

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

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

WEDNESDAY  
September 24, 2025  
5:00 P.M.

**AGENDA**

- 1. Roll Call**
- 2. Approval of Minutes and Determinations – July 23, 2025 Meeting**
- 3. Case 2025-08: 402 E Calumet Rd.** The applicant is requesting a variance to allow a principal structure addition (porch) to be located 57.4 feet from the right-of-way centerline rather than the required 75 foot setback, a variance of 17.6 feet. The request is made pursuant to 745-17 B(2) of the Fox Point Code and the official zoning map of the Village of Fox Point.
- 4. Case 2025-09: 803 E Fox Ln.** The applicant is requesting a special exception for a corner lot for determination of the front, rear, or side yard areas. The special exception request is made pursuant to 745-7 B(3)(h)[1] of the Fox Point Code.
- 5. Adjourn**

Published and Posted: September 17, 2025

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

**VILLAGE OF FOX POINT  
BOARD OF APPEALS MEETING  
MINUTES AND DETERMINATION  
WEDNESDAY, July 23, 2025**

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, July 23, 2025 at 5:00 p.m.

Chair Mark Grady called the meeting to order at 5:00 p.m.

Members present:

Mark Grady, Chair  
Thomas Dunst, Member  
Adam Bazalon, Member  
Julianna Javor, Member\*  
Nancy Filsinger, Alternate Member

Staff Present: Attorney Jaime Staffaroni, Building Inspector Michael Rakow, and Assistant Village Manager Kevin Ausman.

**Approval of Minutes of the May 28, 2025 Meeting and the Findings of Fact, Decision and Order**

***Roll call vote:***

<b>Mark Grady</b>	<b>Aye</b>
<b>Thomas Dunst</b>	<b>Aye</b>
<b>Adam Bazalon</b>	<b>Aye</b>
<b>Julianna Javor</b>	<b>Absent</b>
<b>Alternate Nancy Filsinger</b>	<b>Aye</b>

Motion by Grady, and carried by unanimous consent 4-0, to approve the minutes of the May 28, 2025 meeting.

**CASE 2025-04: 1020 E Quarles Pl.**

The applicant is requesting a special exception to install fencing within the street yard setback. 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.

\*Member Javor arrived at 5:03 PM

Village of Fox Point Building Inspector Michael Rakow

*Building Inspector Michael Rakow stated his name and was sworn in to provide testimony by the Assistant Village Manager.*

Applicants Jill LaGrange and Paul Leech - 1020 E Quarles Pl.

*Applicants were sworn in to provide testimony by the Assistant Village Manager. Applicant stated that a split rail fence at the rear of the home would provide safety for drivers along Lake Drive using their driveway. The applicants*

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*expressed an interest in creating an area for nieces and pets by installing split rail fencing. Applicant entered additional items (Exhibits 1,2,3) into the record showing an aerial map of the property, survey, prior building permit.*

Barb Hussen - 1016 E Quarles Pl.

*Ms. Hussen spoke in support of the request.*

**Closing of Testimony: Case 2025-04**

***Without objection and by unanimous consent, Chair Grady closed testimony for Case 2025-04 at 5:32 PM.***

The Board discussed standards for a special exception. Split rail fence will not be a deterrent for wildlife, nor will it provide safety to the front of the home. The property is unique as it is located with two street frontages and is addressed to a differing street versus where the driveway is located

***Motion by Filsinger, seconded by Bazalon, to DENY the request as the standards for special exception HAVE NOT been met.***

Under discussion, the motion was withdrawn.

***Motion by Dunst, seconded by Filsinger, to determine the street yard facing Quarles Place as the front yard under Section 745-7(B)(3)(h)[1].***

***Roll call vote:***

<b>Mark Grady</b>	<b>Nay</b>
<b>Thomas Dunst</b>	<b>Aye</b>
<b>Adam Bazalon</b>	<b>Nay</b>
<b>Julianna Javor</b>	<b>Aye</b>
<b>Alternate Nancy Filsinger</b>	<b>Aye</b>

***Motion is carried 3-2; Bazalon and Grady dissenting. The street yard facing Quarles Place is determined to be the front yard.***

***Motion by Filsinger, seconded by Javor, to DENY the request for special exception as the standards HAVE NOT been met.***

***Under discussion, Motion by Bazalon, seconded by Grady, to reconsider the previous motion to determine the front yard under Section 745-7(B)(3)(h)[1].***

***Roll call vote:***

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Mark Grady	Aye
Thomas Dunst	Aye
Adam Bazalon	Aye
Julianna Javor	Aye
Alternate Nancy Filsinger	Aye

***Motion is carried 5-0. The motion to reconsider passes.***

***Motion again by Dunst, seconded by Filsinger, to determine the street yard facing Quarles Place as the front yard under Section 745-7(B)(3)(h)[1].***

***Roll call vote:***

Mark Grady	Nay
Thomas Dunst	Aye
Adam Bazalon	Nay
Julianna Javor	Aye
Alternate Nancy Filsinger	Aye

***Motion is again carried; Bazalon and Grady dissenting. The street yard facing Quarles Place is determined to be the front yard.***

***The motion upon the table returned for consideration. Motion by Filsinger, seconded by Javor, to DENY the request for special exception as the standards HAVE NOT been met.***

***Roll call vote:***

Mark Grady	Aye
Thomas Dunst	Aye
Adam Bazalon	Aye
Julianna Javor	Aye
Alternate Nancy Filsinger	Aye

***Motion is carried 5-0. The request is for special exception fencing is DENIED.***

**CASE 2025-05: 8015 N Beach Dr.**

The applicant is requesting appeal of an administrative decision regarding an order-to-correct dated May 9, 2025 for debris/garbage/construction material under Section 681-5 located on the subject property.

Village of Fox Point Building Inspector Michael Rakow

*Building Inspector Michael Rakow stated his name and was sworn in to provide*

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MINUTES AND DETERMINATION  
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*testimony by the Assistant Village Manager. Mr. Rakow explained that he received a complaint and investigated the corrugated piping and concrete blocks on the property. Enforcement action was temporary placed on hold as the applicant appealed the code enforcement action to the Board of Appeals.*

Applicant Brian Read – 8015 N Beach Dr.

*Applicant was sworn in to provide testimony by the Assistant Village Manager. Applicant stated that he intends to use the materials in the future for construction or landscaping. Mr. Read objects to the description of materials under Section 681 and that the materials are screened by vegetation. Mr. Read submitted additional items (Exhibits 1, 2) ) into the record containing images of the subject property and images of the shore along Beach Drive.*

Debbie Grossman – 8040 N Beach Dr.

*Ms. Grossman spoke in support of the order-to-correct.*

Jack Hearst – 8050 N Beach Dr.

*Mr. Hearst spoke in support of the order-to-correct.*

**Closing of Testimony: Case 2025-05**

***Without objection and by unanimous consent, Chair Grady closed testimony for Case 2025-05 at 6:28 PM.***

The Board affirms the actions of the Building Inspector under Section 681.

***Motion by Bazalon, seconded by Filsinger, to DENY the appeal of administrative decision.***

***Roll call vote:***

<b>Mark Grady</b>	<b>Aye</b>
<b>Thomas Dunst</b>	<b>Aye</b>
<b>Adam Bazalon</b>	<b>Aye</b>
<b>Julianna Javor</b>	<b>Aye</b>
<b>Alternate Nancy Filsinger</b>	<b>Aye</b>

***Motion is carried 5-0. The request is DENIED.***

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**CASE 2025-06: 7956 N Fairchild Rd**

The applicant is requesting a variance to allow an accessory structure (pergola with grill island) to be located 5 feet from the rear yard property line rather than the required 10 foot setback, a variance of 5 feet. The request is made pursuant to 745-16B(4) of the Fox Point Code.

Village of Fox Point Building Inspector Michael Rakow

*Building Inspector Michael Rakow stated his name and was sworn in to provide testimony by the Assistant Village Manager.*

Applicants Gustav Krejcha and Lauren Krejcha – 7956 N Fairchild Rd.

*Applicants were sworn in to provide testimony by the Assistant Village Manager. Applicants described the hardship as a shallow lot and backyard area on a corner lot.*

Gary Stein – 7950 N Fairchild Rd.

*Mr. Stein spoke in support of the request.*

Michael McConnohie – Contractor - 6929 Donges Bay Rd., Mequon WI.

*Mr. McConnohie gave testimony regarding the overhang on the property and the need for distance of the proposed grill from the principal structure.*

**Closing of Testimony: Case 2025-06**

***Without objection and by unanimous consent, Chair Grady closed testimony for Case 2025-06 at 6:55 PM.***

The Board determined that a hardship does not exist and does not rise to the standard for granting a variance. An alternative location on the property would allow the project to proceed without a variance.

***Motion by Bazalon, seconded by Javor, to DENY the variance request as the standards HAVE NOT been met.***

***Roll call vote:***

<b>Mark Grady</b>	<b>Aye</b>
<b>Thomas Dunst</b>	<b>Aye</b>
<b>Adam Bazalon</b>	<b>Aye</b>



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imposed hardship.

***Motion by Bazalon, seconded by Dunst, to DENY the variance request as the standards HAVE NOT been met.***

***Roll call vote:***

Mark Grady	Aye
Thomas Dunst	Aye
Adam Bazalon	Aye
Julianna Javor	Aye
Alternate Nancy Filsinger	Nay

***Motion is carried 4-1; Filsinger dissenting. The request is DENIED.***

**Adjourn**

Motion by Grady and carried by unanimous consent to adjourn. Meeting adjourned at 7:25 PM.

Respectfully Submitted,

Kevin Ausman  
Assistant Village Manager

In Re: Administrative Appeal of an Order to Correct Condition of Premises

Brian Read, 8015 N Beach Dr.

Case No. 2025-05  
FINDINGS OF FACT  
CONCLUSIONS OF LAW  
DETERMINATION AND ORDER

The above-entitled matter came before the Village of Fox Point Zoning Board of Appeals (hereinafter "Board") for hearing on July 23, 2025, to consider an appeal of an Order to Correct Condition of Premises, filed by Brian Read (the "Applicant") dated May 19, 2025. The Applicant appeared in person. The Building Inspector Michael Rakow and Assistant Village Manager Kevin Ausman, citizens Debbie Grossman and Jack Hearst appeared in person in support of the Order to Correct Condition of Premise. The Board was represented in the matter by the Village Attorney, Jaime Staffaroni. Following the hearing and initial deliberations, the Board of Appeals makes the following findings of fact, conclusions of law, determination and order.

### **FINDINGS OF FACT<sup>1</sup>**

Having heard the testimony and considered the evidence and argument presented, the Board finds the following facts:

1. The Applicant is Brian Read.
2. The Applicant is the owner of the subject property: 8015 N Beach Road, Fox Point, WI 53217.
3. The property is vacant lot with no improvements or structure, and the owner is currently storing concrete blocks/barricades and corrugated black pipe on the property.
4. On May 9, 2025, Building Inspector Michael Rakow issued an Order to Correct the Conditioned Premise by May 26, 2025, ordering the removal of all concrete blocks/barricades and corrugated pipe in violation of Village Land Use Code § 681-5: "The owner, occupant or agent of all premise shall at all times keep the premise clean of litter and shall take such necessary measures to prevent litter from being carried by the elements to adjoining premises. Litter may include, but is not limited to, any garbage, trash, refuse, debris, grass clippings, lawn and garden waste, newspapers, wrapping papers, magazines, glass, containers, and construction materials except where permitted by Village rules and regulations."
5. The Order to Correct included a second violation Village Land Use Code § 681-7B(1): "All areas of any such land shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible material, debris and refuse or similar material which could or may cause fire, safety or health hazards, or a serious blighting

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<sup>1</sup> To the extent that any Finding of Fact herein involves issues of law, it is intended in that respect to be a Conclusion of Law, and to the extent that a Conclusion of Law herein involves factual issues, it is intended in that respect to be a Finding of Fact. The heading under which the statement is made shall not be controlling.

influence upon surrounding properties. The provisions of this subsection shall not apply to materials stored in conjunction with any development of the property, while such property is being developed in accordance with a building permit duly issued during the period of construction or development.” Requiring the removal of blocks/barricades and corrugated black pipe by May 26, 2025.

6. On May 19, 2025, Applicant, Brian Read filed an appeal of the Order to Correct Condition of Premises alleging the stored materials consisted of landscaping supplies to be used for a planting and garden area which does not require a building permit under the Village Code.
7. Applicant, Brian Read testified that the materials did not meet the definition of litter and did not consist of a blighting influence for the surrounding properties because they are not viewable due to surrounding foliage and plant life. Mr. Read intends to use the material for a future landscaping/gardening project and has no current building permit or plan.
8. Building Inspector Michael Rakow testified that the property is vacant and cannot contain an incident accessory use such as a constructed garden without a permitted principle use pursuant to Village Building Code §§745-2, 745-7, 745-13(a). Village’s Land Usage Code §681-7B(1) prohibits storage of these materials on the property absent a period of construction and development in accordance with a valid building permit.
9. Citizens Debbie Grossman 840 N Beach Road and Jack Hearst 850 N Beach Road testified in support of the enforcement order because the barricades and corrugated pipe are unsightly and have remained on the property since the revetment project was completed over two years ago.
10. Applicant, Brian Read testified that this Order imposes on his right to enjoy the land, which includes the storage of these materials. The Board denied the appeal and affirmed the order to correct the condition of premise issued by the building inspector on May 9, 2025.

## **CONCLUSIONS OF LAW<sup>2</sup>**

Based upon the foregoing Findings of Fact, the Zoning Board of Appeals makes the following Conclusions of Law:

1. Village Land Use Code § 681-5 requires the owner of a property to keep the premise at all times clean of litter and shall take necessary measures to prevent litter from being carried by the elements to adjoining premises.
2. Village Land Use Code § 681-7B(1) requires all areas of land shall be kept in a clean and sanitary condition free from debris, refuse or any other materials which could or may cause fire, safety or health hazards or a serious blighting influence upon surrounding properties.
3. The Board concludes the materials stored on the property specifically concrete blocks/barricades and corrugated black pipe are being stored in violation of the

Village Land Use Code §§ 681-5,681-7B(1) and there is no current development occurring on the property, nor has any valid building permit been issued.

4. The Board concludes the materials need to be removed from the property in compliance with the Order issued and affirms the action of the building inspector.
5. Motion was made to deny the appeal of the administrative order by Member Bazalon and seconded by Member Filsinger and approved by unanimous consent.

**DETERMINATION AND ORDER**

Based upon the foregoing, the Applicant's appeal seeking to overturn the Village Building Inspectors Order to Correct requiring the property owner to remove concrete blocks/barricades and corrugated black pipe, **IS DENIED**.

**THE APPLICANT IS ORDERED** to work with Michael Rakow, Building Inspector on a plan and timeline to remove all materials currently stored on the property within a reasonable period of time.

These Findings, Conclusions, and Determination were prepared based on the Board's discussions at the hearing, and have been reviewed, revised to be in this final form, and approved by the Board.

Review of this Decision may be obtained by filing a Petition for Writ of Certiorari in any court of record of this County within 30 days after the date of filing of this written decision shown below.

Dated: \_\_\_\_\_, 2025.

VILLAGE OF FOX POINT  
BOARD OF APPEALS

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Secretary

Ex. 1 Quarles Place



Quarles Ex. 2 p. 1  
Pl.

1993

Plat No. FP 8-2

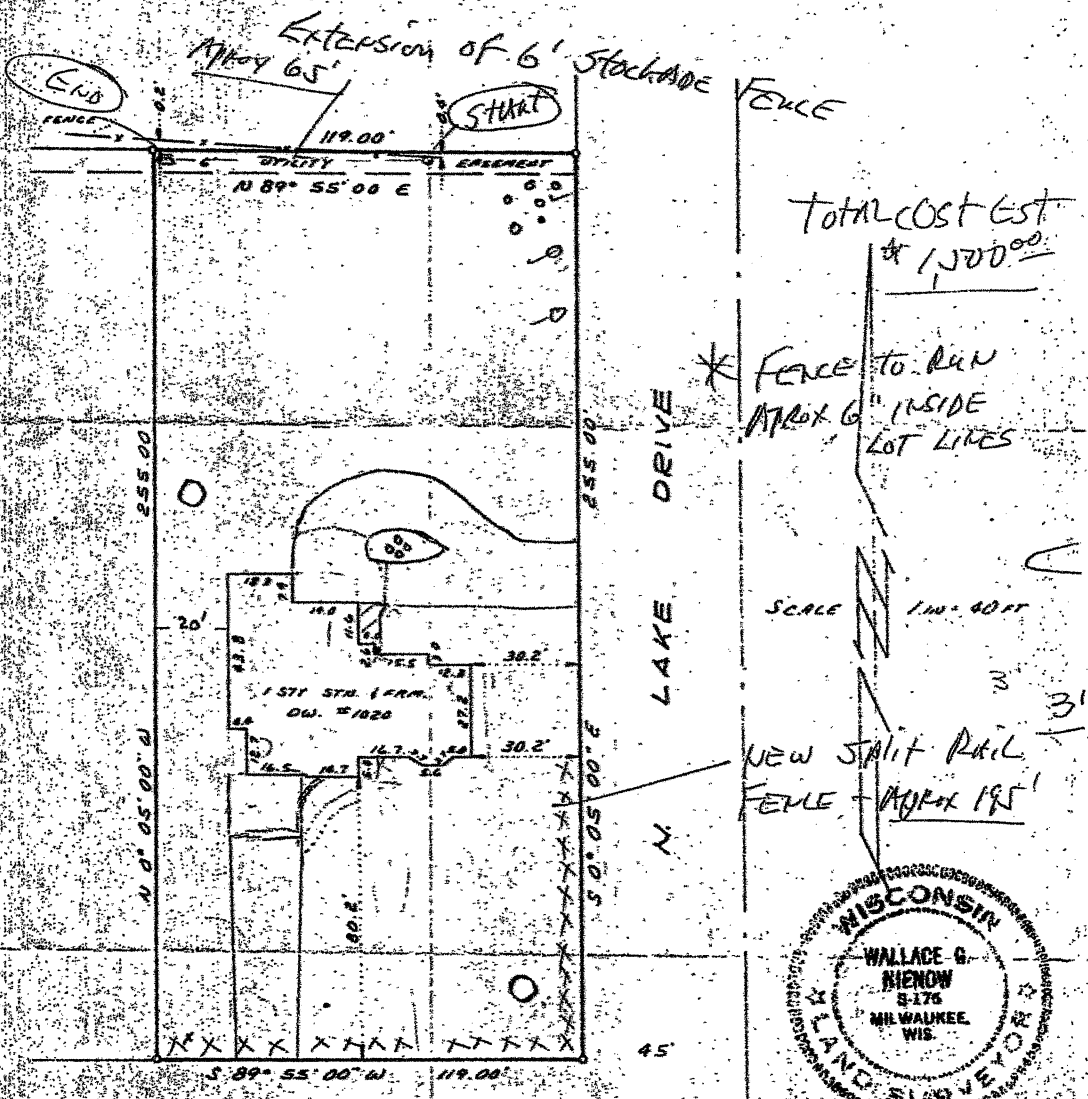
W. G. NIENOW ENGINEERING ASSOC.  
CONSULTING ENGINEERS - SURVEYORS  
1743 W. GREEN TREE ROAD MILWAUKEE, WIS.  
TEL. 351-1620

WALLACE G. NIENOW, P. E., L.S.  
ASSOCIATES  
KENNETH B. WESTERN, P. E.  
CARL R. RAHMIG, P. E.

PLAT OF SURVEY

PREPARED FOR William Reilly

DESCRIPTION OF PROPERTY Lot 8 in Block 1 of Fox Point subdivision located in the Southwest 1/4 of Section 9, Town 8 North, Range 22 East in the Village of Fox Point, Milwaukee County, Wisconsin.



E. QUARLES PL

I, the undersigned, being a duly qualified and licensed land surveyor in the State of Wisconsin, do hereby certify that the foregoing is a true and correct representation of the facts as shown by the survey and the records of the same.

Milwaukee Wisconsin May 1975

Wallace Nienow

# APPLICATION FOR BUILDING PERMIT

TO THE BUILDING INSPECTION DEPARTMENT:

The undersigned hereby applies for a permit to build, in accordance with the information tabulated hereafter,

Type of Structure Fence  
Residence, Garage, Store, Office, School, Fence, Shed, Sign, Swimming Pool, Etc.

Address 1020 E Quarles PL

Lot \_\_\_\_\_ Block \_\_\_\_\_

Subdivision \_\_\_\_\_

District \_\_\_\_\_

Does contemplated structure violate the Village zoning ordinance? \_\_\_\_\_

Height of Structure 3' SPLIT RAIL - 6' FT STOCKADE (stories or feet)

Width (parallel to highway) \_\_\_\_\_ (feet) Depth (perpendicular to highway) \_\_\_\_\_ (feet)

Distance: Street Line to Front Line of Structure \_\_\_\_\_ (feet)

Distance: Side Lot Line to Structure 6" INSIDE LOT LINE

Type of Construction: \_\_\_\_\_ Exterior finish \_\_\_\_\_  
Frame, Brick-tile, Etc. Stucco, Siding, Brick Veneer, Etc.

Height of front yard above street grade \_\_\_\_\_

Number of rooms \_\_\_\_\_ Baths \_\_\_\_\_

Garage \_\_\_\_\_

Estimated cost Building \_\_\_\_\_

Structure Fence \$1500

Is there a private garage? \_\_\_\_\_

Does the contemplated garage violate the Village zoning ordinance? \_\_\_\_\_

Size \_\_\_\_\_ Number of stalls \_\_\_\_\_

Where situated \_\_\_\_\_

General construction \_\_\_\_\_  
Frame — Brick — Stucco — Etc.

Have plans been submitted to the Wisconsin Department of Industry, Labor and Human Relations for examination and approval? \_\_\_\_\_

Have plans been approved as being in compliance with all applicable sections of the Wisconsin Administrative code? \_\_\_\_\_

Herewith are filed the following duplicate plans \_\_\_\_\_ in number, which I certify I will conform to in the work hereby applied for.

Remarks: See attached

Herewith are filed the specifications that describe the work in question and as shown on plans above submitted.

In making the application the undersigned agrees to obey the Fox Point Building and Zoning Codes pertaining to the erection of all structures and also agrees to obey all other ordinances of the Village of Fox Point.

The undersigned, owner or being duly authorized so to do, hereby gives express authorization to the Village of Fox Point, its officers, agents and employees, to enter upon the premises herein described and fill up any excavation, or tear down, remove or enclose the unfinished structure for which a permit is herein requested in the event of cessation of the building, whenever the Building Inspector shall determine that such premises in the unfinished condition of the structure are dangerous to members of the public, including children, even though trespassers. The undersigned further hereby waives all statutory notices and consents to the determination by the Village Board and the levy and placing upon the tax roll of a special assessment in the amount of the cost to the Village, including customary Village overhead charges incurred in filling up any such excavation or tearing down, removing or enclosing any such unfinished structure.

We hereby agree to provide a house number plate or sign readily observable from the public highway which will be installed not less than 15 days after the structure is occupied.

Owner of Structure William + Elizabeth Reilly Arch. or Contr. all City Fence

Address 1020 E Quarles Address \_\_\_\_\_

City Fox Point, WI City 33217 State \_\_\_\_\_ Zip \_\_\_\_\_

Phone 351-3262 Phone 271-5201

Size of Structure \_\_\_\_\_ (sq. ft.) Permit Fee 25.00 Recusst # 32431 herewith tendered

Date Submitted \_\_\_\_\_

Date Approved [Signature]

Signed Elizabeth Reilly

Date of Permit \_\_\_\_\_

Architect, Owner, Builder

# APPLICATION FOR BUILDING PERMIT

TO THE BUILDING INSPECTION DEPARTMENT:

The undersigned hereby applies for a permit to build, in accordance with the information tabulated hereafter,

Type of Structure 6' Stockade Fence  
Residence, Garage, Store, Office, School, Fence, Shed, Sign, Swimming Pool, Etc.

Address 1020 E. Quarles

Lot 8 Block 1

Subdivision Fox Point Subdivision

District B RESIDENTIAL

Does contemplated structure violate the Village zoning ordinance? NO

Height of Structure 6' (stories or feet)

Width (parallel to highway) 35 FEET 10' ANGLE (feet) Depth (perpendicular to highway) 114.507' NS. (feet)

Distance: Street Line to Front Line of Structure 98' 1/2" - 100' (feet)

Distance: Side Lot Line to Structure 5' + 8' LAKE DRIVE

Type of Construction: STOCKADE Exterior finish NATURAL  
Frame, Brick-tile, Etc. Stucco, Siding, Brick Veneer, Etc.

Height of front yard above street grade \_\_\_\_\_

Number of rooms \_\_\_\_\_ Baths \_\_\_\_\_

Garage \_\_\_\_\_

Estimated cost Building \_\_\_\_\_

Structure \$1460

Is there a private garage? \_\_\_\_\_

Does the contemplated garage violate the Village zoning ordinance? \_\_\_\_\_

Size \_\_\_\_\_ Number of stalls \_\_\_\_\_

Where situated \_\_\_\_\_

General construction \_\_\_\_\_  
Frame - Brick - Stucco - Etc.

Have plans been submitted to the Wisconsin Department of Industry, Labor and Human Relations for examination and approval? \_\_\_\_\_

Have plans been approved as being in compliance with all applicable sections of the Wisconsin Administrative code? \_\_\_\_\_

Herewith are filed the following duplicate plans \_\_\_\_\_ in number, which I certify I will conform to in the work hereby applied for.

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Herewith are filed the specifications that describe the work in question and as shown on plans above submitted.

In making the application the undersigned agrees to obey the Fox Point Building and Zoning Codes pertaining to the erection of all structures and also agrees to obey all other ordinances of the Village of Fox Point.

The undersigned, owner or being duly authorized so to do, hereby gives express authorization to the Village of Fox Point, its officers, agents and employees, to enter upon the premises herein described and fill up any excavation, or tear down, remove or enclose the unfinished structure for which a permit is herein requested in the event of cessation of the building, whenever the Building Inspector shall determine that such premises in the unfinished condition of the structure are dangerous to members of the public, including children, even though trespassers. The undersigned further hereby waives all statutory notices and consents to the determination by the Village Board and the levy and placing upon the tax roll of a special assessment in the amount of the cost to the Village, including customary Village overhead charges incurred in filling up any such excavation or tearing down, removing or enclosing any such unfinished structure.

We hereby agree to provide a house number plate or sign readily observable from the public highway which will be installed not less than 15 days after the structure is occupied.

Owner of Structure William + Elizabeth Realty Arch. or Contr. FENCE INSTALLATION SERVICES, INC.

Address 1020 E. Quarles Address 2770 So. 167th St New Berlin

Phone 351-3262 Phone 786-3200

Size of Structure 6' Stockade Fence (sq. ft.) Permit Fee \$40.00 DBLE FEE herewith tendered

Date Submitted August 12, 1985 FENCE STARTED W/O PERMIT

Date Approved 8-12-85 Signed Elizabeth R. O'Leary

Date of Permit \_\_\_\_\_  
Architect, Owner, Builder



Looking South

Beach Pr.  
Et. 1 p. 1

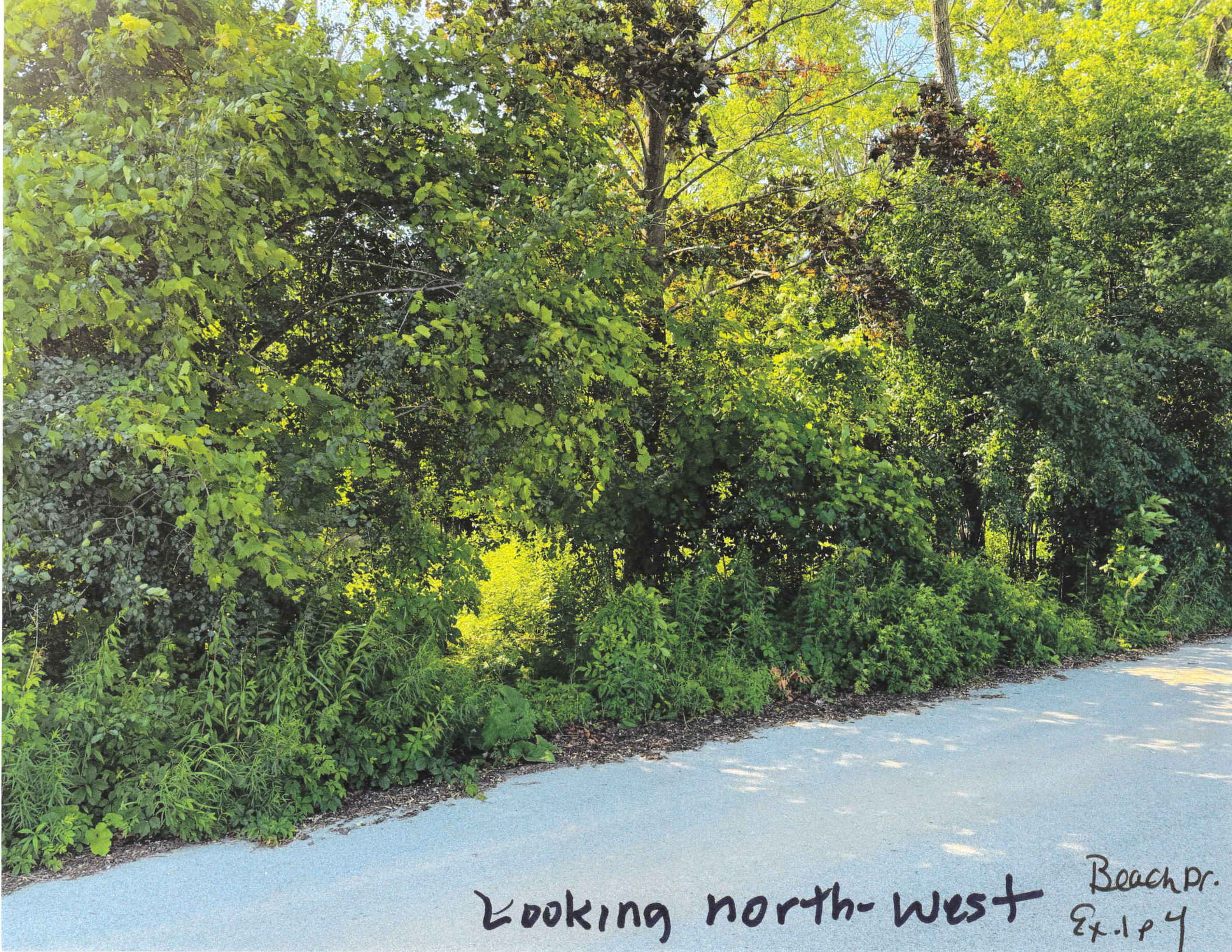


LOOKING WEST Beach Dr.  
E. 1 p. X



Looking West

Beach Dr.  
Ex. 1 p. 3 \*



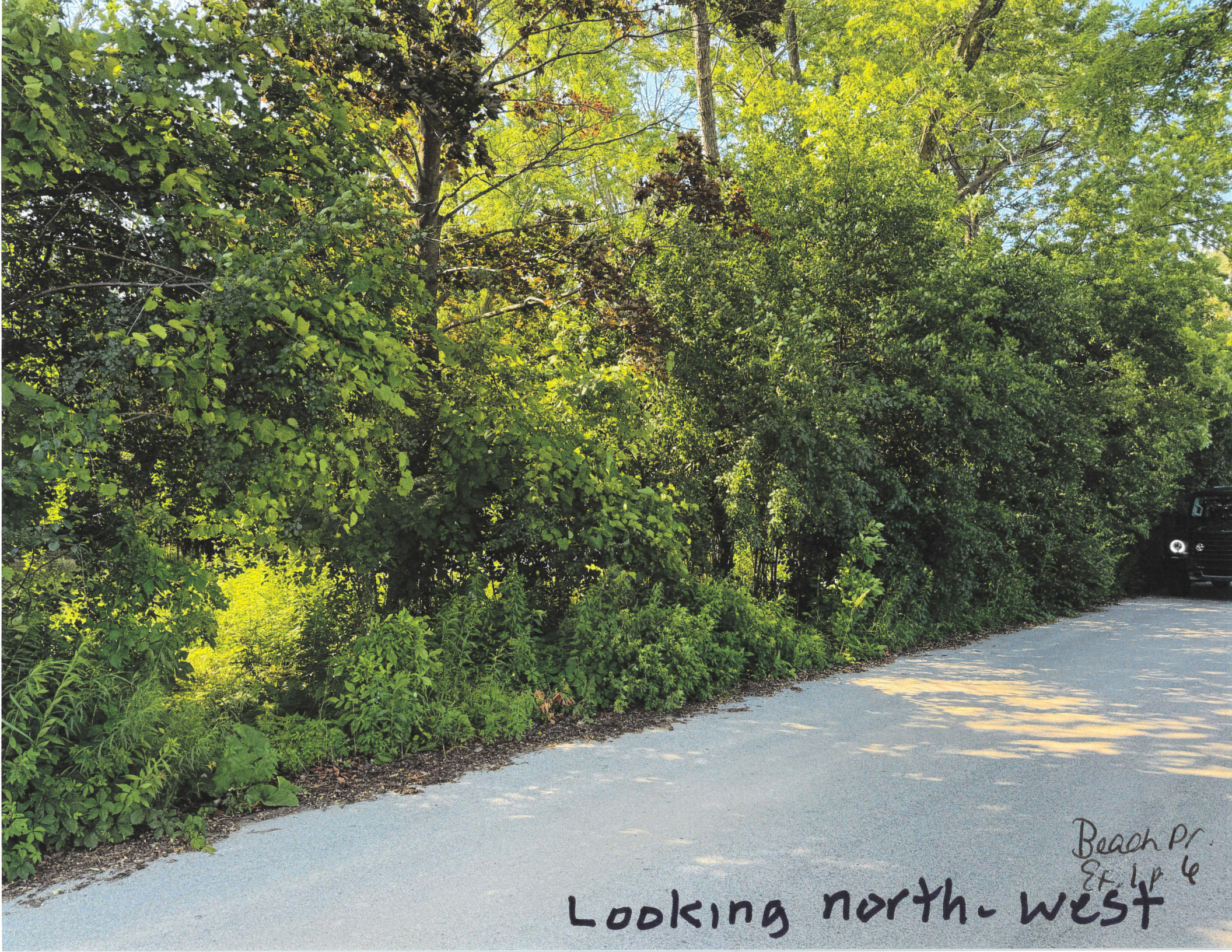
Looking north-west

Beach Pr.  
Ex. 1 p. 4



Looking West

Beech Dr.  
Ex. 1 p. 5



Looking north-west  
Beach Pr.  
St. 1/4 E



Looking West-South

Beach Dr.  
Et. 1 p. 7



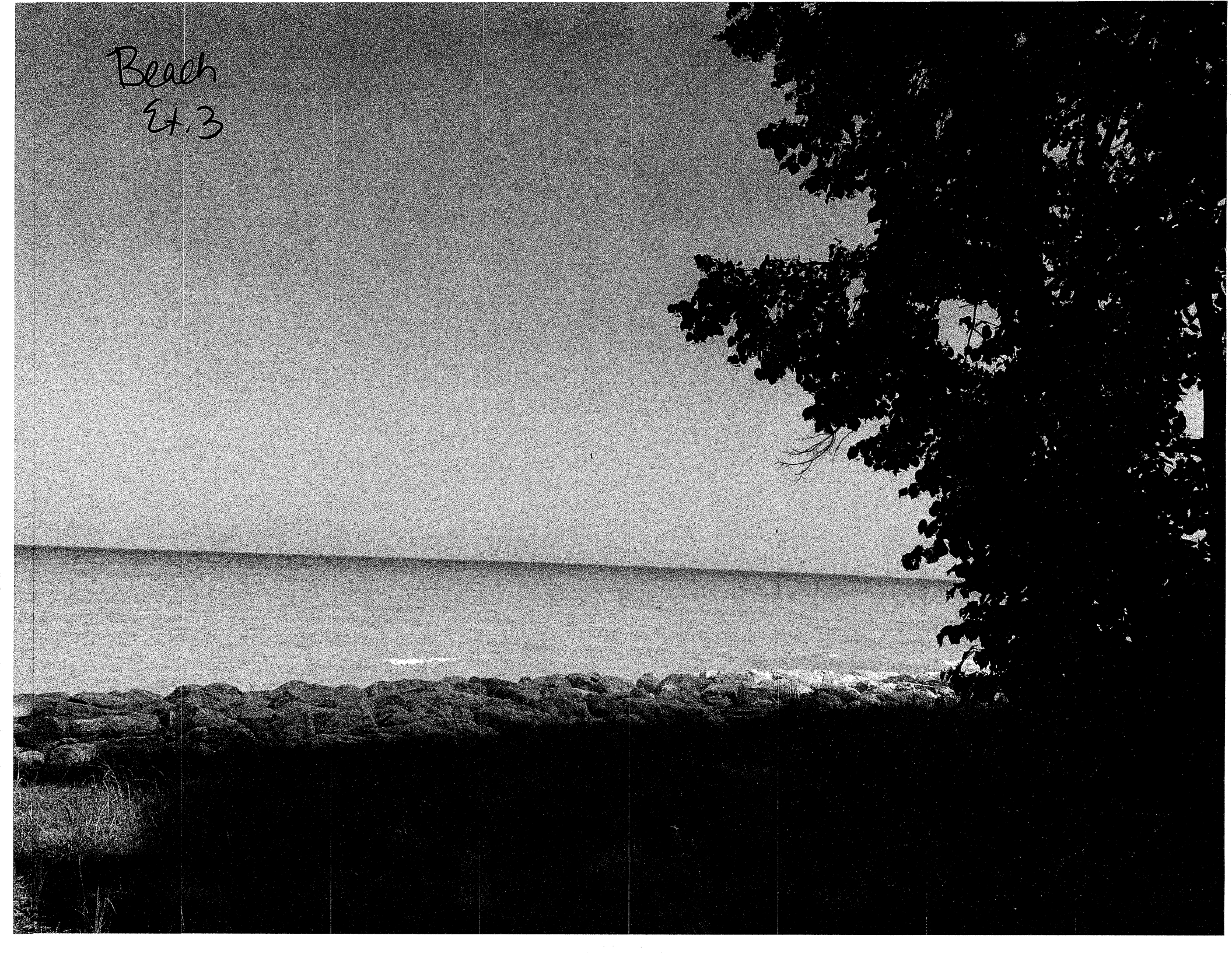
Looking West

Beach Pr.  
Ex 10:8



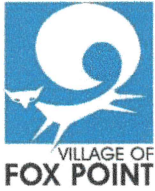
Looking North-West  
Beach Dr  
G.A.D.C. 9

Beach  
E. 3



Beach  
Ex. 2





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
APPLICATION

1. Name of Appellant Elizabeth Wick Address of Appellant 5100 W. Elm Dale Rd. Mequon
Phone Number 414 405 9594
E-mail Address libbywick@hotmail.com
Address of Property 402 E. Calumet Rd., Fox Point
Present Use of Property Residence Proposed Use of Property Same
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. 'Appeal Administrative Decision.' Request for interpretation of Zoning Code and reversal of order, requirement, decision or determination of administrative official.
B. 'Request Variance.' State Law Empowers the Board of Appeals to Grant a Variance to the Otherwise Applicable Requirements of the Zoning Code in Limited Circumstances.
C. 'Request Special Exception.' The Village Code Specifies Situations When a Special Exception May be Granted.

6. Each 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.

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. I also hereby swear and acknowledge that I have read this application and all attachments in its entirety, including the standards applicable to my application.

Signature of Appellant

Date 8/20/2025

For Office Use Only:

Application, and related Attachment, is Fully and Properly Completed with attachments Yes / No (If "No" reject the application and await a completed application.)
Date Application Received Receipt Number for \$200 Filing Fee
Case Number Hearing Date
Disposition

## Attachment B

### Variance Authority

The applicant has the burden to prove a sufficient basis for a variance to be granted. The applicable standards have been described in Wisconsin Statutes Section 62.23(7)(e)7., and in decisions of Wisconsin courts, and is summarized as follows:

- I. **Area Variance.** An area variance means a modification to a dimensional, physical or locational requirement, such as setback, frontage, height, bulk, or density.

The applicant bears the burden to prove sufficient cause for a variance. State law imposes the following requirements, with relevant terms highlighted:

*The Board of Appeals shall have the following powers: ... to authorize upon appeal in specific cases such variance from the terms of the ordinance as will **not be contrary to the public interest**, where, **owing to special conditions**, a literal enforcement of the provisions of the ordinance will result in **practical difficulty or unnecessary hardship**, so that **the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.** (62.23(7)(e)7.b., Wisconsin Statutes.)*

State law also provides:

*A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome... **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.** (62.23(7)(e)7.d., Wisconsin Statutes.)*

These laws require the following (Applicant: Check each box to acknowledge you have read and understand these requirements):

- a) **The hardship must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly.** Generally, hardship arises because of some unique property limitation or feature of a parcel, or because the property was created before the passage of the zoning ordinance and will not accommodate a structure of reasonable design for a permitted use, if all area, yard and setback requirements are observed.
- b) **Loss of profit or pecuniary (financial) hardship and/or additional expense incurred to comply with the zoning ordinance is not sufficient grounds for a variance.**
- c) **Self-imposed hardship** is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, or deed restrictions imposed by the owner's predecessor in title are examples of self-imposed hardships.
- d) **Circumstances of Applicant.** Specific circumstances of the applicant, such as a growing family or desire for a larger garage are not a factor in deciding variances.
- e) **Nearby violations.** Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
- f) **Previous variance requests.** Previously granted or denied variances, even if similar to the requested variance, cannot be used in deciding a variance. The decision must be based on the facts of the individual case before the BOR.
- g) **The hardship cannot be one that would have existed in the absence of a zoning ordinance.** Some properties may not be buildable because of the physical nature of the property. For example, the entire parcel might consist of steep slopes or wetlands. In such cases, the property would not be suitable for development whether or not there was a zoning ordinance regulating development.
- h) **Protection of the Public Interest.** Granting of a variance must not harm the public interest. The public interest includes the interests of the public at large, not just that of nearby property owners. Lack of local opposition does not in itself mean that a variance will not harm the public interest. The spirit of the ordinance must be observed.

II. **Use Variance.** A use variance means an authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the zoning ordinance. An applicant for a use variance must meet the general standards described above for an area variance, but also must meet a much higher burden of proof than applies to an area variance. State law states the following:

*A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with **no reasonable use of the property in the absence of a variance.** (62.23(7)(e)7.d., Wisconsin Statutes.)*

If the property owner has any reasonable use of the property in the absence of a variance, a use variance cannot be granted.

Applicant to Complete the following: Describe the reasons why you believe your situation qualifies for a variance, based on these applicable laws (attach additional sheets as necessary):

The porch was replaced in 2021 because the old one was falling apart much like the rest of the house was when I bought it. The 75 foot setback lands in the livingroom of the home therefore any new porch would land in the setback. I am requesting a variance for the porch because without it I am unable to sell the property.

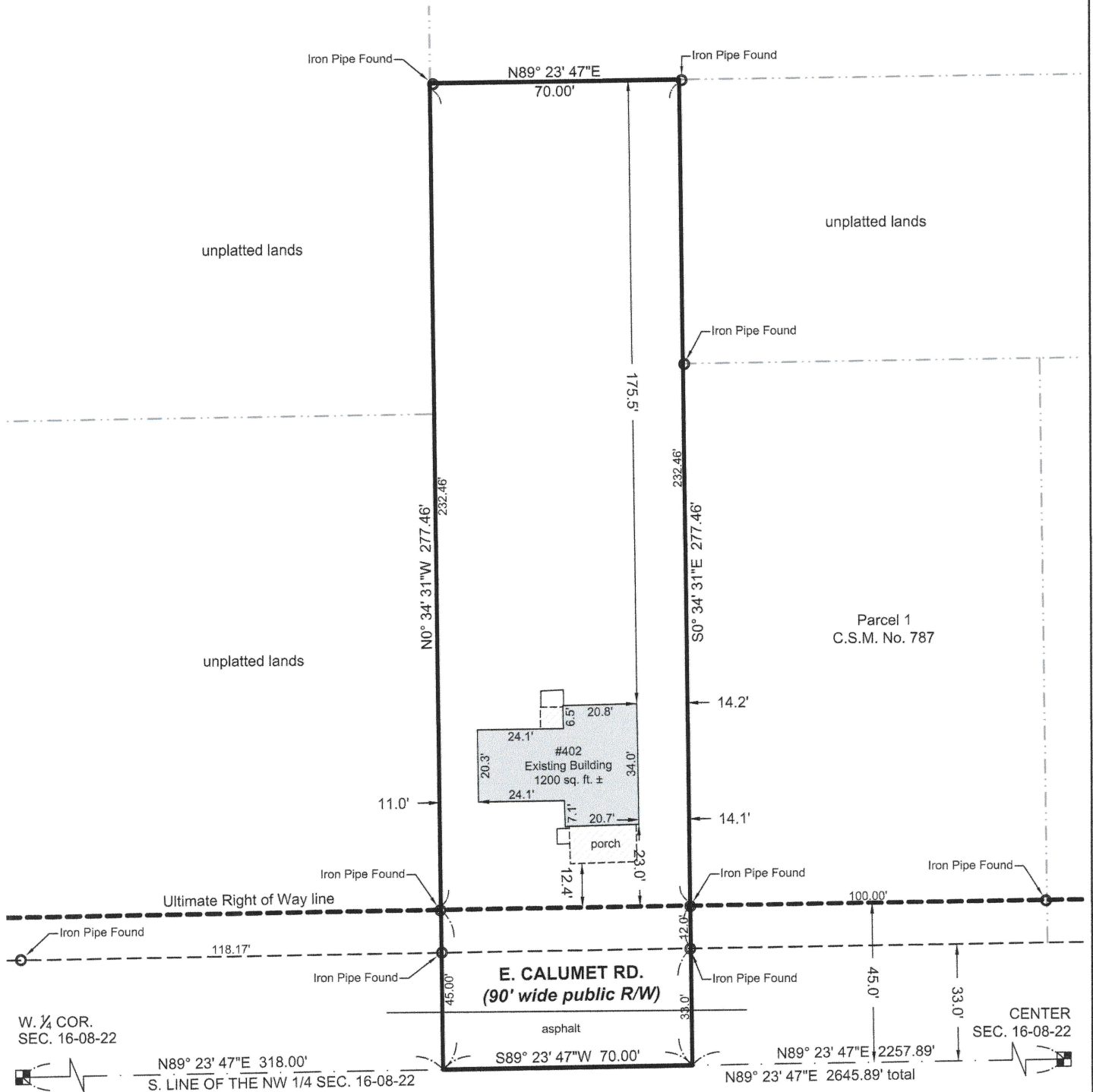
I spent alot of time and effort to improve the property. The feedback over the past few years has been all positive. Please consider granting my request.

# Plat of Survey

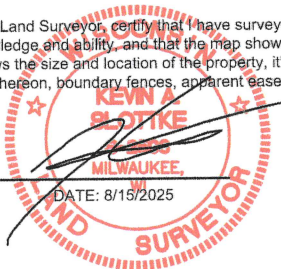
The West Seventy (70) feet of all that part of the Southwest 1/4 of the Northwest 1/4, known as Lot 5 of Section 16, in Township 8 North, Range 22 East, in the Village of Fox Point, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit: Commencing at a point in the South line of said Lot 5, 318 feet East of the Southwest corner thereof; thence East on said South line, 314 feet to a point; thence North and parallel to the West line of said Lot 5, 277.46 feet to a point; thence West and parallel to the South line of said Lot 5, 314 feet to a point; thence South and parallel to the West line of said Lot 5, 277.46 feet to the place of commencement.

Address: 402 E. Calumet Rd, Fox Point, WI 53217  
Parcel Taxkey: 0929928000

Gross square footage of Parcel is 19,422 square feet or 0.44587 acres of land, more or less.  
Net square footage to the ultimate Right-of-way is 16,246 square feet or 0.37296 acres of land, more or less.



I, Kevin A. Slotke, Professional Land Surveyor, certify that I have surveyed the above described property, to the best of my knowledge and ability, and that the map shown hereon is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures thereon, boundary fences, apparent easements, roadways and encroachments, if any.



Kevin A. Slotke, P.L.S. 2503

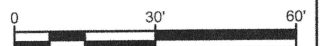
DATE: 8/15/2025



www.thesigmagroup.com  
1300 West Canal Street  
Milwaukee, WI 53233  
Phone: 414-643-4200  
Fax: 414-643-4210

Prepared for:  
Libby Wicks  
402 East Calumet Road, Fox Point WI 53217

Bearings are referenced to Wisconsin State Plane  
Coordinate System, South Zone (NAD83)



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

414-351-8900

Receipt No: 1.061796

Aug 20, 2025

402 E CALUMET RD

Previous Balance: .	.00
LICENSES & PERMITS - OTHER PERMIT	200.00
10-44540 OTHER PERMIT	
<hr/>	
Total:	200.00
<hr/>	
CHECK	200.00
Check No: 1770	
Payor: ELIZABETH WICK	
Total Applied:	200.00
<hr/>	
Change Tendered:	.00
<hr/>	

08/20/2025 1:10 PM



VILLAGE OF FOX POINT
MILWAUKEE COUNTY
WISCONSIN

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

BOARD OF APPEALS
APPLICATION

1. Name of Appellant GEETHA & DREW KELLIN Address of Appellant 803 E. FOX LANE
Phone Number n/a n/a 917-596-0004
E-mail Address drew.geetha@gmail.com Work Cell
2. Address of Property 803 E. Fox Ln Fox Point, WI 53217
Present Use of Property home Proposed Use of Property outdoor living
Owner's Name and Address if Different than Above n/a

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. "Appeal Administrative Decision." Request for interpretation of Zoning Code and reversal of order, requirement, decision or determination of administrative official.

1. I have read and I understand Attachment A: Yes [ ]

2. I have fully answered the questions in Attachment A and have attached additional explanations as necessary. Yes [ ]

[ ] B. "Request Variance." State Law Empowers the Board of Appeals to Grant a Variance to the Otherwise Applicable Requirements of the Zoning Code in Limited Circumstances.

1. I have read and I understand Attachment B: Yes [ ]

2. I have fully answered the questions in Attachment B and have attached additional explanations as necessary. Yes [ ]

[X] C. "Request Special Exception." The Village Code Specifies Situations When a Special Exception May be Granted.

1. I have read and I understand Attachment C: Yes [X]

2. I have fully answered the questions in Attachment C and have attached additional explanations as necessary. Yes [X]

6. Each 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.

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. I also hereby swear and acknowledge that I have read this application and all attachments in its entirety, including the standards applicable to my application.

Geetha Kellin
Signature of Appellant

8/26/2025
Date

For Office Use Only:

Application, and related Attachment, is Fully and Properly Completed with attachments Yes / No (If "No" reject the application and await a completed application.)

Date Application Received Receipt Number for \$200 Filing Fee

Case Number Hearing Date

Disposition

NEXT B.O.A.

# Attachment C

SEPT. 24 (DEADLINE)  
M 27<sup>th</sup>

## Standards of Review for Special Exceptions

The Village of Fox Point Village Code allows special exceptions to be granted for certain accessory structures. Applicable provisions include the following:

Structure on Corner/Irregularly Shaped Lot. (Village Code Section 745-7(B)(3)(h)[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.

Structure Forward of Front Lot Line. (Village Code Section 745-7(B)(3)(h)[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.

Special Exceptions Generally. (Village Code Section 745-7(B)(3)(j)).

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.

Applicant to Complete the following: Describe the reasons why you believe your situation qualifies for a special exception, based on these applicable ordinances (attach additional sheets as necessary):

safety for toddler and dog, keeping them insight<sup>of living space</sup> away from street, drainage ditch and coyotes. Also protect ~~the~~ them from strangers. offering peace of mind.

WE ARE INTERESTED IN OBTAINING A SPECIAL EXCEPTION ON A CORNER LOT IN THE REAR YARD FOR A 4' HIGH ORNAMENTAL ALUMINUM FENCE. PER VILLAGE CODE

745-7(B)(3)(H)(1)



# Plat of Survey

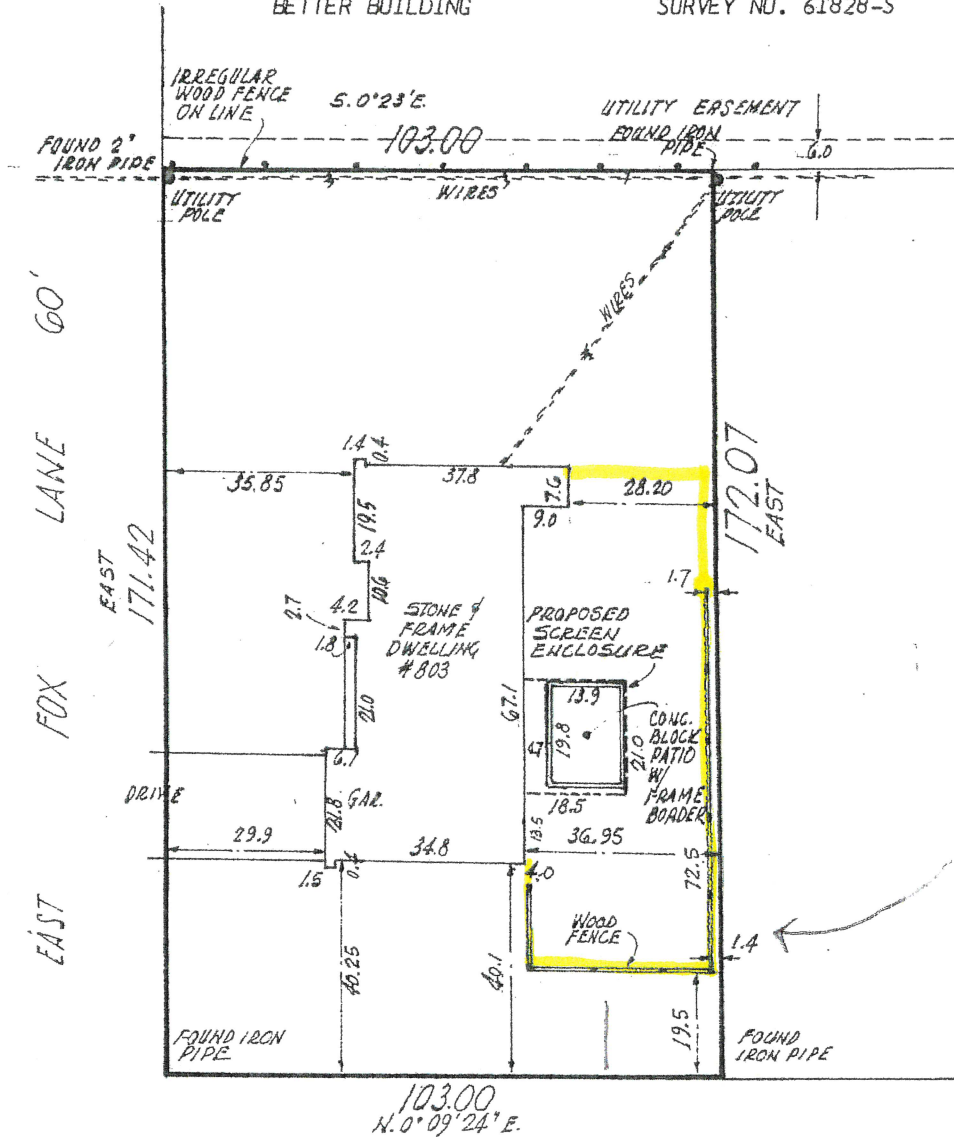
KNOWN AS 803 EAST FOX LANE, IN THE VILLAGE OF FOX POINT, WISCONSIN.  
 LOT 1 IN BLOCK 4 IN ZINGEN & BRAUN'S SHOREHAM, BEING A SUBDIVISION OF A PART OF THE  
 SW 1/4 OF SECTION 9, T 8 N, R 22 E, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY,  
 WISCONSIN.

MAY 1, 1985

BETTER BUILDING

SURVEY NO. 61828-S

8-22-9-3-0004

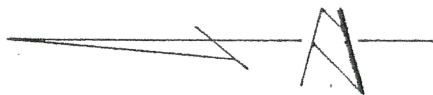


CAN WE GO W/ 3 1/2' HIGH

20' OFF

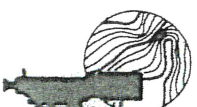
STREET U.M.R.?

NORTH  
 SCALE-1"=30'-00"



I Certify that I have surveyed the above described property (Property), and the above map is a true representation thereof and shows the size and location of the Property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements and roadways and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto, within one (1) year from date hereof.

*Kenneth E. Berke*  
 THIS IS ORIGINAL  
 PRINT ONLY IF  
 SEAL IS IMPRINTED  
 IN RED



**national survey & engineering**

3470 north 127th street • p.o. box 444 • brookfield, wisconsin 53005 • phone 414 / 781-1000