

DRAFT MINUTES FOR THE VILLAGE OF SHOREWOOD HILLS ZONING BOARD OF APPEALS

Date and Time: Thursday, July 21, 2022 – 5:30 P.M.

Location: Virtual Meeting via Zoom

Call to order – The meeting was called to order at 5:33 pm by Chairperson Gary Johnson.

Members present: Mr. Johnson, Gard Strother, Dietmar Bassuner, Jane Hamblen and John Clancy.

Others present: Kelly Tormachy, Amanda Yeglic, Eric Sorensen, Bruce Allison, Ray Kline, Austin Tierney, Tamara Dean, Tim Stieve of Town & Country Engineering, Administrator Sharon Eveland and Administrative Services Manager David Sykes.

Approval of April 17, 2022 meeting minutes: Mr. Bassuner moved and Ms. Hamblen seconded a motion to approve the previous meeting minutes.

Vote: 5-0 (approved).

Process and Procedures Orientation: Mr. Johnson explained the purpose of the Zoning Board of Appeals and the process that will be used to consider the requests submitted.

Request to encroachment into the 25’ setback of at most 6’ on the south end of a garage and second story addition at 3225 Tally Ho Lane

Property owners Eric Sorensen and Amanda Yeglic reviewed their zoning appeal. Their current garage is small at 12’ wide and 11.5’ deep. They proposed a 20’ wide x 24’ deep garage with second story living space. The Western Road setback is 25’ and the addition would result in a triangular shape encroachment from zero to 6’ into the 25’ setback. The existing garage cannot fit one car with bikes and other gear used by their three kids. There is no extra living space for guests/family to stay at the house. They feel the encroachment into a 25’ setback would not adversely impact the neighborhood. They feel it will enhance the property and improve the neighborhood.

Austin Tierney, 3309 Tally Ho Lane, supports the project. He feels it will improve the property and the encroachment into the setback will not impact the neighbors.

Tamara Dean, 911 Western Road, is the adjacent backdoor neighbor. She also supports the project.

The Zoning Board asked some questions of the applicants and deliberated on the appeal. The small and irregularly shaped corner lot does result in some practical difficulty to remodel for a usable one-car garage.

Mr. Bassuner moved and Mr. Strother seconded a motion to grant the zoning appeal as presented.

Vote: 5-0 (approved).

Request to allow splitting of a driveway creating two 20’ approaches on a lot width that is less than 100’ at 3407 Circle Close

Property owner Kelly Tormachy reviewed his zoning appeal. The existing driveway is crushed granite that goes straight from the garage to a 27’ curb opening. He would like to install a concrete or asphalt driveway that would split to two curb 20’ openings that would allow for some creative landscape design of the driveway and approaches. The Zoning Code does not allow for two curb openings on lots narrower than 100’ wide. Mr. Tormachy acknowledged that there is not a hardship or practical difficulty with a single curb opening but rather an opportunity for creative expression to match the style of the home. His neighbors have seen the design and do not have any issues with it.

The Zoning Board understands the intent of the appeal and are appreciative of the design but they struggle to find a hardship or practical difficulty that would necessitate two curb openings. Mr. Strother moved and Ms. Hamblen second a motion to grant the zoning appeal as presented. Vote: 0-5 (denied).

Request to allow a 7’ screening fence at 3419 Crestwood Drive

Property owner Bruce Allison explained his desire to install a privacy fence for his back yard neighbor. Previously his lot was heavily wooded. The prior owner removed the trees with the intent of building a house on the lot. The sloping topography of the lot allows a direct view into the neighbor’s home. To be a good neighbor he has applied for a 7’ screening fence at his neighbor’s request. One of his other neighbors indicated they would support a 6’ fence but not a 7’ fence. He would like to revise his appeal to be for a 6’ screening fence only along the rear lot line. The zoning code allows a 5’ screening fence with written approval of the adjacent neighbor(s). The Zoning Board and staff discussed the variance specifics and the mechanics of administrative issuance of a fence permit.

Mr. Bassuner moved and Ms. Hamblen seconded a motion to grant the amended variance for a 6’ screening fence contingent upon written approval from the adjacent neighbor. Vote: 4-1 (Mr. Strother voting no, approved).

Request to allow an 8’ screening fence at 1007 University Bay Drive

Property owner Ray Kline explained that his property is adjacent to the Waisman Center school/daycare’s playground area. There is an existing 4’ chain link fence on the Waisman Center’s property. He would like to install a privacy screening fence to separate his property from the kids. He also feels it is a safety issue since he has a dog and there is the possibility the dog could interact with Waisman center kids through the chain link fence. He originally proposed an 8’ screening fence but now does not want something that tall. He’d be satisfied with a 6’ screening fence. Staff clarified the requirements to issue a permit for a screening fence and the specifics of this variance request.

Mr. Bassuner moved and Mr. Clancy seconded a motion to grant the amended variance for a 6’ screening fence contingent upon written approval from the Waisman Center. Vote: 5-0 (approved).

Discussion and possible establishment of a regular monthly meeting date: The Zoning Board members were in favor of setting a regular date for monthly meetings (as needed). They set the third Thursday of each month at 5:30 pm for their regular meeting date.

Adjourn – The meeting was adjourned at 7:03 pm.

Respectfully submitted,

David Sykes
Administrative Services Manager



VILLAGE OF SHOREWOOD HILLS
810 Shorewood Boulevard
Madison, WI 53705-2115

Office Use Only
Variance Petition
No. ____ - ____

Zoning Appeal and Petition for Review

A. Owner and Agent Information Application fee: \$ 300.00
Owner's Name: Timothy McCulloch / Michelle Ciucci Phone No.: 608 217 3477
P.O. Address: 3512 Blackhawk Dr Madison WI 53705
(Street) (City) (State) (Zip)
Agent, Architect or Engineering Firm: Home Owners
P.O. Address: _____
(Street) (City) (State) (Zip)
Contact Person: Timothy McCulloch Plan Number(s): _____
Firm's Phone No.: 206 217-477 Firm's Fax No.: _____

B. Property Information:

Property Address: 3512 Blackhawk Dr Occupancy Use.: Home
Parcel Key No.: _____ Zoning Classification: _____

1. Has a previous appeal or petition been made with respect to this property?

Yes: _____ No: X If Yes, state the nature of the appeal: _____

Check the appeal's disposition: Granted Denied Disposition date: _____

2. Identify all non-conforming structural and / or land uses existing on the property:

Fence at back of property under construction

3. Each petition or appeal must be accompanied by an accurate, detailed scale drawing indicating the location of the property, showing the dimensions and existing improvements on the property, including dimensions (of existing and proposed improvements) in relation to all lot lines, topographical features (if appropriate) and abutting properties and existing improvements, and clearly indicating the area(s) affected by the proposed variance.

C. Petition for Variance: The undersigned petitioner(s) acknowledge(s) (s)he has read the following Standards for Variances which the Zoning Board of Appeals shall employ to make its findings

based on evidence presented to it, and, further, (s)he understands all of the following conditions must be present:

- a. Literal enforcement of the Zoning Ordinance would result in unnecessary hardship or practical difficulty.
- b. Granting a variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- c. The proposed variance will not be contrary to the spirit and general purposes of the Zoning Ordinance.

The undersigned petitioner(s) request(s) a variance from the standards and requirements of the Zoning Ordinances as follows:

** Variance request modified after discussion with Administrator*

- 1. The standard(s) established by Sec., which requires: limited fence height and airflow cannot be entirely satisfied. In lieu of complying exactly with the Code, the following variance is requested: Modification in fence height and airflow at west and east end of new fence

and coverage of visible 4 foot chain link fence in central yard ← *subject to administrative approval*
Variance: Height 2.5" above 4' limit for fence adjacent to 3433 Sunset Dr

- 2. The following special conditions exist on the subject property which would present practical difficulty or unnecessary hardship if a variance is not granted: The primary hardship is continued issues with dog interactions with adjacent properties. 3427 Sunset and 3510 Sunset Those interaction in the past have lead to neighbor complaints and Shorewood police calls

- 3. The proposed variance is not contrary to the public interest, and will not endanger public safety or welfare because: The modifications do nothing to endanger public safety or welfare and my increase the welfare of the neighbors by decreasing the barking that can occur.

- 4. The requested variance will be in accord with the spirit of the zoning ordinance because: The zoning ordinance is in place to maintain some sense of beauty and flow through out the neighborhood, This area is shared and viewed by only the back adjoining neighbors

5.

- The variance, if granted, will cause substantial justice to be done because: The modified fence plan is visually appealing, replaces an old "eye sore" fence, improves sight lines by breaking up views of sheds and telephone poles and back lot line weeds, improves pet-pet interactions.

Verification – Petition is Valid Only if Notarized

Note: Petitioner(s) must be the property owner(s) or an agent authorized by the owner(s) to act on behalf of the owners(s).

I (we), Michelle Cucci being duly sworn, state as
(Print / Type Names)

petitioner(s) I (we) have read the foregoing petition, and I (we) believe it to be true and I (we) have significant ownership rights in the subject property or have been authorized by the owner(s) to file this petition.

Subscribe and sworn to me this 6th

Day of 6th January, 2023, in

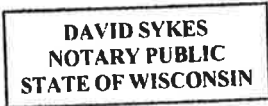
Dane County, Wisconsin.

Notary Public: [Signature]

My Commission expires: 02/01/2025

[Signature]
Signature of Owner / Petitioner

[Signature]
Signature of Owner / Petitioner



Additional space is provided here for more narrative – kindly reference the section to which the narrative applies:

please see attached images. in Word document.
The majority of the fence is with in current code of with airflow of 40%. and four feet.
REQUEST VARIANCES
1) We request a variance to allow one addition 2 1/2 board to be placed at the top making portions a height 4 feet 2 inches to block the view of an existing 4 foot chain link fence.
2) Allow for the posts in this area to be 4 feet 4 1/2 so they can have a cooper cap to prevent future water rot.
3) Allow the East 28% of the fence and the West 10% of the fence to be 4 feet 6 inches with 20% airflow and post of 4 feet 8 1/2 inches to allow for copper caps.
(THESE areas are located between homes the dogs that interact with barking. The value of the requested variance is to Decrease these interactions and decrease dog related village complaints.)
We have verbal permission for the adjoining neighbors for these variances

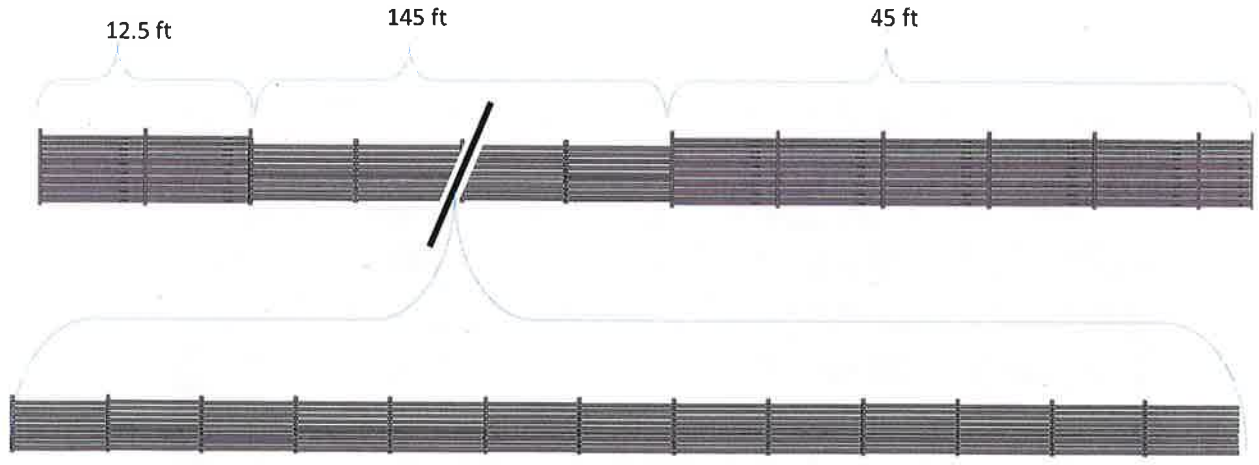
Additional space (continued):

[Empty space for additional information]

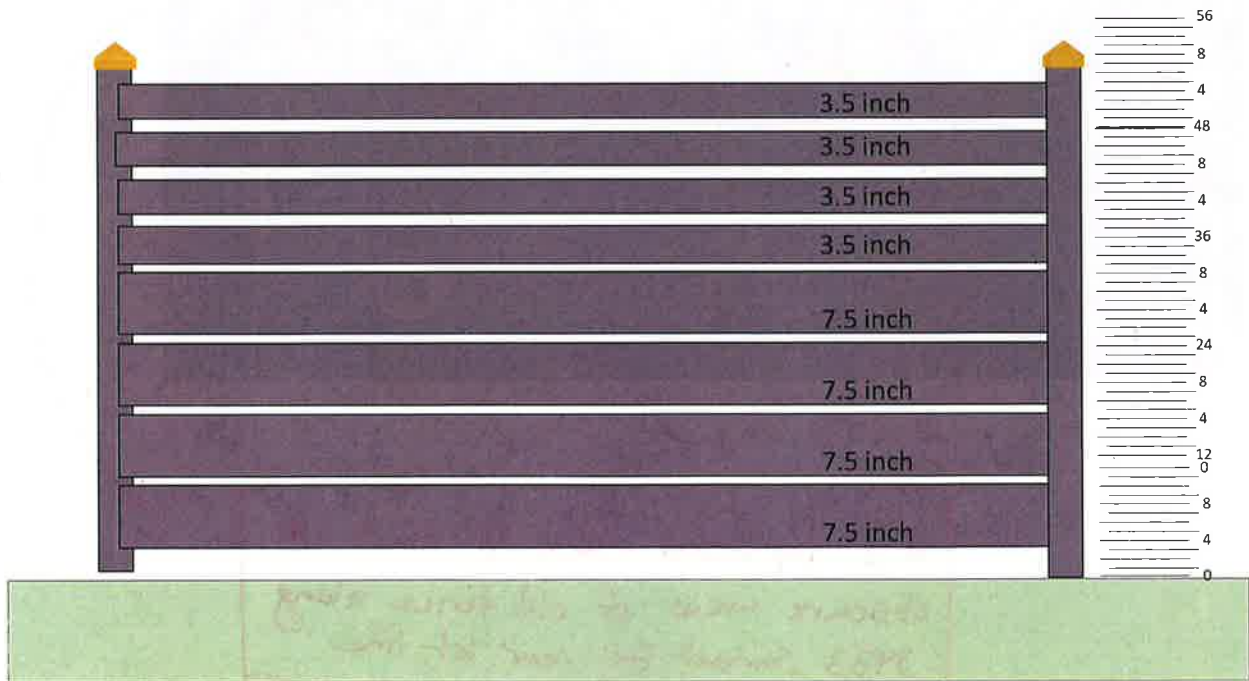
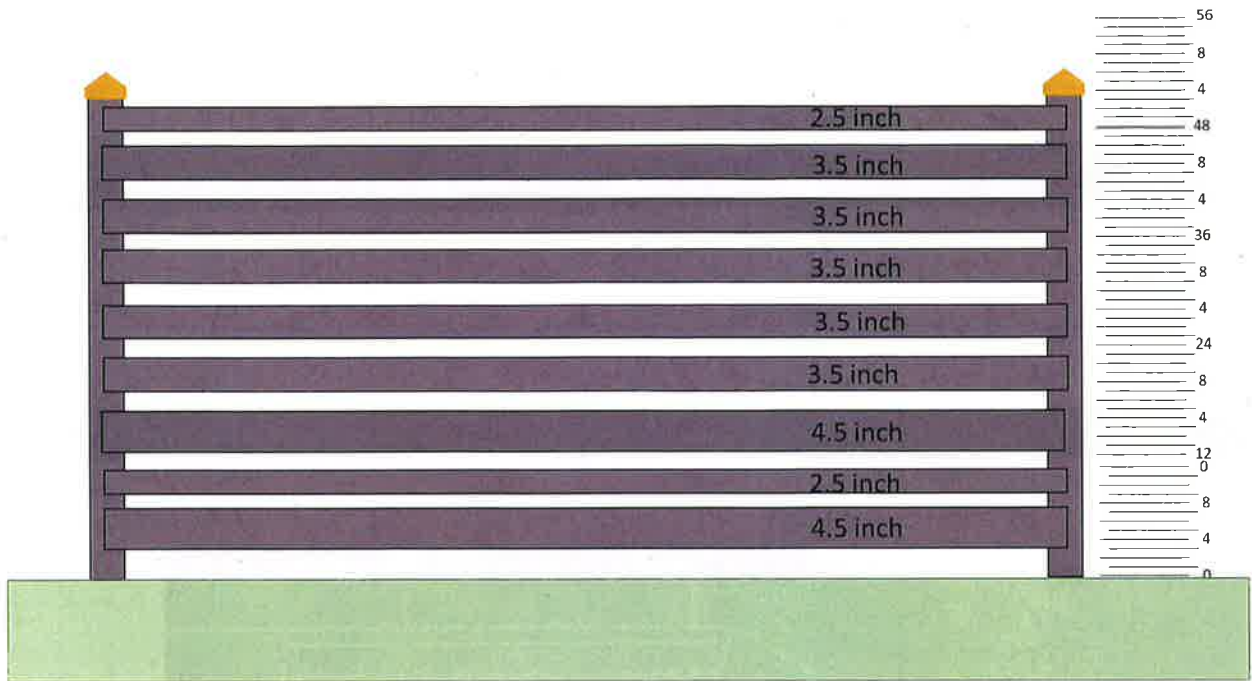
RECEIVED
VILLAGE OF SHOREWOOD HILLS
NOV 29 2022

Office Use Only

Date Filed: 10/31/2022 Amt. Paid: 300.00 Receipt #: _____ Rec'd by: PTS
(initials)
Notice of Public Hearing posted and mailed on: 11/29/2022 by: PTS
(initials)
Board of Appeals – submitted on: 1/9/2023 ; approved / denied on: _____
(date) (date)



2.5" top board above 4' limit to obscure view of old fence along 3433 Sunset Dr near lot line



David Sykes

From: Sharon Eveland
Sent: Thursday, January 5, 2023 8:54 AM
To: David Sykes
Subject: ZBA

Importance: High

Include this in the ZBA packet please.

Sharon Eveland
Shorewood Hills Village Administrator
Pronouns: She/Her/Hers
810 Shorewood Blvd
Shorewood Hills, WI 53705
(608)267-2680

From: MICHAEL S ADAMS <msadams@wisc.edu>
Sent: Wednesday, January 4, 2023 10:29 AM
To: Sharon Eveland <seveland@shorewood-hills.org>
Cc: Barbara Knisely <bknisely8@gmail.com>
Subject: Re: Fence

From: MICHAEL S ADAMS <msadams@wisc.edu>
Sent: Wednesday, January 4, 2023 10:08 AM
To: seveland@shorewood-hills.org <seveland@shorewood-hills.org>
Cc: Barbara Knisely <bknisely8@gmail.com>
Subject: Fw: Fence

Dear Sharon.

Susan Adams and I live to the north side of the fence in question. We are not concerned about the neighbors' request to raise the fence level by two and one half inches, but we are concerned very much that the portion of the fence that is at the east end of said fence be finished and be in compliance with the two and one half inch variance. Right now, that east section of fence is much higher, needs to be lowered properly and finished such that is not higher than their requested variance of two and one half inches. Also the air space between the upper boards on that east section so far as I can tell are not within the existing code. We are concerned about the visual issues that would be unsightly if left, and which could negatively impact the potential sales value of our property.

(I copy to Barb Knisely, our neighbor to our west, who kindly alerted me to the issue of the hearing. Susan and I leave tomorrow for one month in Florida).

sincerely. It would be difficult to participate in a zoom meeting so I submit my comments here.

sincerely,

Michael S. Adams 3433 Sunset Drive

From: Barbara Knisely <bknisely8@gmail.com>

Sent: Tuesday, January 3, 2023 10:19 PM

To: MICHAEL S ADAMS <msadams@wisc.edu>; Mia Myklebust <mmyklebust5@gmail.com>

Subject: Fence

Hi Mike and Susan

This just came in the mail today. I think they are referring to fence behind your house and I think you are out of town?

Just giving you a heads up.

Barb Knisely

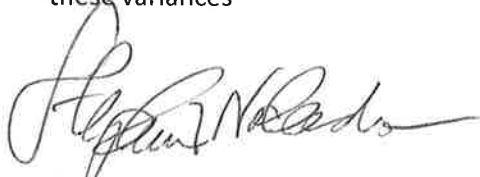
Village of Shorewood Hills

Zoning Committee meeting, January 9, 2023

In reference to fence variance between properties, 3512 Blackhawk Drive (McCulloch/Ciucci) and Dr. Steven Nakada's backyard at 3427 Sunset Dr.

I, Dr. Stephen Nakada have no concerns with regard to the fence variance height nor the fence variance airflow as requested by the McCulloch/Ciucci, in their proposal

REQUEST VARIANCES 1) We request a variance to allow one addition 2 1/2 board to be placed at the top making portions a height 4 feet 2 inches to block the view of an existing 4 foot chain link fence. 2) Allow for the posts in this area to be 4 feet 4 1/2 so they can have a cooper cap to prevent future water rot. 3) Allow the East 28% of the fence and the West 10% of the fence to be 4 feet 6 inches with 20% airflow and post of 4 feet 8 1/2 inches to allow for copper caps. (THESE areas are located between homes the dogs that interact with barking. The value of the requested variance is to Decrease these interactions and decrease dog related village complaints.) We have verbal permission for the adjoining neighbors for these variances



Steve Nakada

2003

APPLICATION FOR PERMIT

Application No. _____

The undersigned herewith applies for a permit to:

_____ Install gas or electric service to address listed below (as per the attached map).

_____ Install sign pursuant to Municipal Code s.13.12(8) (as per the attached sketch).

✓ _____ Install a fence pursuant to Municipal Code s13.12(9) (as per the attached sketch).

_____ Other _____

That applicant agrees and understands that if permit is issued, applicant will comply with all existing ordinances, rules and regulations pertaining to the work or purpose for which a permit is granted and will pay all damages caused to public or private grounds or suffered by private persons caused by applicant's agents or employees in the doing or the execution of the work for which permit may be granted, and that applicant will keep and save the Village of Shorewood Hills free and harmless of any damage claim resulting by reason of granting such a permit.

Name William Sanchez Phone no. 608 238 0539

Address of work 3512 Blackhawk Dr Commencement date 7.23.03

Mailing address _____ Completion date _____

_____ Fee required \$ _____

Application date 7.22.03 (verbal approval given)

Signature of applicant 7.23.03 application signed

For Village use:

Fee received by PRZ

Date _____
Application is herewith approved: Robert J. Astor
Administrator

2003

Perry Asher

From: MICHAEL S ADAMS [msadams@facstaff.wisc.edu]
Sent: Tuesday, July 29, 2003 10:28 AM
To: perryasher@shorewood-hills.org
Subject: fence issue

Dear Perry,

We are willing to allow the fence in the adjacent property to exceed the 48 inch maximum normally allowed, by placing a cap of wood above the factory-designed 48 inch size production panels. With the cap in place, the fence please should not exceed four inches above the normal max allowed.

thanks,

Michael Adams
3433 Sunset Drive, Village of Shorewood Hills

7/29/03

will meet code



BUILDING PERMIT RECORD			
DATE	NUMBER	AMOUNT	PURPOSE
3-10-88			deck

MAP NUMBER		ROUTING NO		OF	
101	102	103	104	CARD NUMBER	
NEIGHBORHOOD		LAND USE		ZONING	
PROPERTY LOCATION					

TRANSFER OF OWNERSHIP						
GRANTEE	CONV.	VOL	PG	MO	YR	
				200		

UNIQUE SALES NUMBER	TYPE	SALES PRICE	SOURCE	VALID

LAND DATA & COMPUTATIONS

NONE	300	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	ACTUAL UNIT PRICE	DEPTH FACTOR	INFLUENCE FACTOR	LAND USE CODE	LAND VALUE
LOTS	301	L						[]		
1 Regular lot	302	L						[]		
2 Rear lot	303	L						[]		
3 Apartment site	304	L						[]		
4 Waterfront										
SQUARE FEET	311	S	27,300		SQ. FT.			[]		60000
1 Primary site	312	S			SQ. FT.			[]		
2 Secondary site	313	S			SQ. FT.			[]		
3 Residual										
4 Waterfront										
ACREAGE	321	A		ACRES	PROD RTG			[]		
1 Homesite	322	A		ACRES				[]		
2 Tillable	323	A		ACRES				[]		
3 Pasture	324	A		ACRES				[]		
4 Woodland	325	A		ACRES				[]		
5 Wasteland	326	A		ACRES				[]		
6 Primary site										
7 Secondary site										
8 Residual										
9 Waterfront										
0 Other										
GROSS	330	G								
1 Irregular lot										
2 Site value										
3 Residual										
4 Waterfront										
0 Minus R.O.W.										

TYPE WODES		VALIDITY CODES	
1 LAND		0 VALID SALE.	
2 LAND & BUILDING		1 70.325.	
SOURCE CODES		2 Sale involved additional parcels.	
1 BUYER		3 Not open market, not reasonable marketing time.	
2 SELLER		4 Parties under compulsion to act.	
3 FEE		5 Property changed after sale.	
4 AGENT		6 Related individuals or corporations.	
		7 Liquidation / Foreclosure.	
		8 Financing / Land Contract.	
		9 Included excessive personal property, or other.	
		See Memo	

ENTRANCE CODES	
0 Entrance gained.	4 Currently unoccupied.
1 Not applicable - Unimproved parcel.	5 Est. for misc. reasons (see memo).
2 Entrance and information refused.	6 Occupant not at home.
3 Entrance refused, Info at door.	

INSPECTION WITNESSED BY
MEMORANDUM
5/20/86 SK
5/27/86 JL

SUMMARY OF VALUES

TOTAL VALUE LAND	
TOTAL VALUE BUILDING	
TOTAL VALUE LAND & BLDGS	

ASSESSORS FINAL REPORT

PROPERTY FACTORS										OWNERSHIP		EFF DATE	REASON	L or I	+-	AMOUNT
TOPOGRAPHY		UTILITIES		STREET OR ROAD		DWELLING SETBACK		FRONTING TRAFFIC		PRIVATE	1	901				
LEVEL	1	ALL PUBLIC	1	PAVED	1	MORE THAN NEIGHBORHOOD AVG	1	LIGHT	1	CITY	2	902				
ABOVE STREET	2	PUBLIC WATER	2	SEMI - IMPROVED	2	SAME AS NEIGHBORHOOD AVG	2	MEDIUM	2	COUNTY	3	903				
BELOW STREET	3	PUBLIC SEWER	3	UNPAVED	3			HEAVY	3	STATE	4	904				
HOLLING	4	GAS	4	PROPOSED	4			NONE	4	FEDERAL	5	910	DEACTIVATE			
STEEP	5	WELL	5	LANDLOCKED	5	LESS THAN NEIGHBORHOOD AVG	1	CUL-DE-SAC	5	RELIGIOUS	6					
LOW	6	SEPTIC	6							FRATERNAL	7					

01 Gains due to annexation. 06 Shift in class to.
02 Higher land use N/C new plans 07 Loss by annexation

SEC. 10-1-103 FENCES.

- (a) No person shall erect a fence in the Village of Shorewood Hills unless a permit shall first be obtained by the owner of the premises on which said fence is to be located or his duly authorized agent from the Building Commissioner. Upon request, any applicant for such a permit shall provide the Building Commissioner, at his request, with a site plan of the property on which said fence is to be constructed showing the proposed location thereon, together with sufficient diagrams to illustrate the construction of any such fence and its height in relation to existing grade levels. Each permit shall be void if construction thereunder is not commenced within sixty (60) days after issuance.
- (b) Height and Location in Residence Districts.
- (1) Fences to be erected within the setback, side yard or rear yard areas required to be maintained on any lot shall permit the passage of light and air through forty percent (40%) of each square foot of lateral area and shall not exceed four (4) feet in height above the existing grade level at the time of application for a permit for the construction thereon.
- (2) Solid fences of a screening variety and not located within the side yard or rear yard setback of any lot may be installed to a maximum height of five (5) feet above the natural grade level of the premises on which the same are to be constructed at the time of application for a permit. Solid fences of a screening variety may be installed within side yard or rear yard areas to a maximum height of five (5) feet above the average natural grade level of the premises on which the same are to be constructed and the closest adjoining premises after first obtaining and filing the written approval and consent of the owner of any property immediately adjoining that portion of the premises upon which said fence shall be located. No solid fence of a screening variety may be installed under any circumstances within the required front yard setback.
- (c) Prohibited Fences. No fence shall be constructed which is of a dangerous condition or design, or which conducts electricity or is designed to electrically shock or which uses barbed wire.
- (d) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (e) Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences.