN SPACE REDUCTION:		5,388 SQUARE FEET
OPEN SPACE REDUCTION PERCENTAGE:		13.5%

Project 2113
BEACH DRIVE POOL HOUSE & GARAGE
7938 N. BEACH DRIVE
FOX POINT, WI 53217

ISSUE DESCRIPTION	DATE
BOARD OF APPEALS	10.25.2023



1

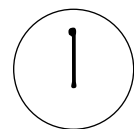
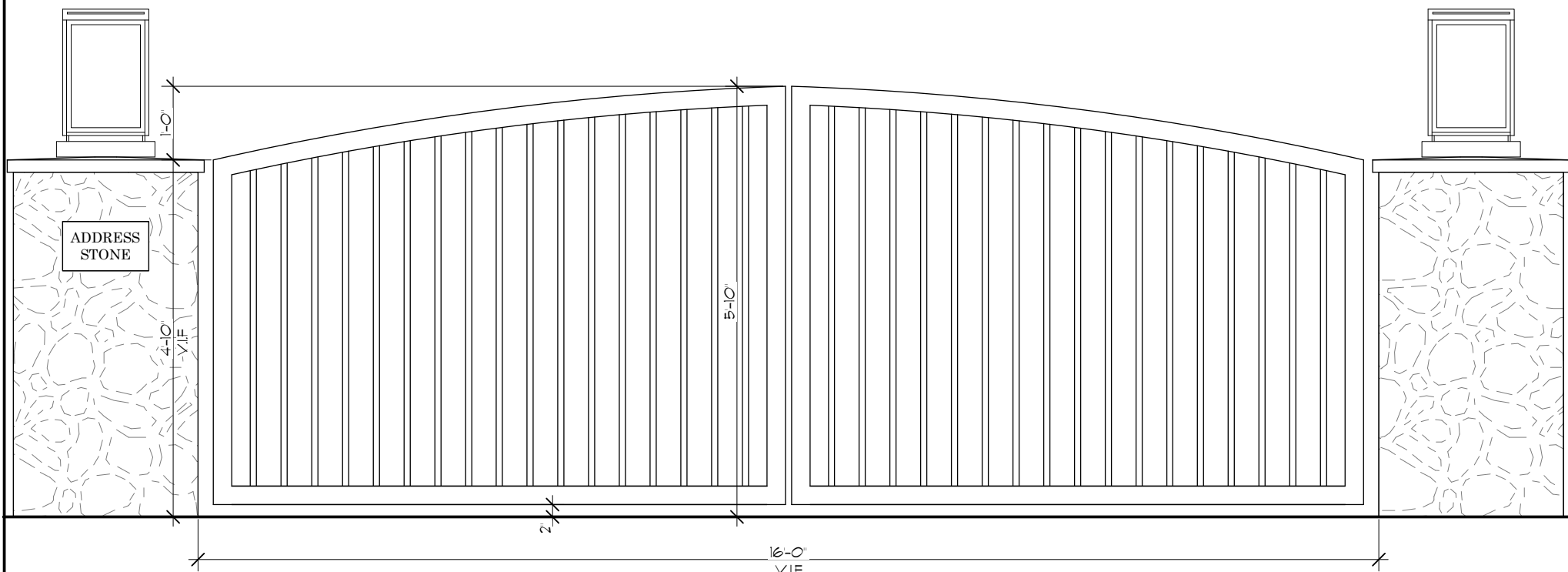
7944 N BEACH DRIVE

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

PROJECT 2113
BEACH DRIVE POOL HOUSE & GARAGE
 7938 N. BEACH DRIVE
 FOX POINT, WI 53217

Deep River Partners, Ltd.
 240 N. Milwaukee Street Suite 400 Milwaukee,
 Wisconsin 53202
 414.276.8550

10/25/2023



DRIVEWAY GATE

SCALE: 1/2" = 1'-0"

PROJECT 2113
BEACH DRIVE POOL HOUSE & GARAGE
 7938 N. BEACH DRIVE
 FOX POINT, WI 53217

Deep River Partners, Ltd.
 240 N. Milwaukee Street Suite 400 Milwaukee,
 Wisconsin 53202
 414.276.8550

10/25/2023

Chapter 745. Zoning

§ 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.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., where subject to "permanent structure" classification, shall not be permitted closer than three feet to an abutting property line other than a street line.
- (3) Fences, walls, architectural screening devices, driveway gates and arbors. The following regulations are established to ensure that the Village of Fox Point retains the openness and semirural character of its landscape.

- (a) Permit required. No person shall erect or construct any fence, wall, driveway gate, architectural screening device or arbor, unless specifically exempted by the provisions of this subsection, on any property within the Village of Fox Point without having first obtained a permit from the Building Inspector and having paid the fee prescribed by ordinance. Retaining walls regulated by § **285-4** of this Code are exempt from the requirements of this subsection. A survey by a licensed surveyor shall be submitted with each application for a fence, wall, architectural screening device, driveway gate or arbor 10 feet or less from the lot line of the property. The determination of the Building Inspector as to proximity shall be final. When required, the survey shall show the location of the proposed fence, wall, architectural screening device, driveway gate or arbor in relation to the property line but need not depict any other aspect of the subject property. The Building Inspector shall deny a permit if the proposed fence, wall, architectural screening device, driveway gate or arbor is in the right-of-way or if its proposed location will impede visibility of vehicular traffic.
- (b) Replacement or reconstruction. If an existing fence, wall, architectural screening device, driveway gate or arbor is substantially or completely destroyed or becomes deteriorated to a material degree, it may be replaced or reconstructed in the same location, height and materials by first obtaining a permit, provided that it must be replaced or reconstructed within 12 months of being removed. All other replacement or reconstruction of existing fences, walls, architectural screening devices, driveway gates or arbors must fully comply with the terms of this section.
- (c) Temporary fences. Temporary safety, snow or deer fences of any type may be allowed in the discretion of the Village Manager for the purpose of safety, protection from the elements or protection from deer, for a period not to exceed 120 days, unless extended by the Village Manager. Temporary construction fences may be allowed in the discretion of the Village Building Inspector for the time that a building permit is in effect on the property.
- (d) Lake, bluffs and ravines. Where property abuts Lake Michigan, or is located on a bluff or a ravine in such a locale that construction of a fence, wall, architectural screening device, driveway gate or arbor would materially obstruct the aesthetic views of adjoining and surrounding property owners, the Building Inspector may deny a permit based upon his determination that there is a substantial negative impact upon the aesthetic enjoyment of surrounding properties. Any affected party may appeal the Building Inspector's determination to the Board of Appeals within 30 days of the Building Inspectors' determination. No fence, wall, architectural screening device, driveway gate or arbor shall be constructed on the side of a ravine or bluff in violation of § **285-3** of this Code.
- (e) Construction in right-of-way prohibited. Any fence, wall, architectural screening device, driveway gate or arbor that is erected in a street right-of-way or impedes traffic visibility may be removed by the Village of Fox Point at any time.
- (f) Definitions. For purposes of this subsection, the following terms shall have the following meanings; the terms "front yard," "rear yard" and "side yard" shall be defined as set forth in § **745-2** of this chapter:

ARBOR

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

ARCHITECTURAL SCREENING DEVICE

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

DRIVEWAY GATE

A fence that opens and closes across a driveway.

FENCE

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

FINISHED LOT GRADE

Does not include berms, artificial hills and mounds.

HEIGHT

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

OPEN FENCE

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

ORNAMENTAL FENCE

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

SOLID FENCE

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

WALL

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

- [1] Signs. This exclusion applies if the wall is primarily intended to be a sign as regulated by Chapter **540** of this Code.
- [2] Lights. This exclusion applies if the wall is intended primarily as a pediment to support a light fixture.
- [3] Small size. This exclusion applies if the wall is smaller than three feet wide, and smaller than three feet deep, and smaller than five feet high.
- [4] Retaining wall. This exclusion applies if the wall is intended primarily as a landscape feature for retaining soil and the top of one side of the wall is approximately at grade.

- (g) Construction standards. Fences, walls, architectural screening devices, driveway gates and arbors shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Fences shall be constructed of wood or other wood-simulated natural-appearing materials, wrought iron or other metal materials generally employed to obtain an aesthetically pleasing appearance. Open fences may be permitted; however, barbed wire, electric wire, chicken wire, or double- or triple-strand wire shall not be used in the construction of a fence, except as allowed by the Building Board.
- (h) Location and height restrictions. Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project forward of the front line of the principal building. An arbor shall not exceed a height of eight feet seven inches from the finished lot grade and shall not project forward of the front line of the principal building.
- [1] In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection **B(3)(j)** herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.
- [2] No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection **B(3)(j)** below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection **B(3)(j)** below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.
- [Amended 6-11-2013 by Ord. No. 2013-04]
- [3] If the rear of the applicant's lot abuts a neighbor's side yard, any proposed fence shall be an "open fence," unless the neighbor consents to an alternate type fence in writing.
- [4] An ornamental fence or architectural screening device may be allowed anywhere on the property without a permit, provided the fence or screening device does not exceed 3 1/2 feet in height and is set back in its entirety 20 feet or more from all boundaries of the property.
- [5] For purposes of this section, the side yard of any corner lot that abuts a road shall be treated as a front yard; however, if a building footprint is other than square or rectangular in configuration, the provisions of Subsection **B(3)(h)[1]** generally shall control over the provisions of this subsection.

[6] The provisions of this section, the limitations set forth herein, and the requirement for a permit shall not apply to:
[Amended 4-1-2012 by Ord. No. 2012-05; 11-10-2020 by Ord. No. 2020-06]

- [a] Lands owned by the state, school district, county, Village or any other publicly held land, where fencing is employed for sport or recreational purposes such as baseball diamonds, backstops, swimming pools, playgrounds or any other public recreational or safety purpose;
- [b] Private athletic or country clubs, or cemeteries, employing such fencing for similar uses as stated herein;
- [c] Chicken enclosures for permitted keeping of chickens pursuant to § **579-17.5** of this Code;
- [d] Beehives for permitted beekeeping pursuant to § **579-17.6** of this Code;
- [e] Dog kennels or runs less than 120 square feet, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property;
- [f] Private residential swimming pool fencing; or
- [g] Tennis court fencing, provided such fencing is located no closer to any lot line of the property than is allowed for a principal structure on the property unless modified pursuant to § **745-10G(3)**.

[7] Notwithstanding the otherwise applicable height limitations stated elsewhere in this section, a fence may be constructed to a height of 11 feet from the finished lot grade on property in the D Business District or the adjacent single-family residential use district along a lot line which separates a large business use from such single-family residential use. For purposes of this exception, a large business use is defined as a use conducted in the D Business District for which 150 or more off-street parking spaces are available to the business. Such a fence may be constructed on the top of a berm, provided the berm is constructed in compliance with the requirements of this Code and all applicable laws, and further provided that the height of the fence shall be measured from the finished lot grade as defined in this section. This exception is intended to allow a fence to be constructed which will screen the large business use from the abutting single-family residential use.

- (i) Maintenance. The owner, occupant or their agent shall keep all fences, architectural screening devices, walls, driveway gates and arbors structurally sound and maintained in a neat and attractive manner. The maintenance standards established in this section shall be enforced as provided in §§ **681-7** and **681-8** of the Village of Fox Point Code.
- (j) Special exceptions. A special exception to the height, size, material, design, setback or other physical standards set forth in this subsection or to allow a driveway gate may, upon filing a written application, be considered by the Board of Appeals after a hearing. The application must include an accurate visual rendering of the proposed wall, architectural screening device, driveway gate or arbor, along with a written statement outlining the applicant's need for the same. Notice of hearing shall be given to all property owners within a radius of 500 feet of the property upon which the fence, wall, architectural screening device, driveway gate or arbor is proposed to be constructed and the notice shall include the visual rendering submitted by the applicant. The Board of Appeals may grant the request for a special exception upon finding that the property owner has shown clear and convincing evidence to believe that the applicant has a legitimate need for the special exception and that granting the special exception will not adversely affect the health, safety or welfare of the community or the immediate area where located and will not impede the purpose, spirit and intent of this section, in addition to such other specific findings as may be required by other subsections of this section. Every special exception granted by the Board of Appeals shall be conditioned upon the applicant submitting the visual rendering to the Village Building Board and receiving the Building Board's approval of the architectural

appearance, design and construction materials for the proposed fence, wall, architectural screening device, arbor or driveway gate, taking into consideration the existing development on the lot and in the surrounding neighborhood, and if the Building Board denies the application, the special exception is thereby denied.

- C. Residential accessory building and detached garage limitations. The following limitations apply to all lots in a residence district and also on all lots where the principal use is residential and the principal building is a single-family or two-family dwelling.

[Amended 4-12-2022 by Ord. No. 2022-01]

- (1) Definitions.

ACCESSORY BUILDING

For purposes of this section, the term "accessory building" shall mean an accessory building as defined in § **745-2** of this Code, that is not a detached garage as defined herein.

DETACHED GARAGE

For purposes of this section, the term "detached garage" shall mean an accessory structure designed primarily to be used for parking passenger vehicles.

- (2) Size. Accessory buildings and detached garages shall be no larger than permitted by the district regulations applicable to the lot where located.

- (3) Number. The number of accessory buildings and detached garages on such lots shall be limited as follows:

- (a) Lots 25,000 square feet or less in size:

[1] Detached garage. Not more than one detached garage is permitted. A detached garage is allowed without regard to whether there is also one or more attached garages on the premises.

[2] Accessory building. Not more than one accessory building is permitted. Such accessory building is allowed without regard to whether or not there is also a detached garage.

- (b) Lots greater than 25,000 square feet in size. In addition to accessory buildings permitted by Subsection **C(3)(a)**, above, one additional detached garage or accessory building, conforming to the size limitations described in Subsection **C(2)** above, may be permitted for every additional 25,000 square feet of lot size.

Lot Size	Detached Garage(s) and/or Accessory Building(s) Permitted
Greater than 25,000 square feet to 50,000 square feet	One detached garage and one accessory building plus a total of one additional, whether a garage or accessory building.
Greater than 50,000 square feet to 75,000 square feet	One detached garage and one accessory building plus a total of two additional, whether garage(s) or accessory building(s).
Greater than 75,000 square feet to 100,000 square feet	One detached garage and one accessory building plus a total of three additional, whether garage(s) or accessory building(s).
Further increments of 25,000 square feet	Add one additional detached garage or accessory building per increment.

- (4) Subject to applicable laws. Nothing herein shall be interpreted to modify to waive more restrictive requirements of applicable laws or Village ordinances. The open area limitations of this chapter continue to apply and may prevent construction of the size or number of accessory buildings or detached garages described herein.
- (5) Building code. All requirements of Chapter **756**, Building Construction, must be satisfied in addition to any requirements of this chapter.
- (6) Detached garage limited yard reduction. The side and rear yard provisions for a detached 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.
- (7) Minimum separation. No detached garage or accessory building shall be located closer than 20 feet to the principal building on an adjoining lot in residential use.
- (8) No limit on attached garages. Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.

D. Temporary structures.

- (1) Any temporary structure over 500 cubic feet in bulk shall require a building permit, except as follows:
[Amended 6-11-2013 by Ord. No. 2013-04]
 - (a) No building permit is required for the placement of a trash receptacle for purposes of disposing demolition materials from a building or structure on the property in conjunction with a project for which a building permit has been issued, subject to the following. Such trash receptacle shall not be placed prior to the issuance of a building permit, or prior to one week before commencement of demolition work, whichever is later. Such trash receptacle shall be removed within one week of completion of the demolition work, or when the work is suspended for more than seven days, or when the building permit expires or is terminated, whichever occurs first. Notwithstanding the foregoing, the Village Building Inspector may impose more restrictive requirements regarding trash receptacles as a condition of the building permit, which must be stated on the building permit when it is issued, or may be added by the Building Inspector after the permit is issued if the use of a trash receptacle was not shown in the plans submitted with the building permit application.
- (2) Every temporary structure shall comply with the front, side and rear yard requirements of the district in which it is located, except that such structure may be permitted anywhere on the lot with the approval of the Village Manager where in his opinion such structure where proposed to be located would not be detrimental to general community aesthetic values or enjoyment of use of adjoining properties.
- (3) Appeal from the decision of the Village Manager may be taken to the Board of Appeals.
- (4) No person shall build, place, or maintain any portable outhouse, privy vault, surface privy, dry closet, septic tank, or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits except as follows:
[Added 3-13-2012 by Ord. No. 2012-03]
 - (a) The Village Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the

project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Village, whichever occurs first.

- (b) The Building Inspector or Village Manager may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Village Manager that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. Application for a permit under this subsection shall be made on the application form provided by the Village and shall be accompanied by the fee as established by the Village Board from time to time. For purposes of this subsection, the Building Inspector and Village Manager shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
- (5) Enclosures for keeping of chickens that have been approved pursuant to § **579-17.5** of this Code and beehives that have been approved pursuant to § **579-17.6** of this Code, during such time that such permit has been approved and is in effect, shall not be subject to the requirements of this Chapter **745** except as expressly stated otherwise, and except as follows. The structure in its totality, including any fencing, covered enclosure, chicken coop, hive or any other structure or structural elements, shall be completely removed from the property within 15 days of the lapse, revocation or expiration of the permit. Violation of this section shall be subject to the penalties and remedies described in §§ **745-33** and **745-34** of this chapter in the event the requirements of this Chapter **745** differ from § **579-17.5** regarding any matter regulated therein, or differ from § **579-17.6** regarding any matter regulated therein, the most restrictive provision shall apply as determined by the Village Manager.
[Added 11-10-2020 by Ord. No. 2020-06]

E. Unenclosed storage.

- (1) No camp, boat, house or other trailer, bus, boat, recreational vehicle, camp trailer on a truck, or truck over three-quarter-ton capacity may be stored or parked regularly on a lot in a residence district except within a garage or other enclosed storage structure except as hereinafter set forth:
 - (a) For the period extending from April 15 to October 31 of each year, the following type of vehicle may be parked unenclosed on the driveway of a lot in a residential district, provided it is in actual use during such period and is not merely being stored, and that when parked it is sufficiently far in from the street as to not interfere with the view of operators of vehicles on the street, or on an adjacent intersecting street:
 - [1] A camp trailer or boat on a trailer, in either case not exceeding 35 feet in length, and designed to be hauled by a passenger automobile.
 - [2] A recreational vehicle not exceeding 35 feet in length.
 - [3] A camp trailer on a pickup truck not exceeding three-quarter-ton capacity.
 - (b) Open storage of any such vehicle may be permitted at any time with the approval of the Chief of Police or designee if such vehicle is effectively shielded from normal observation from the street or adjoining properties by landscaping, walls or fencing, and provided such storage is not between any portion of the building and an abutting street. No such permitted storage shall by reason of the permissive grant have any future claim to legal nonconforming use rights and such permissive grant may be rescinded at any time for due cause.^[2]
[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (c) Parking a vehicle as permitted above or storage as permitted above does not authorize the use of any such trailer, boat or truck for the housing (sleeping and/or eating) therein of any person, and such housing is a violation of this chapter.
- (2) Materials, equipment, supplies or waste.
[Amended 9-11-2012 by Ord. No. 2012-11]
 - (a) Definition. For purposes of this subsection, "materials, equipment, supplies or waste" shall mean the following: worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof; machinery and equipment or parts thereof; vehicles or parts thereof; tools; iron, chain, brass, copper, tin, lead and other base metals; trailers, farm machinery and equipment or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials; lumber or building materials; rubbish, ashes, paper, dirt, stones, bricks, tin cans, boxes, barrels or other substances whatsoever; oil, kerosene, benzene, or other similar oil or oily substance or liquid; wood, brush, and any form of discarded vegetation; yard trimmings, grass clippings, foundry sand and industrial waste of any kind or description; sewage material removed from septic tanks and dry wells used in connection with sewage disposal systems; or any similar materials which constitute health, fire or safety hazards or which contribute to a blighting influence upon the immediate or surrounding area or other unsightly debris.
 - (b) Prohibition; exceptions. No unenclosed storage of materials, equipment, supplies, or waste shall be permitted where such storage may be viewed from a public street or another property, except as follows:
 - [1] Firewood. Firewood may be stored for use on the property as follows. Firewood must be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this subsection shall not include hedges or other vegetation. Notwithstanding the foregoing, wood piles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code.
 - [2] Lawn and garden items. Lawn and garden items that are in regular seasonal use may be stored outdoors provided they are neatly arranged on the property. Such items may include but not be limited to outdoor furniture, planters, flowerpots, and grills.
 - (c) Public nuisance. Violation of this Subsection **E(2)** is hereby declared to be a public nuisance.
 - (d) Nonexclusive authority. This subsection may be enforced by the Village Building Inspector, which shall be in addition to, and not to the exclusion or prejudice of, the matters enforced by the Village Building Inspector pursuant to Chapter **681**, Property Maintenance, of this Code.
- (3) In the case of such storage related to the construction, remodeling, or repairing of a building on the property, this regulation shall apply to items placed on the property and allowed to remain thereon more than one week prior to the commencement of such operation or more than one week after its completion.

F. Home occupations.

- (1) Restrictions. A home occupation may be permitted in residential zoning districts in the Village, in single-family or multifamily dwellings, together with accessory uses incidental thereto, subject to the restrictions described in this subsection "Home occupation" is defined as an accessory use of a dwelling carried on by one or more members of the immediate family residing in the premises, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence so as

to adversely affect the residential character of the neighborhood. Home occupations shall be limited to professional and nonmanual labor, or nonindustrial type uses, and shall not involve the use of machinery or equipment not generally found or maintained on residential premises. A home occupation shall be conducted with minimal disturbance, or it shall be minimally apparent from the exterior of the building that any type of business activity is taking place on the premises, and without materially increasing traffic, noise or pedestrian activity on the premises or the surrounding neighborhood. No sign relating to the home occupation shall be visible from the exterior of the building.

- (2) Home occupation permit required. A home occupation shall be deemed a special use and shall require that an application for a home occupation permit be filed with the Building Inspector. A home occupation permit for a home occupation may be granted by the Building Inspector if he/she determines that such use shall not have an adverse impact on the residential aesthetics and residential character of the surrounding area. In making his/her determination, the Building Inspector shall consider, without limitation, the effects on the surrounding area of noise, pedestrian and motor vehicle traffic which may be generated by such use. A home occupation permit for a home occupation shall be subject to review every five years, or sooner if the Village receives a complaint concerning the use of residential property for home occupation purposes. A home occupation permit may be revoked upon a determination that the home occupation has adversely impacted the residential character of the surrounding neighborhood. Violation(s) of any portion of the Fox Point Code pertaining to noise, odors, hazardous materials and emissions generated as the result of a home occupation being conducted on a residential premises may serve as the basis for the immediate revocation or nonrenewal of a home occupation home occupation permit, as it is expressly intended that the impact of a home occupation on surrounding neighbors in any of the foregoing respects be of a far more minimal nature than is prohibited by the general regulations of the Village Code as to each of the foregoing matters.

[Amended 11-11-2014 by Ord. No. 2014-08]

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

[Amended 11-11-2014 by Ord. No. 2014-08]

G. Solar energy systems.

[Added 3-10-2020 by Ord. No. 2020-02]

- (1) Where permitted. Subject to the provisions of this Subsection **G**, solar energy systems are a permitted use in any district in the Village of Fox Point.

- (2) Approval procedure. No solar energy system shall be installed unless all applicable Building Code and Electrical Code requirements are met, including the issuance all necessary permits. Such permits cannot be issued until an application has been submitted and reviewed by the Building Board. In addition to the powers of the Building Board described in Chapter **19**, Article **II** of this Code, the Building Board shall have the powers described in this Section **745-7G**.
- (3) Conditions under which permitted.
- (a) General. Unless modified by the applicable conditions described below or by the Building Board, solar energy systems are subject to all accessory structure provisions of this Code.
- (b) Structure-mounted solar energy systems.
- [1] Structure-mounted solar energy systems may be mounted on principal and accessory structures.
- [2] Only structure-integrated and/or flush-mounted solar energy systems may be installed on street-facing structure elevations.
- [3] In residential zoning districts, solar energy systems shall not extend more than three feet above the applicable maximum structure height limit for the subject structure type or more than five feet above the highest point of the roof line, whichever is less. In nonresidential zoning districts, solar energy systems shall not extend more than eight feet above the applicable maximum structure height limit.
- (c) Ground-mounted solar energy systems.
- [1] Ground-mounted solar energy systems are only permitted as an accessory use to an existing principal use of the lot where located, and only as an accessory structure.
- [2] In residential zoning districts, ground-mounted solar energy systems shall not be located between the principal structure and an abutting street.
- (d) Building Board modifications. The Building Board is directed to modify the requirements of this Code when an applicant shows that such standards significantly increase the cost of the system or significantly decrease its efficiency. In that event, the Building Board shall either approve the application as presented or conditionally approve the application subject to specified modifications that meet the intent of the Code as closely as reasonably possible while allowing construction of a solar energy system of comparable cost and efficiency. In every case, the Building Board shall not approve an application or a modification to this Code that jeopardizes the public health or safety. In the event of a conflict between this subsection and from the authority described in Wisconsin Statutes § 66.0401(1m), now or in the future, the Building Board is directed to apply the statutory standard to its consideration of solar energy system applications.





POLICE DEPARTMENT

VILLAGE OF FOX POINT

October 27, 2023

Mike Rakow, Building Inspector
Fox Point Board of Appeals
7200 North Santa Monica Boulevard
Fox Point, Wisconsin 53217

Dear Inspector Rakow and Members of the Board,

Pursuant to Village of Fox Point Code 745-7 B.3.h.2 the Chief for the Police Department and Fire Department must review applications for a driveway gate and subsequently make a written recommendation. This recommendation is related to accessibility to a property in the event of an emergency and not the applicability or necessity of a fence or gate on the driveway.

On October 25, 2023, I was contacted by Alec Uecke from Deep River Partners on behalf of their client, the resident at 7938/7944 North Beach Drive, regarding a driveway gate. I spoke with Mr. Uecke and discussed the proposed gate, along with the need for rapid access by emergency responders in the event of an incident. Mr. Uecke understood the responsibility that will be assumed by the resident in the event of a delayed emergency response and will make plans for a KnoxBox system to be included or a gate code for public safety personnel.

I completed a site evaluation and consulted with the North Shore Fire Department regarding the 16-foot opening between the gate posts. After completing a site visit, reviewing the plans with Mr. Uecke, and consulting with the Assistant Fire Chief, the Police Chief and Fire Chief do not have any objection to the installation of the driveway gate as requested; however, we will reinforce our position as it relates to delayed access to the property in the event of an emergency and encourage the resident to provide some form of access to public safety responders.

If you have further questions on this matter, feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Christopher Freedy". The signature is stylized with a large, looped "C" and a long, sweeping "y".

Christopher Freedy
Chief of Police

Kelly Meyer

From: Matthew Mertens <mmertens@nsfire.org>
Sent: Wednesday, October 25, 2023 2:49 PM
To: Alec Uecke
Cc: Kelly Meyer; Nick Blavat
Subject: RE: 7938 / 7944 N. Beach Drive Driveway Gates

Follow Up Flag: Follow up
Flag Status: Flagged

Alec,

As we discussed today on the phone:

- 1) The installation of access gates to the property will slow emergency response to the property for both fire and medical emergencies.
- 2) The state fire code requires emergency access to properties under NFPA 1:18.2
18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.
- 3) The Fire department may require access boxes per NFPA 1:18.2.2
18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.
- 4) The NSFD uses the Knox Box company to provide either hardware for their approved entry systems. Options include a box to place access keys into or a gate override key that is directly connected to the motor to power the door open and in power out situations, disconnect the motor for the gate to swing open manually.
- 5) NFPA 10.2.2.3 also identifies the owner as responsible for maintenance of the gate and the access system.
- 6) The access width (18-20') and height (14') shall not be reduced as to prevent truck or ambulance access.
- 7) As noted in your email, if the PD is good with a keypad number, that is up to the PD, but the fire department access means is consistently the Knox Box system throughout all of our service area and is the method approved by the NSFD.
- 8) Please keep in mind a basic permit will need to be pulled via our web portal (red link below) to identify the address for ordering and to conduct field testing of the installation to verify function.

If you have any further questions, please let me know.

Thank you and Stay Safe!

Matthew J. Mertens

Fire Marshal

North Shore Fire Department

Fire Prevention Bureau

665 E. Brown Deer Road

Bayside, WI 53217

mmertens@nsfire.org

Office: 414-357-0113 ext. 1511

Fax: 414-351-0495

For Permit Applications please click this link:

[Plan Review, Inspection and Permit Fee Application](#)

Vendors, to enroll in our online ITM tracking through IROL please go to: <https://www.nsfire.org/254/IROL>

From: Alec Uecke <auecke@deep-river.com>

Sent: Wednesday, October 25, 2023 1:17 PM

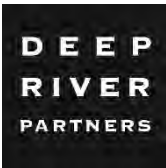
To: Matthew Mertens <mmertens@nsfire.org>

Cc: Kelly Meyer <kmeyer@foxpointwi.gov>; Nick Blavat <nblavat@deep-river.com>

Subject: 7938 / 7944 N. Beach Drive Driveway Gates

Hello Matt,

After speaking with you on the phone about the options for what the owners can do for the Fire Department to get access to the property passed these driveway gates if in need of an emergency. They can have knox box for the Fire Department to have access into the property or not letting the Fire Department be able to go in on their own which leads to delayed response.



After speaking with the chief of police, knox box access is only available for the Fire Department to be able to go into the property but not Police, so that does fully solve the problem of both departments needing access in case of an emergency. Another solution can be a keypad entry with a code that both departments can use and will be in the system for when either department needs to go there, it will show the keypad code with their address. Either way, we will let the owners know all the options and what the pro and cons are with these driveway gates.

Please find the attached Driveway Gate Elevation / design along with the locations of where they are going on the Site Plan for both properties. We look forward towards your approval letter letting the owners know the affects of these Driveway Gates.

Please call or email your questions and comments.

Sincerely,

A handwritten signature in black ink that reads "ALEC UECKE". The signature is stylized with a large, looped "A" and a cursive "U".

Alec Uecke
Design Associate

414-276-8550

414-800-1231 Direct

deep-river.com

*Residential Architects & Interior Designers
creating lifestyles that encourage
people to flourish*

240 N. Milwaukee Street Suite 400
Milwaukee, Wisconsin 53202

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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 22, 2023 at 5:00 p.m. to hear the following appeal for a special exception:

- 1. Case 2023-11: 7944 N Beach Dr.** The applicant is requesting a special exception to install aluminum or steel powder coated swinging driveway gates at the entry piers. The special exception request is made pursuant to 745-7 B.(3)(h)[2] and 745-7 B.(3)(j) of the Village of 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/CMTW
Village Clerk Treasurer

Notice Sent: [October 27, 2023]
Posted: [October 27, 2023]



Village of Fox Point GIS

7944 N Beach Dr / Variance Req - Driveway
Gates

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: 10/25/2023

745-7(B)(3)(h)[\[1\]](#) [\[Fencing for corner/Irregularly shaped lot\]](#)

In the event a building is irregularly configured, such as an L- or V-shaped structure, or the building is located upon a corner lot, irregularly shaped lot, or lot which abuts upon more than one public or private road, such that there are or appear to be multiple front, side, or rear sides of the structure, the determination of the front, rear or side areas, as well as the determination of the location of any fencing, shall be referred by the Building Inspector to the Board of Appeals, which shall then review the matter without requirement of any appeal fee. The Board of Appeals shall treat the application as a request for a special exception, which shall specifically not be subject to the requirements applicable to zoning variances, and shall proceed in accordance with Subsection [B\(3\)\(j\)](#) herein. The Board of Appeals shall consider the least obtrusive alternative, and any other criteria as set forth in the provisions of this chapter which serve to balance the interests of the applicant with the interests of the surrounding property owners.

745-7(B)(3)(h)[\[2\]](#) [\[Fencing forward of front lot line special exception\]](#)

No new fence, wall, architectural screening device, driveway gate or arbor shall be located beyond the front line of the principal building unless permitted by the Board of Appeals by special exception after a hearing, pursuant to the procedures described in Subsection [B\(3\)\(j\)](#) below. The Board of Appeals may grant a special exception under this subsection only if it finds that the fence, wall, architectural screening device, arbor or driveway gate is reasonably necessary to protect the safety of people residing on the property, in addition to the additional findings and conditions required by Subsection [B\(3\)\(j\)](#) below. Every special exception granted by the Board of Appeals for a driveway gate shall be conditioned upon the applicant filing with the Village Clerk/Treasurer the written approval of the Village Police Chief in consultation with the Fire Chief for the specific driveway gate and gate location that is proposed; and if such approval is denied, the special exception is thereby denied.

745-7(B)(3)[\(j\)](#) [\[Special exception, generally\]](#)

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.

Appellant Name: _____

Elizabeth Casmer

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.

Elizabeth Casmer
Signature of Appellant

10/25/23
Date

For Office Use Only:

Date Application Received 10/25/2023 @ 10:50 am Receipt Number for \$200 Filing Fee 1.059647

Case Number Case 2023-12 Hearing Date 11/22/2023

Disposition _____

10/23/23

Dear Village of Fox Point Board of Appeals,

I am writing this letter to explain my request to convert my single car stall garage to a double stall. I live in one of the older, non-conforming properties in our village, giving me very little room on both my north and south side-yards.

The current side yard set-backs for the B Residence District (745-16-3) is not less than 10 feet. Currently my single stall garage is non-conforming at 7.1 feet on the south side of my house. I am requesting to double my garage stall and go within 3-3.5 feet of the lot line. (See attached image) This would give me enough space to build a standard double stall garage of 18-20 feet wide.

This is an unused side of my neighbors home and is currently only used by me to store a garbage bin and access my side gate. With a new double garage stall I would remove the side gate and access my back yard from the new garage service door. Permission to build closer to their home can be obtained from my neighbors to the south, Ryan & Abby Hinkle. - 262.744.4133

Regarding the "Open air requirement": The gross area of my lot (see attached survey) is 8062.50 feet and the requirement is that the open air land cannot be less than 30%, and in my case no less than 2418.75. My home size is currently just under 1000 square feet. With the potential doubling of my garage stall my house footprint will still be well within the villages open air requirement.

Please consider this request to move forward with a permit application to convert my single stall garage into a double, making an acception of the existing side yard setback rule.

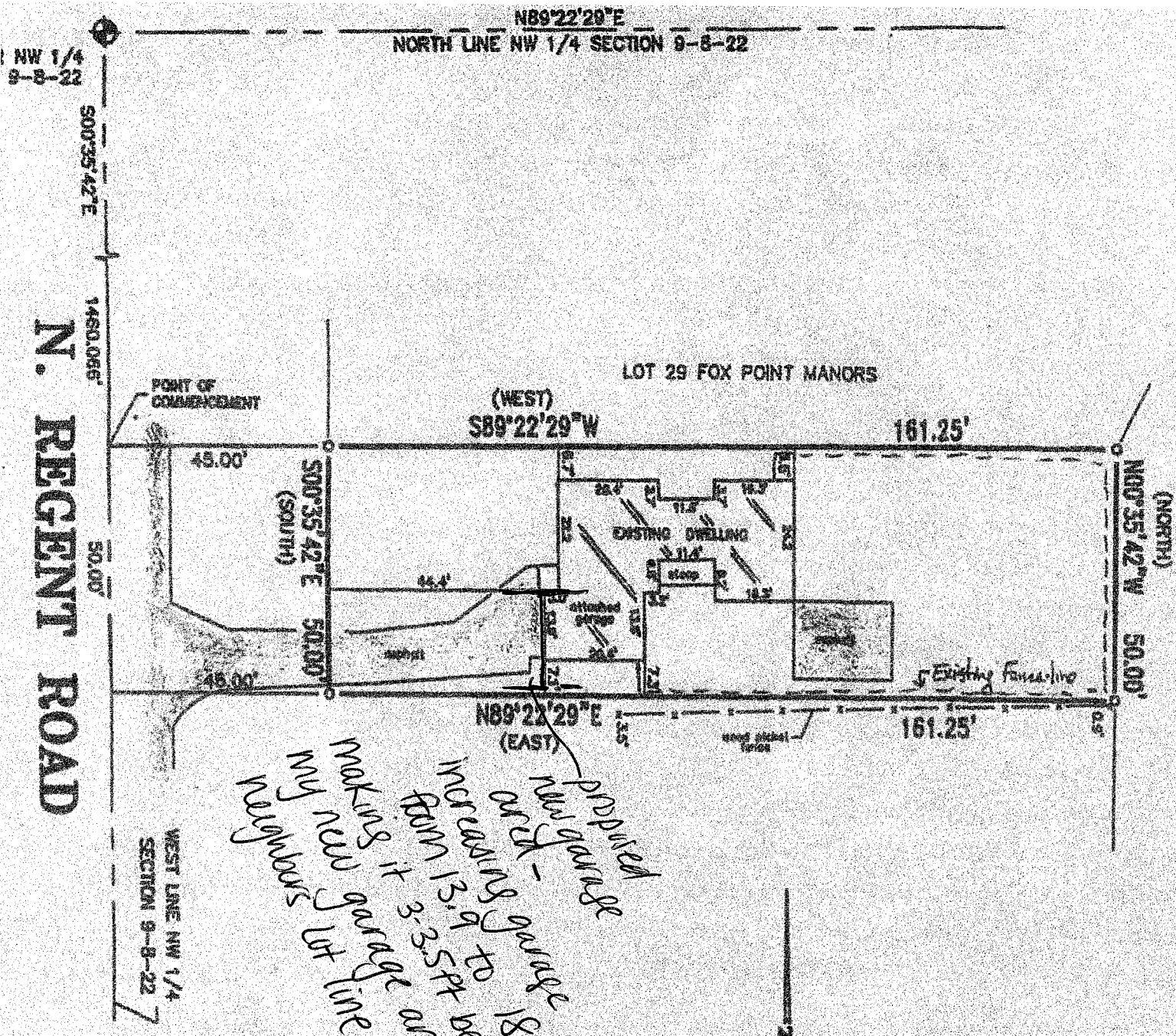
If you have any additional questions or need any additional information/images, please do not hesitate to ask. I have a contractor ready to help with this project if it is approved. I have not paid an architect to draft a plan/design because I didn't want to spend the money if the village wouldn't approve the potential project. If this acception is approved and you need more detailed plans with my permit, I am happy to provide.

I love my home and want to stay here! Having an enclosed garage with space for both me and my partner will make my home more appealing for a long-term stay! Thank you for your time and consideration.

Elizabeth Casmer
8566 North Regent Road
612.801.0188

Elizabeth A Casmer





*Proposed
new garage
width - garage 18'20"
increasing to between
from 13'6" to 33'5" and
making a garage
my new garage lot line.*

I certify that I have surveyed the above described property
the above map is a correct representation thereof and
is size and location of the property, its exterior boundaries,
location of all visible structures and dimensions of all principal
thereon, boundary fences, apparent easements, roadways
easements, if any.
This survey is made for the use of the present owners of the property,
and who purchase mortgage or guarantee the title thereto within
from date hereof.

LEGEND

- FOUND IRON PIPE
- SET IRON ROD
- () RECORDED AS

SCALE: 1" = 30'

PROPERTY LAND SURVEYING

789 CHICORY ROAD
BURLINGTON, WISCONSIN 53105
(262)210-7260 (262)767-8788

THIS
THE

8576 N. Regent Road : Garage Proposal



proposed
new garage on or near
new driveway.

23.5
ft
↑
lift line

Design Option #2.

Should the first design presented not be ideal, my contractor suggested we also include a second design option (see image).

Design option #2 would be to build an all new 2 car garage structure in front of my existing garage. This second design would include the same request of the board to approve building within 3-3.5 feet of my southern side yard lot line. No additional requests.

It would build towards Regent Road, but would be well within the 30 foot setback from the street. This would be a brand new build and would require remodeling of the old garage, but might be more appealing since the new structure would be in front of my neighbors home with open yard space to the south, versus design option #1 which would be building right next to their dwelling.

My contractor and I are comfortable with both design options. Including both designs in the event one looks more feasible and/or appealing to the Village of Fox Point.

Thanks again for considering both design options and this request to improve the quality of living for a family with 2 cars (and lots of bikes!) at 8566 North Regent Road!

Elizabeth Casmer
8566 North Regent Road
bizcasmer@gmail.com
612.801.0188

B Residence District.

A.

Uses. In a B 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 the accessory use does not constitute or become a public or private nuisance.
[Amended 11-11-2014 by Ord. No. 2014-08]

B.

Areas and yards. In a B 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, shall not be reduced to less than 15,000 square feet for each family. No building not erected for a dwelling shall occupy more than 20% 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; 15 feet when 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.

(3) ~~(3)~~

A side yard of not less than 10 feet shall be provided for on each side of every building.

(4)

A rear yard of not less than 20 feet shall be provided for every building, except one of not less than 10 feet shall be provided for a building used for or classified as an accessory use.

(5)

Every lot on which a building is erected shall have a minimum width of 80 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. For purposes of this subsection, the

VILLAGE OF FOX POINT

7200 N. SANTA MONICA BLVD

FOX POINT WI 53217

414-351-8900

Receipt No: 1.059643

Oct 25, 2023

Elizabeth Casmer-8566 N Regent BOA

Previous Balance: .00

LICENSES & PERMITS - LIQUOR/BEER/CIGARETTE
LICENSE 200.00

10-44120 LIQUOR/TOBACCO LICENSES

Total: 200.00

CHECK Check No: 192 200.00

Payor: Elizabeth Casmer-8566 N Regent BOA

Total Applied: 200.00

Change Tendered: .00

Duplicate Copy

10/25/2023 10:50 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 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, November 22, 2023, at 5:00 p.m. to hear the following appeal for a variance:

1. **Case 2023-12: 8566 N Regent Rd.** The applicant is requesting a variance pertaining to Section 745-16 B (3), concerning the B Residence District with regard to the required setback of 10 feet which should be provided for every building. The applicant is proposing to install a two-car attached garage on the south side of the home within the side yard setback, six and a half to seven feet into the required 10-foot setback.

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: [October 27, 2023]
Posted: [October 27, 2023]

§ 745-16. B Residence District.

- A. Uses. In a B 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 the accessory use does not constitute or become a public or private nuisance. **[Amended 11-11-2014 by Ord. No. 2014-08]**
- B. Areas and yards. In a B 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, shall not be reduced to less than 15,000 square feet for each family. No building not erected for a dwelling shall occupy more than 20% 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; 15 feet when 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.
 - (3) A side yard of not less than 10 feet shall be provided for on each side of every building.
 - (4) A rear yard of not less than 20 feet shall be provided for every building, except one of not less than 10 feet shall be provided for a building used for or classified as an accessory use.
 - (5) Every lot on which a building is erected shall have a minimum width of 80 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. 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. **[Amended 2-9-2021 by Ord. No. 2021-01]**