



Village of Bayside  
9075 N Regent Road  
Architectural Review Committee Meeting  
June 1, 2020  
Remote Teleconferencing, 6:00pm

**ARCHITECTURAL REVIEW COMMITTEE  
AGENDA**

PLEASE TAKE NOTE: Due to the COVID-19 Pandemic, the Architectural Review Committee will be meeting via remote conferencing 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. Approval of May 11, 2020 meeting minutes.

**III. BUSINESS**

A. **9444 N Sleepy Hollow Ln-Chris Bick** The proposed project is a 10 foot by 12 foot shed. The shed will be behind the garage and painted to match the house.

Please review detailed plans [here](#).

B. **627 W Aspenwood Ct-Mark & Karen Morrison** The proposed project is a 12 foot section of cedar fencing running east-west adjacent to the rear patio. The fence will be 6 feet high. The fence will be made of four 4x4 posts cemented 2 feet into the ground. Between the posts will be 1x6 red cedar boards.

Please review detailed plans [here](#).

C. **8924 N Mohawk Rd-Mikhail Yufa** The proposed project is a 12 foot by 16 foot gazebo off of the patio in the backyard. The backyard will be regraded, only removing material, and the gazebo will be placed on a cement slab.

Please review detailed plans [here](#).

D. **9470 N Waverly Dr-David Arble** The proposed project is a 12 foot by 16 foot shed. The structure will be a treated lumber frame, stucco walls, and will have an asphalt shingle roof.

Please review detailed plans [here](#).

E. **1050 E Wahner Pl-Laura & David Muchow** The proposed project is 145 feet of a 6 foot high white PVC New Lexington style fence on the west and north side of the lot.

Please review detailed plans [here](#).

F. **9377 N Regent Rd-Jeff & Elizabeth Billings** The proposed project is 8 feet of 4 foot high fence and 748 feet of 6 foot high fence to replace the existing fence. The imperial select cedar vinyl fence will be moved to the lot line and there will be regrading along the western fence line.

Please review detailed plans [here](#).

#### IV. ADJOURNMENT

The Architectural Review Committee will utilize Zoom video conferencing software for this meeting. To join the zoom meeting using a computer or tablet: <https://us02web.zoom.us/j/88358033448?pwd=b1RUQm1DbFZLWFdhTzFwV3ZFUUdUdz09>, if using a telephone to dial in: 312-626- 6799. The meeting id is: 883 5803 3448, password 5653874258.

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 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](http://www.baysidewi.gov)).

Village of Bayside  
9075 N Regent Road  
Zoom Teleconference Meeting  
Architectural Review Committee Meeting Minutes  
May 11, 2020

PLEASE TAKE NOTE: Due to the COVID-19 Pandemic, the Architectural Review Committee met via remote conferencing at the below noted time and date, at which the following items of business were discussed and possibly acted upon.

**I. CALL TO ORDER**

Chairperson Marisa Roberts called the meeting to order at 6:00 pm.

**II. ROLL CALL**

**Trustee Liaison:** Mike Barth

**Chair:** Marisa Roberts

**Members:** John Krampf  
Dan Zitzer  
Tony Aiello - alternate  
Liz Levins - alternate

**Also Present:** Village Manager Andy Pederson  
There were five people in the audience

**I. APPROVAL OF MINUTES**

**A. Approval of April 27, 2020 meeting minutes.**

Motion by Trustee Barth, seconded by Tony Aiello, to approve the meeting minutes of April 27<sup>th</sup>, 2020. Motion carried unanimously.

**II. BUSINESS**

**A. 8869 N Iroquois Rd-William Christoffel The proposed project is a 10'x12' storage shed which will replace the current 8'x 8' storage shed. The shed will stand 9.5' high. The color will match the house with white trim.**

Mr. Christoffel, homeowner, was in attendance. There were no neighbors in attendance.

Mr. Christoffel stated that the proposed project is a 10'x12' storage shed which will replace the current 8'x 8' storage shed. The shed will stand 9.5' high. The color will match the house with white trim. He will be putting a wood shed on gravel; same color

as house; will have white trim; will be used for storage of yard equipment; will have landscaping.

Chairperson Roberts questioned if Mr. Christoffel was aware of the 10-foot setback requirement. Mr. Christoffel stated that he was aware and he will be outside the setback requirements.

Motion by Trustee Barth, seconded by Tony Aiello, to approve the project as described and presented in the application to install a 10'x12' storage shed which will replace the current 8'x 8' storage shed. The shed will stand 9.5' high. Motion carried unanimously.

- B. 8829 N Iroquois Rd-Ryan Gwinn The proposed project is 90' of 6' high fence and 44' of 4' high fence to replace the current fence, adjacent to a commercial parking lot. The almond New Lexington PVC fence will have one gate.**

Mr. Gwinn, homeowner, appeared on behalf of the project. No neighbors were in attendance.

Mr. Gwinn stated that the proposed project is 90' of 6' high fence and 44' of 4' high fence to replace the current fence, adjacent to a commercial parking lot. The almond New Lexington PVC fence will have one gate. Mr. Gwinn stated that he lives behind Sendik's and Sherwin Williams. Had a cedar fence put in 20 years ago, is going to put in a beige vinyl fence.

Manager Pederson stated the fence is exempt from the openness requirement because it backs up to a commercial parking lot.

Chairperson Roberts questioned if the homeowner is in compliance with the setbacks. Manager Pederson stated everything is code compliant; just aesthetic.

Chairperson Roberts questioned if there would be a gate. Mr. Gwinn noted there would be one gate near his garage; entrance gate.

Motion by Trustee Barth, seconded by Chairperson Roberts, to approve the project as described and presented in the application to install a 90' of 6' high fence and 44' of 4' high fence to replace the current fence, adjacent to a commercial parking lot. The almond New Lexington PVC fence will have one gate. Motion carried unanimously.

- C. 9377 N Regent Rd-Jeff and Elizabeth Billings The proposed project is 8' of 4' high fence and 748' of 6' high fence to replace the existing fence. The cedar fence will be moved to the lot line and there will be regrading along the western fence line.**

Jeff Billings, homeowner, was in attendance. No neighbors were in attendance.



Manager Pederson stated the board of zoning appeals met before this meeting; didn't come to a decision; delayed the decision for 30 days. They were looking at the openness requirement. Proposed fence is 15% and code would require 25%. Property unique in that it has 6 lot lines/ neighbors; Letters were sent by two neighbors that detailed neighbor concerns.

This item was tabled.

- D. 8635 N Pelham Pkwy-Steve Cramey The proposed project is a 12'x10' storage shed with siding matching the house. The shed will be a 2x4 frame construction with two doors, windows, and dimensional shingles on the roof.**

Mr. Cramey, homeowner, appeared on behalf of the project. No neighbors were in attendance.

Mr. Cramey stated that the proposed project is a 12'x10' storage shed with siding matching the house. The shed will be a 2x4 frame construction with two doors, windows, and dimensional shingles on the roof. He had met with zoning to address lot lines. Made to match house; materials are an exact match. Location is the south west corner of the property.

Manager Pederson noted that Indian Creek sits at the back of his property and a telephone pole with guide wires is also in the area.

Chairperson Roberts questioned if the siding and trim of the shed would be blue and white match the house. Mr. Cramey noted the shed will have blue siding and white trim to match the house; there is landscape fabric and cinder blocks for stability.

Chairperson Roberts questioned if Mr. Cramey would be adding a step to the shed. Mr. Cramey noted that he will shore up the front; will be putting in a ramp.

Motion by Trustee Barth, seconded by Chairperson Roberts to approve the project as submitted for a 12'x10' storage shed with siding matching the house. The shed will be a 2x4 frame construction with two doors, windows, and dimensional shingles on the roof. Motion carried unanimously.

### III. ADJOURNMENT

Motion by Trustee Barth, seconded by Liz Levins, to adjourn the meeting at 6:30pm. Motion carried unanimously.

Respectfully submitted,

Gina Vlach  
Management Intern

5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Chris Bick</p> <p>PROJECT ADDRESS: 9444 N Sleepy Hollow</p>	<p>PROJECT SUMMARY: New 10' x 12' shed (wood with siding), attached to back of existing garage.</p>
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**VILLAGE CODE REVIEW**

Reviewer believes this project complies with the following Village Code sections:

104-2(a)(2) Architectural Review Committee: *Construction and renovation should be made so that exterior architectural appearance shall be substantially consistent with structures already constructed in the immediate neighborhood, or with the character of the applicable district.*

**SLED (ACCESSORY STRUCTURE):**

Proposed accessory structure is attached to the existing garage. As such, it shall comply with fire separation requirements per Wisconsin UDC 321.08. Construction details are not included in this ARC Review. Additional gypsum board is required either on the interior of the existing garage or in the new shed wall to achieve ¾ hour required rating.

**Shed complies with setback requirements.**



**Application for Appearance before the  
Architectoral Review Committee**

Owner's Name	Chris Bick	Contractor's Name	Luke Briggs <del>William [unclear] [unclear]</del>
Property Address	9444 N Steep Hollow Ln	Address	#
Telephone	440-413-2338	Telephone	414-813-5853
Email	b.ckeyes@gmail.com	Email	

Proposed project details (type of work, size, materials, etc.):

New shed ~~behind~~ behind garage.

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# Project Proposal

Date 4/27/2020

Property Address 9444 N Sleepy Hollow Ln, Bayside 53217

Zoning \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors<br><input checked="" type="checkbox"/> Other |
|---|---|

Proposed project details (type of work, size, materials, etc.):

Adding a ~~shed~~ shed behind the garage. Shed ~~is~~ will be painted to match the house.

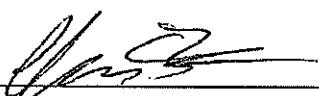
\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required

### Scope of Work

Only items listed are part of this permit. If work is done on items not listed on this permit they will be considered to have been completed without a permit and are subject to double fees.

Item	Cost
Shed	\$7,000

Signature 

Total Cost \$7,000  
Date 4/27/2020

### Requested Changes at time of work

Must be submitted to the Village prior to or same day work is completed. Failure to return the same day will result in double permit fees.

Item	Cost

Signature \_\_\_\_\_

Total Cost \_\_\_\_\_  
Date \_\_\_\_\_

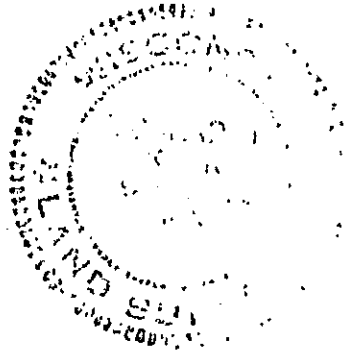
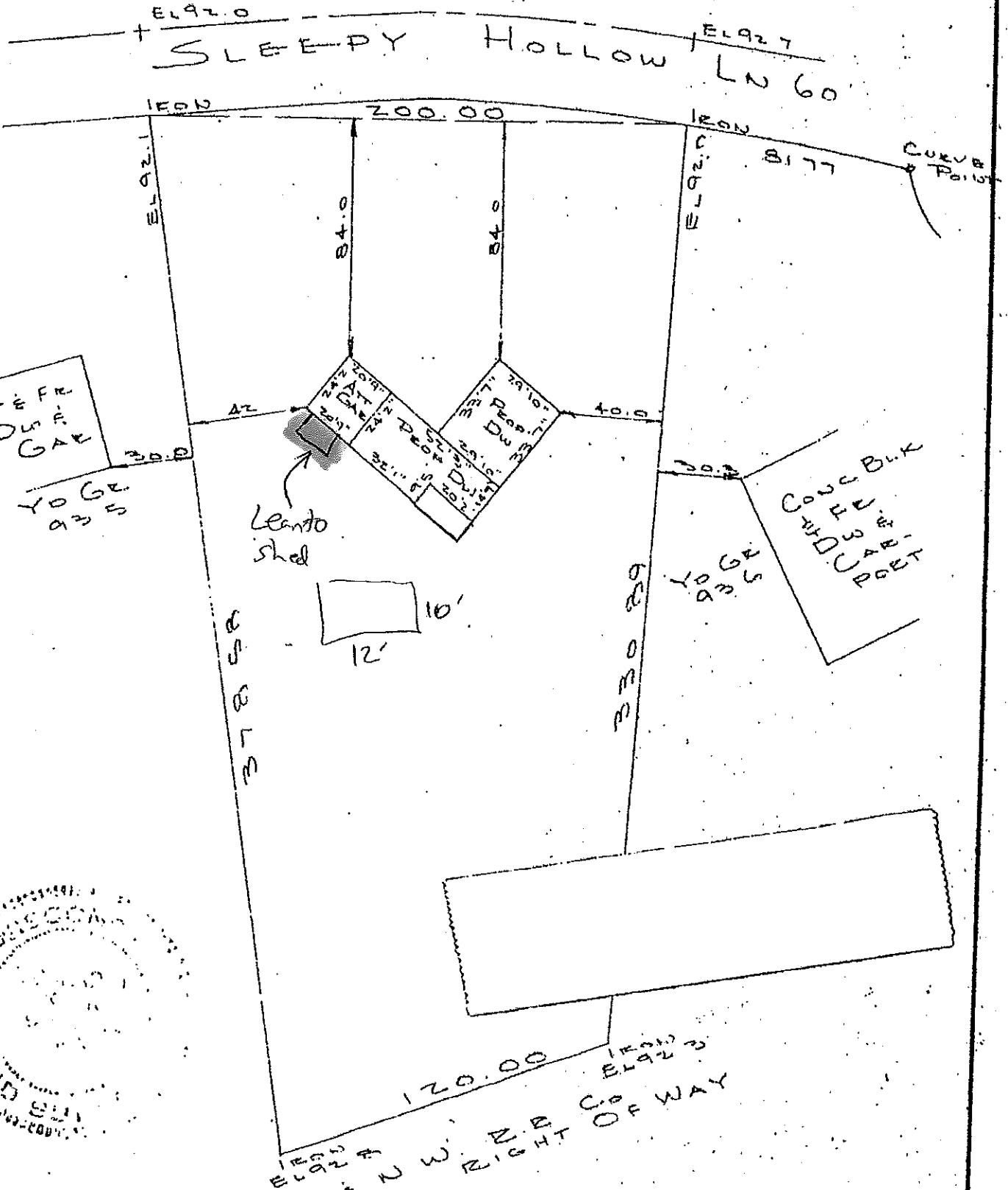
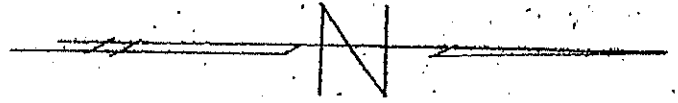
15-0101

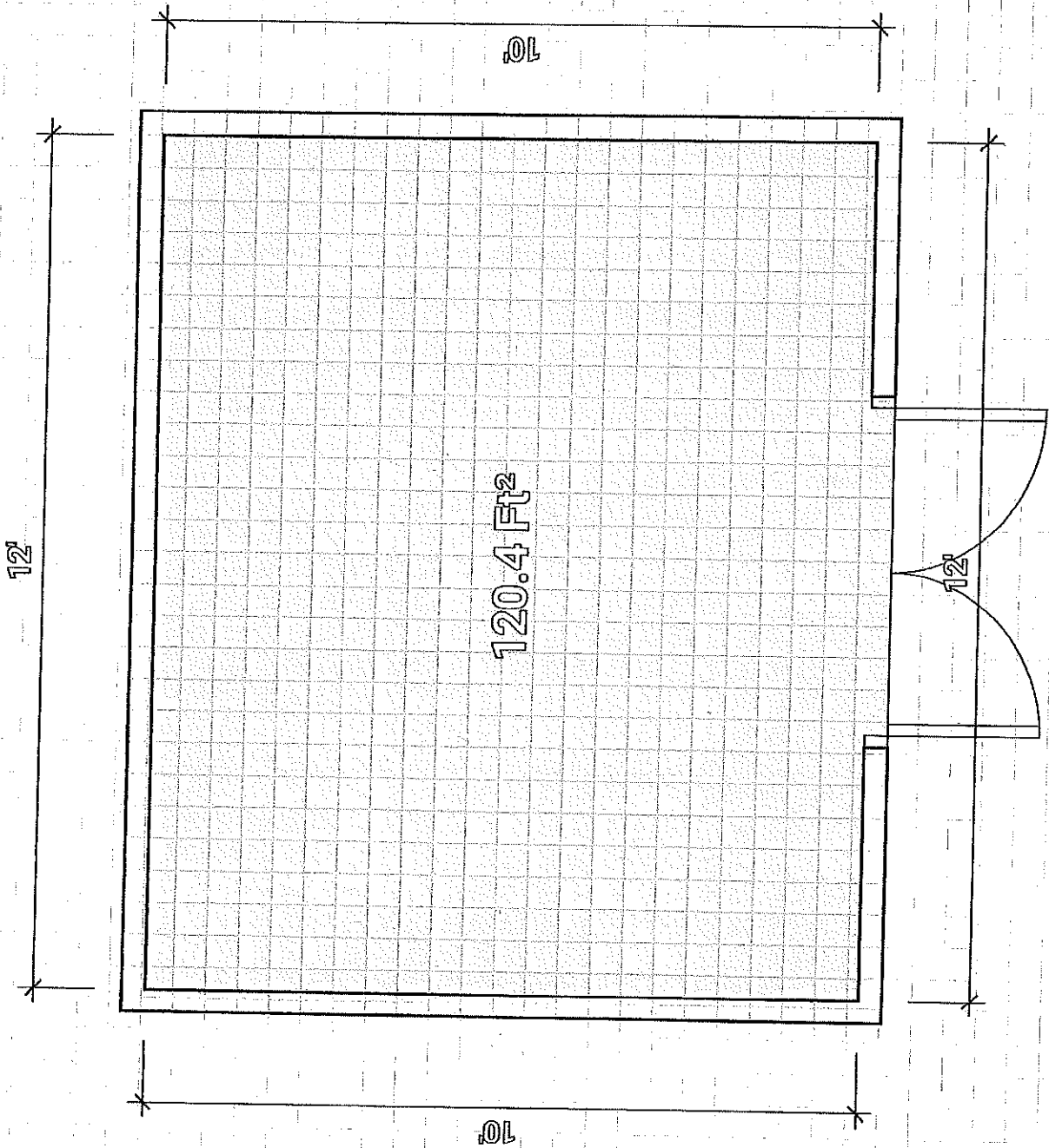
# HOFFMEISTER BUILDERS

# PLAT OF SURVEY

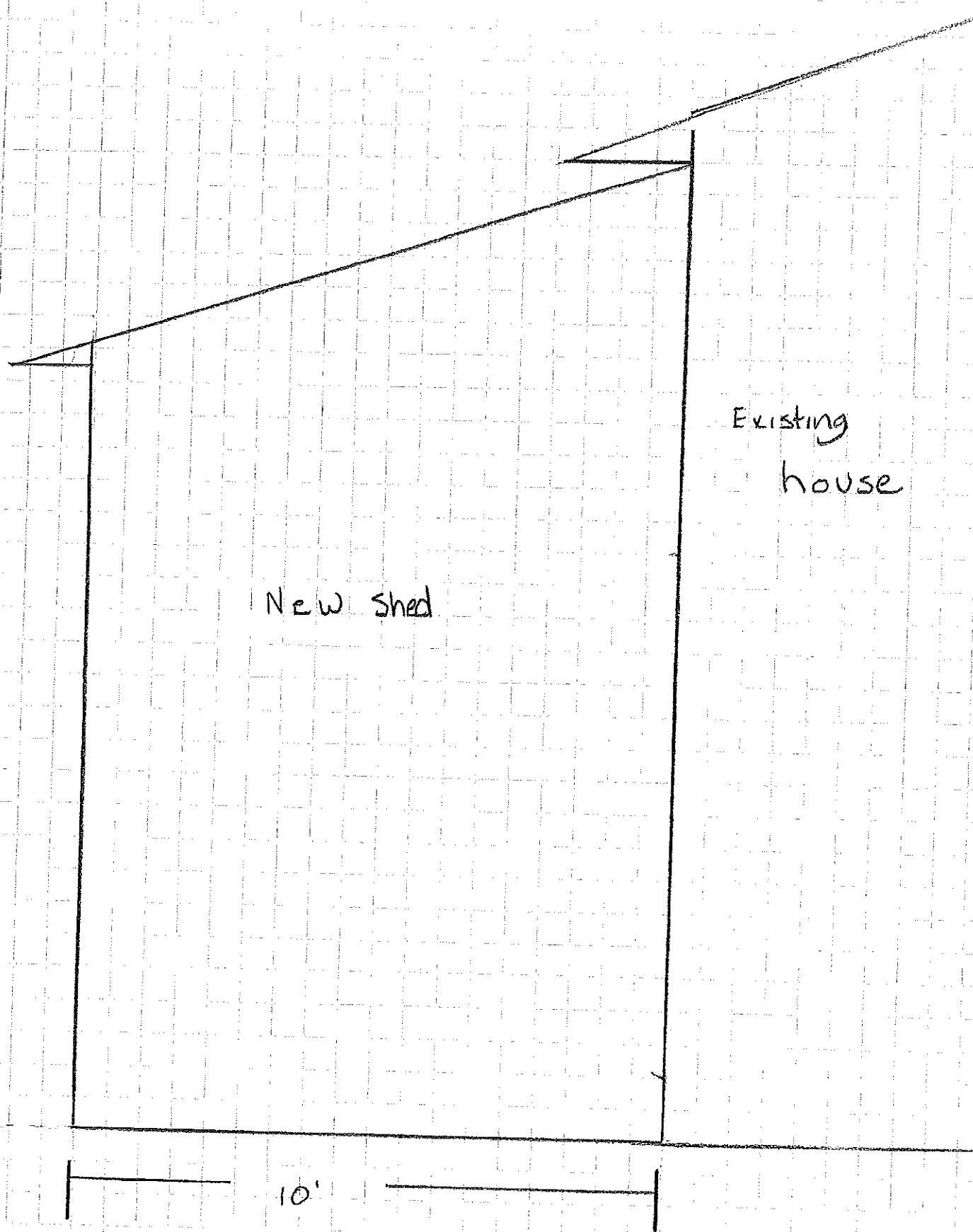
SCALE  
1" = 50'

Custom Home Building - General Contracting  
6915 W. CAPITOL DRIVE  
MILWAUKEE 16, WISCONSIN









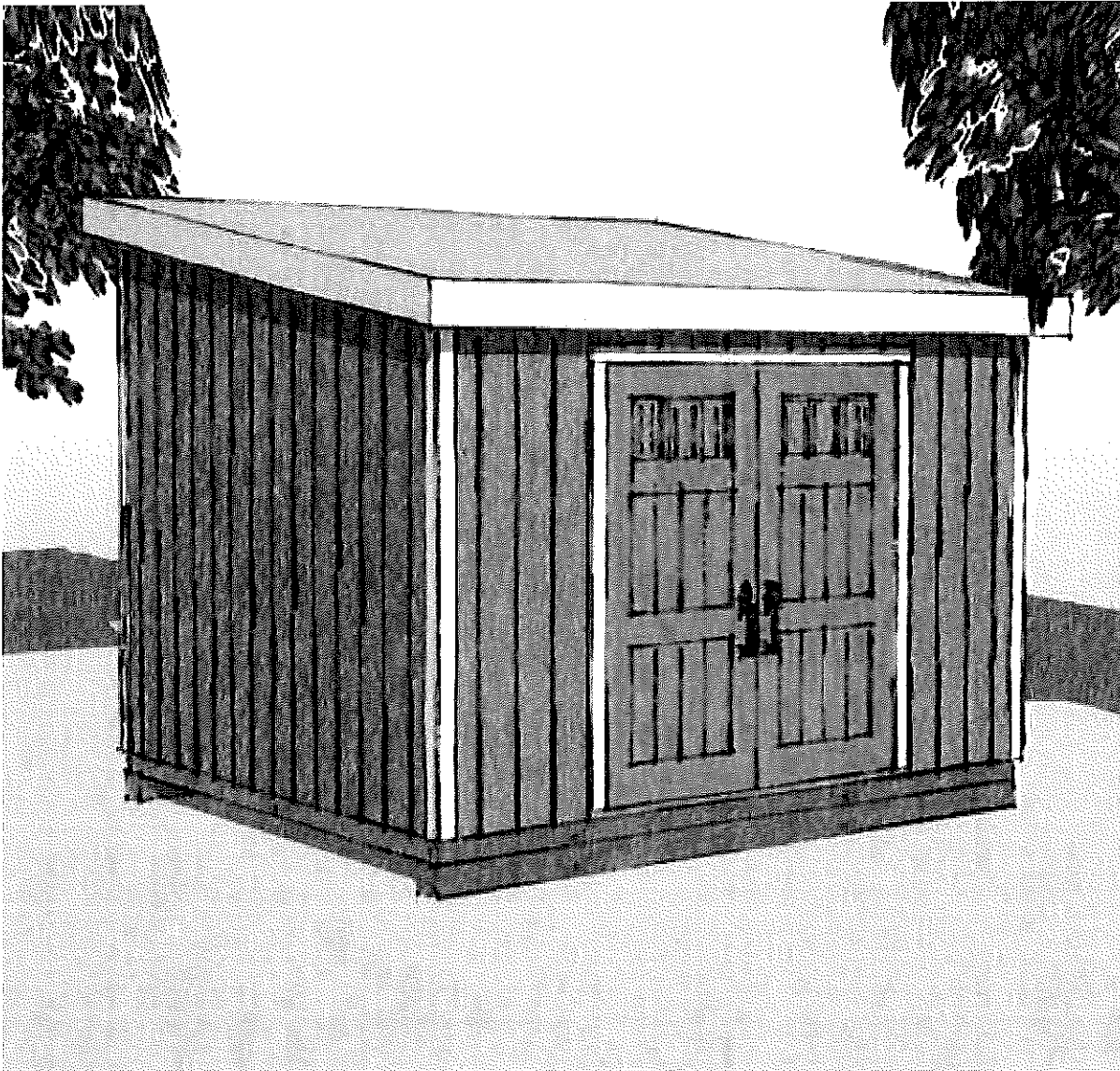
New Shed

Existing  
house

10'



Photograph showing the exterior of the building with the door and deck.



**Build Your Own Backyard Shed!  ShedPlansBuild.com**



**Application for Impervious Surface and Culvert Installation**

Owner's Name Chris Beck  
Street Address 9444 N Sleepy Hollow Ln, Bayside, WI 53217  
Telephone 440-413-2338

I hereby apply for a permit to install:

Impervious surface Amount of sq. footage 120  
\*anything over 50 sq. ft. requires a permit and detailed plans with measurement

Type of impervious surface (driveway, sidewalk, etc.) \_\_\_\_\_

A culvert at the above referenced address

Fee: \$100

\*\*if installing impervious surface with a culvert, the fee is only \$100

Estimated start date 6/2/2020 Estimated completion date 6/9/2020

I understand that approval from the Village of Bayside Department of Public Works is required prior to starting and also upon completion of the project.

Signature [Signature] Date 5/21/2020

Permission granted to install an impervious surface and/or culvert at the above references address.

\_\_\_\_\_  
DPW Representative Date

Final approval granted for completion of installation.

\_\_\_\_\_  
DPW Representative Date

Permission was not granted. Reason \_\_\_\_\_

\_\_\_\_\_  
DPW Representative Date

## Impervious Surface Calculator

Total Square Footage of Property		58240
Current Impervious Surface		
	Home	2001
	Accessory Structure(s)	132
	Driveway	50
	Deck/Patio/addition	
	New Project	120.4
	Other	0
	<b>Total</b>	<b>2303.4</b>
Allowable Impervious Surface		
	Zone A - 25%	
	Zone B - 35%	
	Zone C - 40%	
Proposed Additional Surface		
	<b>TOTAL</b>	<b>2303.4</b>
<b>Current + Proposed Percent of Impervious Surface</b>		3.955013736

5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Mark and Karen Morrison</p> <p>PROJECT ADDRESS: 627 W Aspenwood Ct</p>	<p>PROJECT SUMMARY: 12-foot-long cedar privacy fence in rear yard. 6' tall, 1x6 cedar fence boards.</p>
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**VILLAGE CODE REVIEW**

**LENGTH AND FENCE TYPE:**

Proposed fence is 12 feet long and does not exceed 15% of the property perimeter.

Village code section 14-182 (L): *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. 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.*

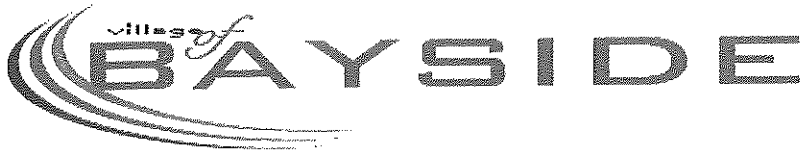
**PROPOSED FENCE TYPE AND LENGTH COMPLY**

**HEIGHT:**

**PROPOSED HEIGHT COMPLIES**

**MATERIAL / FINISH:**

**PROPOSED MATERIAL / FINISH COMPLIES**



Application for Appearance before the  
Architectural Review Committee

Owner's Name Mark & Karen Morrison Contractor's Name Self  
Property Address 627 W. Aspenwood Ct Address  
Telephone 920-559-0006 Telephone  
Email Kmorrison1@new.rr.com Email

Proposed project details (type of work, size, materials, etc.):

12 Foot section of cedar fencing running east-west  
adjacent to the rear patio. Fencing will  
be 6' high. Fence will be made of 4 4x4  
posts cemented 2' into the ground. Between  
the posts will be 1x6 red cedar boards

# Project Proposal

Date 4-28-2020

Property Address 627 W. Aspenwood Ct

Zoning Residential- Condominium

- |  |  |
|--|--|
| <input type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input checked="" type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors-change exceeds 25% of opening<br><input type="checkbox"/> Other |
|--|--|

Proposed project details (type of work, size, materials, etc.):

See attached - 4 4x4 8ft cedar posts; 20 2x6 treated cedar boards; galvanized wood screws; cement mix.

\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Parcel Number
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Tax Key Number
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required



### Scope of Work

Only items listed are part of this permit. If work is done on items not listed on this permit they will be considered to have been completed without a permit and are subject to double fees.

Item	Cost
3 (three) 8 ft cedar 4x4 posts	
15 2x6 treated cedar boards	
galvanized wood screws	
Cement mix	

Signature 

Total Cost \$250.500  
Date April 20, 2020

### Requested Changes at time of work

Must be submitted to the Village prior to or same day work is completed. Failure to return the same day will result in double permit fees.

Item	Cost

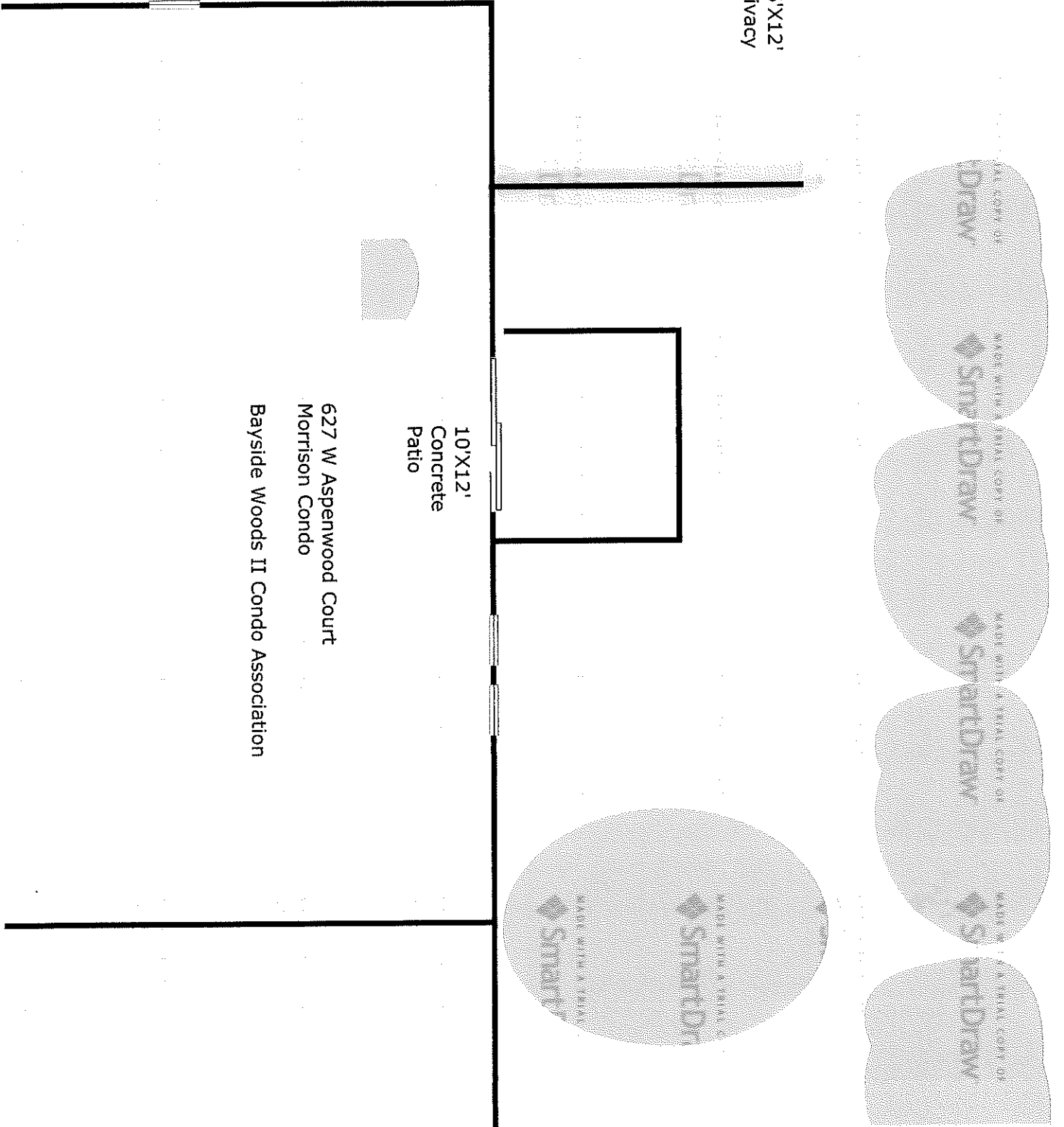
Signature \_\_\_\_\_

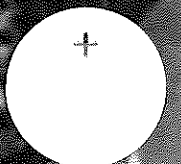
Total Cost \_\_\_\_\_  
Date \_\_\_\_\_

Proposed 6'X12'  
Wooden Privacy  
Fence

10'X12'  
Concrete  
Patio

627 W Aspenwood Court  
Morrison Condo  
Bayside Woods II Condo Association





100%

Camera: 291 m 43°10'51"N 87°54'52"W 207 m









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Shop / Shopping Cart

Please verify and/or choose the delivery destination and shipping for each product before proceeding through the checkout.

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Product	Select a Shipping Method	Price	Qty.	Total
 <p><b>Instant Post Concrete Mix - 50 lb</b>                      Model Number: 1894027  <a href="#">Move to My Lists</a></p>	<input checked="" type="radio"/> <b>Ship to Home</b> <i>Not eligible for Ship to Home</i>	\$6.99 each	<input type="text" value="3"/> <a href="#">Update</a> <a href="#">remove</a>	<b>\$20.97</b>  Save an additional \$2.31 after Mail-In Rebate ⓘ Final Price after Rebate: \$18.66
	<input type="radio"/> <b>Deliver from Store</b> MILWAUKEE <a href="#">Learn More &gt;</a>			
	<input type="radio"/> <b>You Pull - Pick Up at Store</b> MILWAUKEE (Change) <a href="#">Learn More &gt;</a>			
 <p><b>4 x 4 x 8' Rough Sawn Red Cedar Timber</b>                      Model Number: 1074719                      Variation: 4x4x8  <a href="#">Move to My Lists</a></p>	<input type="radio"/> <b>Ship to Home</b> <i>Available for shipment in 3-4 weeks.</i> <a href="#">Learn More &gt;</a>	\$27.99 each	<input type="text" value="3"/> <a href="#">Update</a> <a href="#">remove</a>	<b>\$83.97</b>  Save an additional \$9.24 after Mail-In Rebate ⓘ Final Price after Rebate: \$74.73
	<input type="radio"/> <b>Deliver from Store</b> MILWAUKEE <a href="#">Learn More &gt;</a>			
	<input type="radio"/> <b>You Pull - Pick Up at Store</b> MILWAUKEE (Change) <a href="#">Learn More &gt;</a>			
<b>! Additional Packaging/Handling Charges May Apply.</b>				
 <p><b>Grip Fast® #8 X 3" Phillips Drive Brass Flat Head Wood Screw -20 Count</b>                      Model Number: 2338479                      Variation: Brass  <a href="#">Move to My Lists</a></p>	<input type="radio"/> <b>Ship to Home</b> <i>Available for immediate shipment.</i> <a href="#">Learn More &gt;</a>	\$3.59	<input type="text" value="2"/> <a href="#">Update</a> <a href="#">remove</a>	<b>\$7.18</b>  Save an additional \$0.79 after Mail-In Rebate ⓘ Final Price after Rebate: \$6.39
	<input type="radio"/> <b>Deliver from Store</b> MILWAUKEE <i>Qualifies for Same-Day Delivery!</i> <a href="#">Learn More &gt;</a>			
	<input type="radio"/> <b>We Pull - Pick Up at Store</b> MILWAUKEE (Change) <a href="#">Learn More &gt;</a>			
 <p><b>1 x 6 x 6' Red Cedar Board</b>                      Model Number: 1071407                      Variation: 1x6x6  <a href="#">Move to My Lists</a></p>	<input type="radio"/> <b>Ship to Home</b> <i>Available for immediate shipment.</i> <a href="#">Learn More &gt;</a>	\$10.49 each	<input type="text" value="24"/> <a href="#">Update</a> <a href="#">remove</a>	<b>\$251.76</b>  Save an additional \$27.69 after Mail-In Rebate ⓘ Final Price after Rebate: \$224.07
	<input type="radio"/> <b>Deliver from Store</b> MILWAUKEE <a href="#">Learn More &gt;</a>			
	<input type="radio"/> <b>We Pull - Pick Up at Store</b> MILWAUKEE (Change) <a href="#">Learn More &gt;</a>			
<b>! Additional Packaging/Handling Charges May Apply.</b>				

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## **Bayside Woods II**

Phyllis Gorell <pgorell2002@yahoo.com>

Thu 5/21/2020 2:57 PM

To: Leah Hofer <lhofer@baysidewi.gov>

Fence at 627 Aspenwood Ct has been approved by the board of Directors Bayside Woods II

Phyllis Gorell

President BWII

5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Michail Yula</p> <p>PROJECT ADDRESS: 8924 N Mohawk Rd</p>	<p>PROJECT SUMMARY: Regrading yard, new drywell and trench drains, new gazebo.</p>
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### **VILLAGE CODE REVIEW**

Reviewer believes this project complies with the following Village Code sections:

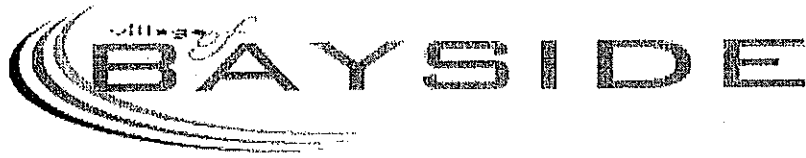
14-2(a)(2) Architectural Review Committee: *Construction and renovation should be made so that exterior architectural appearance shall be substantially consistent with structures already constructed in the immediate neighborhood, or with the character of the applicable district.*

### **ACCESSORY STRUCTURE SETBACK REQUIREMENTS:**

Exact dimensions are not provided for the location of the new gazebo. Site plan drawing appears to show the gazebo to be within the required setbacks per Village Code that requires that accessory structures be located a minimum of 10ft from both rear yard and side yard property lines. Verify dimensions.

**Review does not include landscaping or drywell system.**

**Dan Hatch, RA**  
Plans Examiner  
SAFEbuilt Wisconsin, LLC  
dhatch@safebuilt.com



Application for Appearance before the Architectural Review Committee

Owner's Name Michael Yufa Contractor's Name A. Bergmann Contracting  
 Property Address 8924 N. Mohawk Rd Address 9216 N. Wauwatosa Dr  
 Telephone 414 803-7486 Telephone Megawatts 53097  
 Email Michael.Yufa@gmail.com Email 414 801 2226

Proposed project details (type of work, size, materials, etc.):

Landscaping yard and install gazebo



# Project Proposal

Date June 2020  
 Property Address 8924 W. Mohawa Rd.  
 Zoning Residential

- |   |  |
|---|--|
| <input type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors-change exceeds 25% of opening<br><input type="checkbox"/> Other <u>Gazebo</u> |
|---|--|

Proposed project details (type of work, size, materials, etc.):

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\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Parcel Number
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Tax Key Number
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required

### Scope of Work

Only items listed are part of this permit. If work is done on items not listed on this permit they will be considered to have been completed without a permit and are subject to double fees.

Item	Cost
Regrade Back yard	
Provide pitch to	
Drywell trench	
Bleeder to ditch	
front of house	

Total Cost 3000.00

Signature [Handwritten Signature]

Date April 30th

### Requested Changes at time of work

Must be submitted to the Village prior to or same day work is completed. Failure to return the same day will result in double permit fees.

Item	Cost

Total Cost \_\_\_\_\_

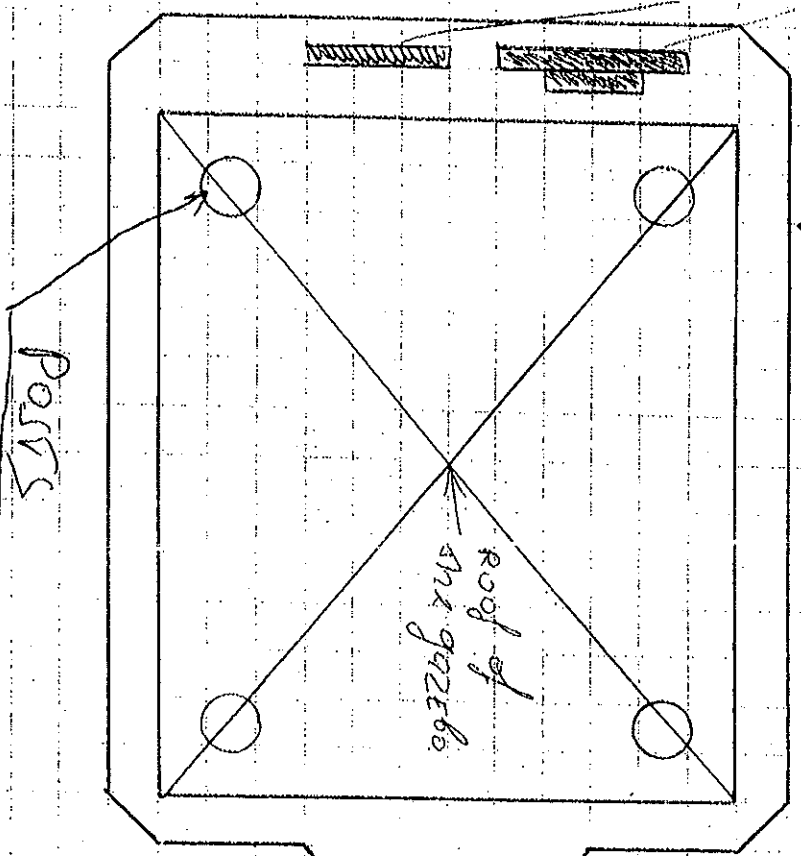
Signature \_\_\_\_\_

Date \_\_\_\_\_

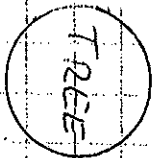
WOODEN STRUCTURES

GRILL

NEW  
SLAB



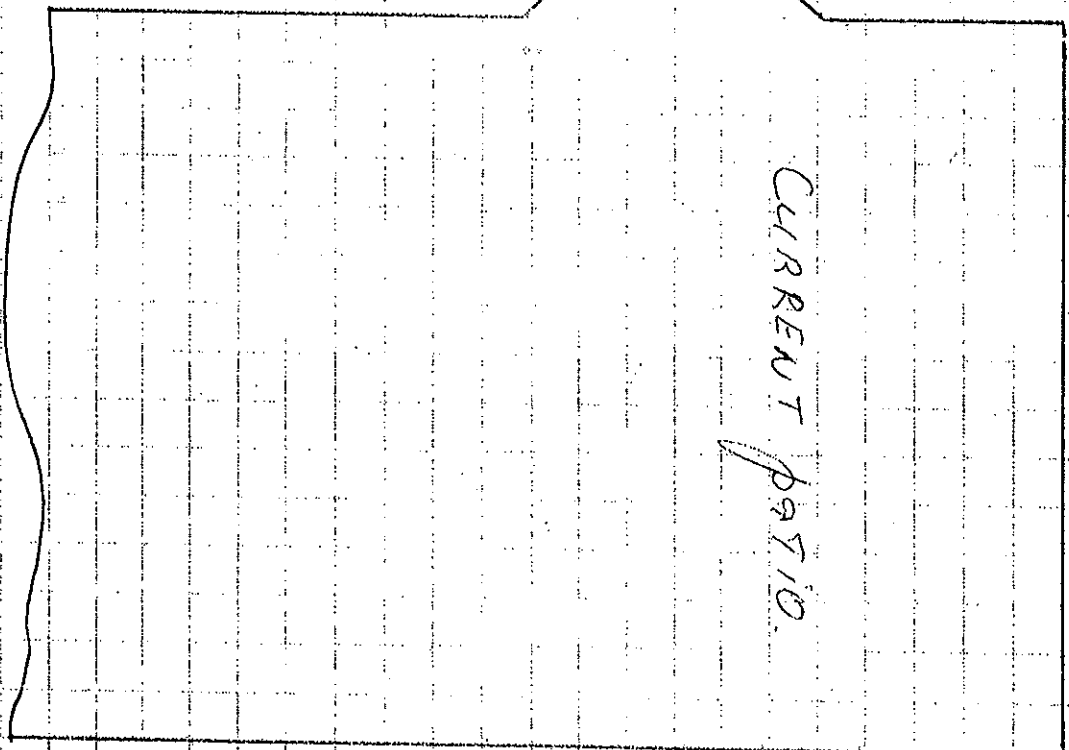
NEW SIDEWALK

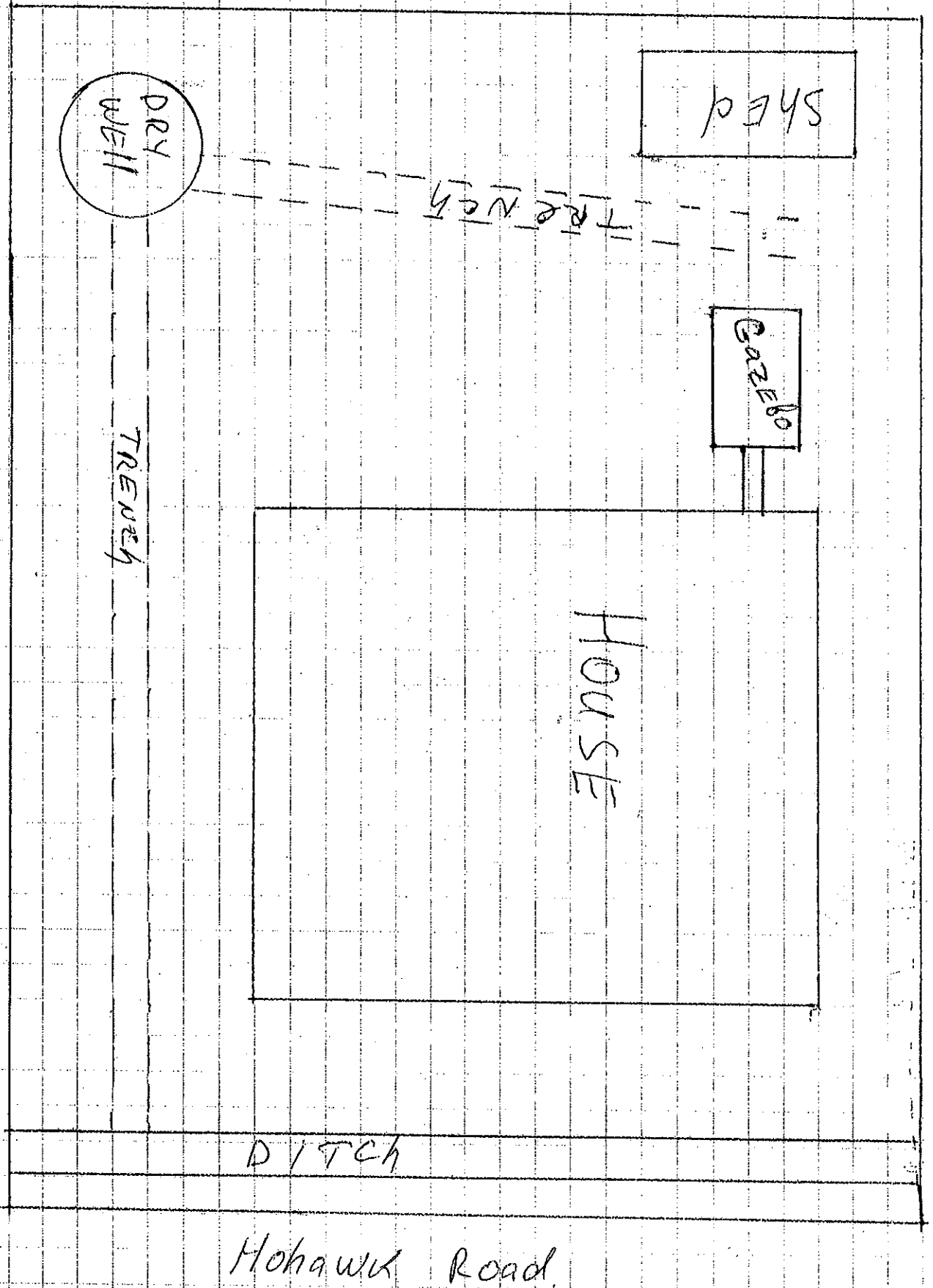


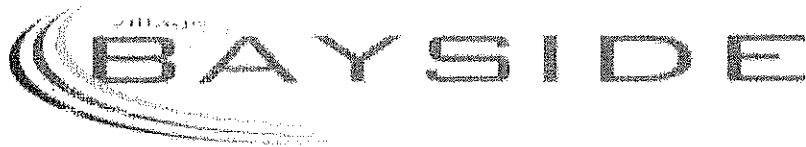
CURRENT PATIO

SIDEWALK

FACTORY UNIT







### Application for Impervious Surface and Culvert Installation

Owner's Name Michael Jafa  
 Street Address 8924 N. Mohawk Rd., Bayside, WI 53217  
 Telephone (414) 803-7486

I hereby apply for a permit to install:

Impervious surface Amount of sq. footage 192 SF.  
 \*anything over 50 sq. ft. requires a permit and detailed plans with measurement

Type of impervious surface (driveway, sidewalk, etc.) \_\_\_\_\_  
 \_\_\_\_\_ A culvert at the above referenced address

Fee: \$100  
 \*\*if installing impervious surface with a culvert, the fee is only \$100

Estimated start date 6/10/2020 Estimated completion date 7/1/2020

I understand that approval from the Village of Bayside Department of Public Works is required prior to starting and also upon completion of the project.

Signature [Signature] Date 5/21/2020

Permission granted to install an impervious surface and/or culvert at the above references address.

\_\_\_\_\_  
 DPW Representative Date

Final approval granted for completion of installation.

\_\_\_\_\_  
 DPW Representative Date

Permission was not granted. Reason \_\_\_\_\_

\_\_\_\_\_  
 DPW Representative Date



## Impervious Surface Calculator

Total Square Footage of Property		<b>11892</b>
Current Impervious Surface		
	Home	1891
	Accessory Structure(s)	498
	Driveway	50
	Deck/Patio/addition	350
	New Project	192
	Other	0
	<b>Total</b>	<b>2981</b>
Allowable Impervious Surface		
	Zone A - 25%	
	Zone B - 35%	
	Zone C - 40%	
Proposed Additional Surface		
	<b>TOTAL</b>	<b>2981</b>
<b>Current + Proposed Percent of Impervious Surface</b>		<b>25.06727212</b>

5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: David Arble</p> <p>PROJECT ADDRESS: 9470 N Waverly Drive</p>	<p>PROJECT SUMMARY: New 12' x 16' shed (wood, stucco, asphalt shingles), in rear yard.</p>
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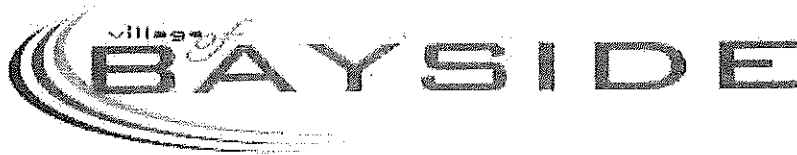
**VILLAGE CODE REVIEW**

Reviewer believes this project complies with the following Village Code sections:

104-2(a)(2) Architectural Review Committee: *Construction and renovation should be made so that exterior architectural appearance shall be substantially consistent with structures already constructed in the immediate neighborhood, or with the character of the applicable district.*

**Shed complies with setback requirements.**





**Application for Appearance before the  
Architectural Review Committee**

Owner's Name	David Arble	Contractor's Name	David Arble
Property Address	9470 N Waverly Dr	Address	
Telephone	804-852-6547	Telephone	
Email	david.arble@gmail.com	Email	

Proposed project details (type of work, size, materials, etc.):

Proposed backyard shed of 12' x 16' (192 sq ft). Treated lumber frame, stucco walls, and an asphalt shingle roof.

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# Project Proposal

Date 5/13/2020

Property Address 9470 N Waverly Dr

Zoning Residential - Single Family

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors<br><input type="checkbox"/> Other |
|--|--|

Proposed project details (type of work, size, materials, etc.):

Proposed backyard shed of 12' x 16' (192 sq ft). Treated lumber frame, stucco walls, and an asphalt shingle roof.

\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required

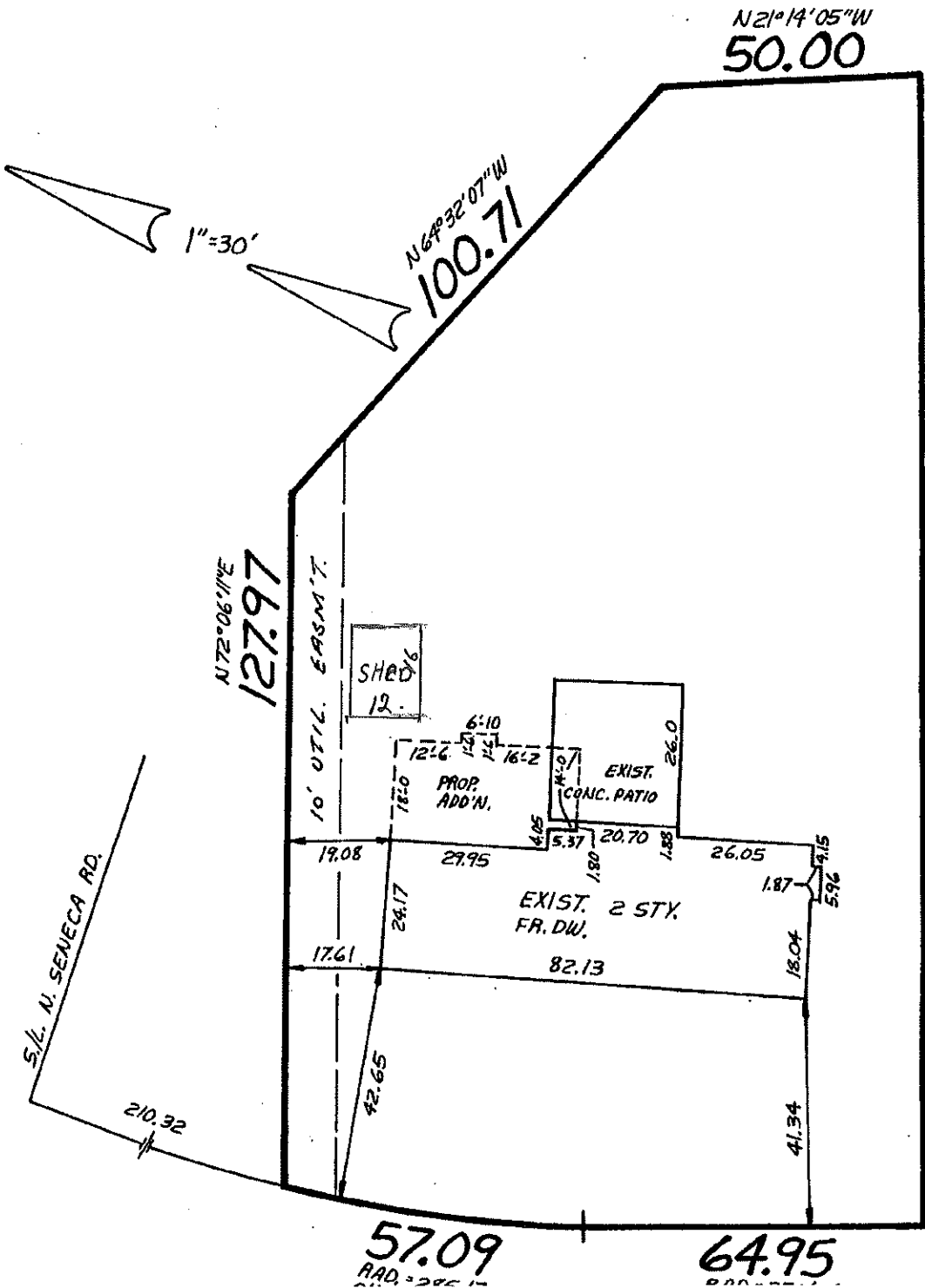
**PLAT OF SURVEY**

**LOCATION:** 9470 North Waverly Drive, Bayside, Wisconsin

**LEGAL DESCRIPTION:** Lot 18 in Block 2 in NORTH SHORE EAST, being a subdivision of parts of the Northwest 1/4 of Section 4 and of the Northeast 1/4 of Section 5, Town 8 North, Range 22 East, in the Village of Bayside, Milwaukee County, Wisconsin.

July 5, 1995

Survey No. 85387



210.00  
N71°24'40"E

N72°06'11"E  
127.97

N21°14'05"W  
50.00

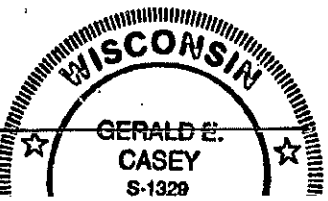
N64°32'07"W  
100.71

1"=30'

APPROVED  
VILLAGE OF BAYSIDE  
BUILDING COMMISSION

DATE JUL 17 1995

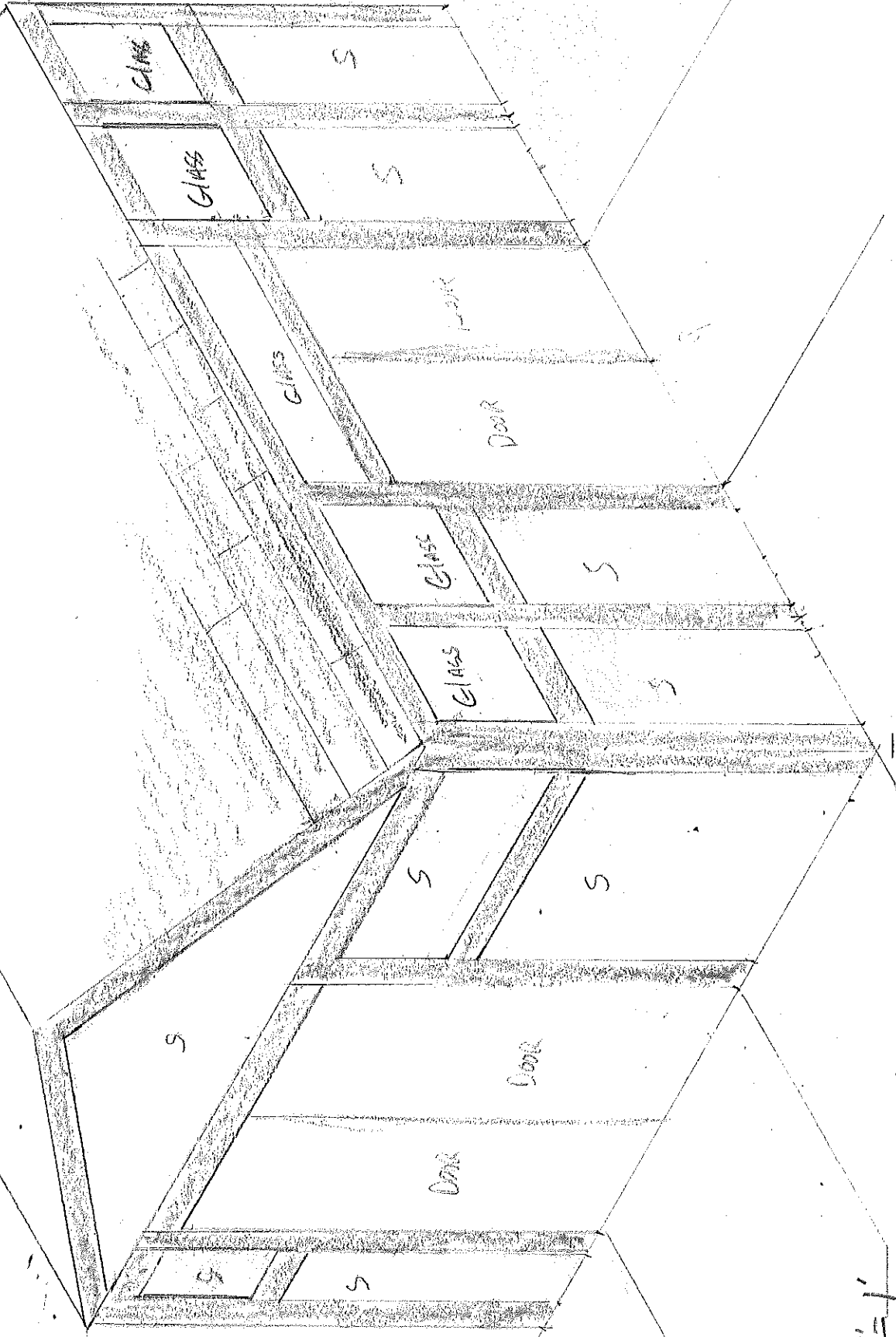
9470 Waverly Street  
*[Signature]*  
*[Signature]*



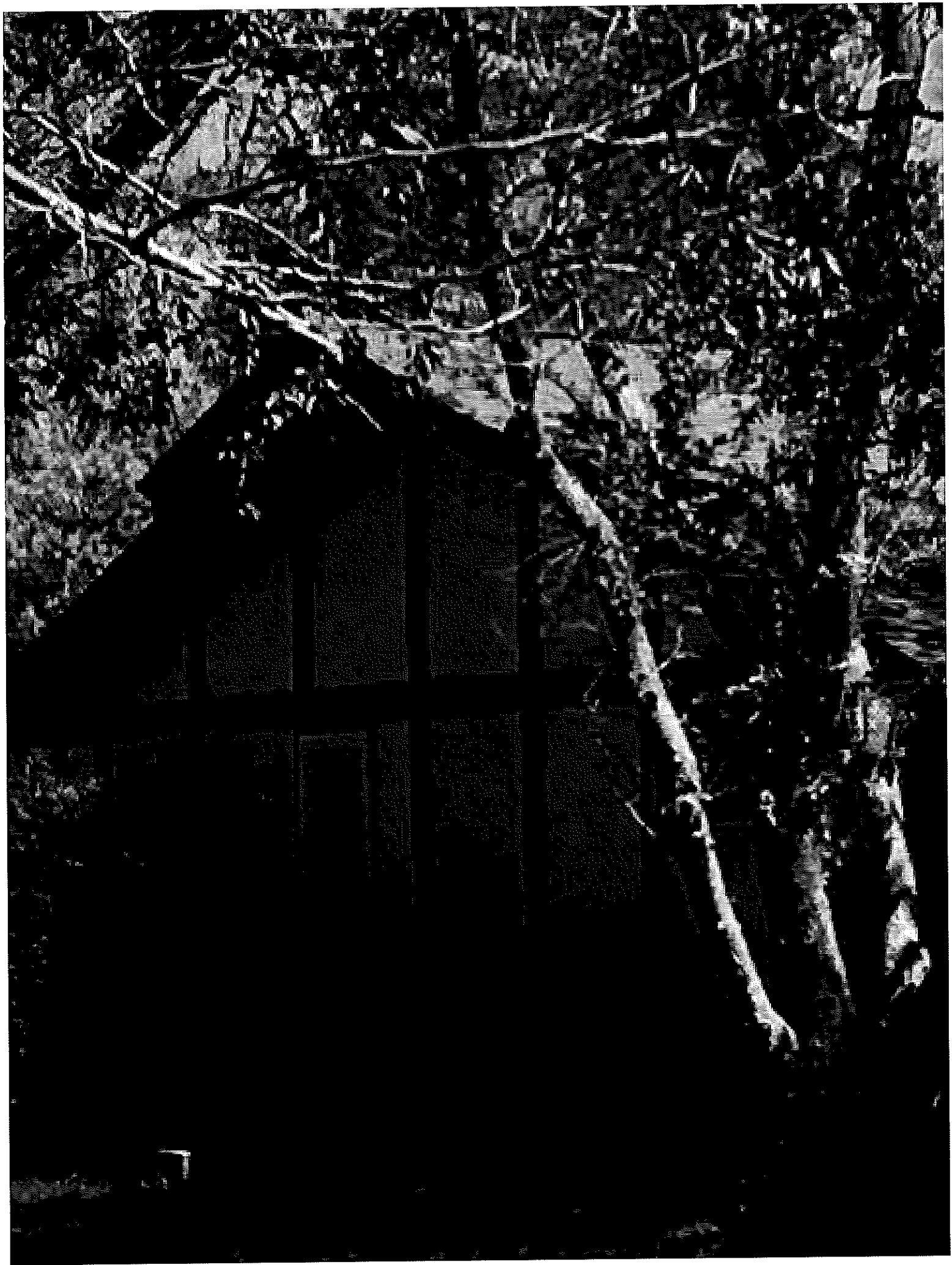
9470

N. WAVERLY DR.

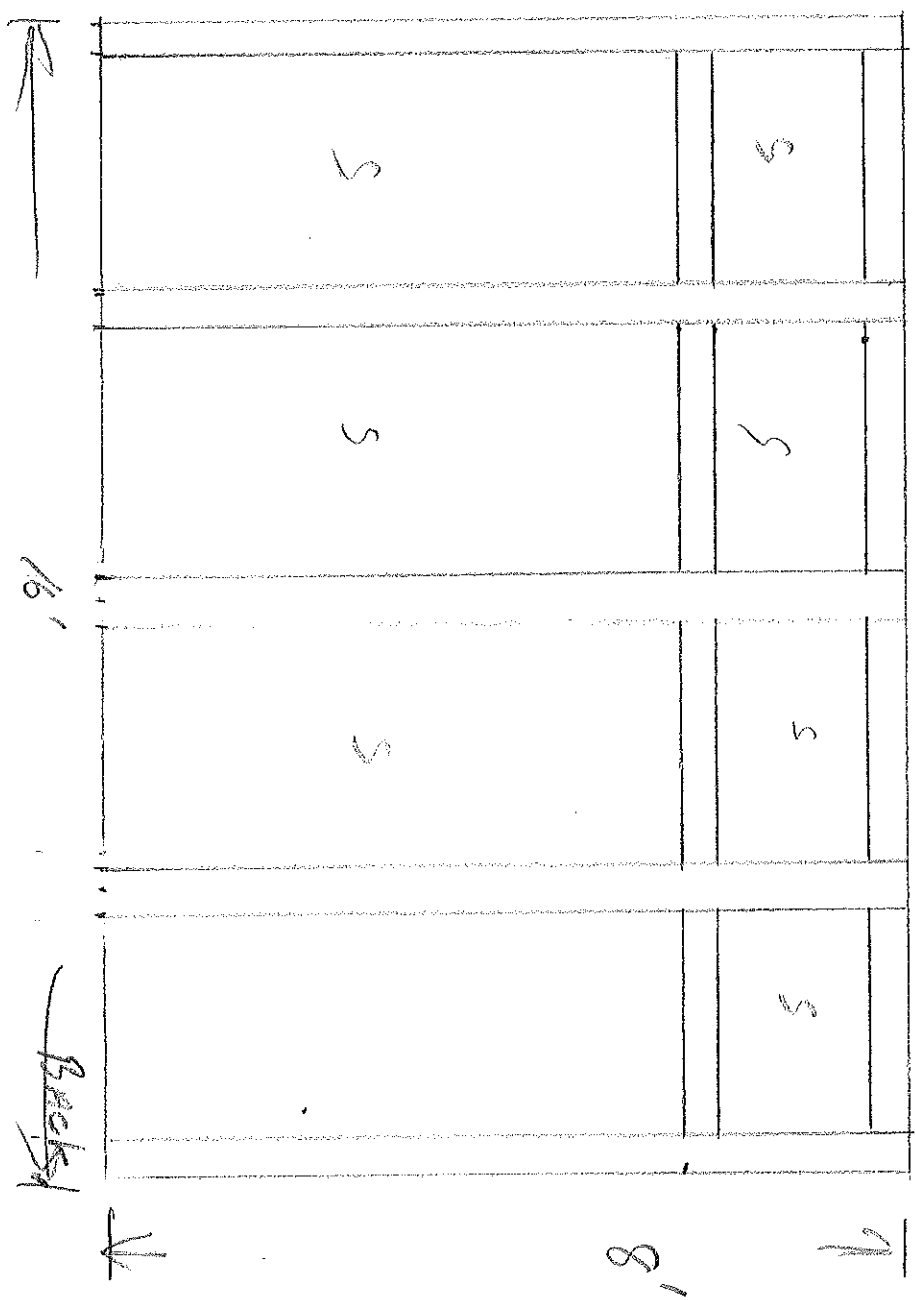
5-13-20



3/8" = 1'



947D  
N. WAVERLY RD



$\frac{3}{8}'' = 1'$



David Arble

### Application for Impervious Surface and Culvert Installation

Owner's Name 9470 N. Waverly Dr.  
Street Address \_\_\_\_\_, Bayside, WI 53217  
Telephone 804-852-6547

I hereby apply for a permit to install:

196 Impervious surface Amount of sq. footage 196  
\*anything over 50 sq. ft. requires a permit and detailed plans with measurement

Type of impervious surface (driveway, sidewalk, etc.) shed

A culvert at the above referenced address

Fee: \$100

\*\*if installing impervious surface with a culvert, the fee is only \$100

Estimated start date 6/1/20 Estimated completion date 6/20/20

I understand that approval from the Village of Bayside Department of Public Works is required prior to starting and also upon completion of the project.

Signature David Arble *David Arble* Date 5/21/20

Permission granted to install an impervious surface and/or culvert at the above references address.

\_\_\_\_\_  
DPW Representative Date

Final approval granted for completion of installation.

\_\_\_\_\_  
DPW Representative Date

Permission was not granted. Reason \_\_\_\_\_

\_\_\_\_\_  
DPW Representative Date

## Impervious Surface Calculator

Total Square Footage of Property		22216
Current Impervious Surface		
	Home	3657
	Accessory Structure(s)	784
	Driveway	50
	Deck/Patio/addition	0
	New Project	192
	Other	0
	<b>Total</b>	<b>4683</b>
Allowable Impervious Surface		
	Zone A - 25%	
	Zone B - 35%	
	Zone C - 40%	
Proposed Additional Surface		
	<b>TOTAL</b>	<b>4683</b>
<b>Current + Proposed Percent of Impervious Surface</b>		<b>21.07940223</b>



5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Laura and David Muchow</p> <p>PROJECT ADDRESS: 1050 E Wahner Pl</p>	<p>PROJECT SUMMARY: 6' tall, white PVC fence, solid privacy fence along commercial parking lot</p>
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**VILLAGE CODE REVIEW**

**LENGTH AND FENCE TYPE:**

Proposed fence is adjacent to a commercial parking lot. Privacy fence is allowed where adjacent to commercial parking lot.

Village code section 14-182 (L): *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. 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.*

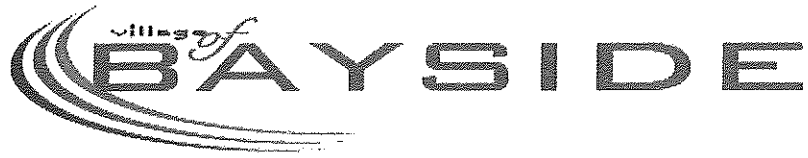
**PROPOSED FENCE TYPE AND LENGTH COMPLY**

**HEIGHT:**

**PROPOSED HEIGHT COMPLIES**

**MATERIAL / FINISH:**

**PROPOSED MATERIAL / FINISH COMPLIES**



Application for Appearance before the Architectural Review Committee

Owner's Name	LAURA & DAVID MUCHOW	Contractor's Name	SUBURBAN FENCE
Property Address	1050 E. WAHNER PL	Address	5111 N. LYDER AV. GLENDALE, WI 53217
Telephone	414-588-5555 (DAVID)	Telephone	414-962-5000
Email	DMUCHOW@ASPIRIANT.COM	Email	SUBFENCE6V4@ATT.NET

Proposed project details (type of work, size, materials, etc.):

INSTALL A 6' HIGH WHITE PVC "NEW LEXINGTON" STYLE FENCE ON THE WEST SIDE OF LOT 5 ON THE NORTH SIDE OF LOT.

# Project Proposal

Date 05/18/2020

Property Address 1050 E. WAHNER PL.

Zoning \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input checked="" type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors-change exceeds 25% of opening<br><input type="checkbox"/> Other |
|--|--|

Proposed project details (type of work, size, materials, etc.):

6' HIGH WHITE PVC FENCE ON WEST & NORTH SIDE OF LOT.

\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Parcel Number
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Tax Key Number
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required

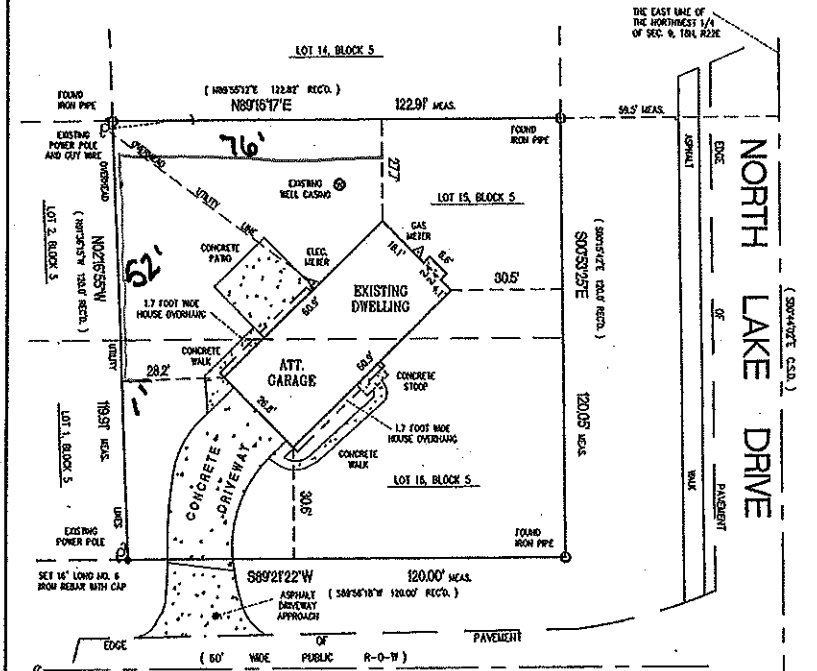
**PLAT OF SURVEY**

**LEGAL DESCRIPTION FROM THE PROPERTY ASSESSMENT REPORT AND THE RECORDED SUBDIVISION PLAT**

LOTS 15 AND 16, IN BLOCK 5, IN PELHAM HEATH NO. 2, BEING A SUBDIVISION OF A PART OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF BAYSIDE, MILWAUKEE COUNTY, WISCONSIN.

**PROPERTY ADDRESS:** 1050 E. WAHNER PLACE, BAYSIDE, WISCONSIN

1902/2

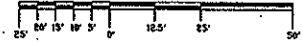


**E. WAHNER PLACE**

**NOTE:**  
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 9-8-22 WHICH BEARS S00°44'02\"/>

WILLIAM J. KARPEN RPLS  
563 W10007 JANESVILLE ROAD  
MUSKEGO, WI 53150  
(414) 469-2489  
EMAIL: [bjksurvey@gmail.com](mailto:bjksurvey@gmail.com)

AREA OF PROPERTY = 14,569.8 SQ. FT.  
SCALE: 1" = 30'



SURVEYED FOR: JORDAN and JANE MARTINSON

I CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, BOUNDARY FEENCES, APPARENT EASEMENTS, AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY, TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREIN, WITHIN (1) YEAR FROM THE DATE HEREOF.

*William Karpen*  
WISCONSIN REGISTERED LAND SURVEYOR

MAY 11 2018  
DATE

TO BE AN ORIGINAL COPY  
THIS STAMP MUST BE RED



DAVID & LAURA MUCROW  
1050 E. WAHNER PL.

# New Lexington



White      Almond

## New Lexington

New Lexington offers dependable performance at an economical price with features you'd expect to find on higher-end fence products. New Lexington includes Bufftech's signature "v" groove picket and Classic Curve deco rail design.

**Heights:** 4', 5' & 6'

**Picket Style:** 5/8" x 11-3/8" Tongue & Groove  
Steel Reinforced Bottom Rail



















5/22/2020

Attention:  
Village of Bayside, WI  
Architecture Review Committee

<p>PROJECT/SITE OWNER: Elizabeth and Jeff Billings</p> <p>PROJECT ADDRESS: 9377 N Regent Road</p>	<p>PROJECT SUMMARY: Replace existing chain link fence with new 6' tall, 25% open, PVC fence. PVC to be brown 'wood' finished.</p>
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## VILLAGE CODE REVIEW

Submitted proposal includes numerous contractor scheduling details and temporary construction elements (temporary fencing, tree removal, coordination with neighbors, etc). These details are not considered in this review. ARC recommendations by SAFEbuilt only consider the final proposed design based on Bayside Municipal Code.

### **LENGTH AND FENCE TYPE:**

- Total property perimeter = 1,025 ft
- Proposed fence length = 748 ft
- $748 / 1,025 = 73\%$  of total property perimeter. Fence is 25% open design.

### **PROPOSED FENCE TYPE COMPLIES.**

### **FENCE HEIGHT AND MATERIAL FINISH COMPLY WITH VILLAGE CODE.**

#### **Temporary fences shall comply with Village Code Sec. 124-125 (h):**

*(h) Temporary fences. With the exception of construction barriers, no temporary fences in excess of 100 square feet shall be erected and left in place for more than 14 days without first obtaining permission from the village manager or his designee. No temporary fences in excess of 100 square feet shall be installed for a period exceeding 90 days. Temporary fences that are shielded from view by the nature of their location, not seen by the public or neighboring property owners, do not require permission by the village manager or his designee.*



Application for Appearance before the  
Architectural Review Committee

Owner's Name	<u>Jeff and Elizabeth Billings</u>	Contractor's Name	<u>Statewide Fencing, Inc.</u>
Property Address	<u>9377 N. Regent Road</u>	Address	<u>8310 Industrial Drive, Franksville, WI</u>
Telephone	<u>414-755-9638</u>	Telephone	<u>262-833-0200</u>
Email	<u>zajeffbillings@yahoo.com</u>	Email	<u>mark@statewidefencing.com</u>

Proposed project details (type of work, size, materials, etc.):

Replace and upgrade existing fence and re-grade along western fence line  
see attached letter with exhibits

May 14, 2020

Dear Architectural Review Committee (ARC) Members,

This letter is being provided as an update to our permit application that was to be considered at the May 11 virtual ARC meeting. Our permit application was tabled while we worked through our application for special exception to the zoning Code requirements with the Board of Zoning Appeals Committee.

By way of background, we had submitted an application with the Board of Zoning Appeals Committee for a special exception to Section 104-125(l) requiring that all non-solid fences be constructed with at least a 25% open design. Our fence of choice had a 3 inch picket with 7/16<sup>th</sup> spacing, which equated to a 15% open design, so we requested an exception. In our May 11, 2020 virtual meeting with the Zoning Committee, two of our neighbors objected to the special exception as they preferred a more open fence concept. Although our neighbors had other objections that would have been discussed at the subsequent ARC meeting, because the Zoning Committee asked us to table our application for 30 days, the ARC Committee tabled those discussions until we could respond to the Zoning Committee. We felt that was the right decision under the circumstances and appreciated the opportunity to have more time to address the Zoning Committee's concerns.

We felt that the discussion at the Zoning Committee was a very helpful discussion. The discussion centered on trying to find a balance between: (1) safeguarding our existing pool with a fence that conformed with current Code and common sense standards of safety for our own family and other neighborhood children who may view our pool as an attractive nuisance; (2) our privacy; and (3) our neighbor's desire for openness. Again, the only issue in front of the Zoning Committee was the issue of whether we should be given a special exception to the 25% open fencing requirement under the Code for our proposed fence. The Zoning Committee asked us to do more research on fencing options to see if we could come up with another fencing choice that we felt balanced the three items above without a special exception to the 25% openness requirement.

As a family with a 15 month old son and hopefully more on the way, the safety of our child and other neighborhood children is paramount to us. We recognize that none of our current neighbors have young children, so they may not be as focused on our concerns. We are not willing to replace our existing, non-conforming, chain-link fence with a fence that is not pool safe: by Code, common sense, and standing attractive nuisance case law. To be clear, our existing chain link fence is non-conforming not only because chain link fences are now prohibited by Section 104-125(c) of the Village Code, but also because it violates the current Code requirements for pool safety as all three of our gates do not lock, one is bent and does not even close property, and the other two gates opening mechanisms are not 48 inches above the ground. Since our fence is grandfathered, we are not required to bring it up to Code. But when we discovered that we encroach on two neighboring lots, and that 12% of our lot is outside the current fence, we decided that we wanted to make the investment to replace the fence, bring it up to Code, and provide our family with more privacy with respect to our pool, tennis court, dogs, and future play structure.

According to the CDC, drowning is the number one cause of unintentional death for children between the ages of 1 and 4, and on average 390 children under the age of 5 drown each year in pools or spas in the U.S. If a child can see a pool easily through a semi-private or open fence (attractive nuisance), they are more likely to want to climb the fence or find a way to get access to the pool. There are a slew of cases in the US each year where a property owner with a pool has someone trespass on their property, the trespasser gets hurt or dies in or around a pool, and that same trespasser successfully sues the home owner for liability associated with the trespass. Our existing chain link fence gives us almost no protection from this sort of liability. We know this to be true, because our property insurance premiums are much more expensive because of our pool and these risks, something we have discussed with our insurance agent. Although common sense pool safety would argue for a solid fence in our yard, we did not ask to construct a solid fence, because we had taken the time to talk with our neighbors prior to our application and knew that some of them had concerns with a solid fence. We thought it was interesting that in our virtual meetings on Monday night, someone stated that in all other cases involving pools in Bayside, neighbors requested a solid fence.

We spent time this week reviewing information on similarly situated lots in Bayside, as we felt like the nature of our lot warranted a special exception by the Zoning Committee. After reviewing every residential land owner in Bayside, we discovered that we are only 1 of 4 parcels in all of Bayside that have 6 or more neighbors. One parcel located at 9400 N Lake Dr, has 7 neighbors (largely due to a very long driveway and large lot), but their back yard faces Lake Michigan. One parcel located at 711 W Jonathan Lane, has 8 neighbors, but they are surrounded on 3 sides by ravine, which if you count as a barrier means that they only have 2 neighbors. Then there is our parcel with 6 neighbors, and one other parcel located at 9272 N Pelham Parkway with 6 neighbors. Per Google, the Pelham house does not have a pool or a tennis court (we do not know if they own dogs). Our yard is flat, fenced, usable land, with a tennis court and a pool, and the yard is one of the main reasons we bought this house. Our neighbors are not looking out over a ravine or at Lake Michigan, in which case we would understand that they would not want those views restricted. Our neighbors are looking at a rusted chain link fence with holes, trees growing through it, that is heaved and twisted in places, through which they can see us, our pool, tennis court, pool house, yard and dogs. The Zoning Committee was concerned that if they granted our special exception allowing a 15% open fence that it would be a "slippery slope" and they might as well not have a 25% openness requirement. We continue to contend that our yard is unique, and our rights to pool safety and privacy are important and worthy of special consideration.

After the May 11<sup>th</sup> meetings, we called and spoke to our fence contractor. The reason that we choose Bufftech by CertainTeed as our fence supplier is because we had heard from 4 separate fence contractors that they had the best product in terms of quality, look, and longevity, and they provided the best warranties in terms of wind rating, color guarantees, and product guarantees. There is no doubt that a 100% solid privacy fence that is 6 feet high is the safest option for anyone with a pool. This is not only because a 6 foot solid fence is the hardest to climb, but also because a solid fence completely obscures views of the pool from outside of the fence. Of the 13 pool safe fence options from Bufftech, 7 of them are solid fences, 2 are semi-private fences, and 4 are considered contemporary fences. With the 25% openness requirement, all 7 solid fence options are out. The 2 semi-private options were around 15% open, and we believed they would have been a good compromise between pool safety, privacy and openness, which is why we

selected the 15% option. Our concern with more open designs is the picket spacing. If you have larger picket spacing, you have a larger viewing area and you have larger foot holds allowing people to climb the fence, which increases the risks. This is also the reason we discarded all horizontal fences (even though we prefer that aesthetic), as they essentially serve as ladders. Again, we did our research on this.

Once you move to contemporary fences, the 4 options have openness percentages of 44%, 50%, 50%, and 54%. Of those four options, only one option, the 50% option, would allow us to keep the Brazilian blend color. The other options would all require us to use white or almond colors. The Zoning Committee asked us to scour the world for a fence option that met the 25% openness requirement that we could live with. After talking with our contractors, the next company down in terms of quality from Bufftech is Legend manufactured by Master Halco. In researching options available from Legend, we found that picket size and spacing in vinyl products is fairly standardized (because apparently the industry that manufactures these fence parts has machines that are set to produce standard picket sizes and openings), such that we were looking at the same percentage openness for the Legend products. Our fence contractor said that after Legend, the drop off is very severe in terms of quality, longevity, and you are then looking at brands from Home Depot, Lowes, etc. We were not willing to drop on quality, since we want to do this fence once and have it last for 50 years. Since there were no better choices from Legend, we decided that if we could not use our Brazilian blend Imperial Select Cedar option with 15% openness, then to get the openness our neighbors were requesting, but also limit the pool risks associated with large picket spacing (3 inches for the Baron Select Cedar option in Brazilian blend as discussed with the Zoning Committee) and attractive nuisance visibility, our Code compliant fence choice would be the Bufftech Princeton design. The Princeton design is 54% open with 1.5 inch pickets and 1.75 inch spacing, and although we do not like the openness for the reasons discussed above, the picket spacing being smaller helps reduce climbing risks. The problem with the Princeton is that it only comes in white and almond, and forced to make that choice we would use almond. In our Zoning Committee hearing, the Zoning Committee did suggest that perhaps we could move to a more open design, and then use solid fencing in certain portions of the yard to give us more privacy around the pool (up to 15% of the total linear feet of our yard, or in our case 153 feet). If we were forced to use the Princeton almond fence, then we would take the Zoning Committee's suggestion and put solid panels along 32 feet of the north pool line, along 16 feet in the southwest corner, and then 104 feet along the west property line running from the south corner north. We believe that the almond color choice and moving in and out of solid and open picket fence would look terrible from an aesthetic point of view, but this was going to be our fallback position if the Zoning Committee rejected our request for a special exception. We also know that this would be a very undesirable result for Ken Force, based on his verbal comments in the Zoning Committee meeting. Given that the PVC/Vinyl fence industry does not seem to have fencing products available between 15% and 44% open, we do think it is an undue hardship to force us to go to a 44% open design, and our special exception should be granted.

Finally, I want to re-iterate that before we decided to proceed with the application for special exception with the Zoning Committee, we had called Bufftech to ask if they could adjust the spacing of their pickets to make sure that our fence was Code compliant. The problem is that the horizontal rails for the Vinyl/PVC fence are pre-drilled at the factory by Bufftech and then the vertical pickets are individually installed into the pre-drilled holes. So the spacing is set by



Bufftech's machines. The advantage to doing it this way is that you do not have to use 8 foot pre-fabricated panels, which do not look as good as they cannot be hand placed with the contour of the yard, and the fence last longer as you do not have to drill into any of the Vinyl/PVC during installation. So we made efforts to comply with our current fence choice, but those were initially rejected by Bufftech.

We are sorry for all of the detail, but we think it is important for the Committee to understand that we have put great thought, time, and effort into our proposals, and have taken our neighbors and the Zoning Committee's concerns and requests very seriously. And now to what we believe is the good news. After talking with our fence contractor on May 11<sup>th</sup>, he called Bufftech and spoke to a manager about our predicament. The manager then spoke to his manager, and our contractor ended up talking with the plant manager for all of Bufftech manufacturing facilities. Given the size of our order, Bufftech has offered (at greater cost to us) to shut down their machines, manually reset the machines to produce horizontal rails with pre-drilled holes with 1 inch spacing on a 3 inch picket, run our order as a custom commercial order, and then stop their machines and reset them to their standard picket spacing. This is an incredible offer that to our knowledge Bufftech has never done for any other residential customer. This means that we are now able to comply with the 25% openness requirement in Section 104-125(1), no longer need the special exception from the Zoning Committee (and therefore are withdrawing our request), our neighbors will have a more open fence as they have requested, we can maintain our preferred fence style and color, we can avoid a mixed solid panel and picket fence that is almond (which again we believe would be a much harsher impact on our yard and all of our neighbors), and the openness means that any greenery planted by us or by our neighbors will have some visibility between the yards, softening the look of the fence for everyone. At the end of the day, we believe that this is the perfect compromise between safeguarding our pool, our privacy, and our neighbors request for openness, all while being 100% Code compliant. Attached please find our updated signed contract with Statewide fencing, that highlights the 1 inch spacing on 3 inch pickets.

Thanks again for the ARC's time and consideration with respect to our proposal.

*s/ Jeff and Elizabeth Billings*

22316750.1



TO: Elizabeth and Jeff Billings  
9377 N. Regent Rd.  
Bayside, WI. 53217

DATE: May 13, 2020

414-755-9638  
zafreeman@yahoo.com

ATTN: RE: Imperial-PVC  
Brazilian Blend  
Semi-Privacy fence  
Custom for 25%

We propose to furnish the necessary labor, material, equipment and supervision to install the following as listed below:

**SCOPE: TEAROUT 690' OF EXISTING 6'H CHAIN LINK FENCE AND INSTALL 8' OF 4'H AND 748' OF 6'H PVC SEMI-PRIVACY FENCE-3" WIDE PICKETS WITH 1" SPACING**

- Set 103-5" x 5" PVC posts, 8' or less on center, into 4' deep, cemented belled footings
- Install bottom PVC rail, with steel insert, into routed holes in End, Corner and Line posts
- Install mid rail, into routed holes in all End, Corner and Line posts
- Install 3" individual pickets, with 1" spacing, into bottom rail, through mid-rail
- Install top rail over all individual pickets and lock into place
- Attach 5" x 5" flat caps, onto each End, Corner, Line and Gate posts
- Construct and hang 1-4' x 4'h gate with Black Ornamental self-closing hardware and latch
- Construct and hang 1-4'w x 6'h gate with Black Ornamental self-closing hardware and key lockable latch
- Construct and hang 1-8'w x 6'h Double Drive gates with Black Ornamental self-closing hardware and key lockable latch
- Remove 690' of existing chain link, pull posts, haul and discard old fence material

Total amount of this proposal.....\$67,000.00

Prices are valid for a period of 10 days. Terms for payment are as follows: Payment in full upon completion. Any alteration or deviation from the above specifications involving extra cost of material or labor will only be completed upon written orders for same and will become an extra charge over the sum mentioned in this proposal. All agreements must be made in writing.

RESPECTFULLY SUBMITTED: \_\_\_\_\_  
*Mark Oliver*

ACCEPTED BY \_\_\_\_\_ DATE 5/13/2020

*Jeff Billings*  
Phone 262.833-0200 • Fax 262-833-0203  
Toll Free 888-805-1847  
8310 Industrial Drive • Franksville, WI 53126  
*Elizabeth Billings* DATE 5-13-2020  
*Elizabeth Billings*

*Please read back for terms and conditions*

Page 1 of 2

Statewide Fencing, Inc.

Page 2

**TERMS AND CONDITIONS**

The acceptance of this contract by Jeff and Elizabeth Billings is conditional on the issuance of a permit for the project by the Village of Bayside, review and approval by the architectural review board for the Village, and the arrangement of financing by Jeff and Elizabeth Billings (hereinafter referred to collectively as the "Approval"). No down payment will be made on the Project until the Approval is completed. If Approval is not completed, this contract shall be null and void.

Statewide Fencing, Inc. shall advise the customer as to local zoning regulations, but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Statewide Fencing, Inc. will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstances does Statewide Fencing, Inc. assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located, it is recommended that the customer have the property surveyed.

***CUSTOMER IS RESPONSIBLE FOR LOT LINES, DIRT REMOVAL AND PERMITS.***

Statewide Fencing, Inc. will assume the responsibility for having underground public utilities located and marked. However, Statewide Fencing, Inc. assumes no responsibility for unmarked sprinkler lines or any other buried lines or objects. The customer will assume all liability for any damage caused by directing Statewide Fencing, Inc. to dig in the immediate vicinity of known utilities.

Any alteration or deviation from the above specifications involving extra cost of material or labor will become an extra charge over the sum mentioned in this proposal. All agreements must be made in writing.

Phone 262-833-0200 • Fax 262-833-0203  
Toll Free 888-805-1847  
8310 Industrial Drive • Franksville, WI 53126

## Project Proposal

Date April 24, 2020

Property Address 9377 N. Regent Road

Zoning Residential - G1

- |  |  |
|--|--|
| <input type="checkbox"/> Accessory Structures/Generators<br><input type="checkbox"/> Additions/Remodel<br><input type="checkbox"/> Bluff Management<br><input type="checkbox"/> Commercial Signage<br><input type="checkbox"/> Decks/Patios<br><input checked="" type="checkbox"/> Fence<br><input type="checkbox"/> Fire Pits<br><input type="checkbox"/> Landscaping requiring Impervious Surface/Fill/Excavation Permit | <input type="checkbox"/> New Construction<br><input type="checkbox"/> Play Structures<br><input type="checkbox"/> Recreational Facilities/Courts<br><input type="checkbox"/> Roofs<br><input type="checkbox"/> Solar Panels/Skylights<br><input type="checkbox"/> Swimming Pools<br><input type="checkbox"/> Windows/Doors-change exceeds 25% of opening<br><input type="checkbox"/> Other |
|--|--|

Proposed project details (type of work, size, materials, etc.):

See attached letter with exhibits


\*\*\*\*\* For Office Use Only \*\*\*\*\*

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Color photographs showing project location, elevations and surrounding views
<input type="checkbox"/>	<input type="checkbox"/>	Two (2) complete sets of building plans (including elevations and grading)
<input type="checkbox"/>	<input type="checkbox"/>	Survey
<input type="checkbox"/>	<input type="checkbox"/>	Samples or brochures showing materials, colors and designs
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee
<input type="checkbox"/>	<input type="checkbox"/>	Parcel Number
<input type="checkbox"/>	<input type="checkbox"/>	ARC Agenda Date:
<input type="checkbox"/>	<input type="checkbox"/>	Building Permit
<input type="checkbox"/>	<input type="checkbox"/>	Fill Permit
<input type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Permit
<input type="checkbox"/>	<input type="checkbox"/>	Plan Commission/Conditional Use Permit
<input type="checkbox"/>	<input type="checkbox"/>	Tax Key Number
<input type="checkbox"/>	<input type="checkbox"/>	Right-of-Way/Excavation Permit
<input type="checkbox"/>	<input type="checkbox"/>	Variance Required

### Scope of Work

Only items listed are part of this permit. If work is done on items not listed on this permit they will be considered to have been completed without a permit and are subject to double fees.

Item	Cost
Replace existing fence and move to lot line	\$ 70,000
Re-grade per plan along western fence line	\$ 10-15,000

Signature  Total Cost \$ 80-85,000  
Jeff Billings Date 4/24/2020

### Requested Changes at time of work

Must be submitted to the Village prior to or same day work is completed. Failure to return the same day will result in double permit fees.

Item	Cost

Signature \_\_\_\_\_ Total Cost \_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_

August 2019

Dear Neighbors,

Jeff, Jackson, and I hope you are doing well! Sorry for the mass letter, and I hope I get to talk to you in person, but we have six neighbor yards that touch ours. Just wanted to tell you all about two things:

1. We are hosting a family reunion starting this Friday to Sunday. I am honored to be the third of four generations attending—approximately 35 people. Most of my family will be staying at local hotels, but one of my cousins is going to tent camp in the backyard. The Village Police will be putting up 'no parking signs' on half of Regent Road for Friday to Sunday. Hopefully, if the weather is nice, we plan to play yard games, swim, and roast s'mores. The noise level will understandably be up from how quiet Jeff, Jackson, and I try to be by ourselves! The average age of the crowd is probably 58 so it shouldn't be too loud 😊
  
2. We have been working really hard over the last 14 months to try to reclaim our long neglected yard. The battle against the buckthorn is also in summer number two. We have hired Steve Staab of Sydney Landscaping (cell: 414-322-4154) to continue to remove buckthorn from our property. This fall he will be focusing on the fence area again. We have agreed to pay him to remove buckthorn that is growing within 12 to 18 inches of the fence line; especially, the buckthorn that is threatening to push the fence. If you want me to call/text you on the days he will be working (probably in November), please call/text me and let me know.
  - a. If you any of you are interested in having him remove buckthorn further into your yards, please contact Steve directly: 414-322-4154.
  - b. FYI, eventually we plan to address the bigger specimens that are interfering with the fence.
  - c. We really love to flower, fruit, and vegetable garden. Bit by bit we hope to get the yard to a whole new level.

Hope you are all doing well!!!!



Elizabeth Billings

Cell: 414-755-9638

*Elizabeth and Jeff Billings*  
*9377 N. Regent Road*  
*Bayside, WI 53217*

April 9, 2020

Dear *Patthy & Paul,*

The Billings Family hopes you are doing well! As you know over the last nearly two years, we have been working diligently to remove buckthorn growing within 12 to 18 inches of the fence as well as the rest of our yard. To date, we have removed 17 truckloads of buckthorn and other weed/diseased trees. We have not yet tackled the bigger specimens that are interfering with the fence. We are on the list to be quoted still from last summer when we talked and we wrote to you about Elizabeth's family reunion (thank you all again for being so wonderful while we hosted Elizabeth's extended family!).

Why am I writing again now? As you know, we are looking into replacing and upgrading our fence. For those of you who do not remember, we moved in June of 2018 to what we thought was 1.81 acres (check out the property listing online). In looking at our taxes this year we noticed that the Village had our lot listed at 1.3 acres. We figured the Village probably had the more accurate assessment of our yard, so we decided to pay for a certified survey to get to the bottom of this. It turns out we actually own 1.23 acres, and our fence is over the lot line in some places and short of it in others. We have enclosed a copy of the survey.

Why do we want to replace the ancient chain-link fence?

- The buckthorn project revealed that it is an ancient chain-link fence that has many trees growing through it, holes in it, is rusting, and it is heaving in many places
- We would like to replace some of the privacy that has been lost by the eradication of the buckthorn and removal of other weed/diseased trees on our property. The fence would provide an immediate privacy element, but it would also allow us to define our yard and plant new privacy trees along the west side of our property for additional privacy
- We want to put the fence six inches within our property lot lines (seems only fair) and use our entire property
- We are required to have a "pool safe" fence
- We have two dogs, as well as a toddler (and hopefully more kids down the road)
- We want to create a botanical walk worthy backyard which means keeping rabbits/deer away

We have done our research and have settled on a Bufftech fence made by CertainTeed. We encourage you to look at their website (<https://bufftech.com/>). We are thinking of the Imperial Select Cedar Texture in Brazilian Blend (which is a dark brown). We have selected a vinyl product because it is very low maintenance, has passed wind tests, is pool safe, and will not rot. Please check out the attached page from the website for all the additional reasons we picked it. We are certainly not picking it to save money; it is twice the cost of a cedar fence, but we are planning to live here for 40+ years and never want to have to do this project again.

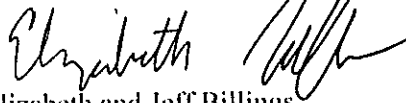
We have been talking to the Village about the project and here are the steps that they have shared with us:

- We have already talked/texted/emailed with all of you and are also writing this letter so that we can answer any questions you may have and provide you with information about the project
- We get a permit
- We get approved by the architectural committee
- We get the remaining buckthorn and other weed/diseased trees out of and off of the existing fence
- Fence is removed and replaced

We would appreciate you supporting us in this endeavor. Although not required by the Village to move forward with the project, if you do choose to support the project we would submit that with our required paperwork. If you are willing to support the project, please sign, date, and print your name on the next page, and drop a copy in our mailbox (postage paid return envelope provided).

Timeline: honestly, we have no idea but we would be surprised if the entire project is completed in 2020. Tree removal companies are swamped with emerald ash borer and COVID-19 has uprooted all of our lives.

Thanks for being great neighbors,



Elizabeth and Jeff Billings



**Fence Project located at 9377 N. Regent Road, Bayside, WI 53217**

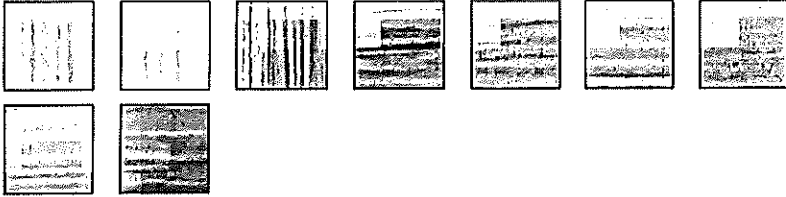
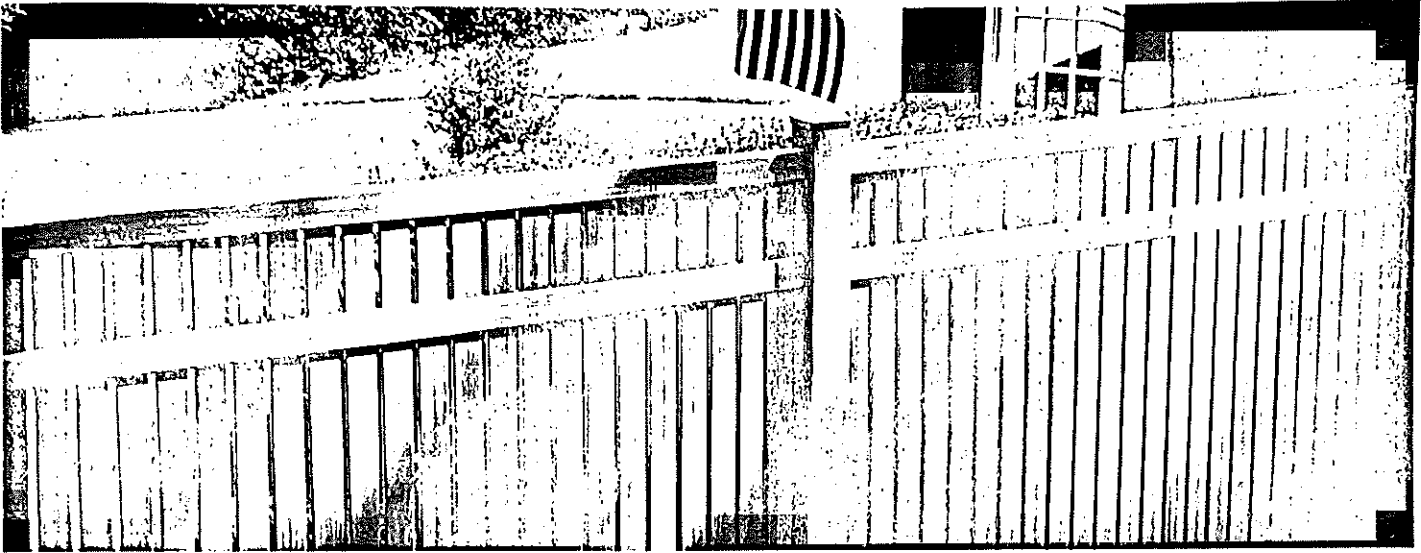
Yes! As a neighbor of the Billings family, I/we support the fence project:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name(s): \_\_\_\_\_

Date: \_\_\_\_\_



## IMPERIAL SELECT CEDAR

[OVERVIEW](#)

[TECHNICAL](#)

### THE PERFECT BLEND OF FUNCTIONALITY AND STYLE

- Thru-picket "good neighbor" design
- 7/8" x 3" picket size
- 4', 5' & 6' heights (5' & 6' include midrail)
- Steel reinforced bottom rail
- Seven colors: Almond, Arbor Blend, Arctic Blend, Clay, Sierra Blend, Weathered Blend and White
- ColorLast™ dark color fade protection
- WindZone™ performance - Miami-Dade County approved NOA #18-0920.04 for exceptional performance in high wind conditions (expires 3-13-2024)
- Meets most building codes for pool fencing

Vinyl fence is a type of plastic fence made with PVC (polyvinyl chloride). The PVC resin is combined with special ingredients that give vinyl fence exceptional impact strength, durability and weatherability.

Vinyl is an easy-care alternative to other fence materials. A vinyl fence won't warp, rot, split or blister like a wood fence, or rust, chip, peel or corrode like aluminum. Vinyl never needs sanding, staining or painting. Surface dirt and debris wash away easily with a periodic spraying from a garden hose.

Plastic fence is a safe choice for families and pet owners. Unlike wood fences, which are often treated with chemicals to protect the fence from weathering, vinyl is non-toxic. It doesn't splinter and contains no nails or sharp edges that can harm children or animals. Plastic is also an environmentally friendly fence material, since it is fully recyclable and offers an eco-conscious alternative to the dwindling supply of trees harvested for wood fencing.

When choosing a vinyl fence brand, there's no better choice than Bufftech®. Bufftech fence is manufactured by CertainTeed, a leading North American supplier of vinyl building products. CertainTeed vinyl products continually earn high marks for quality and performance from homeowners and building professionals alike. All Bufftech plastic fence styles are backed by CertainTeed's lifetime limited transferable warranty and SureStart™ protection that covers warranted repair and replacement costs, including labor, for five years after installation.

Bufftech vinyl fence offers outstanding durability. It's up to five times stronger and four times more flexible than wood fencing, allowing it to handle the impact from lawn mowers and tree limbs. The steel reinforced bottom rail provides a stronger, more rigid fence that's less likely to sag or bow.

No other vinyl fence manufacturer offers more style, color and texture options than Bufftech. Our CertaGrain® and Select Cedar authentic woodgrain textures deliver the look of natural wood fencing without the maintenance. Bufftech's CertaStucco™ fence is a unique twist on traditional stucco walls. Bufftech fence comes in a choice of 9 solid colors and 4 blended colors. Our darker shades feature Bufftech's exclusive ColorLast™ formulation that protects the fence from fading and discoloration when exposed to the sun. The Bufftech vinyl fence line includes popular styles such as privacy, semi-private, picket and post & rail.

# Plat of Survey

Property Description:  
Lot 10, in Block 1, in Bayside Ravine Park, being a Subdivision of a part of the Northwest 1/4 of Section 4, Township 8 North, Range 22 East, in the Village of Bayside, Milwaukee County, Wisconsin.



PREPARED FOR:  
Clasman, Saboga  
9377 N. Regent Road  
Bayside, WI 53227

BEARING AND DISTANCE TO  
BASELINE POINT MARK WESTLINE  
107.10 INCL. MARK W 02°15'00" W

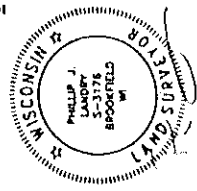
- Notes:
- 1 Building dimensions and associated offset distances were measured along the outside of the structure wall.
  - 2 A 30% commitment has not been provided and this parcel may be subject to: a) benefit from easements or agreements, written or otherwise; or b) other encumbrances.
  - 3 Field work completed on 03-04-20.

- LEGEND
- ⊠ TRANSFORMER
  - ⊞ UTILITY PEDESTALS
  - ⊞ POWER POLE
  - ⊞ WELL
  - 3/4" I.F. IRON ROD SET
  - 1.5" ALUMINUM FOOT
  - ⊙ MONUMENT FOUND AS NOTED (Pressure Casing Bore)
- ( ) INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

**SURVEYOR'S CERTIFICATE**

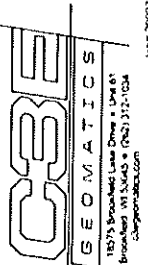
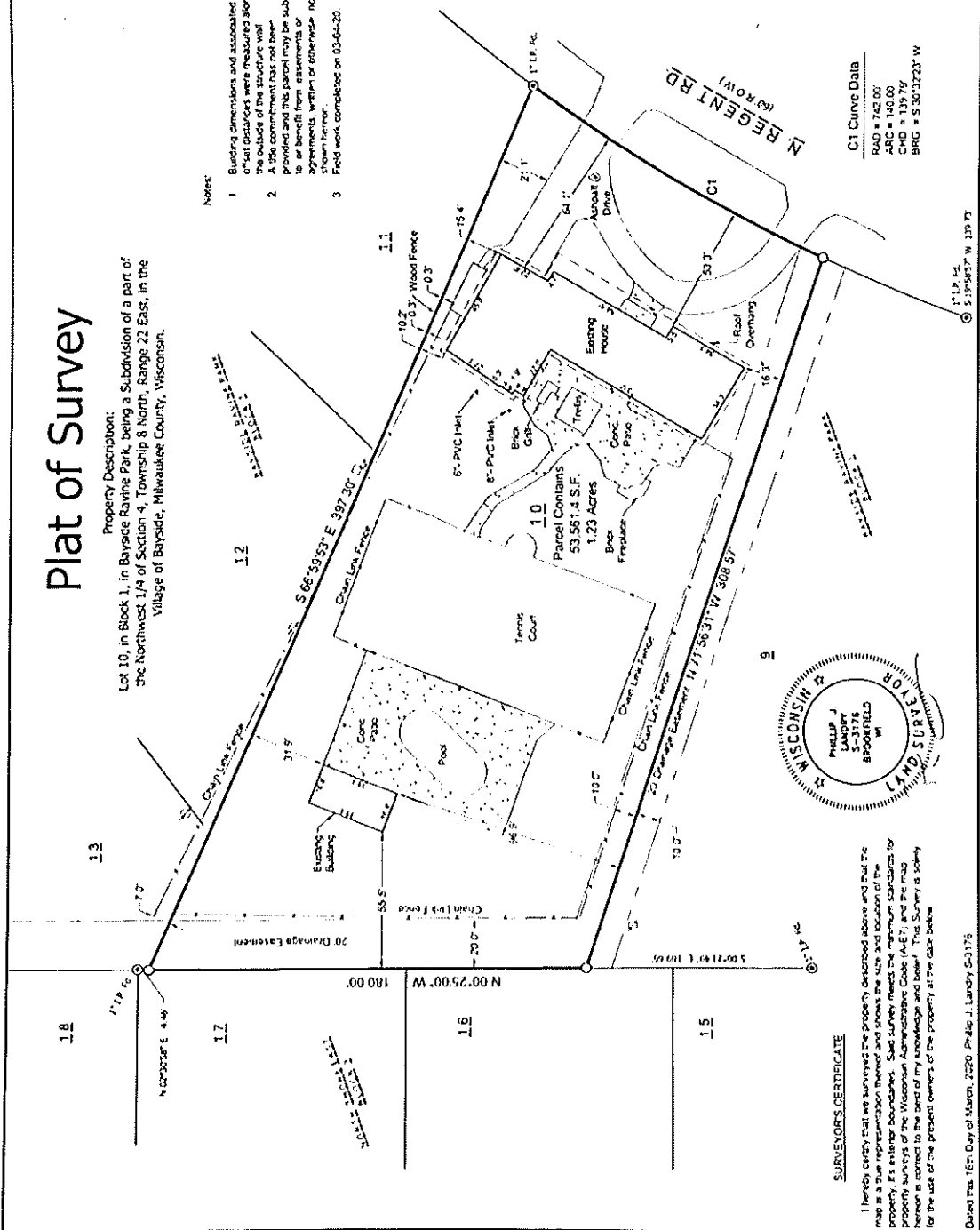
I hereby certify that we surveyed the property described above and that the map is a true and correct representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (ATC) and the map hereon is certified to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 16th Day of March, 2020. Phillip J. Landry S-3176



**C1 Curve Data**

RAD = 742.00'  
ARC = 140.00'  
CHD = 139.79'  
BRC = S 30°32'23" W



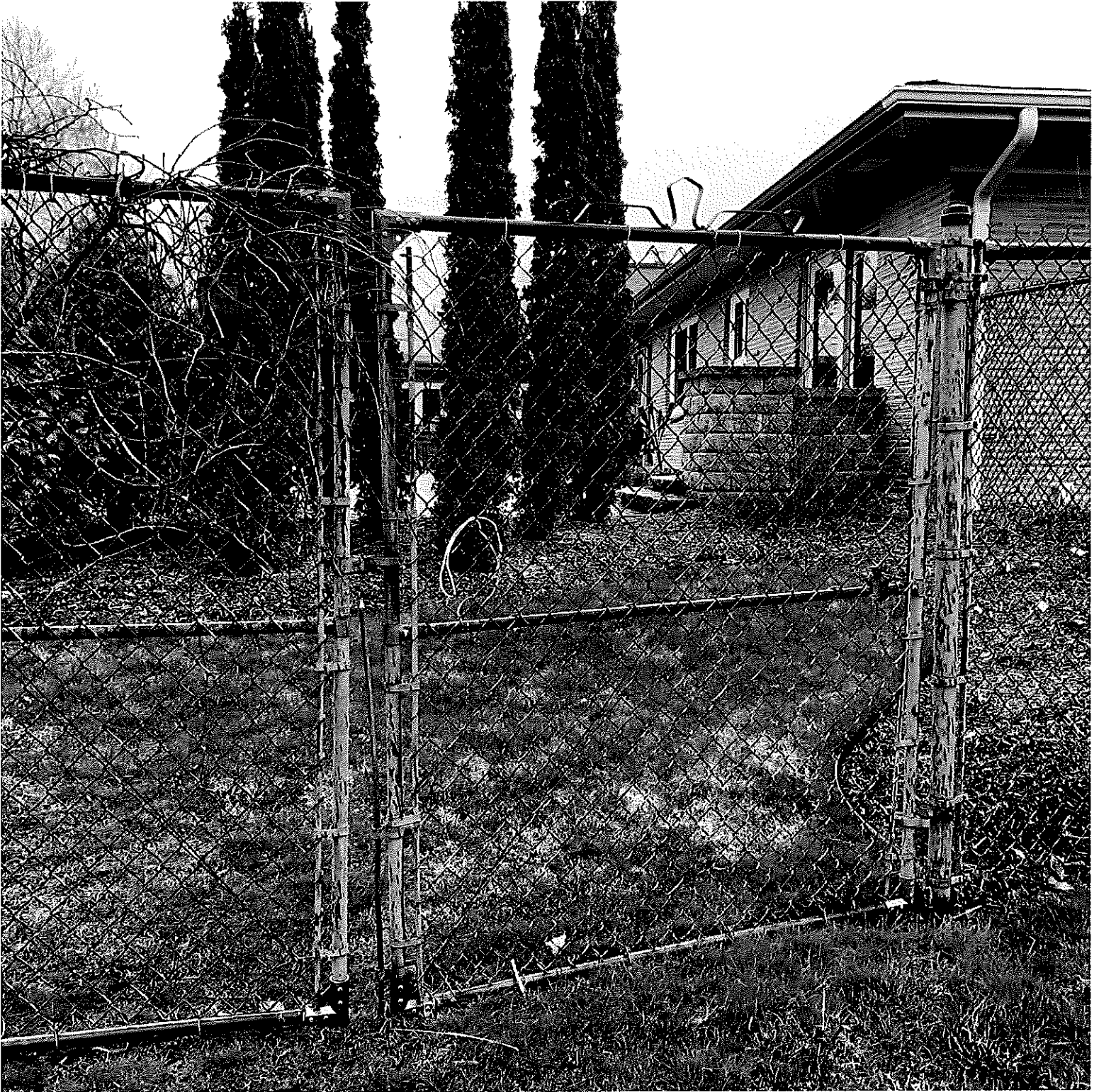
June 2022













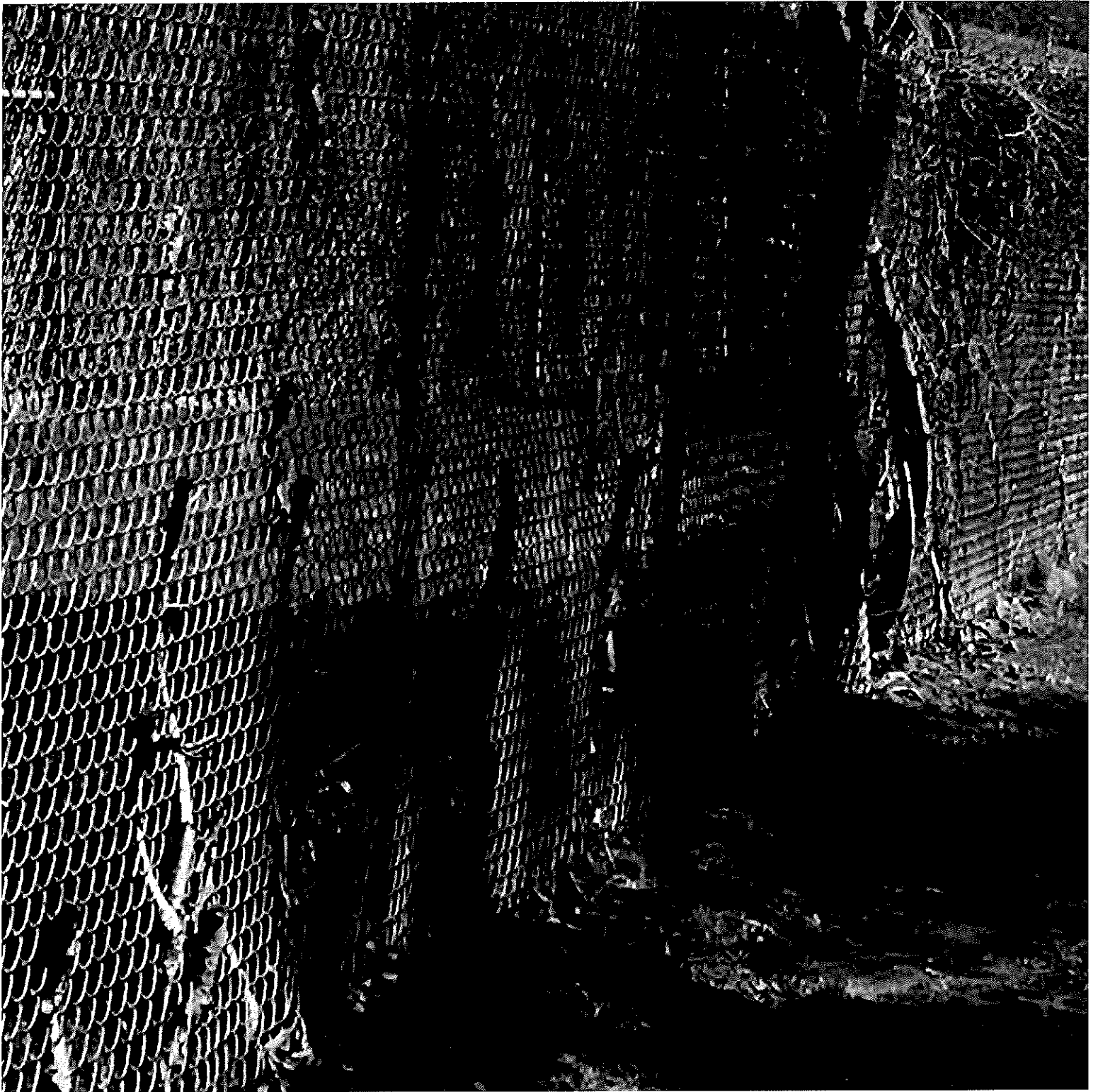












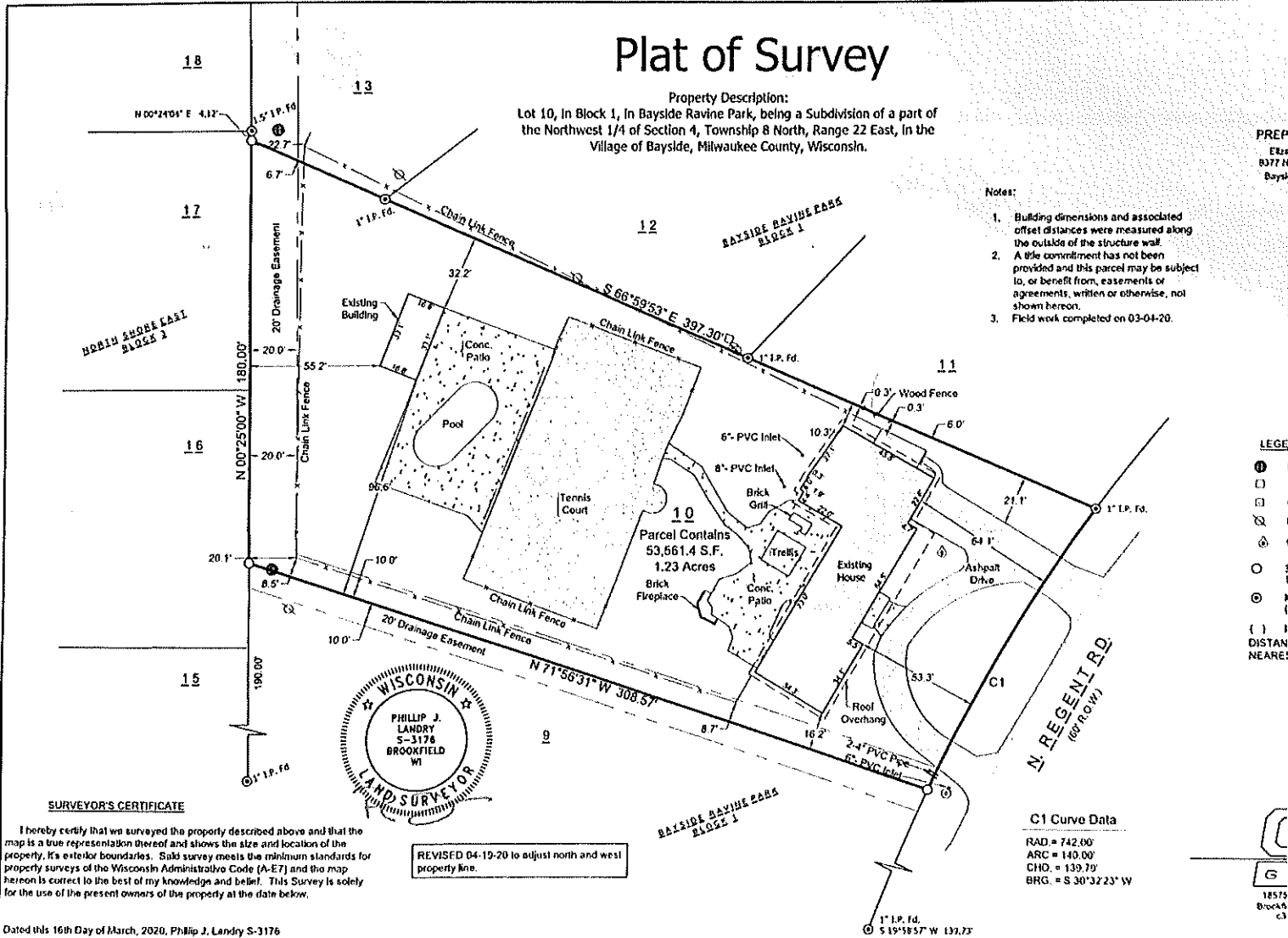
# Plat of Survey

**Property Description:**  
 Lot 10, in Block 1, in Bayside Ravine Park, being a Subdivision of a part of the Northwest 1/4 of Section 4, Township 8 North, Range 22 East, in the Village of Bayside, Milwaukee County, Wisconsin.

**Notes:**

1. Building dimensions and associated offset distances were measured along the outside of the structure wall.
2. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
3. Field work completed on 03-04-20.

PREP:  
 ERW  
 0377 H  
 Bayak



**SURVEYOR'S CERTIFICATE**

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

REVISED 04-19-20 to adjust north and west property line.

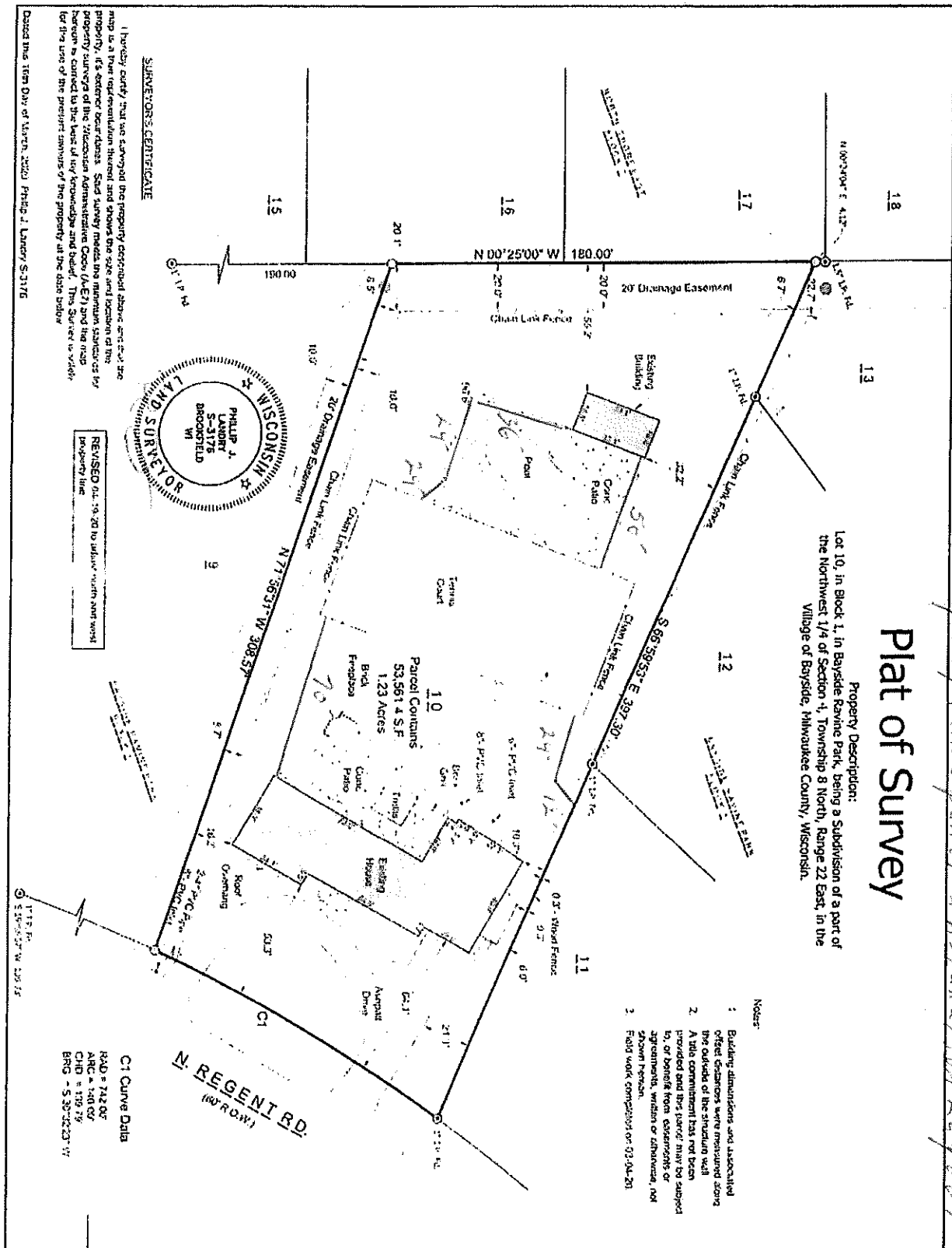
Dated this 16th Day of March, 2020, Phillip J. Landry S-3176



*240' - 6" Temporary Fence Panel Installation Keyway*

# Plat of Survey

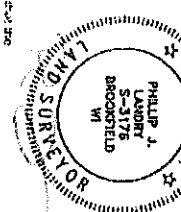
**Property Description:**  
 Lot 10, in Block 1, in Bayside Ravine Park, being a Subdivision of a part of the Northwest 1/4 of Section 4, Township 8 North, Range 22 East, in the Village of Bayside, Milwaukee County, Wisconsin.



**SURVEYOR'S CERTIFICATE**

I hereby certify that we surveyed the property depicted above and that the map is a true and correct representation thereof and shows the size and location of the property, its adjacent parcels, and such survey meets the minimum standards for accuracy required by the Wisconsin Administrative Code (Chs. D-1 and D-2) and the map herein is correct to the best of my knowledge and belief. This Survey is valid for the use of the present status of the property at the date below.

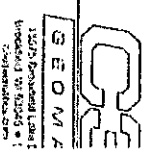
Dated this 10th Day of March, 2020 Philip J. Laney S-3176



REVISED 04-19-20 To allow width and work property line

**C1 Curve Data**  
 RAD = 742.00'  
 ARC = 140.00'  
 CHD = 109.79'  
 BRG = S 30° 12' 23" W

- Notes:**
1. Building dimensions and associated offset dimensions were measured along the outside of the structural wall.
  2. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
  3. Field work completed on 03-04-20



- LEGEND**
- FIELD POINT
  - TRANSFORM
  - UTILITY POLE
  - POWER POLE
  - WELL
  - 1.4" X 1.8" IRON
  - 1.5" X 1.5" ALUMINA
  - MONUMENT IN
  - MONUMENT OWN
  - ( ) INDICATES NE
  - DISTANCES ARE MEASUREMENT NEAREST HUNDRETH

**PREPARED FOR:**  
 Excelsior Group  
 9771 N. Regent Road  
 Bayside, WI 53217





**TO:** Elizabeth and Jeff Billings  
9377 N. Regent Rd.  
Bayside, WI. 53217

**DATE:** April 21, 2020

414-755-9638  
zafreeman@yahoo.com

**ATTN: RE:** Imperial-PVC-  
Brazilian Blend  
Semi-Privacy fence

We propose to furnish the necessary labor, material, equipment and supervision to install the following as listed below:

**SCOPE: TEAROUT 690' OF EXISTING 6'H CHAIN LINK FENCE AND INSTALL 8' OF 4'H AND 748' OF 6'H PVC SEMI-PRIVACY FENCE**

- Set 103-5" x 5" PVC posts, 8' or less on center, into cemented belled footings (minimum of four feet per footing)
- Install bottom PVC rail, with steel insert, into routed holes in End, Corner and Line posts
- Install mid rail, into routed holes in all End, Corner and Line posts
- Install individual pickets, into bottom rail, through mid rail
- Install top rail over all individual pickets and lock into place
- Attach 5" x 5" flat caps, onto each End, Corner, Line and Gate posts
- Construct and hang 1-4' x 4'h gate with Black Ornamental self-closing hardware and latch
- Construct and hang 1-4'w x 6'h gate with Black Ornamental self-closing hardware and key lockable latch
- Construct and hang 1-8'w x 6'h Double Drive gates with Black Ornamental self-closing hardware and key lockable latch
- Remove 690' of existing chain link, pull posts, haul and discard old fence material

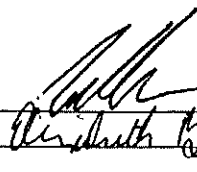
**Total amount of this proposal.....\$66,500.00**

Prices are valid for a period of 10 days. Terms for payment are as follows: Payment in full upon completion. Any alteration or deviation from the above specifications involving extra cost of material or labor will only be completed upon written orders for same and will become an extra charge over the sum mentioned in this proposal. All agreements must be made in writing.

RESPECTFULLY SUBMITTED: \_\_\_\_\_  
**Mark Oliver**

Phone 262.833-0200 • Fax 262-833-0203  
Toll Free 888-805-1847  
8310 Industrial Drive • Franksville, WI 53126

ACCEPTED BY

  
Elizabeth Billings

DATE

4/21/2020

DATE

4-21-2020

*Please read back for terms and conditions*

Page 1 of 2

Statewide Fencing, Inc.  
Page 2

**TERMS AND CONDITIONS**

The acceptance of this contract by Jeff and Elizabeth Billings is conditional on the issuance of a permit for the project by the Village of Bayside, review and approval by the architectural review board for the Village, and the arrangement of financing by Jeff and Elizabeth Billings (hereinafter referred to collectively as the "Approval"). No down payment will be made on the Project until the Approval is completed. If Approval is not completed, this contract shall be null and void.

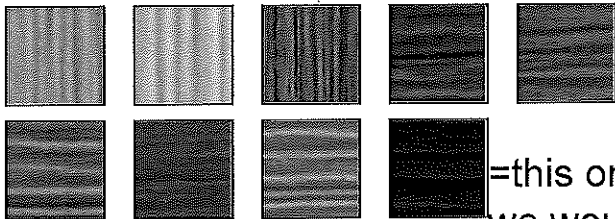
Statewide Fencing, Inc. shall advise the customer as to local zoning regulations, but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Statewide Fencing, Inc. will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstances does Statewide Fencing, Inc. assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located, it is recommended that the customer have the property surveyed.

***CUSTOMER IS RESPONSIBLE FOR LOT LINES, DIRT REMOVAL AND PERMITS.***

Statewide Fencing, Inc. will assume the responsibility for having underground public utilities located and marked. However, Statewide Fencing, Inc. assumes no responsibility for unmarked sprinkler lines or any other buried lines or objects. The customer will assume all liability for any damage caused by directing Statewide Fencing, Inc. to dig in the immediate vicinity of known utilities.

Any alteration or deviation from the above specifications involving extra cost of material or labor will become an extra charge over the sum mentioned in this proposal. All agreements must be made in writing.

HOME / FENCE / PRODUCTS / IMPERIAL SELECT CEDAR



=this one is Brazilian Brown and the color we would like to use

## IMPERIAL SELECT CEDAR

[OVERVIEW](#)

[TECHNICAL](#)

### THE PERFECT BLEND OF FUNCTIONALITY AND STYLE

- Thru-picket "good neighbor" design
- 7/8" x 3" picket size
- 4', 5' & 6' heights (5' & 6' include midrail)
- Steel reinforced bottom rail
- Seven colors: Almond, Arbor Blend, Arctic Blend, Clay, Sierra Blend, Weathered Blend and White
- ColorLast™ dark color fade protection



- WindZone™ performance - Miami-Dade County approved NOA #18-0920.04 for exceptional performance in high wind conditions (expires 3-13-2024)
- Meets most building codes for pool fencing
- Lifetime limited warranty with SureStart™ parts and labor protection

#### PRODUCT OVERVIEW

- [Bufftech Homeowner Brochure](#)
- [Bufftech Textures Sell Sheet](#)
- [Bufftech Full Line Brochure](#)
- [Bufftech HOA Brochure](#)

#### TECHNICAL SPECS

- [Bufftech® Fence Calculator](#)
- [Vinyl Fence Care & Maintenance](#)
- [CADdetails - Fence Specs](#)
- [Miami-Dade NOA Code Approval](#)  
[\(More Info\)](#)

#### INSTALLATION

- [Bufftech Installation Manual](#)
- [Bufftech Vinyl Installation Videos](#)  
[\(More Info\)](#)

#### WARRANTY

- [Bufftech Fence Limited Lifetime Warranty](#)  
[\(More Info\)](#)



# GET INSPIRED AND LEARN MORE

[VISIT THE FENCE LEARNING CENTER](#)  
[VISIT THE FENCE INSPIRATION GALLERY](#)





PHOTOS

IMPERIAL

FENCE



ARTICLES



ARTICLES

CASE STUDY:

UPSCALE

SUBURBAN

COMMUNITY

TRANSFORMS

WITH

REALISTIC

WOODGRAIN

TEXTURE

VINYL

PRIVACY

FENCE

MILLER

FENCE

DYNAMICALLY

ACCENTS

NEW POOL

AND

RECREATION

COMPLEX AT

WORCESTER

COUNTRY

CLUB

WHAT TYPE

OF FENCE DO

I NEED FOR A

SWIMMING

POOL

APPLICATION?

## TECHNICAL INFORMATION

We offer our professional audience drawings and specifications in a standard CSI format through [CADdetails.com](http://CADdetails.com). Login required (free).

### SPECS

- [Bufftech® Fence Calculator](#)
- [Vinyl Fence Care & Maintenance](#)
- [Safety Data Sheet - Vinyl Fence, Decking, Railing and Composite Railing](#)
- [CADdetails - Fence Specs](#)

- [Miami Dade NOA Code Approval](#)
- \*CertainTeed uses cookies on our website in order to improve site performance, offer you a better browsing experience and enable you to easily share content. Cookies are pieces of information stored on your computer in simple text files which our server can read and record. These files do not contain any sensitive information. By continuing to browse our site, you agree to the use of cookies. For further information or help configuring cookies, [Click here](#).



## INSTALLATION

Step-by-step fence Installation instructions

### INSTALLATION

- [Bufftech Installation Manual](#)
- [Bufftech Vinyl Installation Videos](#)

## WARRANTY DETAILS

The Bufftech® Limited Lifetime warranty protects your investment and includes our exclusive 5 year SureStart™ parts and labor protection.

### WARRANTY

- [Bufftech Fence Limited Lifetime Warranty](#)

## SUSTAINABILITY INFORMATION

CertainTeed respects the environment through the responsible development of sustainable building products and systems. CertainTeed's Bufftech vinyl fence products give building professionals and homeowners confidence that the homes they design, build, maintain and occupy are made with sustainable materials that enhance every project's performance and beauty.

\*CertainTeed uses cookies on our website in order to improve site performance, offer you a better browsing experience and enable you to easily share content. Cookies are pieces of information stored on your computer in simple text files which our server can read and record. These files do not contain any sensitive information. By continuing to browse our site, you agree to the use of cookies. For further information or help configuring cookies, [Click here](#).



CertainTeed  
**Bufftech**<sup>®</sup>  
Vinyl Fence Products

# Why choose Bufftech<sup>®</sup> over other vinyl products?

*Bufftech vinyl fence  
outperforms other vinyl fences.*



A vinyl fence is one of the largest investments you'll make to enhance the beauty and value of your home. While you may find a less expensive option, consider what you're really getting for your money.

Take a closer look at what sets Bufftech<sup>®</sup> apart from other vinyl fences.

## High-quality raw materials

When you purchase a Bufftech fence, you can be assured you're getting a high-quality product that's consistent from panel to panel, picket to picket. Bufftech vinyl fence is made with carefully selected ingredients designed to increase durability and long-term performance. Bufftech uses a high percentage of titanium dioxide, a critical additive that protects vinyl from potentially harmful UV rays, in all of its vinyl fence products. Lower-cost vinyl products often use less TiO<sub>2</sub> because of the added expense. Without it, vinyl fence can become cracked and brittle due to weathering.

## Steel reinforced railings

Bufftech vinyl fence products feature a steel reinforced bottom rail for a stronger, more rigid fence, which reduces the chances of sagging or bowing.

## Heavyweight pickets

Bufftech's heavyweight pickets provide superior impact strength and resist the warping and oil canning found in flat panel fence.

## Routed rails and fence posts

Bufftech vinyl fence systems feature precision-routed rails for safe, secure picket attachment and easy assembly. Bufftech's routed fence posts provide a secure connection that allows for thermal expansion season after season.

## Concealed fasteners

All Bufftech vinyl fence systems feature concealed fasteners for a sleek, clean finish. Pickets are installed without unsightly brackets, screws or glue that can compromise the safety and security of the fence.



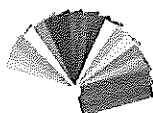
### Building code compliant

Bufftech vinyl fence is tested to the highest standards for performance. The Bufftech line includes styles approved for use around swimming pools and in high wind conditions (Miami-Dade County approved NOA#12-1106.11, expires 3-13-2018).



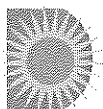
### Meets ASTM standards

Bufftech vinyl fence also meets the strict standards of the ASTM. Some vinyl fences do not comply with these specifications.



### Innovative styles, colors and textures

Bufftech leads the vinyl fence industry with the widest array of styles, colors and textures. Our CertaGrain® and Select Cedar authentic woodgrain textures recreate the look of natural wood fence, while our CertaStucco™ fence offers an innovative alternative to traditional stucco walls. The Bufftech color palette includes 4 solid colors and 9 blended colors.



### ColorLast® fade protection

Bufftech is the only vinyl fence manufacturer to offer ColorLast® dark color fade protection, an acrylic formulation that provides superior protection from the harsh rays of the sun.



### Lifetime limited warranty protection

Bufftech vinyl fence products are backed by an outstanding lifetime limited transferable warranty, which includes our exclusive SureStart™ protection. SureStart covers warranted repair and replacement costs – including labor – for five years after installation.



### 100 years of quality products, made in the USA

Bufftech vinyl fence is proudly made in the USA by CertainTeed Corporation, a trusted name in building products for more than a century. Since 1904, CertainTeed has earned a reputation among homeowners and building professionals alike as a respected manufacturer of high-quality building materials.

### A better value over time

While a Bufftech vinyl fence may cost slightly more than other vinyl fence products, over time you'll find that Bufftech outlasts and outperforms its cheaper counterparts.

### How does the competition stack up?

Bufftech premium vinyl fence provides performance features that far surpass other vinyl fences. Before choosing a fence, compare the features most important to you with what other vinyl fences offer.

Performance Features	Bufftech Vinyl Fence
Lifetime limited warranty	✓
Transferable warranty	✓
Parts and 5-year labor warranty	✓
Dark color fade warranty	✓
Made in the USA	✓
Never needs painting or staining	✓
Won't chip, peel, crack or splinter	✓
Won't rot or support mold growth	✓
Impervious to termites/wood-boring insects	✓
Lead free	✓
No harmful chemicals	✓
High-quality raw materials	✓
Concealed fasteners	✓
Heavyweight pickets	✓
Wide choice of colors	✓
Woodgrain and stucco textures	✓
Steel reinforced rails	✓
Routed rails and posts	✓
Class A rating for flame spread	✓
Self-extinguishing	✓
Easy to assemble	✓
Building code compliant	✓
Meets ASTM standards	✓

### ASK ABOUT ALL OF OUR OTHER CERTAINTEED® PRODUCTS AND SYSTEMS:

ROOFING • SIDING • TRIM • DECKING • RAILING • FENCE  
GYPSUM • CEILINGS • INSULATION

[www.certainteed.com](http://www.certainteed.com) <http://blog.certainteed.com>

CertainTeed Corporation  
P.O. Box 860  
Valley Forge, PA 19482

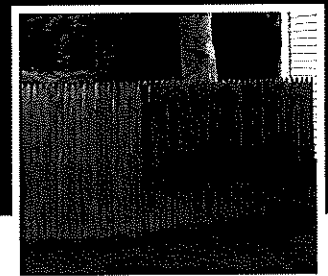
Professional: 800-233-8990  
Consumer: 800-782-8777



CertainTeed  
*Bufftech*<sup>®</sup>

Vinyl Fence Products

# Why choose vinyl over wood?



*Bufftech vinyl fence  
outperforms wood fence.*

Out of all types of fence materials, wood fences demand the most maintenance and can end up being the most costly. Wood fences must be treated, painted or stained on a regular basis; in fact, the average wood fence owner can expect to spend time and money painting or staining every few years to maintain the fence's appearance and to protect the wood from weathering. Wood that is exposed to the elements will eventually rot over time, resulting in a less stable fence with a shorter life span.

Bufftech<sup>®</sup> vinyl fence is an easy-care alternative to wood fence. Beautiful, durable, and built to last, a Bufftech fence is designed to provide years of worry-free enjoyment. Bufftech's industry-leading styles, colors and textures include a realistic woodgrain finish and rich, authentic shades that replicate the look of natural wood.

Take a closer look at why a Bufftech vinyl fence is a smarter investment than wood.

## Virtually maintenance free

A Bufftech vinyl fence requires far less maintenance than a wood fence. Vinyl won't warp, rot, splinter, peel or blister like wood. Vinyl fence never needs sanding, staining or painting. All it needs is an occasional washing with a garden hose to keep it looking its best.

## Innovative styles, colors and textures

Bufftech leads the vinyl fence industry with the widest array of styles, colors and textures. Our CertaGrain<sup>®</sup> and Select Cedar authentic woodgrain textures recreate the look of natural wood fences, while our CertaStucco<sup>™</sup> fence offers an innovative alternative to traditional stucco walls. The Bufftech color palette includes 4 solid colors and 9 blended colors.

## Consistent color and fade protection

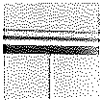
Stained and painted wood fences will peel and chip, and the color will fade over time. With Bufftech vinyl fence, the color is engineered to last. Bufftech is the only vinyl fence manufacturer to offer ColorLast<sup>®</sup> dark color fade protection, an acrylic formulation that provides superior protection from the harsh rays of the sun.

**CertainTeed**  
SAINT-GOBAIN



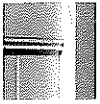
### Greater strength and flexibility

Bufftech vinyl fence is up to five times stronger and four times more flexible than wood, allowing it to absorb the impact from everyday run-ins with lawn mowers and tree limbs. Bufftech fence products feature a steel reinforced bottom rail for a stronger, more rigid fence, which reduces the chances of sagging or bowing.



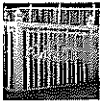
### Concealed fasteners

All Bufftech vinyl fence systems feature concealed fasteners for a sleek, clean finish. Wood fences are installed with unsightly nails, which, when exposed to the elements, will weather, come loose and cause the fence to deteriorate over time. Loose nails are also a safety issue.



### Routed rails and fence posts

Bufftech's precision-routed rails ensure a safe, secure picket attachment and easy assembly. The routed fence posts provide a more secure connection than wood, allowing for thermal expansion season after season.



### Building code compliant

Bufftech vinyl fence is tested to the highest standards for performance. The Bufftech line includes styles approved for use around swimming pools and in high wind conditions (Miami-Dade County approved NOA#12-1106.11, expires 3-13-2018).



### Lifetime limited warranty protection

Unlike wood fences, which generally carry no warranty, Bufftech vinyl fence products are backed by an outstanding lifetime limited transferable warranty, which includes our exclusive SureStart™ protection. SureStart covers warranted repair and replacement costs – including labor – for five years after installation.



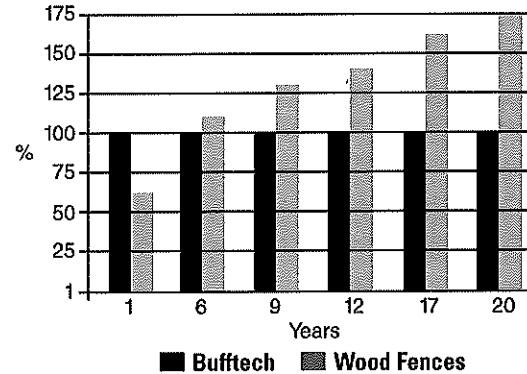
### 100 years of quality products, made in the USA

Bufftech vinyl fence is proudly made in the USA by CertainTeed Corporation, a trusted name in building products for more than a century. Since 1904, CertainTeed has earned a reputation among homeowners and building professionals alike as a respected manufacturer of high-quality building materials.

### A better value over time

While a vinyl fence may cost slightly more initially, vinyl will end up costing less than wood over the life of the fence.

Cost includes fence price averaged over 20 years plus maintenance and repair costs. Cost is expressed as a percentage.



### How does wood stack up?

Bufftech premium vinyl fence provides performance features that far surpass wood. Before choosing a fence, compare the features most important to you with what a wood fence offers.

Performance Features	Bufftech Vinyl Fence
Lifetime limited warranty	✓
Transferable warranty	✓
Parts and 5-year labor warranty	✓
Dark color fade warranty	✓
Made in the USA	✓
Never needs painting or staining	✓
Won't chip, peel, crack or splinter	✓
Won't rot or support mold growth	✓
Impervious to termites/wood-boring insects	✓
Lead free	✓
No harmful chemicals	✓
High-quality raw materials	✓
Concealed fasteners	✓
Heavyweight pickets	✓
Wide choice of colors	✓
Woodgrain and stucco textures	✓
Steel reinforced rails	✓
Routed rails and posts	✓
Class A rating for flame spread	✓
Self-extinguishing	✓
Easy to assemble	✓
Building code compliant	✓
Meets ASTM standards	✓

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Code No. 40-40-70619

## **SYDNEY LANDSCAPE COMPANY LLC**

### **West Property Line Proposed Improvements**

Pursuant to the newly discovered property line, Sydney Landscape Company proposes the following improvements for 9377 N Regent Road.

The installation of a code compliant vinyl privacy fence, set equidistant off actual property line, to replace existing misplaced cyclone metal fence. This will improve aesthetics and provide superior screening for pool area. Fencing will be set above current property line grade to allow for continued sufficient drainage.

Improve the grading in the easement area. The current easement grading, south basin to north basin, is relatively flat for the first 70 feet, before sloping to the north basin approximately 10.5" in the final one hundred feet. Improved water flow can be achieved by grading swale at 1% slope (see schematic). To facilitate better water permeation into soil, a six inch perforated tile will be installed (see detail). Fractured lannon stone, 4-6" will be installed over pipe.

Improve ornamental landscape in easement area. Extensive buckthorn removal was completed last year. Removal of invasive and unsightly honeysuckle will be completed. Ornamental plantings will be installed between swale and vinyl fence. Varieties and timing will be determined. Trees currently entangled in cyclone fence or impeding grading will be removed. The area from swale to pool will be graded smooth and seeded to establish turf.

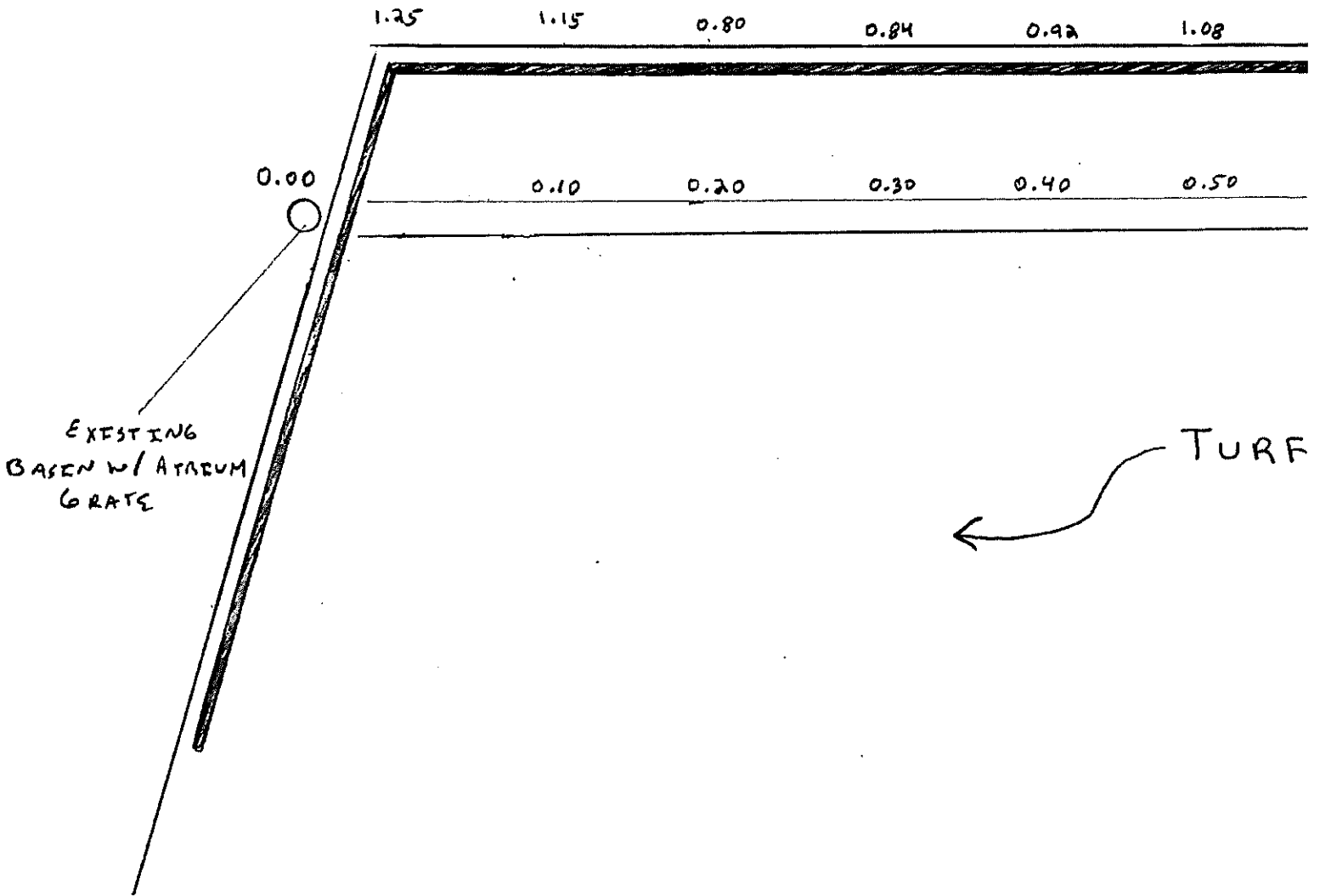
These proposed improvements, for this long neglected area, will provide improved water management and aesthetics, bring fencing up to current standards, and increase useable yard space.

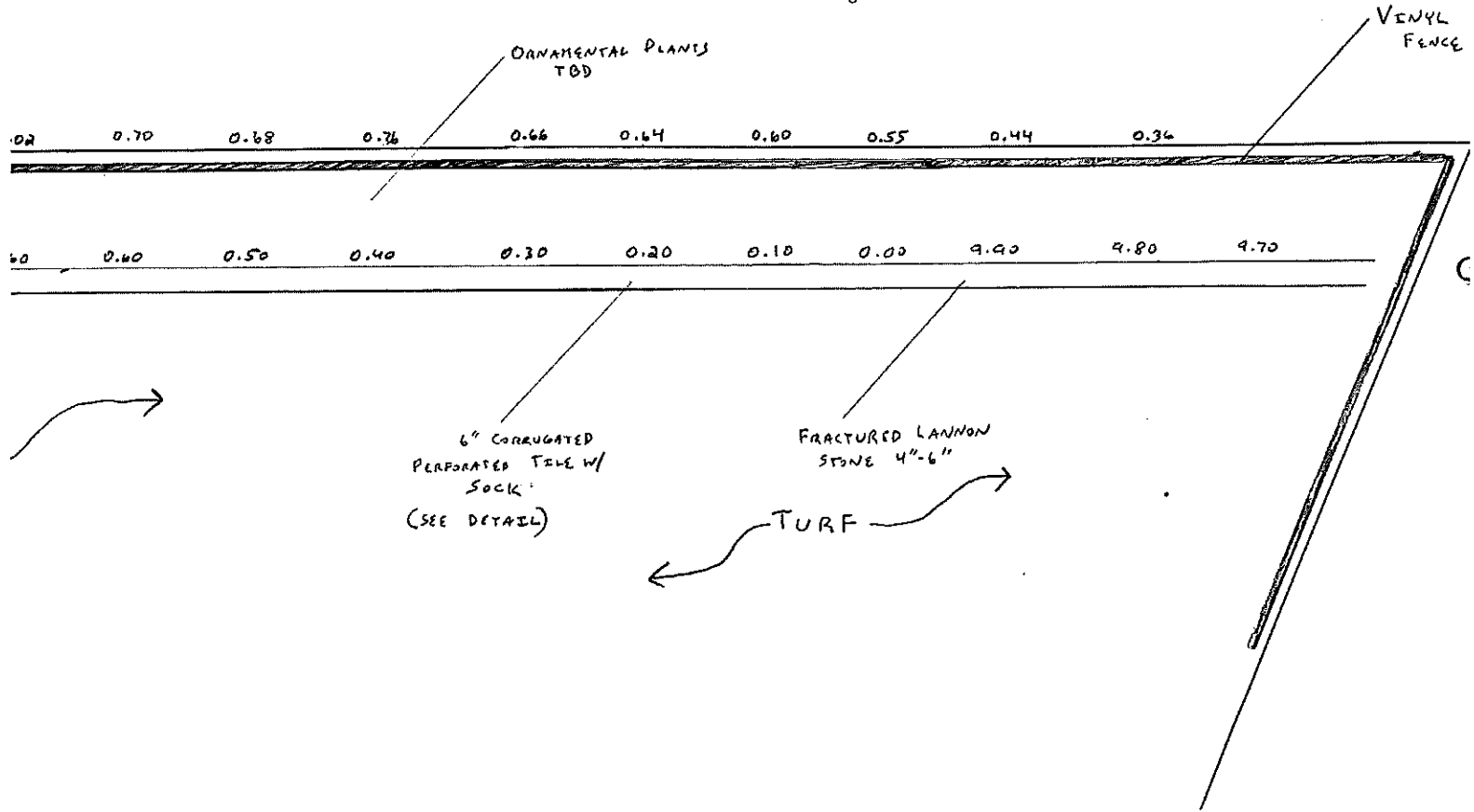
Sydney Landscape Company LLC

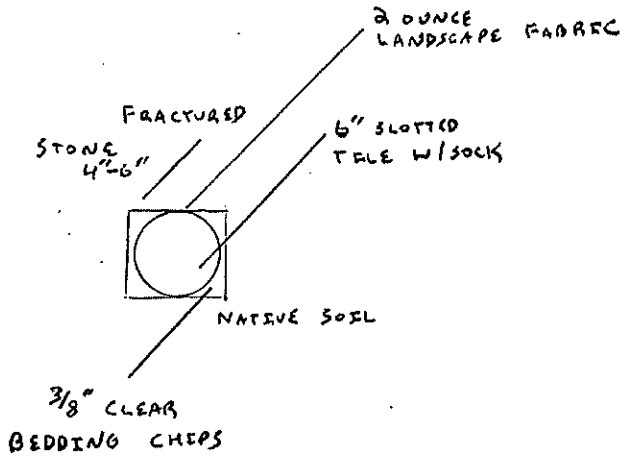
N115 W15116 Potomac Circle

Germantown, WI 53022-3514

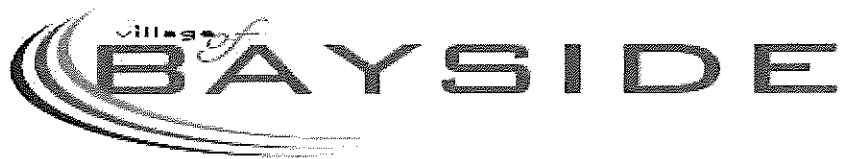
414-322-4154







N



**Application for Appearance before the  
Board of Zoning Appeals Committee**

Owner's Name Jeff and Elizabeth Billings

---

Property Address 9377 N. Regent Road, Bayside, WI 53217

---

Telephone 414-755-9638

---

Email zajeffbillings@yahoo.com

---

Proposed project details (type of work, size, materials, etc.):

Replace and upgrade existing fence and re-grade along western fence line (for additional

---

details, please see attached letter and exhibits submitted to the architectural review committee

---

for more detail)

---

---

---

Fee: \$500.00



**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 Code Sec. 104-125(a) and Village Code Sec. 104-125 (l)

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

We wish to replace our roughly 700 feet of existing, rusted, chain link fence and move the fence 6 inches within our existing lot line, properly secure our swimming pool with a code compliant, pool safe fence with self-locking gates, and allow for some additional privacy from our six adjacent neighbors whose back yard look into our back yard given our unique lot shape, size, and location.

---

---

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

See attached statement

---

---

---

---

---

Applicant Printed Name

Jeff Billings

Elizabeth Billings

Applicant Signature

A handwritten signature in black ink that reads "Elizabeth Billings". The signature is written in a cursive style and is positioned above a horizontal line.



**Statement for Question 3 of Billings Application for Appearance before the Board of Zoning Committee:**

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

We have selected the only fence from Bufftech that is certified as both pool and wind safe; but the fence has 7/16th inch openings between 3-inch pickets, which means the fence is roughly 15% open. Village Code Sec. 104-125(k) requires the fence to be 25% open, or it is considered to be a solid or privacy fence that is then subject to Village Code Sec. 104-125(a) (requiring no more than 15% of the horizontal linear feet of the lot line to be fenced). Our current fence is roughly 700 linear feet, and our proposed new fence is roughly 760 linear feet. Our total lot is 1,025.87 horizontal feet because of the unique shape of our lot and our deep back yard. The existing chain link fence is not subject to Village Code Sec. 104-125(a) because it is not a solid or privacy fence. As we seek to replace and upgrade the existing fence, we are seeking a special exception from both Village Code Sec. 104-125(k) and Village Code Sec. 104-125(a) to allow us to build the fence discussed in our permit and application materials submitted to the Village and Architectural Review Committee.

To make our proposed fence code compliant (25% open), the openings between pickets would need to be 3/4th inch. We contacted our fence contractor to see if we could add an additional 5/16th inch to the openings to be code compliant, but the pickets and rails are hand placed and pre-drilled to ensure the fence is on square (we are not using pre-built fence sections). Although there are other fence styles available from Bufftech that would meet the 25% open requirement, none of them are certified both pool and wind safe. A more open fence style is easier to climb, which would make our pool and tennis court easier to access as attractive nuisances (and one day we hope to also add a play structure). The difference between complying with Village Code Sec. 104-125(k) and not complying is only 5/16<sup>th</sup> of an inch in the spacing, which we do not believe is significant in overall aesthetic.

Furthermore, we have a pool, two dogs, six adjacent properties whose backyards look into our back yard, a 15 month old son whose safety is paramount (hopefully more kids down the road), a tennis court, a future play structure, and we are also trying to block the unexpectedly high number of car headlights from where N Fairway Circle meets North Fairway Drive. Our lot shape and size is truly unique in the depth of our backyard, its square footage, and the fact that it is flat usable land. We also recently discovered that over 12% of our lot in the back yard is contained outside of the current fence line. Given that there are no safely operable gates along the back fence line, the lot space outside of the fence is almost unusable to us, and we are concerned about the liability of neighbors using these portion of our yard unknowingly and being injured on our property.

We have also shared our plans with all of our neighbors. Four of the neighbors have indicated that they approve and like the fence we have chosen, one neighbor is under contract for sale and the buyer/seller have been notified but have not commented positively or negatively about the proposed fence style, and the last neighbor has not commented positively or negatively about the proposed fence style. The old fence is an eye soar, is damaged, is over the lot line in some places, and is significantly inside our lot line in other places. The new fence is a top of line fence that is not 100% private, but 15% open, pool and wind safe, and has self-closing and locking gates, allowing us to maintain yard and pool safety.

We respectfully request a special exception from the requirements of Village Code Sec. 104-125(k) and (a) in light of the above factors and the factors cited in our permit and application materials submitted to the Village and Architectural Review Committee.

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