



Village of Bayside
9075 N Regent Rd
Board of Zoning Appeals Public Hearing & Meeting
May 16, 2019
Village Board Room, 5:30 pm

BOARD OF ZONING APPEALS AGENDA

PLEASE TAKE NOTICE that a meeting of the Village of Bayside Board of Zoning Appeals will be held at Bayside Village Hall, 9075 North Regent Road, Bayside, Wisconsin 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 Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).
- 1.** Public Discussion
 - 2.** Board Discussion

IV. APPROVAL OF MINUTES

- A.** January 21, 2019 Board of Zoning Appeals Public Hearing and Meeting.

V. BUSINESS

- A.** Discussion/recommendation on request for a special exception by Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).

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

VII. ADJOURNMENT

Lynn Galyardt, Administrative Services Director | | April 25, 2019

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.bayside-wi.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 Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).

PLEASE TAKE NOTICE that a public hearing will be held before the Board of Zoning Appeals of the Village of Bayside on May 16, 2019 at 5:30pm in the Village Hall, 9075 North Regent Road, Bayside, Wisconsin. The purpose of the public hearing is to consider:

The request for a request for a special exception by Shahbaz Shabbazi, for the property located at 9740 N Lake Drive (017-050-06-01-001) to build a wooden deck, contrary to section 125-89(b)(4).

PLEASE TAKE FURTHER NOTICE that at such time and place, all interested parties must appear in person, or by attorney or agent, and be heard on this matter.

DATED this twenty-fifth day of April, 2019



Lynn Galyardt
Administrative Services Director



Village of Bayside
9075 N Regent Rd
Board of Zoning Appeals Public Hearing & Meeting Minutes
January 21, 2019

I. CALL TO ORDER

Chairperson Dickman called the meeting to order at 4:30pm.

II. ROLL CALL

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

Also Present: Director of Finance and Administration Lynn Galyardt
Attorney Christopher Jaekels
There were two people in the audience

III. PUBLIC HEARING

- A. The purpose of the public hearing is to consider the request for a variance by Heidi Dondlinger, for the property located at 1250 E Brown Deer Road (020-0135-000) to install an outside staircase within 10 feet of the property line, contrary to Section 125.**

Chairperson Dickman provided an update on the procedures for the meeting process, read the above meeting notice, and called for public discussion at 4:30pm.

1. Public Discussion

Heidi Dondlinger, 1250 E Brown Deer Road, stated the request for a variance was needed due to the north door being inaccessible without a staircase. Original design plan had a sidewalk and retaining wall and the wall would have prevented water from flowing properly, negatively impacting the neighboring property.

2. Board Discussion

Chairperson Dickman stated the only property effected was the neighbor to the north who has stated they were in agreement with the staircase and noted it would be a hardship to request them to do anything else.

Chairperson Dickman closed the public hearing at 4:36pm.

IV. APPROVAL OF MINUTES

- A. June 14, 2018 Board of Zoning Appeals Public Hearing and Meeting.**

Motion by Barry Chaet, seconded by Amy Krier, to accept the June 14, 2018 Board of Zoning Appeals Public Hearing and Meeting minutes. Motion carried unanimously

V. BUSINESS

- A. Discussion/recommendation on request for a variance by Heidi Dondlinger, for the property located at 1250 E Brown Deer Road (020-0135-000) to install an outside staircase within 10 feet of the property line, contrary to Section 125.**

Motion by Barry Chaet, seconded by Ben Minkin, to approve the request for a variance by Heidi Dondlinger, for the property located at 1250 E Brown Deer Road (020-0135-000) to install an outside staircase within 10 feet of the property line, contrary to Section 125 due to the physical limitations of the property as a retaining wall would cause adverse conditions for the neighboring property. Motion carried unanimously.

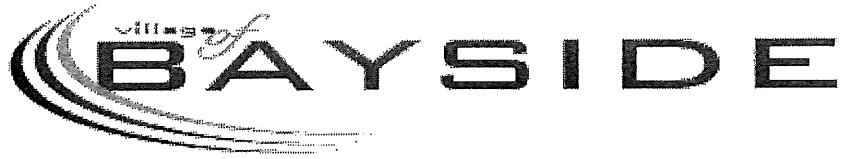
VI. ANY OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD

VII. ADJOURNMENT

Motion by Chairperson Dickman, seconded by Amy Krier, to adjourn the meeting at 4:40pm. Motion carried unanimously.

Respectfully submitted,

Lynn Galyardt, Director of Finance and Administration | | April 25, 2019



**Application for Appearance before the
Board of Zoning Appeals Committee**

Owner's Name Shahbaz Shahbazi + Sheila Shafiq
Property Address 9740 N. Lake Dr Bayside
Telephone 414.540.6677
Email Shahbaz.Shahbazi@processarc.com

Proposed project details (type of work, size, materials, etc.):

Build a small wooden deck off the
kitchen. This will be 18 inches
off the grade

Fee: \$500.00 pd 4/24 \$500 #1859
city



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.

125-29 (b)(4)

2. Give a brief description of what you want to do and why.

Build a small deck off the kitchen

3. State why compliance with Municipal Code is unreasonably burdensome or negatively impacting upon the use of the property.

1 Code restricts building the deck in direction that would not impact stability of ravine or the natural grade leading to ravine.

2 looking for an exception on a private road that is bordered by two households - Becker + Shubuzi

Applicant Printed Name

Applicant Signature

Shubuzi Shubuzi

3 Neighbor (Becker) were granted a variance similar to what we are asking for. back ->

④ Building according to code would increase cost by about 10k and also necessitate the building of a retaining wall

Sec. 125-89. - "A" residence district regulations.

- (a) *Permitted uses.* In an "A" residence district no building or premises, unless otherwise provided in this chapter, shall be erected or used, except as a single-family dwelling, together with accessory uses incidental thereto, provided always the accessory use does not constitute or become a public or private nuisance. Boathouses may be located within a shore yard but shall be no closer than five feet from the ordinary high-water mark of the stream, lake, pond or wetland. In no case shall boathouses be located below a high-water elevation, nor shall boathouses be used for human habitation. Boathouses shall not exceed one boathouse for each shoreland lot; shall not exceed a height of 15 feet above adjacent existing grade; shall not exceed 500 square feet in horizontal area covered and shall not be closer than three feet to any side lot line. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high-water mark of any navigable water shall be required to comply with Wis. Stats. § 30.121.
- (b) *Areas.* In an "A" residence district, no building may be erected, enlarged or altered except in accordance with section 125-3(b) and as follows:
- (1) The lot area of a lot on which a dwelling is erected or proposed to be erected, together with the area of abutting land reserved for highway purposes, whether private or public, to the centerline thereof, shall not be reduced to less than 40,000 square feet for each family.
 - (2) A front yard of not less than 30 feet shall be provided for every building on a lot for which a setback is not hereafter provided for.
 - (3) Every building shall be set back from the centerline of each adjoining street or area reserved for highway purposes, or any extension or separated portion thereof hereafter established, not less than the street setback specified upon the official zoning map; except that the following reductions may be made from the setbacks specified on the official zoning map:
 - a. Five feet when depth of lot is more than 80 feet but less than 90 feet;
 - b. Ten feet when depth of lot is more than 70 feet but less than 80 feet;
 - c. 15 feet when depth of lot is 70 feet or less;

however, no setback will be less than 15 feet plus half the width of the abutting road or area reserved for highway purposes.

- (4) A side yard of not less than 20 feet shall be provided for on each side of every building; except that in the case of lots less than 100 feet in width, measured at the narrowest place adjacent to the location of the dwelling, the side yard may be reduced by a quarter of the difference between the width and 100 feet; however, the side yard shall in no event be less than 15 feet.
- (5) A rear yard of not less than 20 feet shall be provided for every building.
- (6) No lot shall be created, nor certified survey map or subdivision plat approved after the effective date of the ordinance from which this subsection is derived if the lot frontage is less than 85 feet. Special exceptions may be permitted pursuant to section 125-9 to conform with cul-de-sac design or when considered in the total street design. All lots existing as of the effective date of the ordinance from which this subsection is derived which do not satisfy this requirement shall constitute non-conforming lots under section 125-5(b) for any use permitted or conditional for so long as such lots exist as separate lots on a certified survey map or subdivision plat.

(Code 1967, § 22.04; Code 1997, § 106-192; Ord. No. 98-420, §§ 3, 4, 7-1-1998; Ord. No. 01-483, § 8, 8-1-2001; Ord. No. 03-517, § 1, 10-2-2003)