

**VILLAGE OF THIENSVILLE
PUBLIC HEARING
ZONING BOARD OF APPEALS
MINUTES**

DATE: July 8, 2019

LOCATION: 250 Elm Street
Thiensville, WI

TIME: 6:00 PM

I. PUBLIC HEARING CALLED TO ORDER

Chairman Daily called the meeting to order at 6:00 PM.

II. ROLL CALL

Chairman:	Jesse Daily	
Members:	William Davis	Andrew Match
	James (Tony) Engle	M. Randy Pasternak
Alternate:	Carole Olkowski (excused)	
Administrator:	Colleen Landisch-Hansen	

III. PUBLIC HEARING WITH REFERENCE TO PROPOSED VARIANCE FOR CHRIS AND DINA MESSINA, 217 BEL AIRE COURT. THE APPLICANT IS SEEKING A VARIANCE TO FENCE HEIGHT REQUIREMENTS

A. Administrator to read notice and explain the requested variance

Administrator Landisch-Hansen read and explained the Notice. The Notice was sent to all property owners within 300 feet and published in the official newspaper, as required by law. The reason for the request for a variance is to construct a 6' high fence due to special family safety reasons. The Zoning Ordinance 17.0603 (C) requires a fence height maximum of 4'. Chris and Dina Messina, 217 Bel Aire Court are requesting a fence height not to exceed 6' in height.

a. Board reviews particular section of the municipal code

The Zoning Board of Appeals reviewed Village Zoning Ordinance 17.0603 (C), which states "Fences, walls, and architectural screenings are permitted on the property lines in the side and rear yards, but shall not exceed four (4) feet in height. Patio fences shall not exceed six (6) feet in height and shall comply with the yard requirements for the district in which they are located.

b. Applicant or representative presents their position

i. Why variance is requested

Chris and Dina Messina, 217 Bel Aire Court, are requesting this variance for safety reasons for their autistic son who will have the ability to wander. Locks have been placed on all their doors and they have a service dog.

ii. What are the hardships

The applicants are fearful their child will get out of the fenced-in area so are requesting a variance to the 4' high fence requirement to 6'.

Administrator Landisch-Hansen shared that Mr. and Mrs. Messina have spoken with their fence contractor, and the fence can easily be taken down to the 4' high if the family moves in the future.

iii. Other possible solutions

c. Comments from anyone present requesting to be heard

Daniel Heyen, 218 Park Crest Drive – The Messina residence is to the east of Mr. Heyen's home in the back yard. Mr. Heyen inquired about a chain-link fence that is in place currently. Dina Messina stated that the chain-link fence will be staying.

Member Engle inquired about the timeline for construction of the fence. Mrs. Messina was hoping to start installation in the next couple weeks.

Member Davis asked if the chain-link fence will be ok for height and safety. The chain-link fence is higher than 4' and there are trees and shrubs in front of it so it is difficult to get to.

Member Match commended the Messina's for doing their due diligence for this process.

d. Other communications received pertaining to this request

Administrator Landisch-Hansen stated that fences are no longer required to go before the Plan Commission for approval, however, they are reviewed by the Village Planner, Jon Censky. Planner Censky submitted a letter stating that plans have been submitted to replace their existing 4' fence with a 6' cedar, dog-eared style fence which encloses the entire rear yard to ensure the safety of their autistic child who has the habit of climbing over the existing fence. Planner Censky explained the Zoning Board of Appeals process and shared that if successful in securing a variance, the fence plans will be processed by Village staff for issuance of a permit to install.

There were three letters received supporting the request.

IV. CLOSED SESSION

NO CLOSED SESSION WAS HELD

V. ROLL CALL TO BE TAKEN

VI. CLOSED SESSION

VII. RECONVENE IN OPEN SESSION

VIII. MOTION AND ROLL CALL VOTE ON APPEAL

MOTION by Member Match, **SECONDED** by Member Davis to grant a variance to Chris and Dina Messina for the property located at 217 Bel Aire Court.

The Zoning Board of Appeals finds the following:

- Construct the fence to a height not to exceed 6'

IX. ADJOURNMENT

MOTION by Member Match, **SECONDED** by Member Engle to adjourn the meeting at 6:12 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Colleen Landisch-Hansen
Administrator