



Village of Bayside
9075 N Regent Rd
April 3, 2024

Board of Zoning Appeals Meeting
Village Hall Board Room, 5:00 pm

**BOARD OF ZONING APPEALS
AGENDA**

PLEASE TAKE NOTICE the meeting of the Village of Bayside Board of Zoning Appeals will be held at Bayside Village Hall, 9075 North Regent Road, Bayside, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES

- A. September 13, 2023, Board of Zoning Appeals meeting.

III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a special exception by Zak Rosen for a new home at the property located at 9614 N Lake Drive, contrary to Section 125-89(b)(4) with regard to property line setbacks.

IV. BUSINESS

- A. Discussion/recommendation on the request for a special exception by Zak Rosen for a new home at the property located at 9614 N Lake Drive, contrary to Section 125-89(b)(4) with regard to property line setbacks.

VI. ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at 414-206-3915. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Board of Trustees may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.baysidewi.gov)



Village of Bayside
9075 N Regent Rd
September 13, 2023
Board of Zoning Appeals Meeting
Village Hall Board Room, 4:00 pm

**BOARD OF ZONING APPEALS
MEETING MINUTES**

I. CALL TO ORDER AND ROLL CALL

Chairperson Dickman called the meeting to order at 4:03pm.

Chair: Max Dickman
Members: Amy Krier
Ben Minkin – Excused
Bob Rudman
Tom Houck - Excused

Also Present: Village Manager Andy Pederson
Assistant Village Manager Leah Hofer
Village Attorney Chris Jaekels

There were 3 people in the audience.

II. APPROVAL OF MINUTES

A. July 18, 2023, Board of Zoning Appeals meeting minutes.

Motion by Committee Member Rudman, seconded by Committee Member Krier to approve the July 18, 2023, Board of Zoning Appeals meeting minutes.

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Kyle Maier for a detached garage at the property located at 626 W Fairy Chasm Road, contrary to Section 125-3(e).

Kyle Maier, homeowner, described the project as a detached garage set behind the current home as the current one-car attached garage is only accessible from the back side of the home and requires a three-point turn to access.

B. The purpose of the public hearing is to consider the request for a special

exception by North Shore Fire Department for a fence at the property located at 665 E Brown Deer Road, contrary to Section 104-125(8).

Robert Whitaker, North Shore Fire Department Fire Chief, described the project as a 9-foot composite wood fence/screening to separate the Fire Department property from the abutting residential properties on Brown Deer Road.

IV. BUSINESS

- A. Discussion/recommendation on the request for a special exception by Kyle Maier for a detached garage at the property located at 626 W Fairy Chasm Road, contrary to Section 125-3(e).

Motion by Committee Member Dickman, seconded by Committee Member Krier to recommend the special exception for a detached garage contrary to Section 125-3(e) to the Board of Trustees. Motion carried unanimously.

- B. Discussion/recommendation on the request for a special exception by North Shore Fire Department for a fence at the property located at 665 E Brown Deer Road, contrary to Section 104-125(8).

Motion by Committee Member Rudman, seconded by Committee Member Krier to recommend the special exception for a fence contrary to Section 104-125(8) to the Board of Trustees. Motion carried unanimously.

VI. ADJOURNMENT

Motion by Committee Member Krier, seconded by Committee Member Rudman to adjourn the meeting at 4:16pm. Motion carried unanimously.

STATE OF WISCONSIN – VILLAGE OF BAYSIDE – MILWAUKEE & OZAUKEE COUNTIES

NOTICE OF PUBLIC HEARING

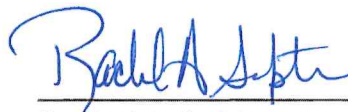
In the matter of a request for special exception by Zak Rosen for a new home at the property located at 9614 N Lake Drive, contrary to Section 125-89(b)(4) with regard to property line setbacks.

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on April 3, 2024 at 5:00 p.m. at the Village Hall, 9075 N. Regent Road, Bayside, WI 53217. The purpose of the public hearing is to consider:

The request for a special exception by Zak Rosen for a new home at the property located at 9614 N Lake Drive, contrary to Section 125-89(b)(4) with regard to property line setbacks.

PLEASE TAKE FURTHER NOTICE that at such time and place, all interested parties will be heard.

DATED this twelfth day of March 2024.



Rachel A. Safstrom
Administrative Services Director



APPLICATION FOR SPECIAL EXCEPTION TO ZONING CODE REQUIREMENTS

The Board of Appeals, pursuant to Wis. Stats. 62.23(7)(e), and, Section 125-57(e) of the Zoning Ordinance, and after appropriate notice and hearing, may, with regard to any requirement imposed by the Zoning Ordinance, or any other section of the Municipal Code which specifically allows for special exceptions, recommend a special exception to the Village Board for approval. Notice of application for special exception shall be provided to all property owners adjoining or abutting the property proposed for a special exception. Denials of special exceptions shall not be appeal able to the Village Board.

- 1. State the section of the Village of Bayside Municipal Code for which you are requesting a special exception:.

Please see attached

- 2. Give a brief description of what you want to do and why.

- 3. State why compliance with Municipal Code is unreasonably burdensome or negatively impacts the use of the property.

- 4. State how the Special Exception requested, including any proposed restrictions, will be consistent with the existing character of the neighborhood; will not effectively undermine the application or enforcement of the Code to other properties; and will be in harmony with the purpose and intent of the Code.

Applicant Printed Name

Applicant Signature

Date

Zachary Rosen

3/6/24

Application for Appearance before the Board of Appeals

Address: 9614 N Lake Drive, Bayside

Phone: 414-312-1552

Email: Zrosen10216@gmail.com

1)

We are requesting a special exception for Sec 125.89 (b) (4) relating to setback requirements, which states "A side yard of not less than 20 feet shall be provided for on each side of every building."

We are asking the board to consider, as a special exception, approving the setback on the South side of my lot to be less than 20' for the reasons I have detailed below.

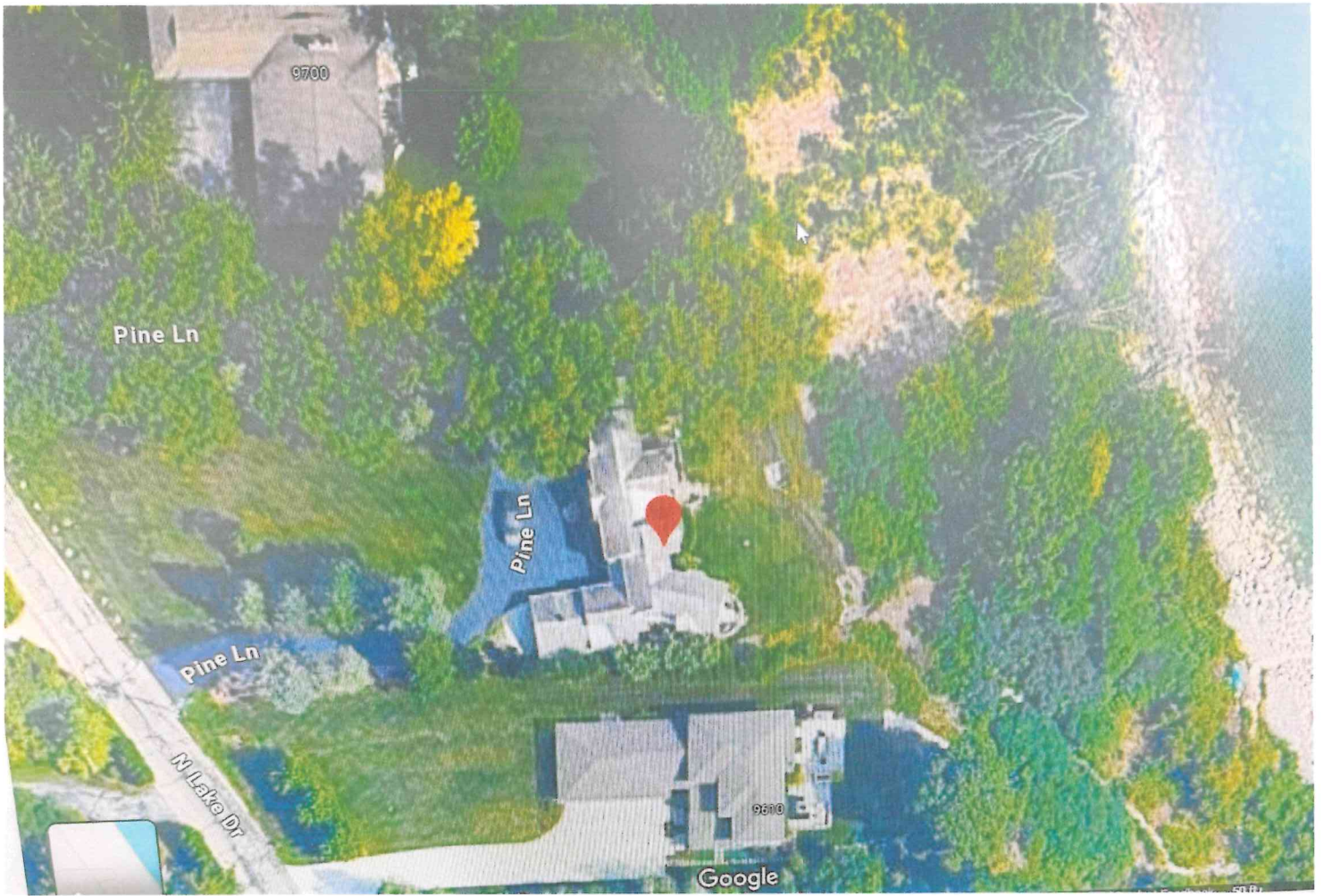
2)

We would like to be able to construct a single-family home on our property with a setback of 10' from the South property line of our lot, adjacent to our neighbor's property at 9610 N Lake Drive. The fact that our lot abuts the bluff, the utmost important issue to us is that our home is placed on the lot in the most optimal place considering the current environmental and physical limitations given. With that in mind, our objective is to build/place our home in the safest place in order to avoid any potential risk in the future. We want to make sure it will still be standing 100+ years from now.

3) Attached is an aerial view of the lot from Google maps. There has been noticeable bluff erosion on the NE side of our lot that has occurred in the past three years. With that concern in mind, we hired Miller Engineering to give us a recommendation for plotting a new house on the property. They recommended to us that we try to stay away from the area of bluff erosion (NE side) as best we can because this area will most likely keep leveling out and receding in time. Additionally, our options are limited on the North side of our lot as well because of the adjacent road (Pine Road, owned by the Association) that abuts to our lot line. Hence, the reason we are asking the board to grant us a special exception is so we can avoid pushing the building envelope any closer to the bluff than it needs to be.

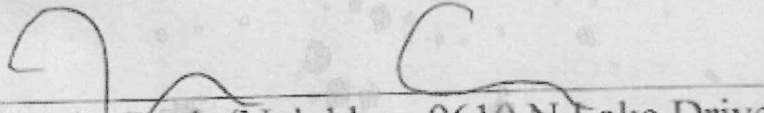
Currently, there are portions of the house that are sitting about 3 feet from the lot line. Moving it would be an improvement.

4) Please note, before we decided to ask permission for this special exception, we spoke with the neighbors to the South of us (9610 N Lake Drive), and they have given us their approval to move forward with this request, and agree that this will help eliminate additional risks of disturbing land closer to the bluff.





We have been in communication with our neighbors at 9610 N Lake Drive regarding a special exception to build a garage at 10 feet off the southern lot line . The property owners at 9610 have no objections to having the closest structure located 10 feet off the southern lot line. Their signed approval is below.



Nicole Cook (Neighbor, 9610 N Lake Drive)