

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

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

WEDNESDAY
NOVEMBER 19, 2025
5:00 P.M.

AGENDA

- 1. Suspension of the Board of Appeals Rules Which Specify the Meeting Date of November 26, 2025, and Instead, Proceed with Holding the Board of Appeals Meeting on November 19, 2025**
- 2. Roll Call**
- 3. Approval of Minutes and Determinations – September 24, 2025 Meeting**
- 4. Case 2025-10: 1572 E Goodrich Ln.** The applicant is requesting a special exception for a corner lot for determination of the front, rear, or side yard areas and approval of 6ft fencing. The special exception request is made pursuant to 745-7 B(3)(h)[1] of the Fox Point Code.
- 5. Case 2025-011: 1081 E Thorne Ln.** The applicant is requesting a special exception to install a 42” stone wall screening device 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.
- 6. Case 2025-12: 402 E Calumet Rd.** The applicant is requesting a variance to allow a principal structure addition (porch) to be located 62.4 feet from the right-of-way centerline rather than the required 75 foot setback, a variance of 12.6 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.
- 7. Adjourn**

Published and Posted: November 13, 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, SEPTEMBER 24, 2025**

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, September 24, 2025 at 5:00 p.m.

Chair Mark Grady called the meeting to order at 5:12 p.m.

Members present:

Mark Grady, Chair
Adam Bazalon, Member
Julianna Javor, Member
Nancy Filsinger, Alternate Member

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

Approval of Minutes of the July 23, 2025 Meeting and the Findings of Fact, Decision and Order

Roll call vote:

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

Motion by Bazalon, and second by Filsinger, to approve the minutes of the July 23, 2025 meeting. All ayes, motion carried.

Chair Grady recused himself from Case 2025-08.

Motion by Filsinger, Second by Javor, to nominate Bazalon as Acting Chair. All ayes, motion carried.

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.

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. Inspector Rakow described the property as existing in a state of legal non-conforming

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, SEPTEMBER 24, 2025

Applicant Elizabeth Wick - 402 E Calumet Rd.

Applicant was sworn in to provide testimony by the Assistant Village Manager. Ms. Wick described the request; that a new porch was installed in 2021 without the contractor pulling a building permit, nor requesting a variance for the increased size as the new porch is located closer to the right-of-way centerline.

The Board discussed standards for variance approval with Ms. Wick.

Ms. Wick entered Exhibit 2 into the record showing the location of the previous porch.

Mike Lewis, 6345 N Lake Dr., Whitefish Bay

Mr. Lewis was sworn in to provide testimony by the Assistant Village Manager. Mr. Lewis explained that he and his wife intend to purchase the home located at 402 E Calumet Rd, and provided Exhibit 1, detailing the front yard setbacks of the home, and spoke in favor of the variance. Mr. Lewis described the home as resting within the front yard setbacks and the unique property situation the applicant faces because the age of the principal structure predates the current zoning code. Mr. Lewis described a hardship due to the home's legal non-conforming status, given that the principal structure exists within the front yard setback.

Closing of Testimony: Case 2025-08

Without objection and by unanimous consent, Acting Chair Bazalon closed testimony for Case 2025-08 at 5:42 PM.

The Board discussed standards for a variance; that a request must not be self-created hardship, that unique property conditions must exist, and that the granting of the variance be in the public good.

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

Roll call vote:

Adam Bazalon	Aye
Julianna Javor	Aye
Alternate Nancy Filsinger	Aye

Motion is carried 3-0; Grady recused. The request is DENIED.

Mark Grady resumed the role of Chair at 5:51 PM.

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, SEPTEMBER 24, 2025

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.

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. Mr. Rakow described the property and that his determination regarding fencing is that the area along Fox Lane is the Street Yard.

Applicant Andrew & Geetha Kerlin – 803 E Fox Ln.

Applicants were sworn in to provide testimony by the Assistant Village Manager. The applicants described their home with the orientation, front door, and driveway all facing Fox Lane.

Joseph Olla – 402 E Daphne Rd.

Mr. Olla stated that he is the contractor for the fence project. Mr. Olla described the request is to determine the Rear Yard area for a future fence project.

Closing of Testimony: Case 2025-09

Without objection and by unanimous consent, Chair Grady closed testimony for Case 2025-09 at 6:19 PM.

Motion by Bazalon, seconded by Javor, to determine E. Fox Lane as the Front Yard.

Roll call vote:

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

Motion is carried 4-0. The request is APPROVED.

Adjourn

Motion by Grady, and adopted by unanimous consent without object, to adjourn.

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
WEDNESDAY, SEPTEMBER 24, 2025

Meeting adjourned at 6:20 PM.

Respectfully Submitted,

Kevin Ausman
Assistant Village Manager

DRAFT

**FINDINGS OF FACT, DECISION AND ORDER OF THE ZONING BOARD OF APPEALS FOR
THE VILLAGE OF FOX POINT
MILWAUKEE COUNTY, WISCONSIN
CASE NO. 2025-08**

The above entitled matter came before the Village of Fox Point Zoning Board of Appeals (hereinafter "Board") for a hearing on September 24, 2025 to consider the request for a variance filed by the Property Owner Elizabeth Wick (the "Applicant") dated August 20, 2025. These Findings, Conclusions and Order were then considered and acted upon by the Board on October ____, 2025. The Applicant appeared in person and provided testimony at the September 24 hearing in support of the variance request.

FINDINGS OF FACT¹

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

1. The Applicant is: Elizabeth Wick
Mailing address: 5100 E Elmdale Rd.
Mequon, WI 53092

Address of Property: 402 E Calumet Rd
Fox Point, WI 53217
2. The Applicant is the owner of the property.
4. The Applicant requests a variance to the Village of Fox Point Building Code Section 745-17(B)(2).
5. The Village of Fox Point Zoning Code provides its general purpose as follows:

The Village of Fox Point is a community in the metropolitan area of Milwaukee County, in which Village substantially all of the land and real property has been or is being developed for private residential purposes by the owners thereof, and territory accessible to the inhabitants of the Village is now occupied by, or is available for, manufacturing and industrial purposes more than sufficient for the general needs of the inhabitants of the Village, and it is the desire of the inhabitants and property owners to preserve the residential character of the Village, and in the opinion of the Board of Trustees, the enactment of the regulations of this chapter is essential for the promotion of the public health, morals and public safety, and is further necessary for the promotion of the public welfare, convenience and general prosperity of the Village and its inhabitants by the prevention of unregulated and unrestricted development.

6. The Village of Fox Point Zoning Code Section 745-17(B)(2) governs setbacks for the front yard of properties located in the C Residence District and states:

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.

¹ 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.

7. The request for a variance seeks to allow a porch that was built in 2021 to be built 17.6 feet within the front yard setback of the Property.
8. Building Inspector Michael Rakow stated that this is an after-the-fact variance request for an unpermitted porch constructed in 2021 that encroaches 17.6 feet into the 75-foot front yard setback that applies to this Property.
9. The house on the Property was built in 1880 and relocated to its current site in 1940.
10. There was an original porch on the Property built at an unknown date; the Applicant claimed to have found permits indicating construction in the 1960s.
11. Building Inspector Michael Rakow stated in 2021, the Applicant constructed a new porch, larger than the original, without obtaining a building permit or variance.
12. Building Inspector Michael Rakow stated his opinion that the current porch is not a legal non-conforming structure.
13. Building Inspector Michael Rakow stated that no building permit was sought or approved for the 2021 porch construction, and this issue arose when the Applicant attempted to sell the Property.
14. The Applicant stated that the lack of a permit was discovered during the sale process when prospective buyers inquired about permits for the home.
15. The Applicant stated that she was under the impression that the contractor that completed the porch renovation in 2021 had taken care of any permit issues then.
16. There is currently an accepted offer on the home, contingent upon obtaining the necessary approvals for the porch.
17. The Applicant admitted multiple times that her claimed hardship was self created.
18. The Board of Appeals determined that the Applicant **has not** demonstrated an unnecessary hardship.
 - a. Any alleged hardship was self-created as this petition involved the unpermitted construction of a porch by the Applicant.
 - b. The Applicant did not seek a building permit or show plans to the Building Inspector that detailed the proposed porch within the front yard setback prior to construction.
 - c. The Applicant's requested variance of the front yard setbacks runs contrary to the stated purpose of the Village's Zoning Code.
 - d. Any claimed economic loss or financial hardship of the Applicant, including impacts on the pending sale of the Property, does not justify the granting of the requested variance.
19. The Board of Appeals determined that the Applicant **has not** demonstrated that the Property possesses unique physical property limitations that would prevent compliance with the Village Zoning Code.
 - a. The Applicant's desire to place the porch in a specific location in relation to their home is not a legitimate factor for deciding a variance, even considering the age of the home.
 - b. The property possesses similar characteristics to the parcels surrounding it.
20. The Applicant **has not** demonstrated that a variance to the front yard setback requirement would not harm the public interest.
 - a. The Applicant did not provide any evidence that the neighboring properties would not be harmed.

- b. Granting an after-the-fact variance for unpermitted construction would undermine the enforcement of zoning regulations and the public interest in regulated development.

CONCLUSIONS OF LAW²

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

1. The proposed location of the porch violates the Village Zoning Code purpose.
2. The proposed location of the porch violates C Residence District setback standard.
3. The Applicant's proposed structure is contrary to the public interest, the Property does not possess special conditions, and enforcement of the front yard setbacks would not result in an unnecessary hardship.
4. In Section 745-36, the Village of Fox Point Code empowers the Village Board of Appeals with all powers and authority vested in such a board by § 62.23(7)(e), Wis. Stats., and all acts amendatory thereof and supplementary thereto.
5. Wis. Stat. § 62.23(7)(e)7.a. provides:

“area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, “use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
6. Wisconsin Statutes Section 62.23(7)(e)7.d. empowers the Board of Appeals to prove a basis for a variance only upon finding an unnecessary hardship and unique property conditions, as follows:

“(d) A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome 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.” (Section 62.23(7)(e)7.d., Wisconsin Statutes, applicable to the Village by Wisconsin Statutes Section 61.35.)
7. Village Code Section § 745-4(C)(2) states, in part, that a legal nonconforming structure, “may be totally rebuilt if such reconstruction is identical in size and shape and use to the original structure.”
8. Village Code Section § 745-4(D) states, in part, “The property owner has the burden of showing that a use, structure or lot is legal nonconforming.”
9. The Applicant has not met the burden of proof that the porch is a legal nonconforming structure.
10. The Applicant has not demonstrated sufficient cause for the Board to grant the requested variance. The Board of Appeals reached this determination as follows:

² See Footnote #1.

- a. *Unnecessary Hardship.* For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. See *Snyder v. Waukesha County Zoning Bd. Of Adjustment*, 74 Wis.2d at 475, 247 N.W.2d 98 (1976)(quoting Rathkopf, *the Law of Zoning & Planning*, sec. 45-28, 3d ed. 1972).
 - i. The Applicant has failed to meet the unnecessary hardship standard as discussed in Section 18 of the Findings of Fact.

- b. *Unique Physical Property Limitations.* Unnecessary hardship must be due to unique physical limitations of the property. See *State ex rel. Spinner v. Kenosha County Bd. of Adjustment*, 223 Wis. 2d 99, 105-6, 588 N.W.2d 662 (Ct. App. 1998); *State v. Kenosha County Bd. of Adjustment*, 218 Wis. 2d 396, 410, 577 N.W.2d 813 (1998); *Arndorfer v. Sauk County Bd. of Adjustment*, 162 Wis. 2d 246, 255-56, 469 N.W.2d 831 (1991); *Snyder v. Waukesha County Zoning Bd. of Adjustment*, 74 Wis. 2d 468, 478, 247 N.W.2d 98 (1976). The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. See *Snyder v. Waukesha County Zoning Bd. of Adjustment*, 74 Wis. 2d 468, 478-79, 247 N.W.2d 98. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance. See *Arndorfer v. Sauk County Bd. of Adjustment*, 162 Wis. 2d 246, 256,469 N.W.2d 831 (1991); *State v. Winnebago County*, 196 Wis. 2d 836, 846, 540 N.W.2d 6 (Ct. App. 1995).
 - i. The Applicant has failed to meet the unique physical conditions standard as discussed in Section 19 of the Findings of Fact.

- c. *No Harm to Public Interests.* A variance may not be granted which results in harm to public interests. See *State v. Winnebago County*, 196 Wis. 2d 836, 846-47, 540 N.W.2d 6 (Ct. App. 1995); *State v. Kenosha County Bd. of Adjustment*, 218 Wis. 2d 396, 407-8, 577 N.W.2d 813 (1998). In applying this test, the zoning board should review the purpose statement of the ordinance and related statutes in order to identify public interests.
 - i. The Applicant has failed to meet the no public harm standard as discussed in Section 20 of the Findings of Fact.

DETERMINATION AND ORDER

Based upon the foregoing, the Applicant’s request for a variance is denied.

These findings have been 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 with 30 days after the date of filing of this written decision shown below.

Dated: October ____, 2025, *nunc pro tunc* September 24, 2025.

Village of Fox Point
ZONING BOARD OF APPEALS

Adam Bazelon, Temporary Board Chair

ATTEST:

DRAFT



402 E Calumet Ave - Variance Request

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" = 20'



VILLAGE OF FOX POINT

7200 North Santa Monica Boulevard
Fox Point, WI 53217
(414) 351-8900

Print Date: 9/21/2025



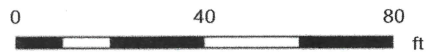
Map Title



Legend

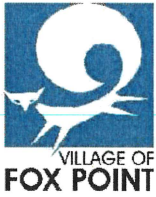
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- Tax Parcels
- Cadastral
- Parcel Dimension Labels
 - Note
 - ParcelDimension
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- Parcel Key Labels
 - Note
 - ParcelKey
 - <all other values>
- Carto Line Labels
 - CivilDivision
 - Easement
 - Note
 - <all other values>
- Condo Labels

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

MILWAUKEE COUNTY GIS AND LAND INFORMATION



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 Cheryl Brickman Address of Appellant 1572 E Goodrich Ln.
Phone Number 414-378-3441
E-mail Address Home cbrickman@wi.rr.com Work Cell

2. Address of Property 1572 E. Goodrich Ln.
Present Use of Property Residential Proposed Use of Property Residential
Owner's Name and Address if Different than Above

3. Has a Previous Appeal or Application Been Made to the Board of Appeals with Respect to This Property?
Yes No [X] If Yes, State the Nature of Previous Appeal or Application
Disposition of Previous Appeal
Date of Decision in Previous Case

4. Date of Decision or Order of Administrative Official from which Appeal is Taken
Date of Notice of Such Decision Received by Appellant

5. Purpose of Grounds of Appeal or Application. Check Below the Relief Requested by This Appeal or Application:
A. 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.

Signature of Appellant (Handwritten signature)

Date 10/4/2025

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 C

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):

WE REQUEST VERIFICATION OF THE FRONT OF THE PROPERTY FOR FENCE PERMIT & INSTALLATION. PROPERTY IS ON THE SOUTHEAST CORNER OF N. GOODRICH LN & E. FOX LN. ADDRESS IS 1572 E. GOODRICH LN, FRONT OF HOUSE FACES GOODRICH LN. HAS A SIDEWALK FROM GOODRICH OVER A FOOT BRIDGE TO THE FRONT DOOR, MAILBOX ON GOODRICH. MICHAEL ROCKOW NEEDS VERIFICATION OF THE FRONT YARD.

THIS REQUEST IS FOR SAFETY PROTECTION FROM DEER, COYOTES AND TURKEYS. ALSO TO PREVENT THE DOGS FROM RUNNING OUT INTO THE STREETS.

REQUEST A SPECIAL EXEMPTION ON A CORNER LOT IN THE REAR YARD FOR 6' HIGH BLACK ORNAMENTAL AND BLACK VINYL COATED FENCE PER VILLAGE CODE 745-7(B)(3)(H)(J)



1572 E GOODRICH LANE



Legend			
Description	Quantity	Unit	
CHAIN LINK FENCE	306	ft	
ORNAMENTAL FENCE	137	ft	

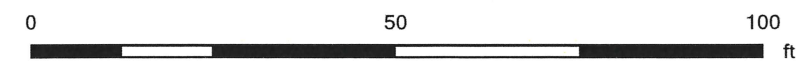
Legend

Parcels
Tax Parcels

Administrative
Municipal Boundaries

Aerial Photos
2022 Aerial
Red: Band_1
Green: Band_2
Blue: Band_3

Notes



This map is a user generated static output from an Internet mapping site and is for reference only.
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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 LEE R. JORDAN Address of Appellant 1081 E. THORNE LA.

Phone Number Home Work Cell 414)702-3462

E-mail Address leertordan100@gmail.com

2. Address of Property 1081 E. THORNE LA.

Present Use of Property SINGLE FAMILY RES. 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. '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

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.

Signature of Appellant [Handwritten Signature]

Date 10/8/25

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 C

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):

PLEASE SEE ATTACHED PAGE.

Thank you

REQUEST FOR EXCEPTION

The owner of the historic residence at 1081 E. Thorne Lane (Fox Point's oldest currently standing home) is requesting an exception from the Village, in order that he may construct a 42" high architectural wall and some ornamental tree plantings to provide for screening and delineation of his property.

Several old evergreen trees have faded in their health due to years of competition from overhead shade from mature trees in the area along E. Coleman Lane. These sprawling and unsightly trees, when removed, would leave a considerable view opening into his formerly enclosed property along E. Coleman Lane.

To remedy this concern, we request the ability to construct a combination of a historically inspired hand-stacked New England style farm wall just inside/behind the property line, supplemented with a group of ornamental trees proposed to the south of the wall, where they can flourish in a sunnier location. The wall runs mainly parallel to E. Coleman Lane, then the wall softly "doglegs" for a short distance parallel to E. Thorne Lane, ending behind/inside some existing upright evergreens.

This requested update would bring a refreshing and pleasing look for the owner's neighbors, a welcoming feeling for family and guests to the residence and some much-needed privacy and property delineation provided by the proposed architectural landscape elements.

Respectfully submitted,



Chris Miracle

Professional Landscape Architect #14-112

State of Wisconsin

Surveyor:
Richard Simon
5080 Fairy Chasm
West Bend, WI 53095
(262) 424-5630

Address:
1081 E. Thorne Lane
Fox Point, WI 53217

Legend:

- Denotes Iron Pipe Found
- Denotes Iron Rod Set

Unplatted Lands

(N 35°04' E 148.82')
S 34°55'20" W 147.08'

REMOVE EX
CEDARS IN DECLINE

Area
43724 Sq. Feet
1.004 Acres

LAWN

REMOVE LARGE ASH
Coleman Lane

FREE STANDING DRY
FIELDSTONE

STACKED
WALL 42" HT

FUTURE
FLOWERING
TREES

E. Thorne Lane (50' R/W)

C2

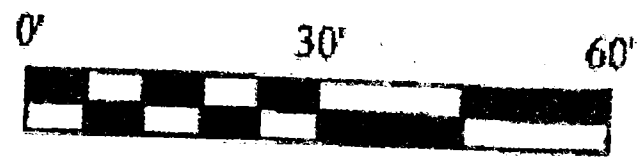
C3

EX.

EX.

NORTH

Scale 1" = 20'



Iron Pipe Found
On Property Line
S18°17'00"W 17.87'

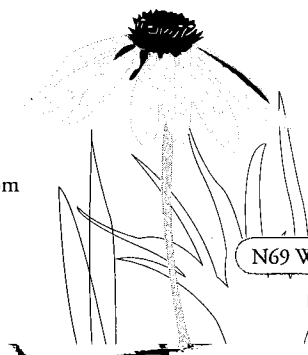
LANDSCAPE IMPROVEMENTS FOR
THE HORDAN RESIDENCE

FOX POINT WISCONSIN

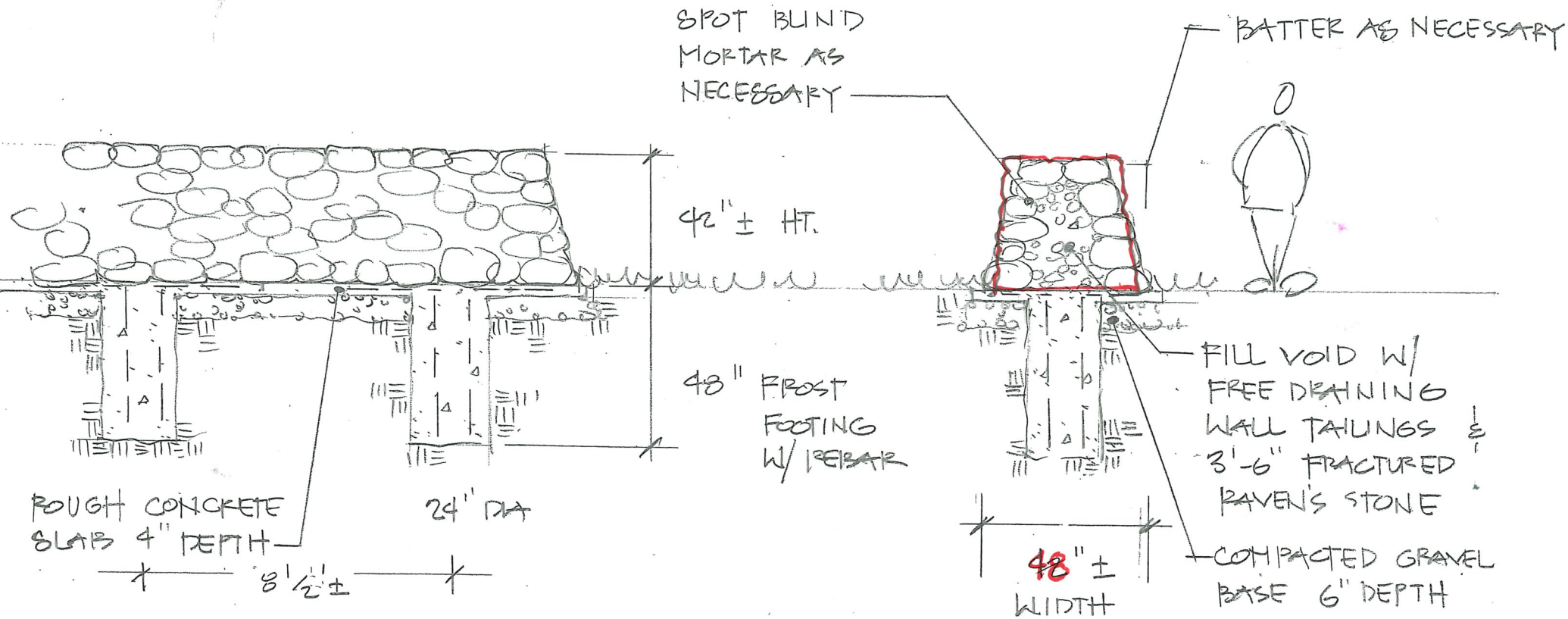
CRM/JFK 10.13.2005

Blacktop Drive

landworkswisconsin.com
p 262.820.2501
f 262.820.2502



N69 W25195 Indiangrass Lane | Sussex, WI 53089



FREE STANDING PENNSYLVANIA FIELDSTONE WALL

RIORDAN RESIDENCE

1081 E THOMAS LANE
FOX POINT, WI 53217

SCALE 1/4" = 1'-0"

9.23.25

REVISED 9.24.25



N69 W25195 Indiangrass Lane | Sussex, WI 53089

JRK/CFM

landworkswisconsin.com
p 262.820.2501
f 262.820.2502

The appellant / homeowner owns the oldest residence in the Village, which is placed on an idyllic property that is graced with many tall, mature trees. There are some other trees along the property's north edge that are in poor condition and are proposed to be removed. Once that area is cleared, the view to the home will be substantially opened.

The appellant / homeowner is interested in building a 42" high by 85 ft. long dry stacked "New England" style stone wall to offer architectural screening and delineation for that part of the property, as well as a visually warm and welcoming enhanced view for guests. The route of the wall would run in a soft dogleg beginning parallel to Thorne Lane running northward to the NE lot corner, then softly bending to run westward and parallel to East Coleman Lane. The proposed type of handcrafted wall construction will be in harmony with this special and historic residence as well as restoring a sense of security for the owner and beauty to the immediate neighborhood.

Upon completion of the wall, the appellant / homeowner plans to add a row of flowering trees along the inside (house side) of the wall to provide dimension and added privacy.



Pennsylvania Bluestone



Old Cedars and Infected Ash Tree Along East Coleman Lane Right of Way, Proposed for Removal



Old Cedars Proposed for Removal Along the East Coleman Lane Right of Way



NW Corner of Lot, Boulders are Neighbor's



Outer NE Corner at Intersection of E. Thorne Lane and E. Coleman Lane



View from North Perimeter Looking South Back to Residence



Closer View of Residence



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 Elmdale Rd. 53092

Phone Number 414 405 9594

E-mail Address libbywick@home.com libbywick@work@hotmail.com Cell

2. Address of Property 402 E Calumet Rd

Present Use of Property Residential 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 If Yes, State the Nature of Previous Appeal or Application Variance

Disposition of Previous Appeal didn't pass

Date of Decision in Previous Case 9/24/25

4. Date of Decision or Order of Administrative Official from which Appeal is Taken _____

Date of Notice of Such Decision Received by Appellant 11/20/25

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

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

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

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.

EWick
Signature of Appellant

10/22/25
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 _____	

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):

Request for variance for structure to be located 17.4' from property line to street.

Originally a variance was requested (9/24), it was denied. This request is to remove 5ft from south facing of porch to restore the building to status of legal non conforming.

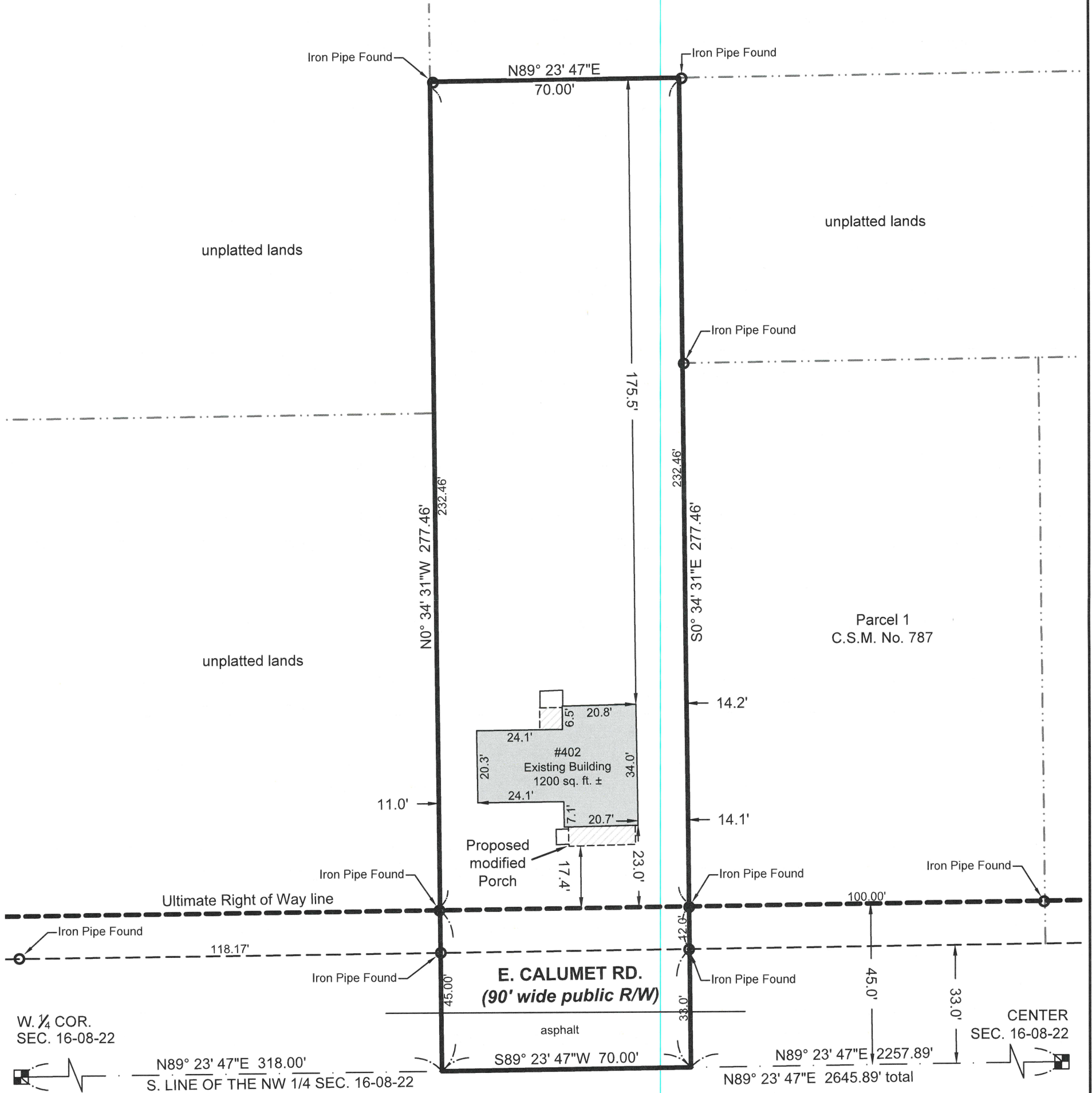
It is a shame that the only timely solution to this situation is to modify the lovely facade of this structure to one less attractive and less functional.

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

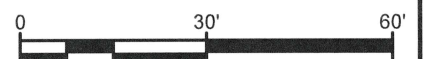
DATE: 8/15/2025

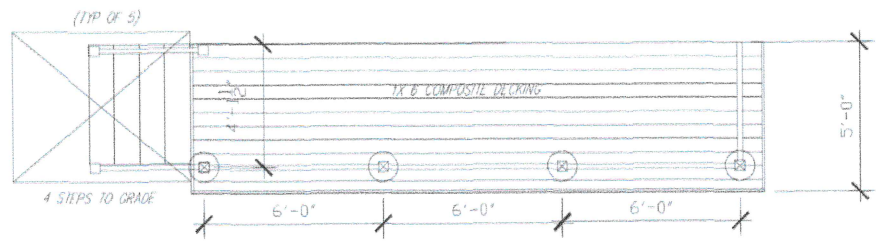
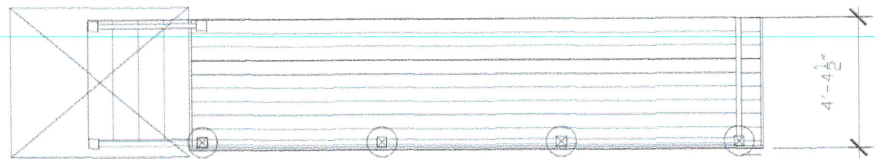
Revised:
October 23, 2025 - by JGS -
Adjusted Front Porch size

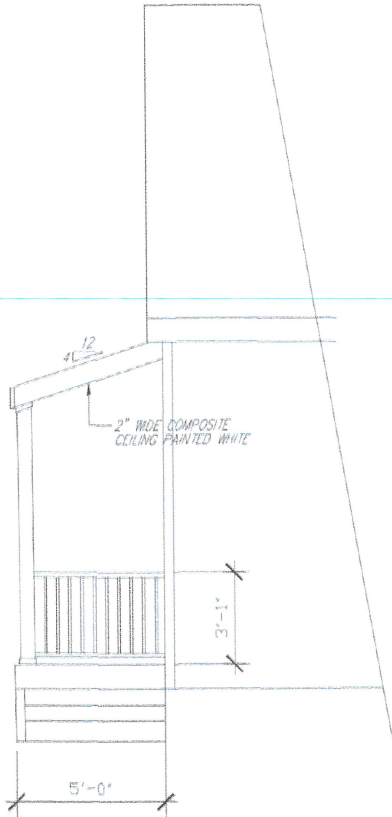
Prepared for:
Libby Wicks
402 East Calumet Road, Fox Point WI 53217

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

THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

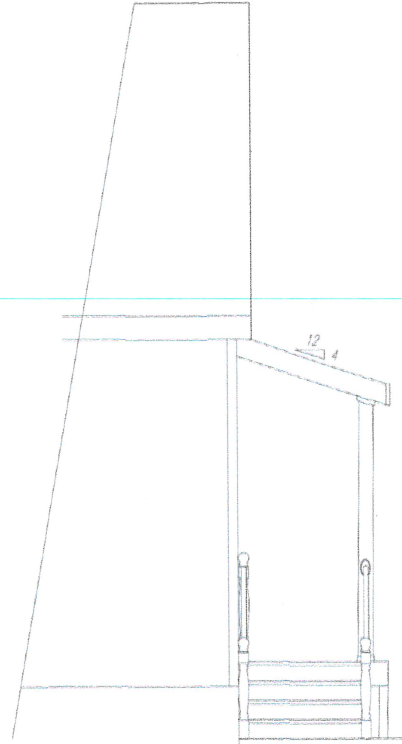






EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXISTING RESIDENCE
UNCHANGED



WEST ELEVATION
SCALE: 1/8" = 1'-0"

EXISTING RESIDENCE
UNCHANGED



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

WICK RESIDENCE
402 E CALUMET
FOX POINT, WI
ELEVATIONS 10/21/25