



Village of Bayside
9075 N Regent Rd
Board of Zoning Appeals Public Hearing & Meeting
October 12, 2020
Village Board Room, 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

II. ROLL CALL

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Colin White, for the property located at 1400 E. Bay Point Road, to install a 150KV Generac backup generator in a location that is forward of the rear yard line, contrary to Section 104-4 (f).

1. Public Discussion
2. Board Discussion

IV. APPROVAL OF MINUTES

A. May 11, 2020 Board of Zoning Appeals Public Hearing and Meeting.

V. BUSINESS

A. Discussion/recommendation on the request for a special exception by Colin White, for the property located at 1400 E. Bay Point Road, to install a 150KV Generac backup generator in a location that is forward of the rear yard line, contrary to Section 104-4 (f).

B.

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

VII. ADJOURNMENT

Lynn Galyardt, Administrative Services Director | | October 2, 2020

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

<https://us02web.zoom.us/j/81191897727?pwd=VzRsc1dHa1d2NURkL2lFU2Y4NE1ZZz09>

Meeting ID: 811 9189 7727 Password: 503688 Phone – 301 715 8592

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)

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

NOTICE OF PUBLIC HEARING


In the matter of a request for a special exception by Colin White, for the property located at 1400 E. Bay Point Road, to install a 150KV Generac backup generator in a location that is forward of the rear yard line, contrary to Section 104-4 (f).

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on October 12, 2020 at 6:00 pm via remote teleconferencing (see agenda for details). The purpose of the public hearing is to consider:

The request for a request for a special exception by Colin White, for the property located at 1400 E. Bay Point Road, to install a 150KV Generac backup generator in a location that is forward of the rear yard line, contrary to Section 104-4 (f).

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

DATED this second day of October, 2020.


Lynn Galyardt
Administrative Services Director



I. CALL TO ORDER

Chairperson Dickman called the meeting to order at 5:06pm via remote teleconferencing.

II. ROLL CALL

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

Also Present: Village Manager Andy Pederson
Trustee Mike Barth
Administrative Services Director Lynn Galyardt
Attorney Christopher Jaekels
There were six people in the audience

III. PUBLIC HEARING

A. The purpose of the public hearing is to consider the request for a special exception by Jeff and Elizabeth Billings, for the property located at 9377 N Regent Road to replace existing fence with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1).

Chairperson Dickman read the above meeting notice and called for public discussion at 5:07pm.

1. Public Discussion

Chairperson Dickman stated he had read the letters sent by the neighbors and noted the questions raised by the neighbors are to be dealt with by the Village and will not be addressed at this meeting.

Jeff Billings, homeowner, stated the existing chain link fence is in disrepair and they are looking to replace it with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1). Mr. Billings noted the current fence crosses on to the neighbor's property in several place and they want to replace it with a fence rated for pool safety as suggested by their insurance company and recommended by their contractor.

Trustee Barth stated there are struggles to get a fence code to have everyone agree and opposes the project noting this would open a floodgate to allow others to request to put up fences that are not compliant with code.

Barry Chaet stated he felt pool safety was important.

Chairperson Dickman stated he thought there were other types of fences that could be put up that meet code.

Mr. Billings stated they had looked at cedar fences, however they appeared to wear down quickly and they were looking for a fence that would last and have pool safety, wind safety and not tempt people to try to climb to get into the pool area. Mr. Billings noted they were going off of the recommendation of the fence company.

Ken Force, 9410 N Fairway Drive, stated he is not happy with an obscure fence and is concerned about the density.

Mr. Billings stated the fence has 3" pickets with a ½ inch space between and the fence contractor is unable to make the space larger as the fence has predrilled holes and noted they had wanted the 6 foot fence for more privacy as there are six homes that abut their property.

Ben Minkin questioned how far from the fence Mr. Force's house was located. Mr. Force stated currently it is 100 feet, however it will be at 80 ft when the fence project is completed.

2. Board Discussion

Barry Chaet stated he believed the Billings did their due diligence by talking to different contractors and relying on their contractor for recommendation. Dan Rosenfeld noted he agreed.

Chairperson Dickman stated the goal of the Billings is to purposely build something contrary to the code and doesn't see a hardship for the Billings.

Amy Krier questioned if the other neighbors were in agreement with the fence project. Mr. Billings stated four of the six neighbors were in agreement with the project.

Manager Pederson stated in the past recommending different sections of the fence have different types of openness means the homeowner has had to come up with up to six different types of fences, creating a hodgepodge looking fence.

Attorney Jaekels stated the Board has to find that compliance with the code would be unreasonably burdensome, or unreasonably and negatively impact the use of the property, and 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.

Ben Minkin noted one code that applies to all properties does not work and if he was a neighbor he would prefer to look at a neat clean fence.

Barry Chaet stated this does meet the burden, noting the homeowner came prepared, three of the four contractors were concerned about the wind and there is not even a quarter inch difference between what meets code and what they are proposing.

Paul Gondek, 9355 N. Regent Road, stated he is opposed to the fence, noting going to this type of fence is detrimental to the area.

Dan Rosenfeld questioned if the applicant would like the Board to not take action tonight and take 30 days to come up with another option.

Mr. Billings stated they would take the time to research other options.

- B. **The purpose of the public hearing is to consider the request for a special exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c).**

1. Public Discussion

Steve Cramey, homeowner, stated he placed the shed less than 10 feet from the south property line contrary to section 125-91(c) due to the stability of the soil in the surrounding area, the location being the only flat spot near the lot line and not in the telephone pole cabling support system.

Attorney Jaekels questioned if this was new shed. Mr. Cramey stated it was.

2. Board Discussion

There was no board discussion.

Chairperson Dickman closed the public hearing at 6:02pm.

IV. APPROVAL OF MINUTES

- A. **April 27, 2020 Board of Zoning Appeals Public Hearing and Meeting.**

Motion by Ben Minkin, seconded by Barry Chaet, to approve the minutes of the April 27, 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 Jeff and Elizabeth Billings, for the property located at 9377 N Regent Road to replace existing fence with a 760 foot linear fence that is 15% open, contrary to section 104-125 (1).**

Motion by Dan Rosenfeld, seconded by Ben Minkin, to table the project for 30 days to determine if the applicant can find a fence that meets code. Motion carried unanimously.

- B. **Discussion/recommendation on the request for a special exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c).**

Motion by Barry Chaet , seconded by Amy Krier, to recommend to the Board of Trustees approval on the request for a special exception by Steve Cramey, for the property located at 8635 N Pelham Pkwy to place a shed less than 10 feet from the south property line contrary to section 125-91(c). Motion carried unanimously.

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

VII. ADJOURNMENT

Motion by Dan Rosenfeld, seconded by Barry Chaet, to adjourn the meeting at 6:04pm. Motion

carried unanimously.

Respectfully submitted,

Lynn Galyardt, Administrative Services Director | | October 2, 2020



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 ATTACHMENT 1

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

Celia White

Applicant Signature

ATTACHMENT 1

DATE: 09/25/2020

SUBJECT PROPERTY:

1400 East Bay Point Road
Bayside, Wisconsin

APPLICATION FOR SPECIAL EXCEPTION TO THE ZONING CODE REQUIREMENTS

PROPOSED PROJECT DETAILS:

The proposed project is the installation of a 150KV Generac backup generator. The generator is 10' long, 3' wide, and 5' tall, and will sit on a grade-level concrete pad measuring 14' long by 8' wide. Also located on the concrete pad will be the gas meter and electrical pedestal for the property.

1. STATE THE SECTION OF THE VILLAGE OF BAYSIDE MUNICIPAL CODE THAT YOU ARE APPEALING:
Sec. 104-4(f)
"Except as provided herein, the construction or placement of all accessory structures must comply with the rear and side yard setbacks provided by the zoning ordinances as applicable to structures. All accessory structures shall be located to the rear of the extended rear line of the residence located upon the lot, and with respect to corner residences, shall be located behind the extended rear line and the extended side line adjacent to the street of the residence located on the lot."
2. GIVE A BRIEF DESCRIPTION OF WHAT YOU WANT TO DO AND WHY:
Applicant is looking to install a backup generator/accessory structure in a location that is forward of the rear yard line as defined in Section 125-2. The reason for the proposed location is that it places the generator well away from all neighboring houses and outside the "no-build" zone recommended in the bluff geotechnical report for the Applicant commissioned.
3. STATE WHY COMPLIANCE WITH THE MUNICIPAL CODE IS UNREASONABLY BURDENSOME OR NEGATIVELY IMPACTS UPON THE USE OF THE PROPERTY:
The Municipal Code requires accessory structures such as the proposed backup generator to be located in the rear yard of a property. However, given the configuration of the subject property, the only portion of the rear yard that would be suitable for locating the generator would place it much closer to south neighboring houses than the proposed location for which the Applicant is seeking a Special Exception. Neighbors to the south and west have already asked that the Applicant locate the generator well away from their properties out of concern for noise from weekly test runs and occasional use.