

VILLAGE OF FOX POINT
BOARD OF APPEALS MEETING
MINUTES AND DETERMINATION
MARCH 28, 2018

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Tuesday, March 28, 2018 at 5:00 p.m. Chair Zien noted a quorum is present. Roll call was taken. Those present included:

Don Zien, Chair
Jeff Davis (Arrived 5:03 p.m.)
Nathan Eisenberg
Nancy Filsinger
Kurt Ostoic

Also, staff members present were Village Attorney Eric Larson, Building Inspector Michael Rakow, Village Clerk Treasurer Kelly Meyer and Village Deputy Clerk Jilline Dobratz.

Notice of the meeting was provided to the North Shore Now, to all others as required by State open meetings laws, and Village ordinances and posted on the official bulletin boards.

Board of Appeals member Mr. Davis entered at 5:03 p.m.

Approval of Minutes – December 5, 2017 Meeting

On the motion of Mr. Eisenberg, seconded by Mr. Ostoic, and carried unanimously, the Board of Appeals approved the submission of minutes and determinations from the December 5, 2017 meeting.

Case 2018-01: 408 East Daphne Road

The applicant's request was for a variance pertaining to section 745-17(B)(3) of the Fox Point Village Code in the C Residence District. A side yard of not less than 10 feet shall be provided for on each side of every building. The applicant is proposing to erect a garage that will be 5 feet from the north and east property lines to replace an existing garage. The variance is requested pursuant to 745-36 of the Fox Point Code.

Village of Fox Point Building Inspector Michael Rakow

Building Inspector Mr. Michael Rakow stated his name and was sworn in for testimony by the Village Deputy Clerk.

Village Building Inspector Mr. Rakow outlined the request of the applicant Ms. Katharine Schenck and explained the Village's Code. There were no questions by the Board of Appeals or the applicant for Mr. Rakow.

Property owner Ms. Katharine Schenck, 408 East Daphne Road

Ms. Katharine Schenck stated her name, address and was sworn in to provide testimony.

Ms. Schenck thanked the Board of Appeals for hearing the case

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Ms. Schenck gave background on the application, current unsafe non-functioning garage specifications and the proposal of a new garage. She stated the Eastern neighbors are in full support and have submitted a letter which is in the packet. The neighbors to the North are not opposed to the variance, wants to be assured there are no adverse effects from water run off to their yard.

Mr. Eisenberg and Mr. Davis had questions on image 3 and image 1.

Representative of Applicant Katharine Schenck, Jerry Kiefer from J.D. Griffiths

Mr. Jerry Kiefer stated his name and was sworn in to provide testimony.

Mr. Kiefer gave dimensions on common garage sizes. Discussion continued with Board of Appeals members on specifications of standard garages and proposed garage size.

Neighbor of Applicant Katharine Schenck, Lawrence Granof, 6705 North Holly Court

Mr. Granof stated his name was sworn in to provide testimony.

Mr. Granof was concerned about water running in his yard but does not believe it will be an issue. He has no objections at all and is in favor as a neighbor. He understands variances but this would give them more of an opportunity to enjoy and use the lot.

Chair Zien questioned Attorney Larson on precedence. Attorney Larson stated each decision is decided on the evidence presented in the case, they do not set precedence. Each case stands on its own. Mr. Eisenberg asked what the standard is for granting a variance. Attorney Larson read from the Village Code, Board of Appeals.

Chair Zien closed testimony at 5:28 p.m., commenting Board of Appeals will deliberate.

On the motion of Mr. Ostoic, seconded by Mr. Eisenberg, the Board of Appeals denied applicant, Ms. Scheck's request for a variance pertaining to side yards and the property lines to erect a garage for Case 2018-01, 408 East Daphne Road. Motion passed, 4 -1 (Nay-Mr. Davis).

Adjourn

On the motion of Mr. Ostoic, seconded by Mr. Davis, and carried unanimously, the Board adjourned at 5:36 p.m.

Respectfully Submitted,

Jilline Dobratz, CMC/WCMC
Village Deputy Clerk