



Village of Bayside  
9075 N Regent Rd  
Board of Zoning Appeals Public Hearing & Meeting  
April 27, 2020  
Village Board Room, 5:00 pm

## BOARD OF ZONING APPEALS AGENDA

**PLEASE TAKE NOTICE** Due to the Covid 19 Pandemic, the meeting of the Village of Bayside Board of Zoning Appeals will be held via remote teleconferencing at the above noted time and date, at which the following items of business will be discussed and possibly acted upon. There will be a few chairs socially distanced in the Board Room for those wishing to attend in person.

### I. CALL TO ORDER

### II. ROLL CALL

### III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a special exception by Kathryn and Matt Kamm, for the property located at 1434 E Brown Deer Rd to install a wire mesh fence, contrary to section 104-125 (c).
1. Public Discussion
  2. Board Discussion

### IV. APPROVAL OF MINUTES

- A. May 16, 2019 Board of Zoning Appeals Public Hearing and Meeting.

### V. BUSINESS

- A. Discussion/recommendation on request for a special exception by Kathryn and Matt Kamm, for the property located at 1434 E Brown Deer Rd to install a wire mesh fence, contrary to section 104-125 (c).

### VI. ANY OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD

### VII. ADJOURNMENT

Lynn Galyardt, Director of Finance and Administration | | April 17, 2020

The Board of Zoning Appeals will utilize Zoom video conferencing software for this meeting. To join the Zoom meeting using a computer or tablet:

Join Zoom Meeting <https://zoom.us/j/91892015206?pwd=SFV2SzhOS0xmem1WdFNjOVEvT3BJQT09>  
Meeting ID: 918 9201 5206 Password: 114390 Phone - 1 312 626 6799 US (Chicago)

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.bayside-wi.gov](http://www.bayside-wi.gov))



**Decision filed, and draft minutes approved on May 17, 2019.**

**I. CALL TO ORDER**

Chairperson Dickman called the meeting to order at 5:30pm.

**II. ROLL CALL**

Chair: Max Dickman  
Members: Dan Rosenfeld Barry Chaet  
Amy Krier  
Ben Minkin

Also Present: Administrative Services Director Lynn Galyardt  
Attorney Christopher Jaekels  
There were three people in the audience

**III. PUBLIC HEARING**

**A. The purpose of the public hearing is to consider the request for a special exception by Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).**

Chairperson Dickman provided an update on the procedures for the meeting process, read the above meeting notice, and called for public discussion at 5:30pm.

**1. Public Discussion**

Chairperson Manager Pederson stated that the road is plated on the survey however, no road is utilized. Chairperson Dickman stated by placing the deck to the side, the homeowner avoids going in to the ravine. Mr. Shabbazi stated there is no place to put the deck other than the proposed location without having to take down many trees.

**2. Board Discussion**

None

Chairperson Dickman closed the public hearing at 5:34pm.

**IV. APPROVAL OF MINUTES**

**A. January 21, 2019 Board of Zoning Appeals Public Hearing and Meeting.**

Motion by Barry Chaet, seconded by Amy Krier, to accept the January 21, 2019 Board of Zoning Appeals Public Hearing and Meeting minutes. Motion carried unanimously

**V. BUSINESS**

- A. Discussion/recommendation on request for a special exception by Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).**

Motion by Barry Chaet, seconded by Ben Minkin, to recommend approval of the special exception by Shahbaz Shabbazi, to the Board of Trustees, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4). Due to compliance with the Code being unreasonable burdensome to the homeowner, negatively impact the use of the property, would still be consistent with the existing character of the neighborhood, would not undermine the ability to apply or enforce the requirement with respect to other properties and would be in harmony with the general purpose and intent of the ordinance prescribing the requirement. Motion carried unanimously.

**VI. ANY OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD**

**VII. ADJOURNMENT**

Motion by Trustee Rosenfeld, seconded by Amy Krier, to adjourn the meeting at 5:36pm. Motion carried unanimously .

Respectfully submitted,  
Lynn Galyardt, Director of Finance and Administration | | April 17, 2020

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

**NOTICE OF PUBLIC HEARING**

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In the matter of a request for a special exception by Kathryn and Matt Kamm, for the property located at 1434 E Brown Deer Rd to install a wire mesh fence, contrary to section 104-125 (c)

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**PLEASE TAKE NOTICE** that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on April 27, 2020 at 5:00 pm via remote teleconferencing (see agenda for details). There will be a few chairs socially distanced in the Village Hall Board Room at 9075 N Regent Rd, Bayside WI for those wishing to attend in person. The purpose of the public hearing is to consider:

The request for a request for a special exception by Kathryn and Matt Kamm, for the property located at 1434 E Brown Deer Rd to install a wire mesh fence, contrary to section 104-125 (c)

**PLEASE TAKE FURTHER NOTICE** that at such time and place, all interested parties must appear in person, or by attorney or agent, and be heard on this matter.

**DATED** this seventeenth day of April, 2020

  
Lynn Galyardt  
Administrative Services Director



**APPLICATION FOR SPECIAL EXCEPTION TO THE ZONING CODE REQUIREMENTS**

The Board of Appeals, pursuant to Wis. Stats. 62.23(7)(e) and after appropriate notice and hearing, may, with regard to any requirement imposed by the Zoning Code, 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 that you are appealing.

Village Cod 104-125 (c) Fence Material (wire mesh)

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

I would like to use a black, PVC-coated wire mesh panel inserted into a cedar frame, between cedar posts. I appreciate the Village's approach to minimal fencing within Bayside and I believe this fence will recede into the surrounding, improved landscape more than an all-cedar fence (see accompanying photoshopped images for reference.) In addition to the fence, we are planting an extensive number of perennials, grasses, deciduous and evergreen trees to soften the appearance of the fence (see attached landscape plan).

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

While galvanized wire mesh can appear more agrarian, reflect light and be somewhat obtrusive in the landscape, I believe that the black PVC-coated mesh, because it absorbs light, will recede into the landscape and minimize the overall appearance of the fence. An all-cedar fence will be more prominent in this side-yard application and I believe is less in the spirit of the Village of Bayside's desire for more "open green spaces" (Municipal Code 104-125a)

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Applicant Printed Name

Applicant Signature

Kathryn Kamm

4/4/2019

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Kathryn Kamm</p> <p>PROJECT ADDRESS: 1434 E. Brown Deer Road</p>	<p>PROJECT SUMMARY: 3' Fenced area at side yard, pergola (redwood) over spa on concrete pad/redwood deck.</p>
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## VILLAGE CODE REVIEW

### **MATERIAL/FINISH**

Village code section 104-125 (C): *Certain fences prohibited.* No barbed wire, wire mesh, above-ground electrically charged fence, or chainlink (cyclone) fences shall be allowed except in the case of chainlink fences to enclose tennis courts, sports fields, school yards, or municipal properties; and in the case of wire mesh fencing in the "G" nature center district. Photos provided indicate a wire mesh fence.

**PROPOSED MATERIAL/FINISH DOES NOT COMPLY**

### **FENCE HEIGHT**

Village code section 104-125 (K): Fences constructed within the front yard of a home shall not exceed three feet in height.

**PROPOSED HEIGHT COMPLIES**

### **FENCE LENGTH**

Village code section 104-125 (I): *Fence type.* Solid fences may be constructed with a total horizontal linear length not to exceed 15 percent of the total linear feet of the perimeter of the property except as screening along an adjacent railroad, state highway, interstate highway, county highway, or commercial parking lot property. A solid fence may have at least a 25 percent open design within the fence height. All other permitted fences shall be constructed with at least a 25 percent open design. When proposing a new fence adjacent to a property that already has a fence, the applicant should consider (and the architectural review committee may encourage) matching that fence to achieve a harmonious look. Wood fences shall be unfinished, stained, or oiled and allowed to weather naturally to help them blend into the landscape. Other finishes may be acceptable but are subject to review and approval. The side of the fence facing neighboring properties shall always be a finished and not structural side of the fence. If a fence style contains posts on one side and a more finished side on the other, the more finished side shall face the neighboring property.

**PROPOSED LENGTH COMPLIES**

### **Dan Povolo**

Plans Examiner  
608-208-2516  
dpovolo@safebuilt.com

FENCE

GARAGE MAN-DOOR

GATE WIDTH TO ACCOMMODATE RIDING MOWER

EXISTING BENCH

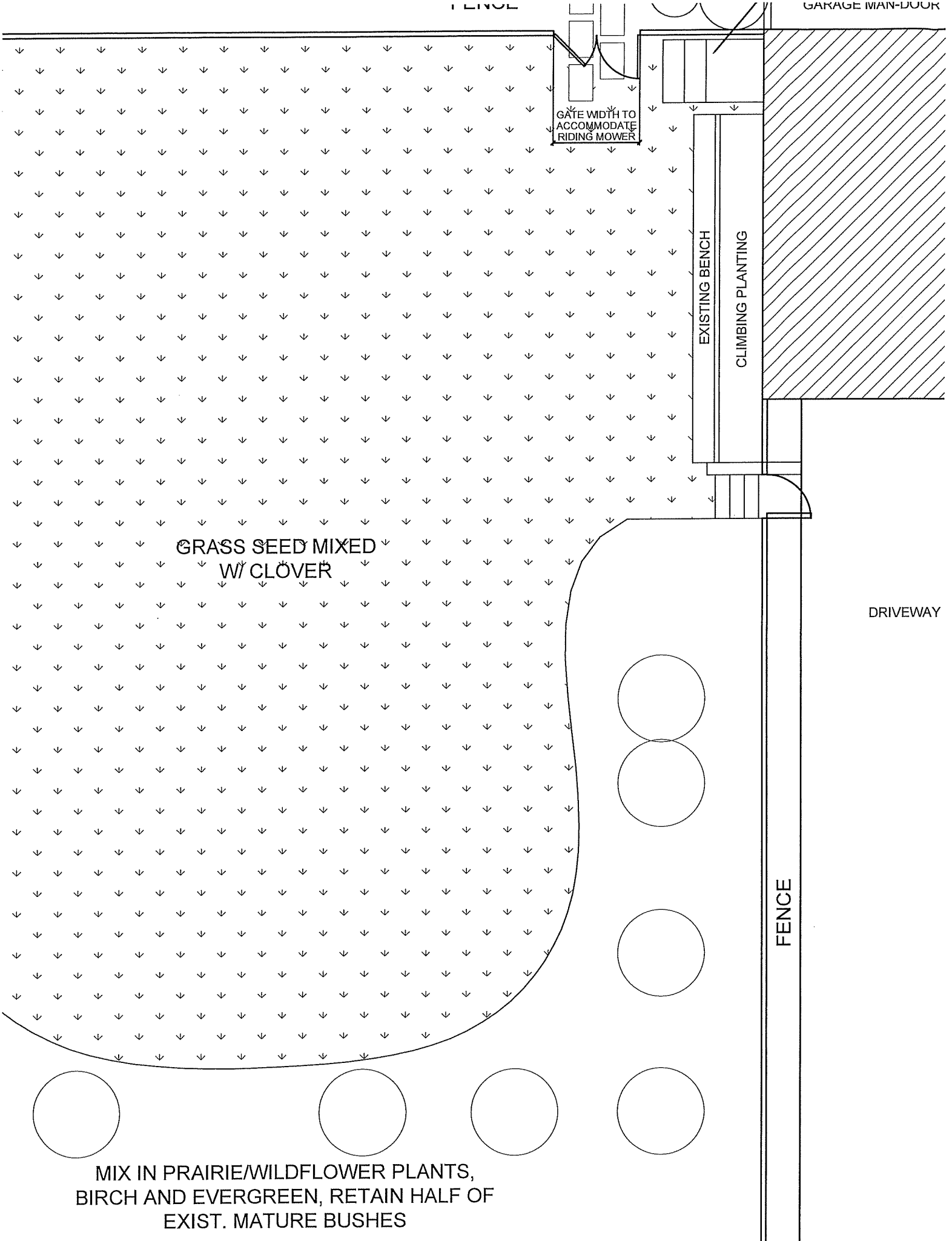
CLIMBING PLANTING

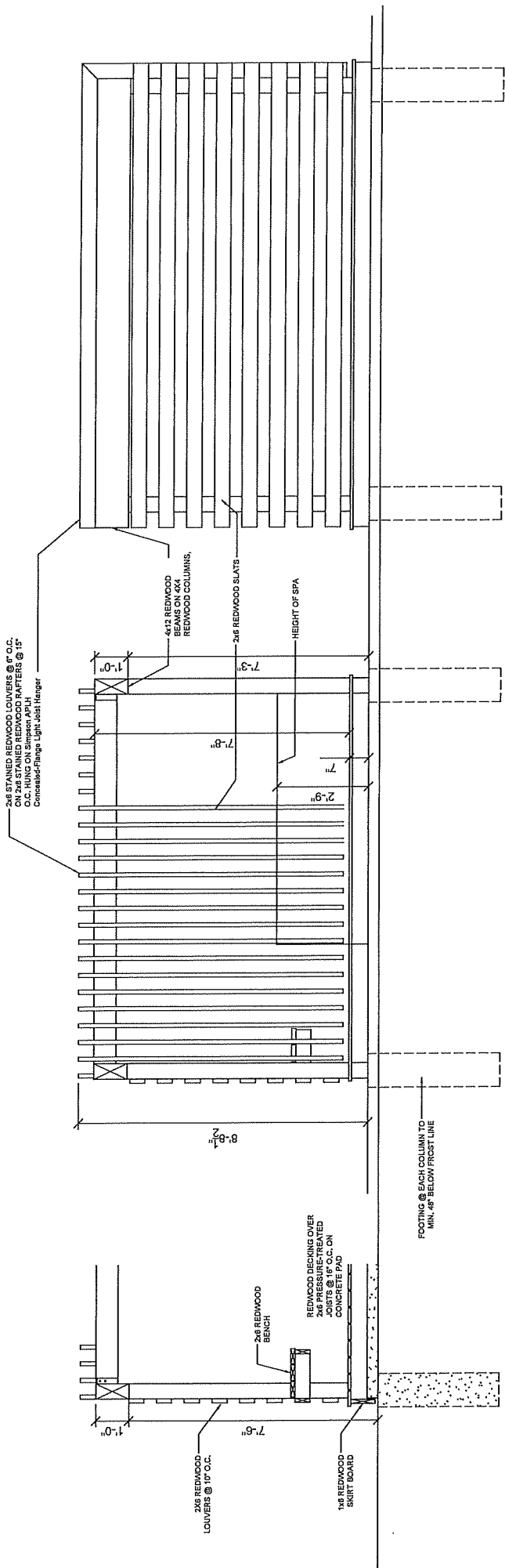
GRASS SEED MIXED W/ CLOVER

DRIVEWAY

FENCE

MIX IN PRAIRIE/WILDFLOWER PLANTS, BIRCH AND EVERGREEN, RETAIN HALF OF EXIST. MATURE BUSHES





S-1 PERGOLA - DETAIL SECTION  
SCALE 1/2" = 1'-0"

E-2 PERGOLA - SOUTH ELEVATION  
SCALE 1/2" = 1'-0"

E-1 PERGOLA - WEST ELEVATION  
SCALE 1/2" = 1'-0"















