

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
AUGUST 7, 2019

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Wednesday, August 7, 2019 at 5:00 p.m. Chair Don Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chair
Nancy Filsinger
Sara Bowen
Kurt Ostoic
Carlie Aizenberg (Alternate 2)

Also, staff members present were Village Attorney Eric Larson, Building Inspector Michael Rakow, and Village Deputy Clerk Treasurer, Jeanne O'Brien.

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.

Approval of Minutes – April 10, 2019 Meeting

On the motion by Sara Bowen, seconded by Kurt Ostoic, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the April 10, 2019 meeting, as presented.

Case 2019-04: 8345 N Santa Monica Blvd.

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 Deputy Clerk Treasurer.

He stated that the applicant is requesting a special exception to erect a 5'-6' high cedar wood plank fence that would be installed on a corner lot. The special exception request is made pursuant to 745-7(B)(3)(h)[1] and 745-7(B)(3)(j) of the Fox Point Code. In his opinion, Santa Monica Blvd. is the front yard, not Dean Rd.

Discussion ensued as to which side of the home should be considered the front. Attorney Larson read in a section of the code relating to what a corner lot is and how it should be determined in a special exception case. It is up to this board to determine which street is to be considered this parcel's front yard.

Applicant/Appellant Katie Husting, 8345 N Santa Monica Blvd.

Applicant Katie Husting stated her name and was sworn to provide testimony by the Village Deputy Clerk Treasurer.

Ms. Husting provided the board with some renderings of the proposed fence stating that it is her intent to cover some mechanicals in the subject area, which include exhaust pipes and the A/C unit. This fence would be aesthetically pleasing to the eye and would be placed on the northwest corner of her home.

Discussion turned to screening vs. fencing.

Ms. Husting stated that her neighbors have signed off and are not opposed to what she is proposing. Deputy Clerk Treasurer O'Brien confirmed there were no complaints filed at this time with respect to this matter.

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The radon system was installed since the home was purchased last June, thus creating the need for this. The mechanicals are 18"-24" off the ground, with the radon system pipe going the length of the height of the home. She would like to cover the mechanicals. The plan is to go out 18"-24" from the house so the pipes could be accessed, if needed.

Discussion turned to the length of time needed to complete the construction of the fence. Ms. Husting stated she may need some time given her circumstances. After discussion, the board considered a two year time frame in which to complete the project.

Village Attorney Eric Larson commented there are two issues to consider; one is consideration and determination of which street is to be considered the front yard of this corner lot, and the other is the fence itself. As part of the consideration, the board must also determine if this is the least obtrusive alternative. The Building Inspector stated he is favorable to Santa Monica Blvd. being considered the front yard.

On the motion by Sara Bowen, seconded by Kurt Ostoic, and carried unanimously, the Board of Appeals determines that the front yard on this corner lot is Santa Monica Blvd., so this is a side yard fence.

Consideration of Special Exception for Fence

Chairman Don Zien closed the testimony at 5:30 p.m. for the Board of Appeals to make a determination.

On the motion of Nancy Filsinger, seconded by Kurt Ostoic, and carried unanimously, the Board of Appeals determine that the applicant has proved this proposed fence is the least obtrusive alternative; the applicant has shown clear and convincing evidence to believe there is 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 Section 745-7(B)(3)(j); provided that the fence is constructed within 2 years of the date of the granting of this special exception, with the fence having a maximum height of 6' and not to exceed a maximum of 24" from the house as shown in the application, with this matter being subject to review by the Building Board for approval, as required by the ordinance.

Adjourn

On the motion by Kurt Ostoic, seconded by Sara Bowen, and carried unanimously, the Board adjourned at 5:35 p.m.

Respectfully Submitted,



Jeanne O'Brien, MMC/WCPC/CMTW
Village Deputy Clerk Treasurer