



Village of Bayside
9075 N Regent Rd
June 23, 2022
Village Hall Boardroom, 5:00 pm

BOARD OF ZONING APPEALS AGENDA

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

I. CALL TO ORDER AND ROLL CALL

II. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125(k).

1. Public Discussion
2. Board Discussion

III. APPROVAL OF MINUTES

- A. April 21, 2022, Board of Zoning Appeals Meeting.

IV. BUSINESS

- A. Discussion/recommendation on the request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125(k).

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

VI. ADJOURNMENT

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



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Village of Bayside
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BOARD OF ZONING APPEALS MINUTES

I. CALL TO ORDER AND ROLL CALL

Chairperson Dickman called the meeting to order at 5:00pm.

Chair: Max Dickman
Members: Darren Fisher
Ben Minkin
Eido Walny – 1st alternate
Dan Rosenfeld-3rd Alternate
Amy Krier-Excused
Barry Chaet-Excused
Tom Houck – 2nd alternate-Excused

Also Present: Village Manager Andy Pederson
Administrative Services Director Rachel Safstrom
Assistant to the Village Manager Leah Hofer
Village Attorney Chris Jaekels
There were eight people in the audience.

II. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a special exception by Chelsea and Ahmad Omari, for the property located at 921 E Glencoe Pl, contrary to Section 125-91(b)(3).

Chairperson Dickman read the above meeting notice and called for public discussion at 5:01pm.

Ahmad Omari gave a brief presentation of the request for a variance of a set-back to add additional space for the home at 921 E. Glencoe Pl. They are trying to add backyard access, a first floor laundry and less doors in the small hallway from the garage. The request is to add 3 feet 10 inches to the front of the home. The new design does not have the garage set-back from the front of the home.

1. Public Discussion

Eido Walny questioned if there was input from the neighbors. Mr. Omari indicated that he had been able to speak with one of the neighbors. Other neighbors have not been available; however, has traditionally had a great relationship with the neighbors.

Closed discussion at 5:08 p.m.

2. Board Discussion

Manager Pederson indicated there have been a couple of cases similar in prior years with approval.

Chair Dickman asked if any concerns came to staff. Manager Pederson stated neighbors were notified and no comments have been received.

- B. The purpose of the public hearing is to consider the request for a special exception by Kevin Kleinmann, for the property located at 1010 E Glencoe Pl, contrary to Section 125-91(b)(5).

Chairperson Dickman read the above meeting notice and called for public discussion at 5:09 p.m.

Mr. Kleinmann gave a brief presentation on the project. His request is to build within 10 feet from the property line. The proposal is for an outdoor fireplace in the corner of the existing pool deck. The existing pool deck is within the 10 foot limit in a grandfathered status.

1. Public Discussion

Chair Dickman questioned what was on the other side. Mr. Kleinmann stated there is a neighbor who has been notified with no issues.

Mr. Minkin questioned if there would be new pavement. Mr. Kleinmann stated there will be no new pavement.

Chair Dickman, questioned the ability to have a television that would cause noise problems for the neighbors. Mr. Kleinmann tested the current sound system to determine the sound spill. In this case, the television has a sound bar to project away from other properties.

Manager Pederson stated there has been other complaints regarding televisions in the past. Is there a swivel to turn it toward the home? Mr. Kleinmann stated it will be on a mount; however, it will be faced away from the other properties.

Mr. Minkin questioned where the smoke would be directed. Mr. Kleinmann stated the fireplace is gas so there should be no smoke. Manager Pederson identified plumbing permits will need to be obtained.

Closed discussion at 5:26 p.m.

2. Board Discussion

There was no Board discussion.

III. APPROVAL OF MINUTES

A. March 17, 2022, Board of Zoning Appeals Public Hearing and Meeting.

Motion by Eido Walny, seconded by Ben Minkin, to approve the minutes from March 17, 2022, Board of Zoning Appeals Public Hearing and Meeting. Motion carried unanimously.

IV. BUSINESS

- A. Discussion/recommendation on the request for a special exception by Chelsea and Ahmad Omari, for the property located at 921 E Glencoe Pl, contrary to Section 125-91(b)(3).

Motion by Eido Walny, seconded by Darren Fisher, to recommend approval to the Village Board of Trustees for a special exception by Chelsea and Ahmad Omari, for the property located at 921 E Glencoe Pl contrary to Section 125-91(b)(3) including the findings under the application. Motion carried unanimously.

- B. Discussion/recommendation on the request for a special exception by Kevin Kleinmann, for the property located at 1010 E Glencoe Pl, contrary to Section 125-91(b)(5)

Motion by Eido Walny, seconded by Darren Fisher, to recommend approval to the Village Board of Trustees for a request for a special exception by Kevin Kleinmann, for the property located at 1010 E Glencoe Pl, contrary to Section 125-91(b)(5) including the findings and with the understanding that this approval may not to violate any sound or light ordinances within the Village of Bayside. Motion carried unanimously.

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

Manager Pederson identified a potential future meeting in May regarding a fence variation.

VI. ADJOURNMENT

Motion by Ben Minkin, seconded by Darren Fisher, to adjourn the meeting at 5:29 pm. Motion carried unanimously.

Respectfully submitted,

Rachel A. Safstrom
Administrative Services Director

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

NOTICE OF PUBLIC HEARING

In the matter of a request for special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125 (k).

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on June 23, 2022, at 5:00 p.m. at the Village Hall, 9075 N. Regent Road, Bayside, WI 53217. The purpose of the public hearing is to consider:

The request for a special exception by Stephen and Barbara Becker, for the property located at 9370 N Lake Dr, contrary to Section 104-125 (k).

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

DATED this twenty-fifth day of May 2022.



Rachel A. Safstrom
Administrative Services Director



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

Owner's Name

Stephen and Barbara Becker

Property Address

9370 N. Lake Drive

Telephone

414-352-3257

Email

sbecker@emoryco.com

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

Replace our damaged 7 foot tall rustic wood stockade fence with a new 6 foot tall rustic wood stockade fence with the exact same color and design and in the exact same location footprint. The fence is 292 feet in length and is located on the south side of our property screening traffic along our neighbor's, the Caraway's driveway.

Fee: \$500.00



APPLICATION FOR SPECIAL EXCEPTION TO ZONING CODE REQUIREMENTS

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

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

Please see attached page

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

Please see attached page

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

Please see attached page

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

Please see attached page

Applicant Printed Name

Stephen S. Becker

Applicant Signature

Stephen S. Becker

Date

5/10/2022

BARBARA U. BECKER

Barbara U. Becker

5/10/2022

Application for Special Exception to Zoning Code Requirements

1. Village of Bayside Municipal Code 104-125 (k) – 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.

2. Brief description of what you want to do and why.

Barbara and I have lived in our house almost 38 years and the fence preceded us by at least 10+ years. Two significant windstorms this year in February and March caused considerable damage to the fence. We would like to replace our seven-foot-tall rustic wood stockade fence with a new six-foot-tall rustic wood stockade fence with the exact same color and design and in the exact same location footprint. The fence is 292 feet in length and is located on the south side of our property screening traffic along our neighbor's, the Caraway's, driveway.

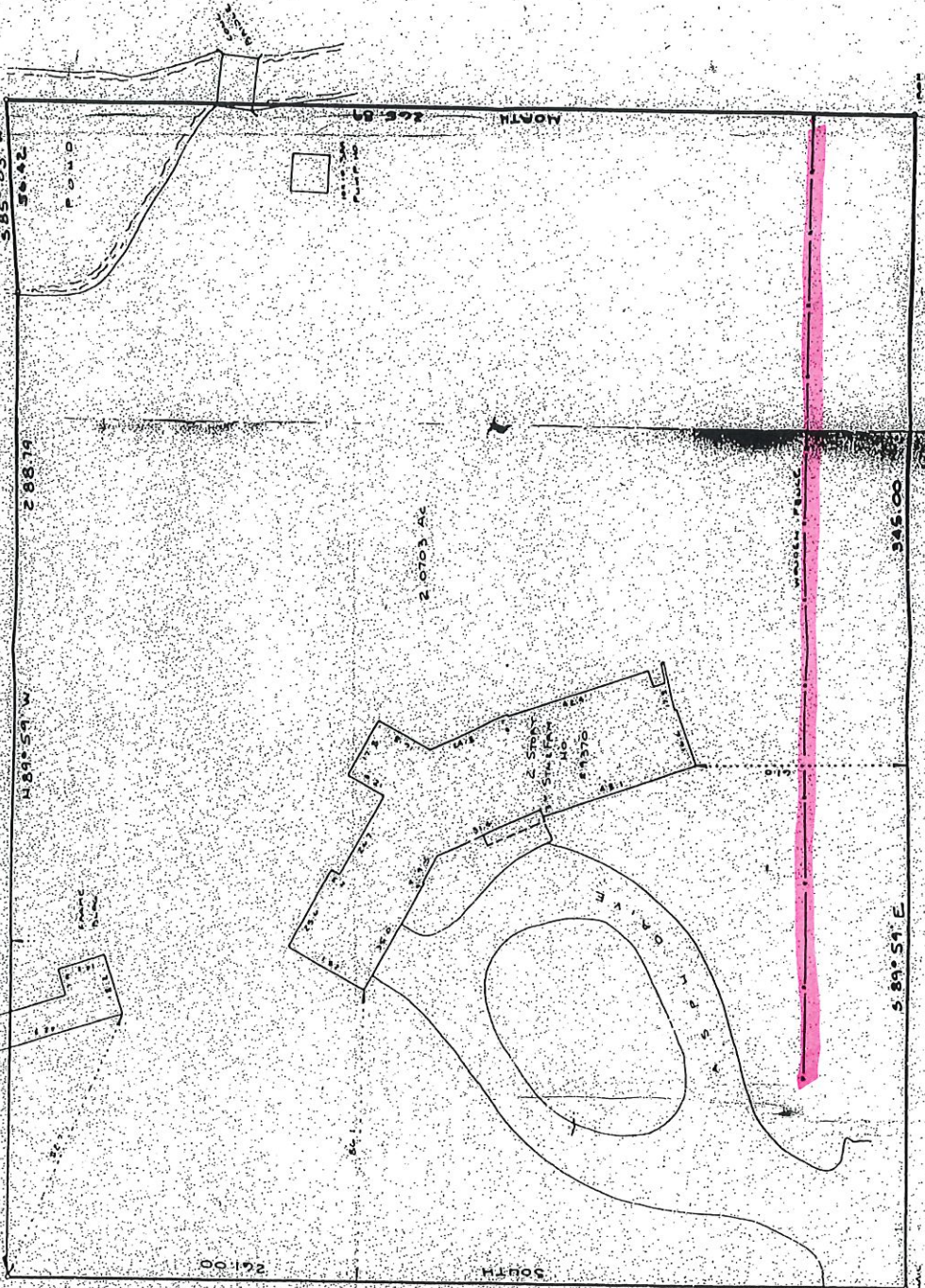
3. State why compliance with the Municipal Code is unreasonably burdensome or negatively impacts the use of the property.

The purpose of the fence is to block car headlights from shining into our bedroom windows and provide some privacy and protection from passing cars and service vehicles on the driveway. The driveway passes very close to the bedroom windows.

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

Our road off Lake Drive ends with four homes on a cul du sac away from the visibility from Lake Drive. The stockade fence runs along the Caraway's driveway further from Lake Drive and is barely visible from the cul du sac. Our three neighbors on the road, Caraway, Katz and Lawton, all have the same stockade fences on their properties. These neighbors have each submitted Letters of Support for our replacing this damaged fence. Granting the Special Exception will be consistent with and maintain the neighborhood character which has been in existence for many years.

Becker 9370



30
JUNE NEW 4-8-21 (MIDWAY)
E. W. LAKESIDE DR.

Project Proposal

Date

Summer 2022

Property Address

9370 N. Lake Drive

Zoning District

Zone A

Proposed Project Details (type of work, size, materials, location, etc.):

Replace damaged wood stockade fence with new fence, the exact same style and footprint of the existing fence. 292 feet in length and 6 feet in height.

The fence is located on the south side of a four house parallel to the Caraway's drive to block car lights from shining into our bedroom windows. Fence will be installed by A-1 Fence who installed the original fence 45 years ago.

☒ ARC Agenda Date: May 2, 2022

☒ Parcel Number: 018-9992-000

☐ Color photographs showing project location, elevations, and surround views.

☐ Two (2) complete digital sets of building plans (including elevations and grading).

☐ Samples or brochures showing materials, colors, and designs.

☐ Survey or Milwaukee County Land Information Officer Aerial

☐ Accessory Structures/Generators

☐ Additions/Remodel

☐ Commercial Signage

☐ Decks/Patios

☒ Fence

☐ Fire Pits

☐ Landscaping requiring Impervious Surface/Fill/Excavation Permit

☐ New Construction

☐ Play Structures

☐ Recreational Facilities/Courts

☐ Roofs

☐ Solar Panels/Skylights

☐ Swimming Pools

☐ Windows/Doors – change exceeds 25% of opening

☐ Other

PERMITS:

Y N Payment

☐ ☐ ☐

Building

☐ ☐ ☐

Electrical

☐ ☐ ☐

Plumbing

☐ ☐ ☐

HVAC

☐ ☐ ☐

Fill

☐ ☐ ☐

Impervious Surface

☐ ☐ ☐

Dumpster

☐ ☐ ☐

ROW/Excavation

☐ ☐ ☐

Conditional Use

☐ ☐ ☐

Occupancy

☐ ☐ ☐

Special Exception/Variance

☐

ARC

A-1 FENCE CO., INC.

740 N. Dekora Woods Boulevard, Saukville WI 53080
262-251-6766 • FAX 262-268-8024 • www.a1-fence.com

Proposal No. _____

Date: 3-2-22

We propose to provide all necessary materials and labor to construct a fence according to the sketch, specifications and guarantee presented below, on the purchaser's property located at:

Address: 9370 N Lake Dr

Name: Steve & Barb Becker

City: Bayside

Telephone: 4) 254-0372

RESPONSIBILITY OF THE CUSTOMER

1. Obtain permits.
2. Provide a survey of the property.
3. Provide a place for the dirt from post holes dug.
4. If there is an existing fence to be taken down, the CUSTOMER must make arrangements for its disposal.
5. 10% deposit with signature. Non refundable after 3 days.
6. Full payment is due upon completion of work.

CUSTOMER'S RIGHT TO CANCEL

You may cancel this agreement in person or in writing, by notifying the seller by 5 PM of the third business day after you signed this proposal. And, if you wish, you may write "I hereby cancel" across the face of this page as written notice.

GUARANTEE

Seller agrees to correct any defect in workmanship or materials at no cost to the buyer for the following period of time:

Installed Fencing: 5 yr

Installed Gate: _____

UNDERGROUND CABLES:

Telephone _____ Electric ☒

A-1 Fence Co. assumes no responsibility for damage to any buried electric or plumbing service not installed by a public utility.

Salesman: [Signature]

"The sting of poor quality outlives the joy of low price."

A-1 Fence Co is not liable for disturbance or necessary changes of landscaping, nor are they liable for damage to existing surfaces such as concrete, brick, etc. due to installation or work performed. Checking of post are not warranted as that is the nature of the wood. Painting any part of the fence will void warranty.

PURCHASER AGREES TO PAY BALANCE DUE UPON COMPLETION OF WORK

Style of Fence

Rustic Stockade

Accepted by: _____

Date signed: _____

Total footage: 292'

TOTAL PRICE: \$20,000.-

Credit Card Payment will be subject to a 2.5% surcharge.

Fence Height

6'

Gate Style

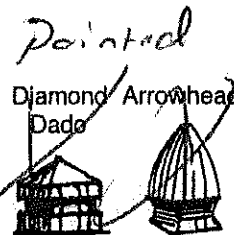
- A) Arch up
B) Arch Down
C) Straight

Post Size

Round

Gate Post Size

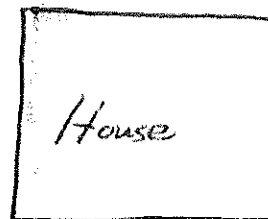
Post Style



SKETCH

292' - 6" H. fl
Rustic Stockade
\$20,000.-

IF we have any
old fence
Add
\$850.-



288'

Scallop Down

Installation Notes

Rustic Stockade





Rustic stockade fence – 9370 N. Lake Drive, ~ 2015




JAMES T. and ROBERTA L. CARAWAY
9364 North Lake Drive
Milwaukee, WI 53217
(414) 352-3090

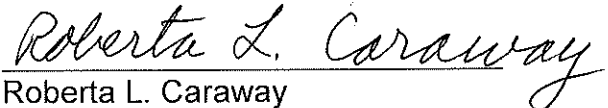
April 12, 2022

TO: VILLAGE OF BAYSIDE

RE: Becker Wooden 6 Foot Rustic Stockade Fence Replacement Approval:

We have discussed the proposed plan for the Becker replacement of their existing wooden Rustic Stockade Fence running along the south side of their property in the same location as it presently exists. We understand that the replacement fence will be essentially the same design as the current fence, except that it will be 6' high. The posts and support structure will remain on the Becker side. As such, we support, with no issues, concerns, or reservations, the location, proportions and design of the proposed fence at 9370 N. Lake Drive in Bayside, WI.


James T. Caraway


Roberta L. Caraway

**Daniel Katz
9348 North Lake Drive
Milwaukee, WI 53217**

April 13, 2022

TO: VILLAGE OF BAYSIDE

RE: Becker 6 Foot Wooden Rustic Stockade Fence Replacement Approval:

My neighbor, Steve Becker, has discussed the proposed plan to replace the existing wooden Rustic Stockade Fence running along the south side of his property in the same location as it presently exists. I understand that the replacement fence will be essentially the same design as the current fence, except that it will be 6' high. The posts and support structure will remain on the Becker side. As such, I support, with no issues, concerns, or reservations, the location, proportions and design of the proposed fence at 9370 N. Lake Drive in Bayside, WI.



Daniel Katz

Daniel and Alice Lawton
9356 North Lake Drive
Milwaukee, WI 53217
(262) 302-9039

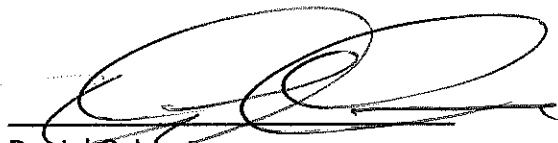
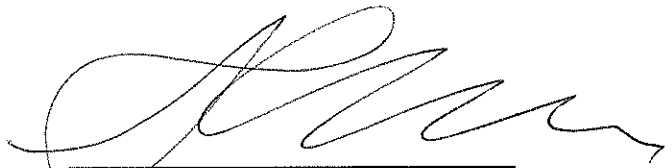
April 18, 2022

TO: VILLAGE OF BAYSIDE
RE: Becker Rustic Wooden Stockade Fence Repair

We are neighbors of Steve and Barb Becker and have been in this neighborhood with the Beckers for almost twenty years. We have discussed the Becker's plan for the repair of their existing wooden stockade fence running along the south side of their property. As a repair to the existing fence, the fence will remain in the same location as it presently exists. The Beckers have informed us that the repaired fence will be the same design, configuration and material as the current fence, except that it will be 6' high. The posts and support structure will remain on the Becker side, as is currently the case.

We commend the Beckers for responsibly repairing the fence which was damaged by recent storms and the repair of the existing fence will add to the attractive and well-kept nature of the neighborhood. In fact, to NOT repair the fence would be problematic and unsightly, so we are pleased that the Beckers are proceeding as proposed and we have no issues or reservations regarding the location, proportions and design of the proposed fence repair at 9370 N. Lake Drive in Bayside, WI. The net effect of this repair project will be to retain and preserve the rustic feel and flavor of the neighborhood.

Please contact us with any questions.


Daniel G. Lawton
Alice J. Lawton