

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

Date and Time: Thursday, February 16, 2023 – 5:30 P.M.

Location: Virtual Meeting via Zoom

Call to order – The meeting was called to order at 5:34 pm by Chairperson Gary Johnson.

Members present: Mr. Johnson, Jane Hamblen, John Clancy, Gard Strother and Meri Tepper (alternate). Dietmar Bassuner and Scott Friedman (alternate) were excused.

Others present: Brian Berquist of Town & Country Engineering, Administrator Sharon Eveland and Administrative Services Coordinator David Sykes.

Approval of January 9, 2023 meeting minutes: Ms. Hamblen moved and Mr. Clancy seconded a motion to approve the previous meeting minutes as presented.

Vote: 4-0 (approved).

Discussion of Village Code section 10-1-103 Fences and possible recommendation to the Plan Commission for revisions

Ms. Eveland reviewed the reasons why the Fence ordinance needs to be reviewed. It is overly complicated to administer and there have been numerous appeals to ZBA in the last year. Most of the appeals have been approved, so it may be time to modify the ordinance to adjust to the appeals. The ZBA discussed pros and cons of open fences, privacy fences, the 4' height limit, corner lots and presumed history of the current zoning regulations.

Mr. Berquist provided some background from other communities that Town & Country Engineering works with. Most allow 6' tall fences but they vary on regulations in the setbacks.

They discussed the idea of requiring neighbor approval for screening fences and the need for a clear definition of “decorative” fences that are allowed in the front yard setback.

By consensus, the ZBA recommended the following: No fence allowed in the front yard (except decorative fences). Allow fence up to 5' in the buildable area of a lot that is either 40% open or a screening fence. In the side- or rear-yard setback, allow 5' fence that is 40% open and develop some kind of mechanism (possibly neighbor approval) for a 5' screening fence.

Mr. Johnson moved and Ms. Hamblen seconded a motion that the ZBA recommend the Plan Commission consider revisions to the Fence ordinance based on the recommendations in the ZBA discussion from tonight.

Vote: 5-0 (approved).

Next meeting date: We are considering a change to the regular meeting date for the ZBA to the second Monday of the month. The next meeting is tentatively scheduled for Monday, March 13, 2023.

Adjourn – The meeting was adjourned at 6:41 pm.

Respectfully submitted,

David Sykes
Administrative Services Coordinator

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:

1. The standard(s) established by Sec., which requires: 10-1-103(b) cannot be entirely satisfied. In lieu of complying exactly with the Code, the following variance is requested: Allowance for height of up to 7 feet -- Sec. 10-1-103(b)(2) and allowance for screening variety of fence within side and rear set back, where less than 40% of light and air will pass through lateral area --Sec. 10-1-103(b)(1)
2. The following special conditions exist on the subject property which would present practical difficulty or unnecessary hardship if a variance is not granted: Existing fence is nonconforming from a height and light restriction. New fence would replace existing fence and enhance privacy, which has been impacted by recent development in nearby lots.
3. The proposed variance is not contrary to the public interest, and will not endanger public safety or welfare because: The fence is noticeable to neighbors who favor it, and not noticeable to others. A similar variance was granted to adjacent lot, and it has been appreciated by the residents in the area.
4. The requested variance will be in accord with the spirit of the zoning ordinance because: A fence is already allowed, this just adjusts height to better suit desires of enjoyment of property by neighbors. Additionally, this request is similar to recently approved neighbor's.
5. The variance, if granted, will cause substantial justice to be done because: Creates cooperation and peace among neighbors who are the only residents affected.

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), Alexander Widlak 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.

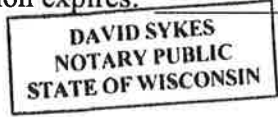
Subscribe and sworn to me this 20th
Day of November, 2023, in
Dane County, Wisconsin.

Signature of Owner / Petitioner

Notary Public: David Sykes

Signature of Owner / Petitioner

My Commission expires: 2/1/25



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

[Empty rectangular box for additional narrative]

Additional space (continued):

[Empty rectangular box for additional space]

Office Use Only

Date Filed: 11/20/23 Amt. Paid: 300.00 Receipt #: N/A Rec'd by: DTB
(initials)

Notice of Public Hearing posted and mailed on: _____ by: _____
(initials)

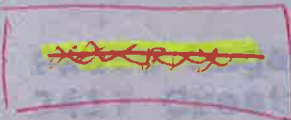
Board of Appeals – submitted on: _____; approved / denied on: _____
(date) (date)



83

82

Proposed Fence:



John
10

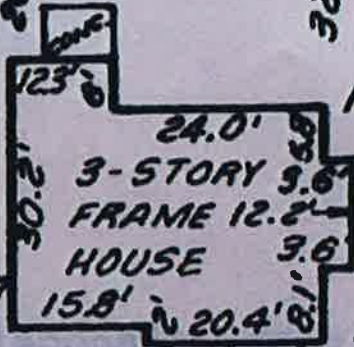
5/8" I.P.

5.62° 06' 45" W.
69.62' (69.83')

137.34' (137.2')

94

20.4'
19.7'
11.8'



3-STORY
FRAME
HOUSE

CAR
PORT

CONC.
WALK

LOT

93

BITUMINOUS
DRIVE

CONCRETE
APRON

143.12' (143.7')

92

3/4" R.B.

C. = 74.19' (74.4')
R. = 3876'
N. 66° 15' 43" E.

1 1/4" P.T.

C. = 24.9'
N. 67° 35'

CRESTWOOD DRIVE

David Sykes

From: rbruceallison@tds.net
Sent: Sunday, December 3, 2023 7:58 PM
To: David Sykes
Cc: Sharon Eveland
Subject: variance request for 6 foot fence by Alex Widlak

To Shorewood Hills Variance Committee:

I am the west side neighbor of Alex Widlak on Crestwood Road. He and his wife Catherine with their young child are excellent neighbors. I fully understand the importance for them to have a properly fenced yard and fully support their request for a variance to install a 6 feet tall fence.

Respectfully submitted to the Committee,

Richard Bruce Allison, MS, PhD
3419 Crestwood Drive
Shorewood Hills