



Village of Bayside
9075 N Regent Rd
Board of Zoning Appeals Public Hearing & Meeting
April 9, 2018
Village Board Room, 5:00 pm

BOARD OF ZONING APPEALS AGENDA

PLEASE TAKE NOTICE that a 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

II. ROLL CALL

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Sally and David Moskol, for the property located at 9512 N Sequoia Drive (15-0039-000) to exceed the permitted total linear length of proposed fence in excess of 25% open design contrary to Sec. 14-182 of Municipal Code.

1. Public Discussion
2. Board Discussion

B. The purpose of the public hearing is to consider the request for a special exception by Jason Korb, 1005 E Crocker Place (017-0149-000) to exceed the permitted total linear length of proposed fence in excess of 50% open design contrary to Sec 14-182(l) of Municipal Code.

1. Public Discussion
2. Board Discussion

IV. APPROVAL OF MINUTES

A. November 16, 2017 Board of Zoning Appeals Public Hearing and Meeting.

V. BUSINESS

A. Discussion/recommendation on the request for a special exception by Sally and David Moskol, for the property located at 9512 N Sequoia Drive (15-0039-000) to exceed the permitted total linear length of proposed fence in excess of 25% open design contrary to Sec. 14-182 of Municipal Code.

B. Discussion/recommendation on the request for a special exception by Jason Korb, 1005 E Crocker Place (017-0149-000) to exceed the permitted total linear length of proposed fence in excess of 50% open design contrary to Sec 14-182(l) of Municipal Code.

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

VII. ADJOURNMENT

Lynn Galyardt, Director of Finance and Administration | | March 28, 2018

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)

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

NOTICE OF PUBLIC HEARING

In the matter of a request for a special exception by Sally and David Moskol, for the property located at 9512 N Sequoia Drive (15-0039-000) to exceed the permitted total linear length of proposed fence in excess of 25% open design contrary to Sec. 14-182 of Municipal Code.

In the matter of a request for a special exception by Jason Korb, 1005 E Crocker Place (017-0149-000) to exceed the permitted total linear length of proposed fence in excess of 50% open design contrary to Sec 14-182(l) of Municipal Code.

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on April 9, at 5:00pm in the Village Hall, 9075 North Regent Road, Bayside, Wisconsin. The purpose of the public hearing is to consider:

The request for a special exception by Sally and David Moskol, for the property located at 9512 N Sequoia Drive (15-0039-000) to exceed the permitted total linear length of proposed fence in excess of 25% open design contrary to Sec. 14-182 of Municipal Code.

The request for a special exception by Jason Korb, 1005 E Crocker Place (017-0149-000) to exceed the permitted total linear length of proposed fence in excess of 50% open design contrary to Sec 14-182(l) of Municipal Code.

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 twenty-eighth day of March, 2018.



Lynn Galyardt

Director of Finance and Administration/Clerk/Treasurer

VILLAGE OF BAYSIDE

Moskol

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.

Sec 14-182-L - "No Fence shall be constructed with a total horizontal linear length in excess of ten percent of the linear feet of the perimeter of the property without at least a 25% open design."

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

We want to replace our aging 5ft solid fence with a 6ft fence. One of our dogs is able to scale the 5ft height. Originally, we turned in paperwork for a 6ft solid fence. Upon learning of Sec 14-182-L, we studied many options in fence design. The design submitted, 5ft solid with 1ft lattice work on top, is 12% open, not 25%. It meets our needs for privacy and the security of our dogs, and we feel honors the intent of the ordinance, as it allows openness through all 204ft of fence.

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

See attached

Applicant Printed Name

Sally Moskol
DAVID MOSKOL, son
Moskol Trust

Applicant Signature

[Signature] David Moskol

Address

9512 N. Sequoia

Telephone

414.702.9938

Date

3-19-18

Fee: \$500.00

For Village of Bayside, Application for Special Exception, to the Zoning Code Reqs.

(Continued from Moskol Application)

Q3) State why compliance with Muni Code is unreasonably burdensome or negatively impacting upon use of the property:

*We purchased our home in 1990 and the privacy of the back yard was a major attraction to us, especially coming from downtown Milwaukee. A 5 ft solid fence was on property at the time, replaced by us with our current solid fence in mid-1990's.

* We have an in-ground, 20' by 40' concrete swimming pool,(built 1974) surrounded by concrete deck. A more open design, either with greater lattice work, or 2 inch spaces between boards, would not only make our yard feel less private, but also allow neighborhood children to see the pool. We believe this exposes us to greater liability if a child or teen might be motivated to attempt to enter the yard when we are not present as a more open design allows outsiders to also see when we are **not** there.

*We have two dogs and have fostered other dogs for a local rescue. A more open design might allow a child to poke their fingers through a fence which could provoke even a well behaved dog. Our dogs would also be stimulated by seeing more outside of our yard and generally that causes more barking.

*Originally, this section (Sequoia/Jonathon/Duchess/Apple Blossom) of Orchard Highlands had five in- ground pools. Three pools remain. But all five homes, plus several others have a variety of tall solid wood fencing and cyclone fencing. We believe the proposed fence is attractive, and would not be a visual burden to anyone. We have nearly 28 years in our home and very much value our privacy. The parts of the yard that are fenced in, are mostly concrete, on both sides of our home. There is little grass or green space. It may seem old fashioned, to want a yard with a pool to be less visible these days, but the words "attractive nuisance" have been in our brains for decades. More visibility=more liability to us. We are semi-retired, quiet citizens, trying to keep our dogs safe, respectful of neighbors and hoping that our 12% open design can be agreed upon as a compromise. Thank you for your consideration.

9512 N. Sequoia Drive

Property at: 9512 N. Sequoia Drive
Legal Description: Lot 21, Block 1, Orchard Highlands, being a subdivision of part of the North East 1/4 of Section 5, Township 5 North, Range 22 East, in the Village of Bay Side, Milwaukee County, Wisconsin.

Prepared for: Robert F. Sely

I hereby certify that on the 21st day of Sept 1957, I have surveyed the above described property and that the above plat is a correct representation of the exterior boundary lines thereof.

Plat No. 57-C77

Signed: *Robert F. Sely*
Surveyor

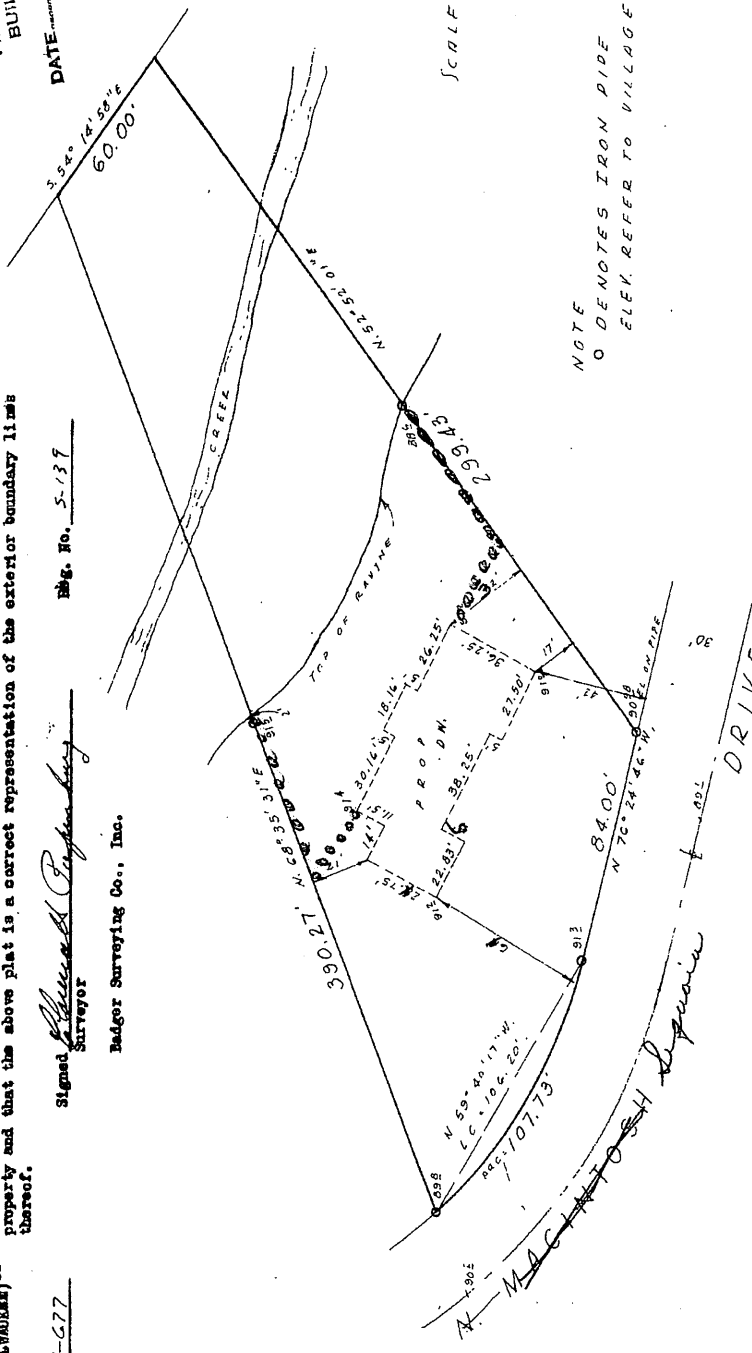
Badger Surveying Co., Inc.

Blk. No. 5-137

APPROVED
VILLAGE OF BAYSIDE
BUILDING COMMITTEE
SEP 29 1957

DATE

3 54° 14' 58" E
60.00'



SCALE
1" = 40'

NOTE
O DENOTES IRON PIPE
ELEV. REFER TO VILLAGE DATUM

o o o o o = EXISTING FENCE
- - - - - = Replacement Fence

1515157
Robert F. Sely
Surveyor

15-0039



From Neighbors.

Sukie & Ben Moore

990 W. Jonathon Lane

sally moskol <skmoskol@gmail.com>

Fence

Susan Moore <suze6113@yahoo.com>

Mon, Mar 19, 2018 at 10:33 AM

To: skmoskol@gmail.com

Hi Sally, I would fully support your request for a higher fence in your backyard. We look at your lovely home everyday from our family room and kitchen windows across the street, and the height of the fence would not bother us. Your littlest dog is a frequent visitor to our two dogs which we don't mind but it worries us that she could get hit by a car crossing the street. Ben and I hope you are allowed to put up the fence for her safety.

Sukie and Ben Moore
Sent from my iPhone



sally moskol <skmoskol@gmail.com>

Fence 6 ft.

Sally <jskmcoop@gmail.com>

Mon, Mar 5, 2018 at 12:41 PM

To: sally moskol <skmoskol@gmail.com>

Hi Sally,

I don't mind one bit if you decide to take down the fence and build another one that is solid and taller. You have good taste and I'm sure it will look very nice and not affect my yard either way.

My Address is, 9522 N Sequoia Dr
414-688-1960

Sally Cooper
[Quoted text hidden]



VILLAGE OF BAYSIDE
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.

Sec 14-182 (l)

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

The Applicant wishes to construct a swimming pool. Per Sec. 14-183 (5)(a), openings in fences cannot exceed 6 in diameter. The Applicant wishes to modify his fence to come into compliance with 14-183(5)(a). However, due to the length of the fence, doing so would increase the opacity of the fence from 50% to 63.75%, creating a violation of Sec. 14-182(l). The exception requested is a dimensional variance to allow for the modification of the fence.

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

In this instance the referenced section of the Code creates a hardship the owner by preventing them from constructing an amenity that would improve the value of their property as well as serve as a therapy tool for the applicant's special needs child.

Applicant Printed Name

Jason Korb, AIA

Applicant Signature

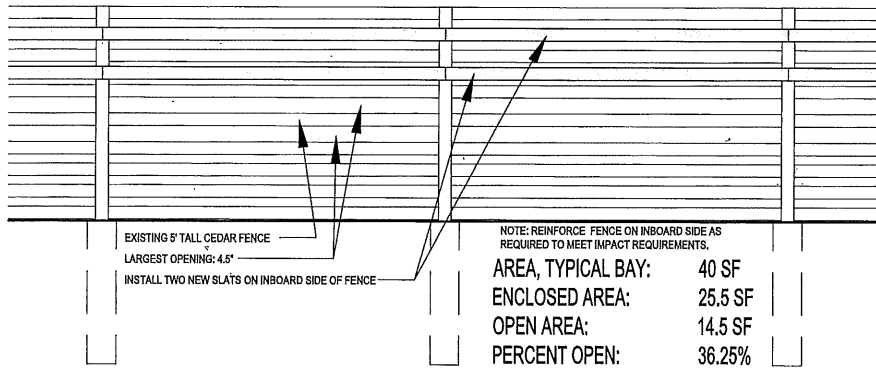
1005 East Crocker Place
Address

414-217-0501
Telephone

12 March 2018
Date

Fee: \$500.00



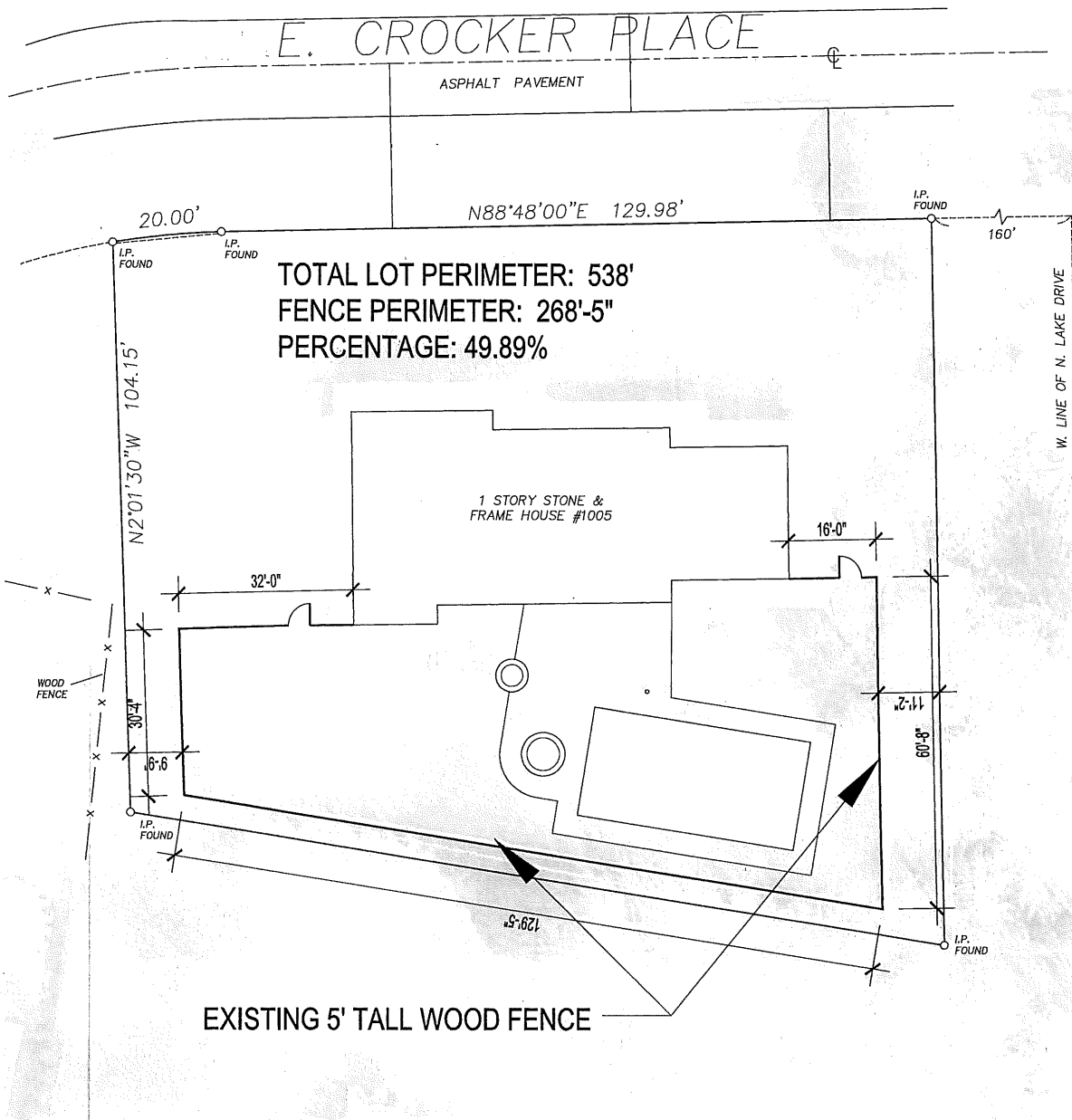


NOTE: REINFORCE FENCE ON INBOARD SIDE AS REQUIRED TO MEET IMPACT REQUIREMENTS.

| | |
|--------------------|---------|
| AREA, TYPICAL BAY: | 40 SF |
| ENCLOSED AREA: | 25.5 SF |
| OPEN AREA: | 14.5 SF |
| PERCENT OPEN: | 36.25% |

2 FENCE ELEVATION

1/2" = 1'-0"



TOTAL LOT PERIMETER: 538'
 FENCE PERIMETER: 268'-5"
 PERCENTAGE: 49.89%

1 STORY STONE & FRAME HOUSE #1005

EXISTING 5' TALL WOOD FENCE

1 PROPOSED SITE PLAN - SPECIAL EXCEPTION REQUEST

1" = 20'-0"





Decision filed and draft minutes approved on November 17, 2017.

I. CALL TO ORDER

Acting Chairperson Krier called the meeting to order at 5:01pm.

II. ROLL CALL

| | | |
|----------|---------------------|---------------------|
| Chair: | Max Dickman-excused | |
| Members: | Dan Rosenfeld | Barry Chaet-excused |
| | Amy Krier | Ava Bortin-excused |
| | Eido Walny-excused | Ben Minkin |

Also Present: Village Manager Andy Pederson
Director of Finance and Administration Lynn Galyardt
Attorney Christopher Jaekels
There was no one in the audience

III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a Special Exception by Adam Brostowicz for the property located at 500 W Brown Deer Road (22-9970-000) to exceed the permitted gross sign area for a multi-tenant business site contrary to Sec. 78-6.**

Acting Chairperson Krier provided an update on the procedures for the meeting process, read the above meeting notice and called for public discussion at 5:01pm.

1. Public Discussion

Derek Benedict, of Fox Point, appeared on behalf of the property owner stating the sign was similar to what had been on the building in the past.

2. Board Discussion

Manager Pederson noted the amount of signage exceeds the gross sign amount for the business site, however there will be less signage on the building than there was.

Acting Chairperson Krier closed the public hearing at 5:02pm.

IV. APPROVAL OF MINUTES

- A. June 14, 2017 Board of Zoning Appeals Public Hearing and Meeting.**

Motion by Dan Rosenfeld, seconded by Ben Minkin, to accept the June 14, 2016 Board of Zoning Appeals Public Hearing and Meeting. Motion carried unanimously.

V. BUSINESS

- A. Discussion/recommendation on the request for a Special Exception by Adam Brostowicz for the property located at 500 W Brown Deer Road (22-9970-000) to exceed the permitted gross sign area for a multi-tenant business site contrary to Sec. 78-6.**

Motion by Dan Rosenfeld, seconded by Ben Minkin, to recommend approval to the Village Board of Trustees on the request for a Special Exception by Adam Brostowicz for the property located at 500 W Brown Deer Road (22-9970-000) to exceed the permitted gross sign area for a multi-tenant business site contrary to Sec.78-6.,

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

VII. ADJOURNMENT

Motion by Dan Rosenfeld, seconded by Ben Minkin, to adjourn the meeting at 5:08pm. Motion carried unanimously.

Lynn Galyardt, Director of Finance and Administration | | March 17, 2018