



Village of Bayside
9075 N Regent Rd
May 5, 2021

Remote Teleconferencing, 6:00 pm

BOARD OF ZONING APPEALS AGENDA

PLEASE TAKE NOTICE Due to the Covid 19 Pandemic, the meeting of the Village of Bayside Board of Zoning Appeals will be held via remote teleconferencing at the above noted time and date, at which the following items of business will be discussed and possibly acted upon.

I. CALL TO ORDER AND ROLL CALL

II. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Matthew and Claire Evans, for the property located at 309 E Fairy Chasm Road, to construct an 8'x10' shed that will encroach into the rear yard setback, contrary to Section 125-91(b)(5).

1. Public Discussion
2. Board Discussion

B. The purpose of the public hearing is to consider the request for a variance by Darrell and Connie Oyer, for the property located at 1460 E Bay Point Road, to install a 5-foot-tall wrought iron fence in the front yard, contrary to Section 104-125(j).

1. Public Discussion
2. Board Discussion

III. APPROVAL OF MINUTES

A. March 3, 2021 Board of Zoning Appeals Public Hearing and Meeting.

IV. BUSINESS

A. Discussion/recommendation on the request for a special exception by Matthew and Claire Evans, for the property located at 309 E Fairy Chasm Road, to construct an 8'x10' shed that will encroach into the rear yard setback, contrary to Section 125-91(b)(5).

B. Discussion/recommendation on the request for a variance by Darrell and Connie Oyer, for the property located at 1460 E Bay Point Road, to install a 5-foot-tall wrought iron fence in the front yard, contrary to Section 104-125(j).

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

VI. ADJOURNMENT

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

<https://us02web.zoom.us/j/85061033283?pwd=aEhia29hSDJoU0t0QU4rRzUreVVWdz09>

Meeting ID: 850 6103 3283; Password: 904361; Phone: 312 626 6799

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



I. CALL TO ORDER

Acting Chairperson Barry Chaet called the meeting to order at 6:05pm via remote teleconferencing.

II. ROLL CALL

Chair: Max Dickman – Arrived at 6:10pm
Members: Darren Fisher
Amy Krier
Ben Minkin
Eido Walny – Arrived at 6:07pm
Dan Rosenfeld
Barry Chaet

Also Present: Village Manager Andy Pederson
Assistant to the Village Manager Leah Hofer
Administrative Services Director Lynn Galyardt
Assistant to the Village Manager Leah Hofer
Village Attorney Christopher Jaekels
There were four people in the audience.

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by White Oaks Apartments, LLC, for the property located at 9009 N White Oak Lane, to build a 3-story apartment building, contrary to Section 125-98(e)8.

Acting Chairperson Chaet read the above meeting notice and called for public discussion at 6:07pm.

1. Public Discussion

Project Architects, Jim Klett and Eric Harrmann appeared on behalf of the project. Owner Representative, John Mann, and property owner, Dan Katz were also present.

Manager Pederson outlined the meeting schedule and process for project consideration. The project was approved by the Architectural Review Committee on Monday, March 1, 2021. After the Board of Zoning Appeals, the project will be reviewed by the Plan Commission on March 10, 2021. The last meeting will be the Village Board meeting on March 18, 2021. The building under consideration had a fire in 2019, and this proposal is to rebuild the structure.

Project Architect, Eric Harrmann, presented the site plan for the proposal. The new building will utilize the existing foundation and underground parking but will include an increase in amenities and the Katz Property offices. The new building will be 45 feet tall, contrary to Village Municipal Code, therefore, they are seeking a special exception.

Mr. Harrmann stated that the apartment market has changed, and the proposed building has been designed to be more marketable and flexible. In order to accommodate the expectations

of renters, the new apartments will have nine-to-ten-foot ceilings and an open concept feel. The new floor trusses will also contribute to the height increase of the building.

Attorney Jaekels stated that the question before the Committee was to approve the 45-foot building versus the 35-foot height limit in the Village's municipal code.

2. Board Discussion

Chairperson Dickman questioned if the Village had received any complaints or concerns about the project. Manager Pederson stated that there were no known objections to the project.

Manager Pederson stated that the Village's municipal code was developed during a different time and standards and expectations of renters have changed. Renters now want higher ceilings and an open concept feel. He stated the Village is considering updating the code to make it more reasonable for modern times.

Acting Chairperson Chaet closed the public hearing at 6:10pm.

IV. APPROVAL OF MINUTES

A. October 12, 2020 Board of Zoning Appeals Public Hearing and Meeting.

Motion by Chairperson Dickman, seconded by Ben Minkin, to approve the minutes of the October 12, 2020 Board of Zoning Appeals Public Hearing and Meeting. Motion carried unanimously.

V. BUSINESS

A. Discussion/recommendation on the request for a special exception by White Oaks Apartments, LLC, for the property located at 9009 N White Oak Lane, to build a 3-story apartment building, contrary to Section 125-98(e)8.

Motion by Dan Rosenfeld, seconded by Ben Minkin, to recommend to the Board of Trustees approval on the request for a special exception by White Oaks Apartments, LLC, for the property located at 9009 N White Oak Lane, to build a 3-story apartment building, contrary to Section 125-98(e)8. The proposal satisfied the standard of a special exception as described and presented in the application. Barry Chaet proposed an amendment to the motion to approve the height change from 35 feet to 45 feet. Dan Rosenfeld accepted the amendment. Motion carried unanimously.

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

None.

VII. ADJOURNMENT

Motion by Barry Chaet, seconded by Chairperson Dickman, to adjourn the meeting at 6:18pm. Motion carried unanimously.

Respectfully submitted,

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

NOTICE OF PUBLIC HEARING

In the matter of a request for a special exception by Matthew and Claire Evans, for the property located at 309 E Fairy Chasm Road, to construct an 8'x10' shed that will encroach into the rear yard setback, contrary to Section 125-91(b)(5); and

In the matter of a request for a variance by Darrell and Connie Oyer, for the property located at 1460 E Bay Point Road, to install a 5-foot-tall wrought iron fence in the front yard, contrary to Section 104-125(j).

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on May 5, 2021 at 6:00 pm via remote teleconferencing (see agenda for details). The purpose of the public hearing is to consider:

The request for a special exception by Matthew and Claire Evans, for the property located at 309 E Fairy Chasm Road, to construct an 8'x10' shed that will encroach into the rear yard setback, contrary to Section 125-91(b)(5); and

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PLEASE TAKE FURTHER NOTICE that at such time and place, all interested parties will be heard via remote teleconferencing on this matter.

DATED this twenty-sixth day of April 2021.



Lynn Galyardt
Administrative Services Director



APPLICATION FOR SPECIAL EXCEPTION TO THE ZONING CODE REQUIREMENTS

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

1. State the section of the Village of Bayside Municipal Code that you are appealing.

SEE EXHIBIT "B"

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

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

Applicant Printed Name

Applicant Signature

Bethany Kramer



APPLICATION FOR SPECIAL EXCEPTION TO THE ZONING CODE REQUIREMENTS

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Sec. 125-91. - "C" residence district regulations.

b5: A rear yard of not less than 20 feet shall be provided for every building,

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We would like to replace the shed where it is standing. An 8'x10' concrete slab is already under the current shed. The fence currently ends at the shed and would need additional posts if moved.

The neighbors have expressed displeasure with the state of the shed and would be fine with a replacement shed in the same location.

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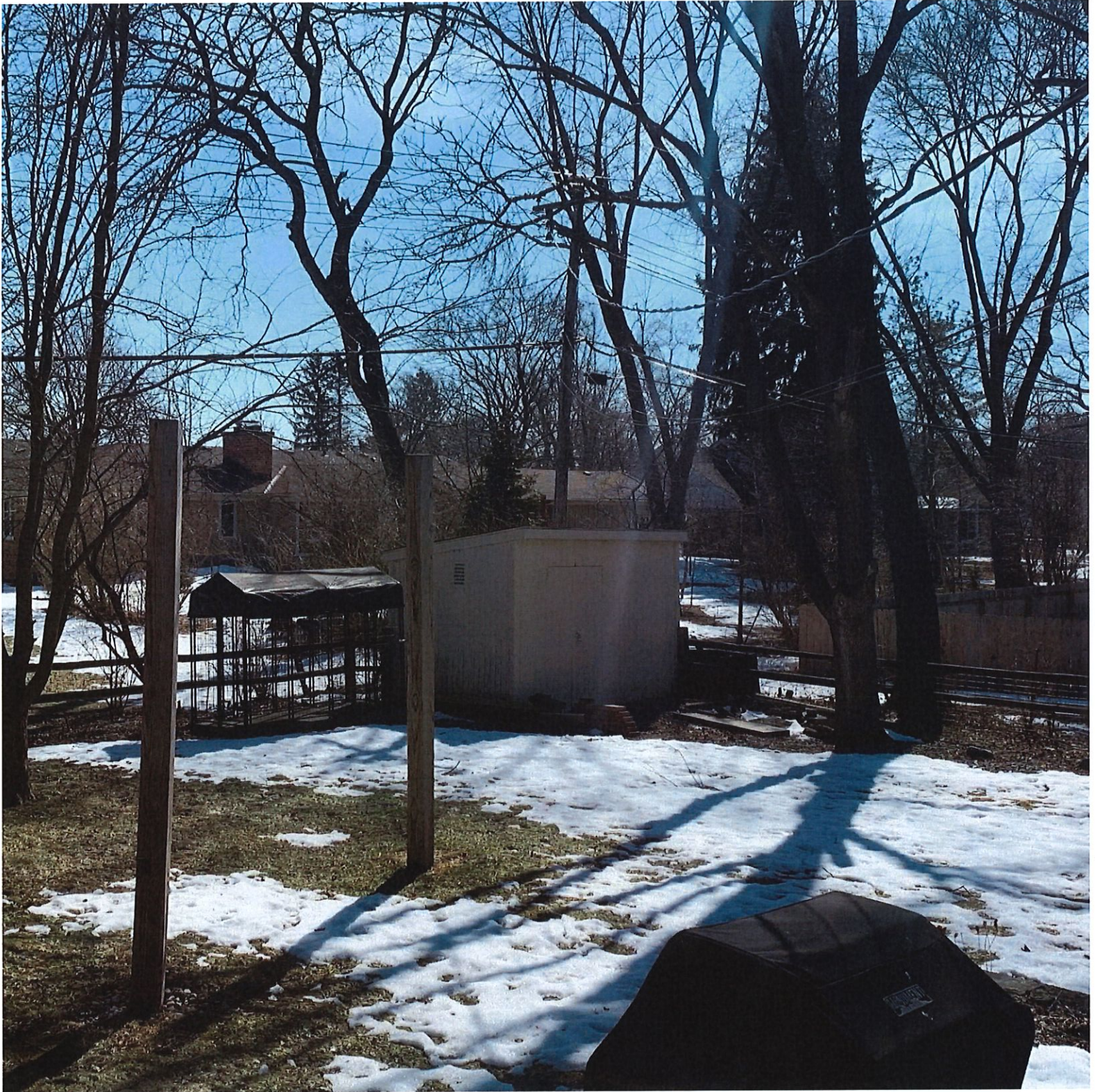
The cost of the shed is just shy of \$3K. If we can't place the new shed in the same place, we will have to demolish the concrete, pour a new concrete pad, and put up new fencing. This will more than double the cost of the shed. Also, the value of the property will decrease if we move the shed as the small backyard will have a shed closer to the center of the yard.

Applicant Printed Name

Matt Evans

Applicant Signature

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quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Board of Trustees may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.baysidewi.gov)



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DATED this twenty-sixth day of April 2021.



Lynn Galyardt
Administrative Services Director



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1. State the section of the Village of Bayside Municipal Code that you are appealing.

SEE EXHIBIT "B"

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

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

Applicant Printed Name

Applicant Signature

Bethany Kramer



APPLICATION FOR SPECIAL EXCEPTION TO THE ZONING CODE REQUIREMENTS

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The cost of the shed is just shy of \$3K. If we can't place the new shed in the same place, we will have to demolish the concrete, pour a new concrete pad, and put up new fencing. This will more than double the cost of the shed. Also, the value of the property will decrease if we move the shed as the small backyard will have a shed closer to the center of the yard.

Applicant Printed Name
Matt Evans

Applicant Signature
[Handwritten Signature]









April 22, 2020

Village of Bayside
9075 N Regent Rd,
Bayside, WI 53217

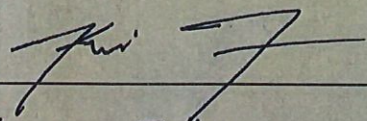
Village of Bayside,

This letter is to acknowledge that Matt and Claire Evans have discussed the plan to replace the current shed with their neighbors. The shed is located on the Southeast corner of the property. All neighbors have had a chance to discuss this plan with Matt and Claire and have agreed that the new shed can be built in the existing shed's location without issue. This shed will be the same size as the existing shed with vinyl siding colored in sandstone that will match the house on the property and a roof made of architectural shingles.

Thank you,

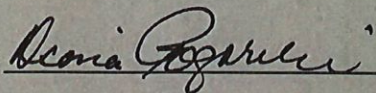
Matt and Claire Evans
309 East Fairy Chasm Road
Bayside, WI 53217

Neighbor Signatures

Signature: 
Name: Kevin Tedamrongwanish

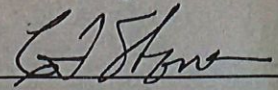
Address: 9170 N Regent Rd

SE
Date: 4/22/2021

Signature: 
Name: Diana Pogoriler

Address: 9185 N Rexleigh Dr

Date: 4/22/2021

Signature: 
Name: Christopher I. Stone

Address: 9171 N Rexleigh Dr

Date: 4/22/21



APPLICATION FOR VARIANCE TO THE ZONING CODE REQUIREMENTS

Statutory Requirements

State law does not allow the Zoning Board of Appeals to approve a variance unless the situation meets all three of the specific tests listed below. State how and why your situation and request satisfies these tests.

Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would deny the applicant all reasonable use of the property because:

The "front yard" (an area now of trees, brush, etc.) is not reasonably and fully usable unless cleared of unsightly brush and correction of frequently standing rainwater. In turn, the cleaning up of this area for full use opens the property to human and animal intruders. This fence will limit such intrusion and permit cleaning up of area for use. A short fence does not achieve this objective.

The hardship is due to physical limitations of the property rather than the circumstances of the appellant because (economic or self-imposed hardships do not meet this test):

The property frontage has had a mangle of trees, brush, limbs weeds and rainwater retain age since we purchased in 2011. We are now clearing this to enhance the appearance of the property and of the village. Opening this area by clearing such rubble also invites access by humans and animals that may not be beneficial to a homeowner or to the village. The home is about 300 feet from the street. Certainly the view of a home from the street is more attractive than a small, extremely untidy forest.

The variance will not be contrary to the public interest as expressed by the objectives of the Zoning Ordinance because:

This fence will not have a visual impact on the neighboring properties—each side of this property has a fence in excess of two feet (one with 6 foot wooden frame with a plastic netting (Attachments E and F) and the other with 3 foot 9 inch chain link. The total horizontal linear footage of fencing does not exceed 50 percent of the total linear footage of the perimeter of the property. This fence does not contradict or obstruct views waterfront, ravines, densely planted mature trees and open green spaces. The total horizontal linear footage of fencing does not exceed 50 percent of the total linear footage of the perimeter of the property. The two properties to the south of ours have fences of approximately six feet.

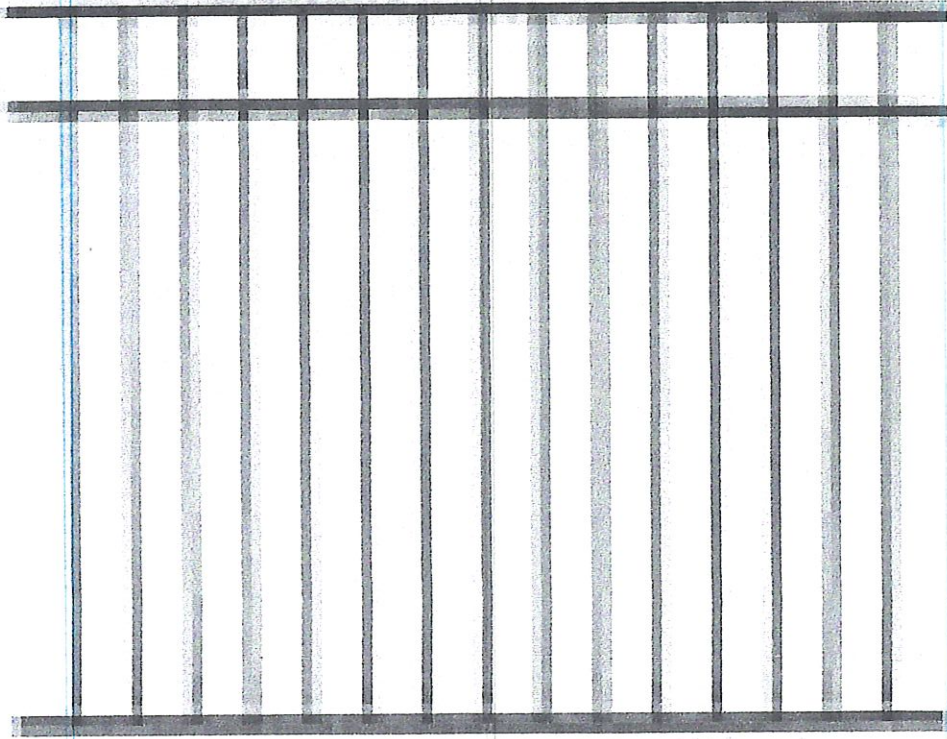
Applicant Printed Name

DARRELL OYER

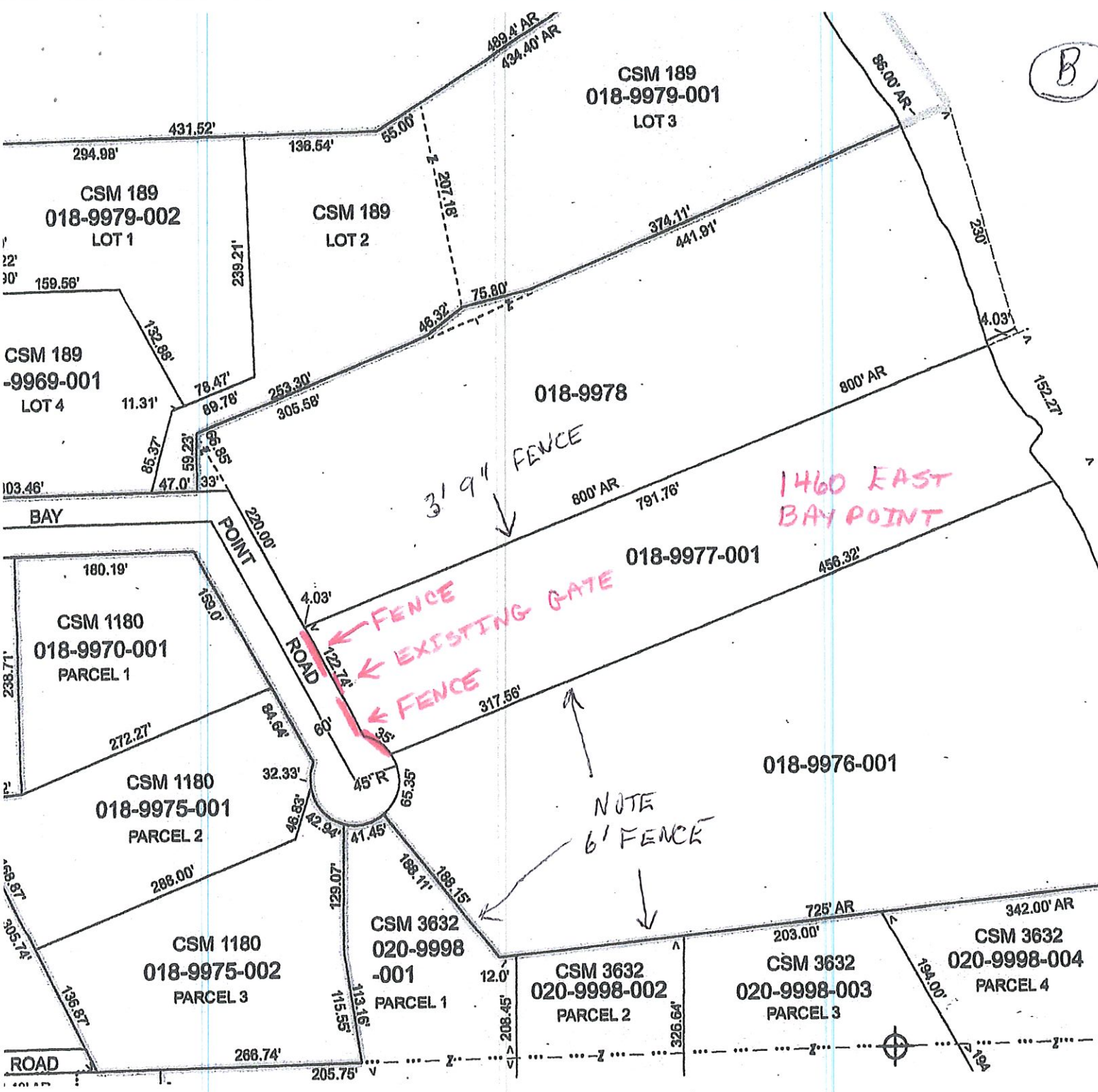
Applicant Signature

Darrell J. Oyer

A



(B)



MAP PREPARED BY:
 (see County Register of Deeds
 Tax Listing Section

©







(5)





Decision filed and draft minutes approved on May 31, 2013.

I. CALL TO ORDER

Chairman Petersen called the hearing to order at 5:00 pm.

II. ROLL CALL

Chairperson: James Petersen
Members: Ava Bortin
Barry Chaet
Max Dickman
Amy Krier
Eido Walny-alternate

Also present: Village Manager Andy Pederson
Director of Finance and Administration/Clerk/Treasurer Lynn Galyardt
Attorney Christopher Jaekels
There was one person in the audience.

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request by Darrell Oyer, 1460 E Bay Point Rd (parcel # 018-9977-001), for a variance to install a gate in the front of his home, contrary to Sec 14-4(e) of the Village code.

1. Public Discussion

Chairman Petersen read the above notice and called for public discussion at 5:01 pm.

Darrell Oyer stated the Architectural Review Board had approved the gate contingent on the variance approval. Chairman Petersen asked if there were other gates in the area. Mr. Oyer stated several of the neighbors in the area had gates. Max Dickman questioned if the Board had approved gates in the past. Attorney Jaekels stated no gate had been approved in the twenty years he had been here. Max Dickman noted the unique quality of the area with the fact that the street dead ends there. Ava Bortin noted the lot was long and narrow. Barry Chaet stated the neighbors do not object to the placement of a gate on the property.

Chairman Petersen closed the public discussion at 5:09 pm.

2. Board Discussion

There was no further discussion.

Chairman Petersen closed the Board discussion at 5:10 pm.

IV. APPROVAL OF MINUTES

A. December 17, 2012 Board of Zoning Appeals Public Hearing and Meeting.

Motion by Ava Bortin, seconded by Eido Walny, to approve the December 17, 2012 Board of Zoning Appeals Public Hearing and Meeting minutes. Motion carried unanimously.

V. BUSINESS

- A. Action of the request by Darrell Oyer, 1460 E Bay Point Rd (parcel # 018-9977-001), for a variance to install a gate in the front of his home, contrary to Sec 14-4(e) of the Village code.**

Attorney Jaekels stated the Board must find unnecessary hardship, no harm of the public interest and the intent of the ordinance, along with unique property limitations in order to grant a variance.

Motion by Eido Walny, seconded by Barry Chaet to approve the request by Darrell Oyer, 1460 E Bay Point Rd (parcel # 018-9977-001), for a variance to install a gate in the front of his home, contrary to Sec 14-4(e) of the Village code due to the unnecessary hardship, no harm of the public interest and the intent of the ordinance, along with unique property limitations of the street dead ending at the property in order to grant a variance. Motion carried unanimously.

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

None.

VII. ADJOURNMENT

Motion by Barry Chaet, seconded by Max Dickman, to adjourn the meeting at 5:12 pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt, Director of Finance and Administration | | April 22, 2021



Village of Bayside
9075 N Regent Rd
Board of Zoning Appeals Public Hearing & Meeting
May 29, 2013
Village Board Room, 5:00 pm

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1. Public Discussion
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V. BUSINESS

A. Recommendation to the Village Board of the request by Darrell Oyer, 1460 E Bay Point Rd (parcel # 018-9977-001), for a variance to install a gate in the front of his home, contrary to Sec 14-4(e) of the Village code.

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

VII. ADJOURNMENT

A handwritten signature in cursive script, reading "Lynn Galyardt".

Lynn Galyardt, Director of Finance and Administration | | May 22, 2013

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9075 N. Regent Rd.
Bayside, WI 53217
December 17, 2012

Board of Zoning Appeals Public Hearing & Meeting Minutes
December 17, 2012

Decision filed and draft minutes approved on December 18, 2012.

BOARD OF ZONING APPEALS MEETING MINUTES

I. CALL TO ORDER

Chairman Petersen called the hearing to order at 5:00 pm.

II. ROLL CALL

Chairperson: James Petersen
Members: Ava Bortin
Barry Chaet
Max Dickman
Amy Krier
Eido Walny-alternate

Also present: Village Manager Andy Pederson
Deputy Village Manager Alex Henderson
Director of Finance and Administration/Clerk/Treasurer Lynn Galyardt
Attorney Christopher Jaekels
There was one person in the audience.

III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request by Bayside Enterprises and Plaza, LLC, 326 W Brown Deer Road, for a special exception contrary to Sec 106-198(f) of the Village code.**

1. Public Discussion

Chairman Petersen read the above notice and called for public discussion at 5:01 pm. There was no one from the public who spoke.

2. Board Discussion

Manager Pederson stated the existing residential encroachment is 29 feet 7 inches for the residential property at 8801 Mohawk. Current municipal code requires a 50 foot encroachment and the special exception is requesting that upon expansion of 326 W Brown Deer Road the encroachment would to be 44 feet. Max Dickman questioned if this special exception included the Sendik's building. Manager Pederson stated it did not include the Sendik's building.

Chairman Petersen closed the public hearing at 5:05 pm.

IV. APPROVAL OF MINUTES

- A. April 24, 2012 Board of Zoning Appeals Public Hearing and Meeting.**

Motion by Barry Chaet, seconded by Max Dickman, to approve the August 2, 2012 Board of Zoning Appeals Public Hearing and Meeting minutes as written. Motion carried unanimously.

V. BUSINESS

- A. **Recommendation to the Village Board of the request by Bayside Enterprises and Plaza, LLC, 326 W Brown Deer Road, for a special exception contrary to Sec 106-198(f) of the Village code.**

Attorney Jaekels stated that a special exception requires the Board to find:

1. Compliance with the Code would be unreasonably burdensome, or
2. Compliance with the Code would unreasonably and negatively impact the use of the property, and
3. A Special Exception would be consistent with the existing character of the neighborhood,
4. A Special Exception would not undermine the ability to apply or enforce the requirement with respect to other property, and
5. A Special Exception would be in harmony with the general purpose and intent of the ordinance prescribing the requirement.

Motion by Trustee Walny, seconded by Barry Chaet, to recommend to the Village Board that compliance with the code would be unreasonably burdensome and would unreasonably and negatively impact the use of the property, and a special exception would be consistent with the existing character of the neighborhood, would not undermine the ability to apply or enforce the requirement with respect to other property, and would be in harmony with the general purpose and intent of the ordinance prescribing the requirement. Motion carried unanimously by roll call vote.

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

VII. ADJOURNMENT

Motion by Ava Bortin, seconded by Barry Chaet, to adjourn the meeting at 5:10 pm. Motion carried unanimously.

Respectfully submitted,



Lynn Galyardt, Director of Finance and Administration | | May 22, 2013



APPLICATION FOR VARIANCE

Statutory Requirements

State law does not allow the Zoning Board of Appeals to approve a variance unless the situation meets all three of the specific tests listed below. State how and why your situation and request satisfies these tests.

Unnecessary hardship is present in that a literal enforcement of the terms of the zoning ordinance would deny the applicant all reasonable use of the property because:

We seek a front gate because in the 1½ years we have lived at this location, we have had numerous intrusions into the property. One night a car drove onto the property circling the drive in front of the house. One night someone walked into our kitchen having mistaken our residence for a party location. One day as we were leaving for the airport a vehicle was parked in our driveway. This was reported to the Bayside police because we were going out of town and the car licenses indicated the car was from out of state (Iowa). On other occasions, cars have parked on our driveway for purposes of soliciting contributions, door to door selling and advocating various causes.

The hardship is due to physical limitations of the property rather than the circumstances of the appellant because (economic or self-imposed hardships do not meet this test):

The hardship is that due to the summer vegetation we cannot see the driveway portion nearest the street. We are concerned that this seclusion not only prevents us from detecting intruders, but also screens the view for potential burglars when we are not home. This could be a public safety issue if police could not spot suspicious activity from a routine patrol of the neighborhood.

The variance will not be contrary to the public interest as expressed by the objectives of the Zoning Ordinance because:

The objective of Chapter 106 (Zoning) Code of Ordinances is "...the promotion of the public health, morals and public safety in view of the topography and soil conditions in the village, and is further necessary for the promotion of the public welfare, convenience and general prosperity of the village and its inhabitants by the prevention of unregulated and unrestricted development." This variance request is not contrary to these objectives. Public health and morals are not impacted. Safety is enhanced. There is not alteration of topography or soil conditions.

There is no harm to the public welfare on any inconvenience to the prosperity of the village or inhabitants.

Do you desire a court reporter, at your expense? Yes No

DARRELL J. OYER
Applicant Printed Name

Darrell J Oyer
Applicant Signature

1460 E. BAY POINT RD.
Address

414.446.8433
Telephone

Fee: \$500.00

Village Code, Sec. 42-43. - Security key box system.

- (a) Commercial buildings and multi-family dwellings with monitored alarms. A key box system, as specified by the North Shore fire department, shall be installed in all commercial buildings and multiple-family dwellings having actively monitored fire or smoke alarm systems, except in any building which has personnel on duty 24 hours a day, seven days a week, to allow immediate, undelayed entry of police department, North Shore fire department, and emergency personnel. The security box shall be installed and building keys provided, at the owner's or occupant's expense, at such locations as designated by the North Shore fire department.
- (b) Other properties with restricted ingress and egress. The owner of any property in the village at which regular vehicular access, including access by police, fire, and emergency vehicles, is physically prohibited or restricted, whether on a permanent or intermittent basis, shall install a key box system in accordance with subparagraph (a) above, to allow for the ingress and egress of police, fire, and emergency vehicles at the owner's property. This security key box system shall be required regardless of whether or not the property is attended on a 24-hour, seven days a week basis.

Compliance Plan.

The gate equipment includes digit keypads. I understand that I must provide the key code at those locations designated by the North Shore Fire Department. I agree to do this.


Darrell J. Oyer

Property owner Darrell Oyer appeared on behalf of the project. Neighbors in attendance: none. A description of the project is as follows: The property owner proposes to install a five and half foot steel gate at the entrance of his driveway.

Motion by Chairman Derenne, seconded by Trustee Barth, to recommend approval to the Board of Zoning Appeals. Motion carried unanimously.

C. Kitchen Build-Out

Ron Miller
1350 E. Bay Point Rd.
018-9981-000

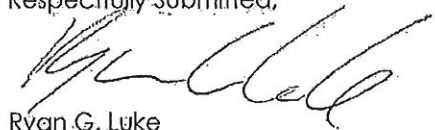
Architect Roy Pebluski of Fein Design appeared on behalf of the project. Neighbors in attendance: none. A description of the project is as follows: Mr. Pebluski proposes to extend the kitchen 24" under the existing cantilever. The materials to be used will match the existing structure. A new style of window and patio door along the addition is also proposed. Mr. Pebluski stated both the window and door will maintain the existing footprint.

Motion by Trustee Barth, seconded by Daniel Zitzer, to approve the project as presented. Motion carried unanimously.

VI. ADJOURNMENT

Motion by Trustee Barth, seconded by Chairman Derenne, to adjourn the meeting at 7:09 pm. Motion carried unanimously.

Respectfully Submitted,



Ryan G. Luke