

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

DATE: October 22, 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 6:01 PM.

II. ROLL CALL

Chairman:	Jesse Daily	
Members:	William Davis	Andrew Match
	James (Tony) Engle	M. Randy Pasternak (excused)
Alternate:	Carole Olkowski	
Staff:	Director of Community Services/Public Works Andy LaFond	

III. PUBLIC HEARING WITH REFERENCE TO PROPOSED VARIANCE FOR SCOTT AND STEPHANIE THEIRL, 333 RIVERVIEW DRIVE. THE APPLICANT IS SEEKING A VARIANCE TO FENCE HEIGHT REQUIREMENTS

- A.** Director of Community Services/Public Works LaFond to read notice and explain the requested variance

Director of Community Services/Public Works LaFond 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 privacy fence on east side of home between their home and their neighbors driveway directly to the east. The fence will be placed on the property line. The Zoning Ordinance 17.0603(C) requires a fence height maximum of 4' on property lines in the side and rear yards.

Director LaFond informed the Board of the proceedings and that the applicant needs to show hardship to be granted a variance to the Zoning Code. This request went straight from staff to the Zoning Board of Appeals because staff now approves fences based on Code; and if the request does not fit within the Zoning Code, the request is then brought before the Zoning Board of Appeals. This request does not meet the height requirement nor the offset from the side yard.

Planner Censky sent a letter of denial to Scott and Stephanie Theirl based on the fact that the height requested of 6' is higher and the offset from the side yard was closer than Code allows.

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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.

Chairman Daily inquired where the measurement is taken from as it appears that one area is elevated slightly. Director LaFond clarified that measurement is taken from grade.

Member Davis inquired if this is considered a patio fence or a side yard fence. Upon more detailed investigation of the request, it became more apparent that there is a patio proposed, not a sidewalk.

b. Applicant or representative presents their position

i. Why variance is requested

Scott Theirl, 333 Riverview Drive, is requesting this variance for privacy. The fence will be placed just off a patio from an exterior door to the home. Mr. Theirl has the support of his next door neighbor for this fence. The patio will be 8’ x 25’. The fence height will be measured 6’ from grade starting at the house and is on a slight hill. A survey has been completed as well to ensure proper placement of the fence and patio.

After discussion with Planner Censky, Mr. Theirl was told that a mandatory 5’ setback is required for a 6’ privacy fence. Other suggestions shared with Mr. Theirl were to plant shrubs, put up a 4’ fence or request a variance for a 6’ fence.

Upon a site review, Member Davis had inquired of Mr. Theirl’s neighbor if there were any concerns about the proposed fence. The neighbor expressed full support.

ii. What are the hardships

At one point there was basement damage which resulted in the shrubs needing to be pulled out. The fence will be replacing these shrubs.

iii. Other possible solutions

Planting shrubs as a possible solution is not possible because of a concrete well room underground making it difficult for planting.

c. Comments from anyone present requesting to be heard

There was no one present to be heard.

d. Other communications received pertaining to this request

A letter of support was submitted from Susan Sonneborn, 343 Riverview Drive for the fence.

Director LaFond had also received a visit from a resident that received the Notice who inquired “why not just plant bushes.”

IV. CLOSED SESSION

Motion to adjourn to Closed Session pursuant to Chapter 19.85(1)(a) deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body and to reconvene into Open Session at the conclusion of that deliberation.

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 variance to Scott and Stephanie Theirl for the property located at 333 Riverview Drive.


The Zoning Board of Appeals finds the following:

- Construct the fence to a height not to exceed 6'
- Construct fence as shown on survey

IX. ADJOURNMENT

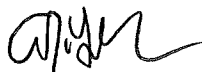
MOTION by Member Davis, **SECONDED** by Member Engle to adjourn the Public Hearing at 6:14 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,




Amy L. Langlois
Village Clerk

Approved by,



Andy LaFond
Director of Community Services/
Public Works

Signed by,



Colleen Landisch-Hansen
Administrator

PLAT NO. LS-4400-18
 FIELD CREW: E.A.J. & S.W.S.
 DRAWN BY: A.R.H.



NORTH SHORE ENGINEERING, INC.
 Consulting Engineers & Land Surveyors
 11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
 (262) 241-9400 • FAX: (262) 241-5337
 www.northshoreengineering.net

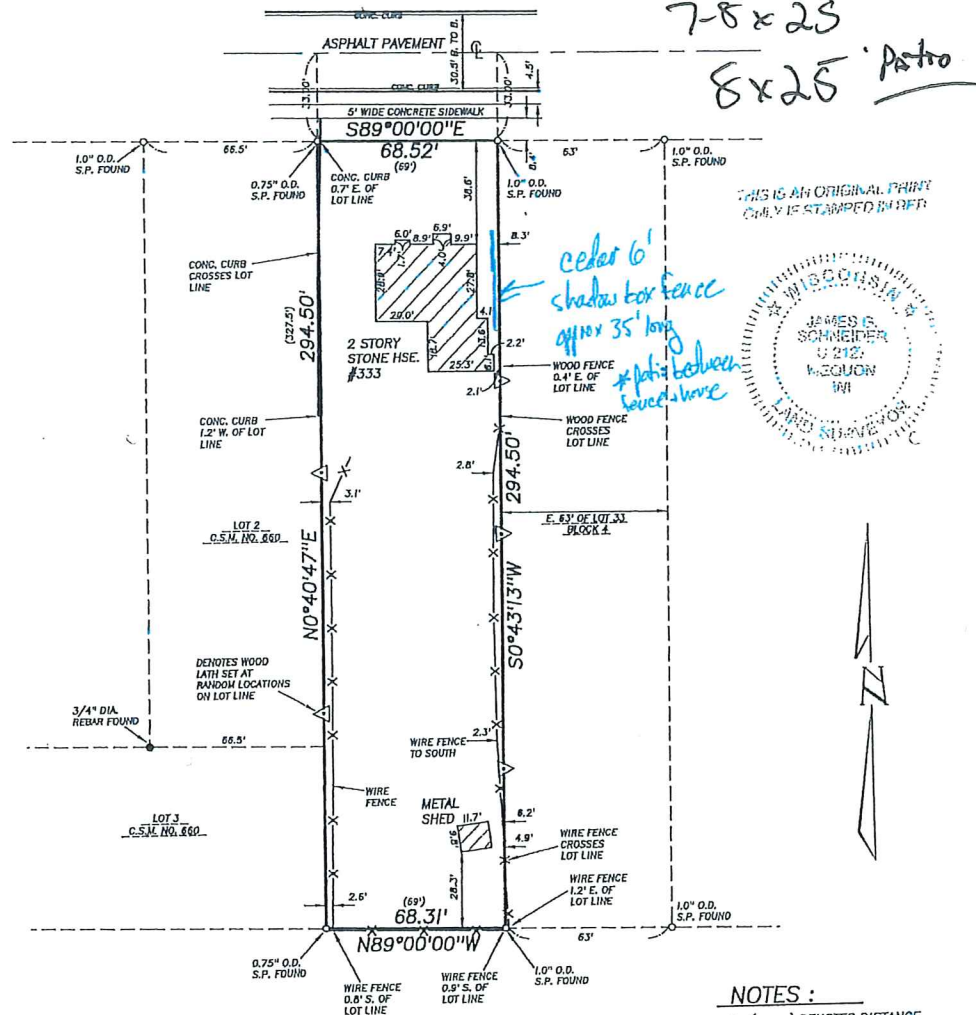
PLAT OF SURVEY

Prepared For: Scott Theirl/333 Riverview Dr.

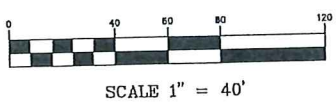
Property Description: The West 69 feet of Lot 33, Block 4, in "ASSESSOR'S PLAT OF THE VILLAGE OF THIENSVILLE", being a Subdivision of part of the Northwest 1/4 of Section 23, Township 9 North, Range 21 East, in the Village of Thiensville, Ozaukee County, Wisconsin.

Said parcel containing 20,148 sq. ft./0.46 acres of land, more or less.

RIVERVIEW DR.



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 STATE OF WISCONSIN
 JAMES G. SCHNEIDER
 S 212
 MEQUON
 WI
 LAND SURVEYOR



- NOTES:**
- () DENOTES DISTANCE PER PLAT
 - ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF RIVERVIEW DR., ASSUMED TO BEAR S89°00'00"E.

SURVEY CERTIFICATE

I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadways, and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

Dated at City of Mequon, State of Wisconsin this 23rd day of August, 2018
 Recertified _____ Surveyor _____