

**MINUTES OF THE WHITEFISH BAY
BOARD OF APPEALS
Wednesday, April 13, 2016**

A meeting of the Whitefish Bay Board of Appeals was held in the Village Hall, 5300 North Marlborough Drive, Whitefish Bay, Wisconsin on April 13, 2016.

Pursuant to law, written notice of this meeting was published as a Class 2 public notice in the official Village newspaper and posted on the public bulletin boards.

Present were: Chairman - Mark Johnson. Members: Sean Finnigan, Russ Eisenberg, Leon Flagg, Tom Brown & Michael Kelley. Village Inspector - Joel Oestreich

CASE NO. 1 - 5305 N. Lake Dr. - Michael & Jane Simpson

Request for a Special Exception for a proposed fence that does not meet Code in the front yard. The homeowner was present to explain the request while the Board reviewed the submitted survey and pictures. Joe from Suburban Fence was also present. No neighbors were present. After further discussion, **Leon Flagg made a motion to grant the Special Exception for the replacement fence as long as it replaces the existing fence as originally designed. Tom Brown seconded. A vote was taken and unanimously passed. (5-0)**

CASE NO. 2 - 4885 N. Lake Dr. - Margaret & Andrew Chmiel

Request for a Special Exception for a proposed fence that does not meet Code in the front yard. The homeowners were present to explain the request while the Board reviewed the submitted pictures and survey. No neighbors present. After further discussion, **Tom Brown made a motion to grant the replacement of the fence as applied for. Leon Flagg seconded. A vote was taken and unanimously passed. (5-0)**

CASE NO. 3 - 331 E. School Rd. - Jim & Julie Allaway

Request for the review of a Special Exception for a proposed air conditioner that does not meet Code in the side yard. The homeowners were present to explain the request while the Board reviewed the submitted pictures, survey, calculations, etc. Joe from Donovan Jorgensen was also present to explain why the unit couldn't be placed in the back 1/3 area of the house. No neighbors were present. After further discussion, **Sean Finnigan made a motion to grant the Special Exception as applied for. Leon Flagg seconded. After further discussion, it was determined**

that screening needs to be added to the motion, so Sean Finnigan amended the motion to include that proper screening be used around the unit after it is installed. Leon Flagg seconded. A vote was taken and passed. (5-0)

CASE NO. 4 - 5134 N. Woodburn Ave. - Jason Hernandez

Request for a Variance for a proposed single family dwelling that does not meet Code for a front yard setback. The homeowner and Paul Giesen, the designer, were present to explain the request while the Board reviewed the survey and plans. No neighbors were present. After further discussion, **Tom Brown made a motion to approve the Variance for the requested setback. Leon Flagg seconded for discussion purposes. After discussion about adjacent houses and setbacks, a vote was taken and unanimously passed. (5-0)**

CASE NO. 5 -4821 N. Newhall St. - Lynn Ludke, Catherine DiCamelli & Susan Goeb

Request for the review of an Administrative Decision made by ARC for the approval of plans for the expansion of the existing house. Tabled from the previous BOA meeting. All three applicants, Lynn, Catherine and Susan were present to discuss their concerns about the design guidelines not being applied.

Then 4821 N. Newhall, LLC's lawyer, Sean Sweeney, Scott Burns, the owner, Jeremiah Bass, the project manager and Paul Giesen, the designer, discussed their reasons for the project.

Resident **Teri Quaintance** from **725 E. Lake View** was present and spoke. Resident **Jason Hernandez** from **5109 N. Woodburn** was present and spoke. **Charles Buscher**, a member from ARC, was present and spoke.

After further discussion, **Sean Finnigan made a motion to uphold the decision made by ARC with submitted plans. After some discussion about the wording, Leon Flagg amended the motion to say: not to overturn ARC's decision. Russ Eisenberg seconded. A vote was taken and it did not pass. (0-5)** The Board then discussed the design area, the lot coverage being fine, but that the case was narrowly passed at ARC and should maybe be sent back to ARC for review the mass & scaling. Sean Finnigan stated that the applicant's submitted information should be reviewed if the case goes back to ARC.

Russ Eisenberg then made a motion to send the case back to ARC; finding error in its decision in the mass and scaling of the house under the guidelines and to also review the garage placement inside the setback and to review all the materials that were submitted to BOA. Tom Brown seconded. A vote was taken and passed. (4-1)

CASE NO. 6 - 5866 N. Shore Dr. - David & Shari Grams

Request for a Variance for the construction of a new garage in an established setback and also a Variance for a new, detached garage in the front yard that do not meet Code. Tabled from the previous BOA meeting. David Grams, James Gormley, attorney and Roger Miller, Geo-Technical Engineer, were present to explain new hardships for the request.

Resident **Dr. Richard Claxton** from **5850 N. Shore** spoke. **Katie Parent** from **5862 N. Shore Dr.** spoke, **Dr. Jeremy Scarlett** from **5830 N. Shore Dr.** spoke, **James Mallat** from **5848 N. Shore Dr.** spoke, **Todd Davies** from **5852 N. Shore Dr.** spoke and **Lori Graham** from **5836 N. Shore Dr.** spoke.

After further discussion, **Sean Finnigan** made a motion to grant the Variance as applied for and to extinguish the previous variance granted, April 10, 2013, but no greater than the footprint as proposed per the current, submitted survey dated February 16, 2016. **Leon Flagg** seconded for discussion purposes only. There was further discussion about this case setting precedence for future requests. **Russ Eisenberg** explained that each case is unique and that this shouldn't be put in that category. A vote was taken and passed. (3-2) **Mark & Leon** against.

The BOA meeting minutes from February 10, 2016 were reviewed. **Russ Eisenberg** made a motion to approve them as submitted. **Sean Finnigan** seconded. A vote was taken and passed. (4-0)

The BOA meeting minutes from February 18, 2016 were reviewed. **Russ Eisenberg** made a motion to approve them as submitted. **Leon Flagg** seconded. A vote was taken and passed. (4-0)

The BOA meeting minutes from March 9, 2016 were reviewed. **Leon Flagg** made a motion to approve them as submitted. **Mark Johnson** seconded. A vote was taken and passed. (4-0)

With no other matters to discuss, **Mark Johnson** made a motion to adjourn. **Sean Finnigan** seconded. A vote was taken and passed. (5-0) The meeting adjourned at 9:20 p.m.

Mark Johnson, Chairman

Cynthia Wallner, Secretary

