

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
JULY 12, 2018

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Thursday, July 12, 2018 at 5:10 p.m. Chair Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chair
Nathan Eisenberg
Kurt Ostoic
Catie Anderson

Carlie Aizenberg-Absent

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

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

At the commencement of the Board of Appeals meeting, Village Attorney Eric Larson commented that the applicant is not present and read from the Fox Point Board of Appeals Rules of Procedures, Section, Appeals Hearing, 3(g) and clarified procedure when the appellant has not personally appeared. It was noted that there was a witness present and ready to give testimony.

Approval of Minutes – March 27, 2018 Meeting

On the motion of Mr. Eisenberg, seconded by Ms. Anderson, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the March 27, 2018 meeting.

Case 2018-02: 1090 E Thorne Lane.

The applicant's request is for a special exception pertaining to fences, walls, arbors, architectural screening devices, driveway gates and arbors – section 745-7(B)(3) of the Fox Point Village Code. The applicant is proposing to erect a fence that will be forward of the front line of the principal building and will be constructed along the west side property line. The special exception is requested pursuant to 745-7(B)(3)(h)(2), and 745-7(B)(3)(j) of the Fox Point Code.

Village Attorney Eric Larson stated, as he noted prior, the applicant is not present and the rules allow you to deny the application outright or you can make a decision based on what you have before you. To further clarify he noted the Board of appeals makes the decision on the record, which is a little irregular because we have someone present and prepared to testify.

Village of Fox Point Building Inspector Michael Rakow

Building Inspector Mr. Michael Rakow stated his name and was sworn to provide testimony by the Village Clerk.

Village Building Inspector Mr. Rakow outlined the request of the applicants Patricia and James Sherry's submittal of a special exception for a fence and noted Village's Code 745-7(B)(3)(h)(2), in regards to a proposed fence being placed forward of the frontline of the principle

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
JULY 12, 2018

building, it must come to the Board of Appeals for a special exception request.

There were a few brief questions by the Board of Appeals for Mr. Rakow.

Witness Judith Rohan, 7516 North Lake Drive

The witness, Ms. Rohan stated her name and address and was sworn in to provide testimony.

The witness showed the Board of Appeals submitted a map for review to assist in clarifying where both her property and the neighbor's property is; Witness Ms. Rohan noted she was looking for more information on the applicant's request.

Ms. Rohan had no other comments on the applicant's request.

Building Inspector Michael Rakow read a portion of subsection of 745-7 (B)(3)(h), into record, noting it may grant the special exception 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 other findings.

Board of appeals members had a brief discussion.

Property owners, Patricia and James Sherry, 1090 E Thorne Lane (arrived at 5:27 p.m.)

Village Attorney Eric Larson directed to the applicants that the Board of Appeals meeting was to commence at 7:00 p.m. The Board waited until 5:10 p.m. and began the meeting. Mr. and Mrs. Sherry have missed about 20 minutes of the Board of Appeals meeting. Attorney Larson briefly clarified the procedure.

Mr. James Sherry stated his name and was sworn in to provide testimony by the Village Clerk.

Mr. Sherry provided a google map of the area with the proposed fence and clarified to the Board of Appeals the proposed fence area and the area surrounding the site.

Village Attorney Eric Larson commented that prior to Mr. Sherry's arrival, the Board of Appeals saw a survey with Coleman Lane on it and the fence goes right through it. It was noted that there is an easement and utilities may run under Coleman Lane.

Deliberation of Board of Appeals took place.

Attorney Larson asked the Board of Appeals to review the standards to approve or deny this special exception request.

On the motion of Mr. Ostoic, seconded by Mr. Eisenberg, the Board of Appeals to deny applicants', Mr. and Mrs. Sherry's request for a special exception to erect a fence that will be forward of the front line of the principal building and will be constructed along the west side of the property line for Case 2018-02, 1090 E Thorne Lane.

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
JULY 12, 2018

A brief discussion took place.

The motion is granted and the special exception is denied by roll call vote.

Adjourn

On the motion of Mr. Eisenberg, seconded by Mr. Ostoic, and carried unanimously, the Board adjourned at 5:49 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Meyer". The signature is written in a cursive style with a large, stylized initial "K".

Kelly A. Meyer, CMC/WCMC
Village Clerk Treasurer