



BOARD OF APPEALS MEETING

Thursday, July 28, 2016

Village Hall, EMG Board Room, 5:30 P.M.

PLEASE TAKE NOTICE that a meeting of the Brown Deer Board of Appeals will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I Roll Call
- II Approval of August 20, 2015 minutes
- III Cases to be Heard

- A) Case No. 988 – TAPCO patio addition
- B) Case No. 989 – 4835 W. Parkland Ave. fence and playground equipment

Premises Affected: 5100 W. Brown Deer Road and 4835 W. Parkland Ave.

Appeal of Development Director denial of a building permit based on patios prohibited in side yards pursuant to Section 121-14 (c)(2)(z)

Appeal of Development Director denial of a building permit based on playground equipment and fences prohibited in front yards pursuant to Section 121-14 (c)(2)(k) and (t)

- III Adjournment

Dated: July 20, 2016

Jill Kenda Lubetski, Village Clerk

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE (1) BUSINESS DAY PRIOR TO THE MEETING.

**MINUTES OF THE MEETING OF THE BROWN DEER BOARD OF APPEALS
HELD AT THE VILLAGE HALL - 4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Chairwoman Jaberg at 5:32 p.m.

I. ROLL CALL

Present: Margaret Jaberg, Chairwoman, G. Neil Wood, Mike Kass Absent: None

Also Present: Emma and Jason Irwin - Appellant, Case No. 987; Jim Lubeck, William Calvert,
Nathaniel Piotrowski, Community Development Director; John Fuchs, Village Attorney;
Michael Hall, Village Manager

II. INTERESTED PROPERTY OWNERS

A) Case No. 987 – Emma and Jason Irwin Premises Affected: 4026 W. Fountain Avenue

Mr. Piotrowski reviewed the appeal of the Irwins who requested a relief from the Building Inspector's decision to deny a building permit for the encroachment of an addition in the side yard setback. He noted the reasoning the extent to which the Irwin's proposed to deviate from allowable setbacks and identified the previous land division created existing non-conformities with a detached garage and hindered expansion of the property. He added that all building design details still needed approval from the Building Board. Notices of the hearing were sent to the property owners affected and are a part of public records. Notice of the hearing was also posted on official Village media outlets.

PERSONS DESIRING TO BE HEARD

Mr. and Mrs. Irwin indicated they sought the variance because of a growing family need for more space. They wished to stay in their home but the narrow and deep lot made expansion challenging without the encroachment into the eastern setback. They added that their neighbors did not object to the proposed plans. Mr. Calvert, a neighbor to the west, stated that he supported the proposal.

Mr. Lubeck, the contractor for the addition, stated that the previous land division created a hardship and that the encroachment was to be the same dimension as the encroachment of the existing detached garage.

Ms. Jaberg asked for clarification on the total distance of the encroachment. Mr. Piotrowski replied that there would be a 6' encroachment for 36 feet and a .55' encroachment for an additional 24 feet. Ms. Jaberg stated that she felt the improvement to the neighborhood and the hardship presented by the previous land division warranted the variance.

Case No. 987: A motion was made by Mike Kass and seconded by Neil Wood to approve the variance for a building addition at 4026 W. Fountain Avenue. The motion passed unanimously.

III. Adjournment

It was moved by Neil Wood and seconded by Margaret Jaberg to adjourn. The motion carried unanimously at 5:45 p.m.



NOTICE OF APPEAL
BOARD OF APPEALS
VILLAGE OF BROWN DEER
4800 W. Green Brook Drive
Brown Deer, WI 53223

Case No. 988

Date Filed: July 12, 2016
Date Notified: July 21, 2016
Date of Hearing: July 28, 2016

NOTICE – This appeal must be typewritten and filed in **TRIPPLICATE** within 20 days from the date of the decision on the Building Inspector or other Administrative Officer appealed from.

Appeal from the decision of the Building Inspector/or Community Development Director

Appellant: ALLUME ARCHITECTS Address: 13500 WATERTOWN PLANK RD
BROOKFIELD, WI 53122

Owner: TAPCO, INC Address: 5100 WEST BROWN DEER ROAD
BROWN DEER, WI 53223

Lessee: _____ Address: _____

To the Board of Appeals:

I hereby appeal from the order/decision of the Building Inspector, or Community Dev. Director dated July 11, 2016 and hereby request a variance/special exception from the Zoning Code for the relief which is sought.

1. **PREMISES AFFECTED** is known as 5100 WEST BROWN DEER ROAD
(Street Address)

Legal Description: Lot 19 Block _____ Subdivision BROWN DEER INDUSTRIAL PARK

2. **ZONING DISTRICT OF SITE:** MANUFACTURING

3. **SETBACKS:** Front: 35 feet from lot line
Rear: 30 feet from lot line
Side: North _____ & South _____ or
East 35 & West 20

4. Has any appeal or petition for special exception been filed hitherto on these premises? If so, when and what disposition was made of same? Explain:

Date of variance/special exception: N/A

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE FOLLOWING:

NOTE: All pertinent papers and information must be submitted with this application.

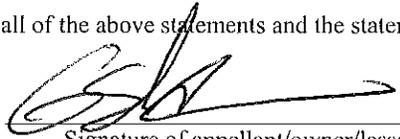
- (a) COPY OF DECISION OR ORDER ON WHICH APPEAL IS BASED.
- (b) TYPEWRITTEN STATEMENT of the principal points on which I base my appeal and request for variance/special exception, with description of the proposed work, if any. The actual amount of the requested variance/special exception is required.

SEE ATTACHED LETTER DATED JULY 12, 2016

AFFIDAVIT

STATE OF WISCONSIN)
) SS
 MILWAUKEE COUNTY)

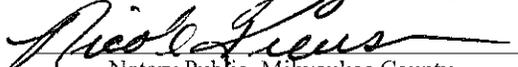
I (we) hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.



 Signature of appellant/owner/lessee

Subscribed and sworn to before me

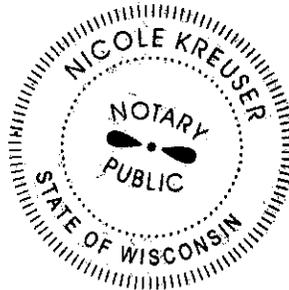
this 12 day of July, 2016



 Notary Public, Milwaukee County

10/30/16

 My Commission Expires





13500 watertown plank rd. suite 205
elm grove, wi 53122
p: 262.720.9702
e: anemecek@allumearchitects.com
w: allumearchitects.com

July 12, 2016

Board of Appeals
Village of Brown Deer
4800 Wes Green Brook Drive
Brown Deer, WI 53223

RE: TAPCO
5100 Wet Brown Deer Road

TAPCO would like to request a Variance for a 15' wide x 55' deep concrete patio. This request is due to the building office and kitchen locations in the building. The northern two thirds of the building is the manufacturing area with limited employees. The southern third of the building the area holds the majority of the employees with their offices and cubicles.

The choice for this location is due to the following: The north parking area is unusable for the patio due to the distance away from the kitchen area and offices; The east parking lot is unusable because the area for the patio would require the loss of needed existing parking spaces; There is an existing exit door and windows in the proposed patio location.

The patio location is located between the existing hotel screening wall (west property) and the west side of the TAPCO building and set back from West Brown Deer Road by approximately 164 ft. Due to the existing screening wall and raised grade from the hotel, this patio is not visible from the neighboring property to the west. TAPCO is proposing adding additional screening to the south of the proposed patio to add to the existing landscaping from Brown Deer Road.

The patio is also an amenity that will be able to attract future employees who would like a quiet peaceful outdoor location to enjoy their break time.

Sincerely

A handwritten signature in black ink, appearing to be 'GS', with a long horizontal line extending to the right.

Greg Schumacher, AIA
Allume Architects

AFFIDAVIT OF APPELLANT AS TO
PROPERTY AFFECTED

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

I (We) Greg Schumacher being first duly sworn on oath, deposes and says
(applicant's name)

that he is ^{agent for} Owner/Lessee of the property located at 5100 W BROWN DEER ROAD, having
(address of affected property)

the following legal description:

Lot: 19 Block: _____ Subdivision: BROWN DEER INDUSTRIAL PARK

That pursuant to the Rules for Procedure of the Board of Appeals, the following is a **COMPLETE** list of the names and addresses of the last free owners of record of all lands within 200 feet (residential) or 500 feet (commercial) of any part of the proposed structure or premises involved in the appeal which the appellant is making to the Board of Appeals of the Village of Brown Deer: see attached

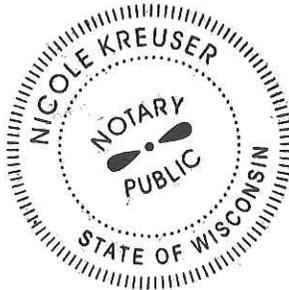
Signature of appellant/owner/lessee

Subscribed and sworn to before me

this 12 day of July, 2014

Nicole Kreuser
Notary Public, Milwaukee County

10/30/16
My Commission Expires



DAVE ROETTIGERS HWY K LLC
5169 N 37TH ST
MILWAUKEE, WI 53209

LEGACY SUBS REAL ESTATE LLC
N83 W 13400 LEON RD
MENOMONEE FALLS, WI 53051

DYA P WILLIAMS
5213 W BROWN DEER RD
BROWN DEER, WI 53223

DOROTHY SPIEKERMAN
5227 W BROWN DEER RD
BROWN DEER, WI 53223

TAPCO EXAT, LLC
5100 W BROWN DEER RD
BROWN DEER, WI 53223

JASON INCORPORATED
9009 N 51ST ST
BROWN DEER, WI 53223

5400 W BROWN DEER RD LLC
5400 W BROWN DEER RD
BROWN DEER, WI 53223

BLUE RIBBON LODGING, LLC
5200 W BROWN DEER RD
BROWN DEER, WI 53223

WIECHMANN ENTERPRISES MI LLC
2769 N SUMMIT AVE
MILWAUKEE, WI 53211

HOLTON PETRA PROPERTIES
2201 LOFTY LN
SAUKVILLE, WI 53080

WIECHMANN ENTERPRISES MI LLC
2769 N SUMMIT AVE
MILWAUKEE, WI 53211

5125 BROWN DEER LLC
5169 N 37TH ST
MILWAUKEE, WI 53209

WRIGHT'S REAL ESTATE, LLC
8745 N 51ST ST
BROWN DEER, WI 53223

July 11, 2016

TAPCO
5100 W. Brown Deer Road
Brown Deer, WI 53223

Dear Mr. Schumacher,

After reviewing your request it is the decision of the Community Services Department that the proposed patio does not conform to the Village's Code of Ordinances. Specifically, the proposal does not conform to Section 121-14(c)(2)(z) which prohibits patios in the side yard.

You are hereby advised that the proposal needs to be amended in order to conform to Village Code. Alternatively, you may request a variance review through the Board of Appeals of the Village of Brown Deer.

Should you have any questions related to the above issues please feel free to contact me.

Sincerely,

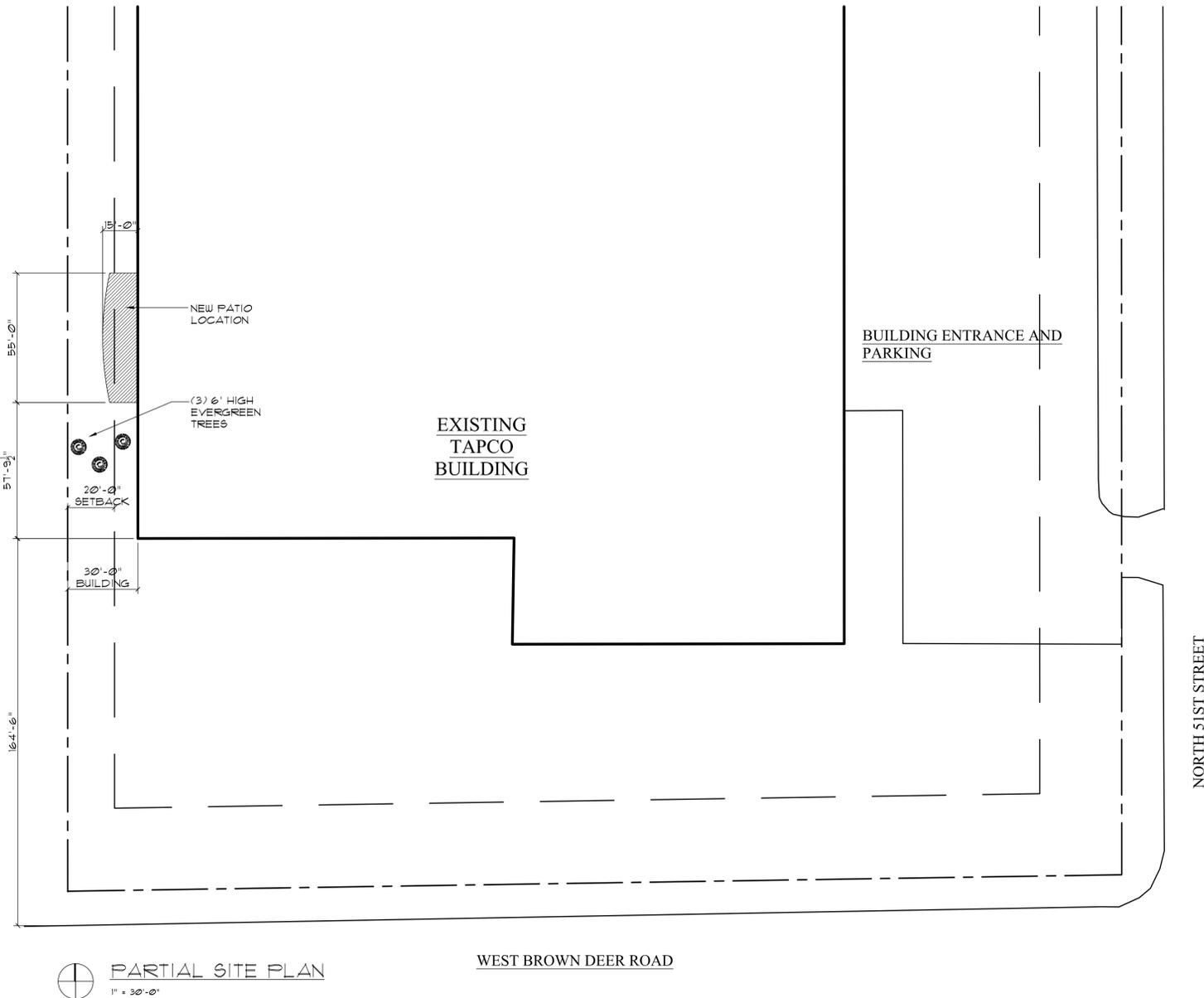


Nathaniel Piotrowski
Community Development Director

PROJECT:
BUILDING PATIO VARIANCE

PROJECT FOR:
TAPCO
5100 WEST BROWN DEER ROAD
BROWN DEER, WI 53223

DOCUMENTS BY:
ALLUME ARCHITECTS
13500 WATERTOWN PLANK RD. SUITE 205
ELM GROVE, WI 53122



PARTIAL SITE PLAN
1" = 30'-0"

WEST BROWN DEER ROAD

NORTH 51ST STREET



SITE PLAN
NTS



BROWN DEER ROAD VIEW LOOKIN NORTH



BROWN DEER ROAD VIEW LOOKIN NORTHWEST

allume architects
architecture • interior design • project management
13500 watertown plank road, suite 205
elm grove, wi 53122 262.720.9702
allume.com

PROJECT DESCRIPTION:
BUILDING ALTERATIONS
PROJECT FOR:
TAPCO
5100 WEST BROWN DEER ROAD
BROWN DEER, WISCONSIN

DRAWING DESCRIPTION:
PARTIAL SITE PLAN, PHOTOS

OWNERSHIP OF DOCUMENTS:
THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE SOLE PROPERTY OF ALLUME ARCHITECTS AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE EXPRESSED WRITTEN AUTHORIZATION OF ALLUME ARCHITECTS.

REVISIONS:	
DATE:	ITEMS REVISED:

APPROVED:

DRAWN BY:

DATE: JULY 12, 2016

PROJECT NUMBER: 201516

SHEET NUMBER:

V1

PLAT OF SURVEY WITH TOPOGRAPHIC DATA

KNOWN AS 5100 WEST BROWN DEER ROAD, IN THE VILLAGE OF BROWN DEER,
MILWAUKEE COUNTY, WISCONSIN

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2060 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN, ON APRIL 9, 1973 IN VOLUME 713 OF CERTIFIED SURVEY MAPS, AT PAGE 627, AS DOCUMENT NO. 4751561, BEING A REDIVISION OF LOT 2 AND PART OF LOTS 1-3 AND 19 IN BROWN DEER INDUSTRIAL PARK, BEING A SUBDIVISION OF A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 AND PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 8 NORTH, RANGE 21 EAST, TOGETHER WITH VACATED PORTION OF NORTH 51ST STREET ADJOINING ON THE WEST. SAID LAND BEING IN THE VILLAGE OF BROWN DEER, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

MARCH 16, 2005

CONCOURS MOTORS, INC.

SURVEY NO. 161731-RMK

REMNANT OF LOT 19, BROWN DEER INDUSTRIAL PARK

REMNANT OF PARCEL 2, C.S.M. NO. 2060

PARCEL 2, C.S.M. NO. 6555

439,570 sq.ft.
10.0911 acres

#5100
1 STORY
BLOCK, BRICK AND
METAL BUILDING

HEIGHT = 22.0'

DOOR SILL
661.54

DOOR SILL
665.44

N 88°31'36" E 450.00'

S 88°31'36" W 450.00'

WEST BROWN
DEER ROAD

ASPHALT PAVEMENT
PUBLIC STREET

NORTH 51ST STREET

NOTES:

- A. BEARINGS ARE BASED ON THE WEST LINE OF NORTH 51ST STREET RECORDED AS SOUTH 00°34'49" EAST ON CERTIFIED SURVEY MAP.
- B. THIS SURVEY WAS PREPARED BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT NO. M136936, EFFECTIVE DATE OF APRIL 13, 2004, WHICH LISTS THE FOLLOWING EASEMENTS AND/OR RESTRICTIONS:
 11. EASEMENTS, RESTRICTIONS AND NOTES AS CONTAINED IN CERTIFIED SURVEY MAP NO. 2060. AFFECTS SITE - EASEMENTS SHOWN
 12. EASEMENTS, RESTRICTIONS AND NOTES AS CONTAINED IN PLAT OF BROWN DEER INDUSTRIAL PARK. AFFECTS SITE - ACCESS RESTRICTION NOTED.
 13. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON OCTOBER 21, 1919, AS DOCUMENT NO. 1004651. DOES NOT AFFECT SITE - GENERAL IN NATURE, CANNOT BE PLOTTED
 14. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON OCTOBER 21, 1919, AS DOCUMENT NO. 1004652. MAY AFFECT SITE - GENERAL IN NATURE, CANNOT BE PLOTTED
 15. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON OCTOBER 21, 1919, AS DOCUMENT NO. 1004653. MAY AFFECT SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED
 16. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON OCTOBER 13, 1960, IN VOLUME 4080, AT PAGE 540, AS DOCUMENT NO. 3839863. DOES NOT AFFECT SITE - NOT SHOWN
 17. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON OCTOBER 13, 1960, IN VOLUME 4080, AT PAGE 548, AS DOCUMENT NO. 3839865. DOES NOT AFFECT SITE - NOT SHOWN
 18. EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JANUARY 25, 1972, IN VOLUME 632, AT PAGE 1229, AS DOCUMENT NO. 4850068. DOES NOT AFFECT SITE - NOT SHOWN
 19. UTILITY EASEMENT RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON NOVEMBER 13, 1973, IN VOLUME 755, AT PAGE 1044, AS DOCUMENT NO. 4805231. AFFECTS SITE BY LOCATION - SHOWN
 20. RESERVATION AS DISCLOSED IN WARRANTY DEED RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JUNE 30, 1919, IN VOLUME 797, AT PAGE 496, AS DOCUMENT NO. 986904. DOES NOT AFFECT SITE - NOT SHOWN
- C. ACCORDING TO FLOOD INSURANCE RATE MAP OF THE VILLAGE OF BROWN DEER, COMMUNITY PANEL NO. 560271 0001B, EFFECTIVE DATE OF MARCH 28, 1980, THIS SITE FALLS IN ZONE C (AREAS OF MINIMAL FLOODING)
- D. THE BASIC ZONING INFORMATION LISTED BELOW IS TAKEN FROM MUNICIPAL CODES AND DOES NOT REFLECT ALL REGULATIONS THAT MAY APPLY - SITE IS ZONED MANUFACTURING

STREET SETBACK - 35'
SIDEYARD SETBACK - 20' PLUS 1' FOR EACH 1' THAT BUILDING EXCEEDS 35' IN HEIGHT
REARYARD SETBACK - 30'
MAXIMUM HEIGHT - NONE

LEGEND

▲	BENCHMARK
■	SECTION CORNER
○	IRON PIPE FOUND
○	IRON PIPE SET
○	BOLLARD
+	SOIL BORING/MONITORING WELL
+	FLAGPOLE
○	MAILBOX
+	SIGN
□	CONTROL BOX
○	TRAFFIC SIGNAL
+	RAILROAD CROSSING SIGNAL
○	CABLE PEDESTAL
○	POWER POLE
+	GUY POLE
+	GUY WIRE
○	LIGHT POLE
○	SPOT/YARD/PEDESTAL LIGHT
+	GROUND OR OTHER SPOT SHOT
○	HANDICAPPED PARKING
○	ELECTRIC MANHOLE
○	ELECTRIC PEDESTAL
○	ELECTRIC METER
○	TELEPHONE MANHOLE
○	TELEPHONE PEDESTAL
○	MARKED FIBER OPTIC
+	GAS VALVE
○	GAS METER
○	STORM MANHOLE
○	ROUND INLET
○	SQUARE INLET
○	STORM SEWER END SECTION
○	SANITARY MANHOLE
○	SANITARY CLEANOUT OR SEPTIC VENT
○	SANITARY INTERCEPTOR MANHOLE
○	MISCELLANEOUS MANHOLE
○	WATER VALVE
○	HYDRANT
○	WATER SERVICE CURB STOP
○	WATER MANHOLE
○	WELL
+	WATER SURFACE
+	WETLANDS FLAG
+	MARSH
+	CONFERIOUS TREE
○	DECIDUOUS TREE
○	SHRUB

National Survey & Engineering
A Division of R.A. Smith & Associates, Inc.

262-781-1000
Fax 262-797-7373
16745 W. Bluemound Road
Suite 200
Brookfield, WI 53005-5938
www.nsaec.com

TICKET NO. 2004-22-08019

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.



National Survey & Engineering

NOTICE OF APPEAL
BOARD OF APPEALS
VILLAGE OF BROWN DEER
4800 W. Green Brook Drive
Brown Deer, WI 53223

Case No. 989

Date Filed: July 21, 2016
Date Notified: July 21, 2016
Date of Hearing: July 28, 2016

NOTICE – This appeal must be typewritten and filed in **TRIPPLICATE** within 20 days from the date of the decision on the Building Inspector or other Administrative Officer appealed from.

Appeal from the decision of the Building Inspector/or Community Development Director

Appellant: Thomas Henk & Elizabeth Bass Address: 4835 W Parkland Av.

Brown Deer, WI

Owner: Karen Alvarez Address: 433 Slinger Rd #3

Slinger, WI 53086

Lessee: _____ Address: _____

To the Board of Appeals:

I hereby appeal from the order/decision of the Building Inspector, or Community Dev. Director dated July 20, 2016 and hereby request a variance/special exception from the Zoning Code for the relief which is sought.

1. **PREMISES AFFECTED** is known as 4835 W Parkland Av.
(Street Address)

Legal Description: Lot 15 Block 12 Subdivision Golf View Crest Addition 1

2. **ZONING DISTRICT OF SITE:** R3-Residential

3. **SETBACKS:** Front: 30 feet from lot line
Rear: 30 feet from lot line
Side: North 30 & South 10 or
East _____ & West _____

4. Has any appeal or petition for special exception been filed hitherto on these premises? If so, when and what disposition was made of same? Explain: None

Date of variance/special exception: _____

INSTRUCTIONS TO THE APPELLANT

Following is a list of instructions to assist you in correctly filing your appeal from the decision of the Building Inspector or Building Board. The application fee is **\$350.00** and must be paid upon application for the variance/special exception.

The Brown Deer Board of Appeals meets as needed when an appeal is filed. A meeting will be scheduled no sooner than fifteen days after the application is received.

The appellant **must appear** at the meeting scheduled. Such appearance must be by the appellant personally, or by his officer, agent or attorney. In the event such appearance is not made, the appeal will be dismissed for lack of prosecution.

To qualify for a variance, the following requirements must be met:

1. Strict application of the ordinance or requirement will result in unnecessary hardship.
2. The hardship is due to unique physical limitations of the property. You will be asked to demonstrate that alternative project designs or locations on the parcel which comply with ordinance requirements are not feasible.
3. A variance may not be granted which results in **harm to public interests**.

The appellant **must** comply with each of the following details in order for the Board of Appeals to hear your case and make a decision.

1. Fill out the attached application providing all of the information requested. Three complete sets of the application must be submitted.
2. Make a typewritten statement requesting the **exact** variance/special exception you need for approval. The Board may grant only the minimum variance which preserves a reasonable use of a parcel for its owner. The party applying for the variance/special exception has the burden of proving the fact that he/she is entitled to relief from the ordinance.
3. The Building Inspection office will furnish the names and addresses of the property owners within 200 feet (residential) or 500 feet (commercial) of your property. Please note that this is simply a listing and signatures are not required.
4. File (3) copies of an **up-to-date** survey of the property with the complete dimensions of the proposed structure and setbacks along with (3) sets of complete building plans.
5. Have your signature notarized on the pages calling for such notarial seal.
6. Submit the application, surveys, plans, and any other supporting documents along with the fee to the Building Inspection Division.

A request for variance is, in effect, asking permission to violate an ordinance or laws that others are required to obey. This Board has the authority to grant a variance/special exception in cases of practical difficulty or unnecessary hardship.

In order for the Board to act fairly and impartially, the appellant must present all facts and details supporting their position.

AFFIDAVIT OF APPELLANT AS TO
PROPERTY AFFECTED

STATE OF WISCONSIN)

) SS

MILWAUKEE COUNTY)

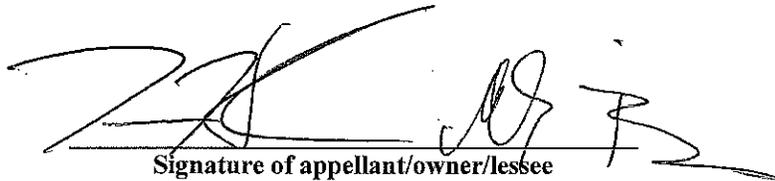
I (We) Thomas Hank & Elizabeth Deas being first duly sworn on oath, deposes and says
(applicant's name)

that he is Owner/Lessee of the property located at 4835 W Parkland Av., having
(address of affected property)

the following legal description:

Lot: 15 Block: 12 Subdivision: Golfview Crest Addn #1

That pursuant to the Rules for Procedure of the Board of Appeals, the following is a **COMPLETE** list of the names and addresses of the last free owners of record of all lands within 200 feet (residential) or 500 feet (commercial) of any part of the proposed structure or premises involved in the appeal which the appellant is making to the Board of Appeals of the Village of Brown Deer:


Signature of appellant/owner/lessee

Subscribed and sworn to before me

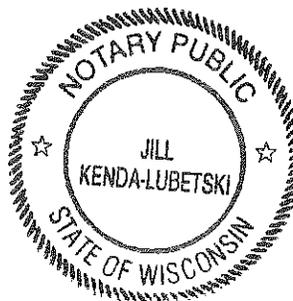
this 25th day of July 2014

Jill Kenda-Lubetski

Notary Public, Milwaukee County

11-27-16

My Commission Expires



ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE FOLLOWING:

NOTE: All pertinent papers and information must be submitted with this application.

- (a) COPY OF DECISION OR ORDER ON WHICH APPEAL IS BASED.
- (b) TYPEWRITTEN STATEMENT of the principal points on which I base my appeal and request for variance/special exception, with description of the proposed work, if any. The actual amount of the requested variance/special exception is required.

AFFIDAVIT

STATE OF WISCONSIN)
) SS
 MILWAUKEE COUNTY)

I (we) hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

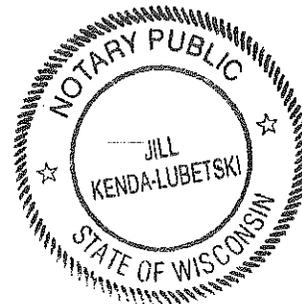
[Handwritten Signature]

 Signature of appellant/owner/lessee

Subscribed and sworn to before me

this 21st day of July 2014
Jill Kenda Lubetski

 Notary Public, Milwaukee County
11-27-16
 My Commission Expires



VILLAGE OF BROWN DEER
4800 W GREENBROOK DR
BROWN DEER, WI 53223

TRENT M DIBB
7726 N 49TH ST
BROWN DEER, WI 53223

ALYSSA J OTTER
7736 N 49TH ST
BROWN DEER, WI 53223

KAREN A ALVAREZ
4835 W PARKLAND AVE
BROWN DEER, WI 53223

KIRSTEN E BRUESKE
4821 W PARKLAND AVE
BROWN DEER, WI 53223

PAMELA J DEEDS
4813 W PARKLAND AVE
BROWN DEER, WI 53223

ADAM OLSON
4818 W PARKLAND AVE
BROWN DEER, WI 53223

OLUSOLA OLUWATOSIN
4828 W PARKLAND AVE
BROWN DEER, WI 53223

AMANDA PRZYBOROWSKI
7768 N 49TH ST
BROWN DEER, WI 53223

MARY C GORSKI
7727 N 49TH ST
BROWN DEER, WI 53223

JOEL BECK
7737 N 49TH ST
BROWN DEER, WI 53223

PAUL A ANELLO
4907 W PARKLAND AVE
BROWN DEER, WI 53223

JOHN BOUTELL
4900 W PARKLAND AVE
BROWN DEER, WI 53223

4835 W Parkland Av. Brown Deer, WI 53223 is a corner lot on the southeast side of Parkland & 49th Street. Our house is set to the back of the property causing us to have a very narrow backyard. On the east side of our back yard, we have very little level ground and there is a severe slope for water to drain properly. The rest of the yard is too narrow to support a children's play set. The children's playset in question is currently set to the back of the side property and its view is predominately blocked by large bushes. We feel it is not obstructing in a fashion.

We are also asking for a variance to have our current fence extended to the end of our side property line and no further forward than the edge of the back of our home followed by a natural landscaped boundary with trees and garden fencing. The purpose for this is for the safety of our 3 children, especially our 4 and 1 year old sons. Because we live on 2 streets we have a good flow of aggressive traffic. The fence will give them a safer environment to play in without them accidentally wandering into the street and being struck by a vehicle. It also provides a buffer between homes and will keep our children from being bitten by the excessive amount of wandering unleashed dogs in our neighborhood.

Attached are photos showing no views are being obstructed.

We appreciate your time,

Thomas Henk

Elizabeth Blas

July 20, 2016

Elizabeth Alvarez
4835 W. Parkland Ave.
Brown Deer, WI 53223

Dear Ms. Alvarez,

After reviewing your request it is the decision of the Community Services Department that the location of the play structure and fencing does not conform to the Village's Code of Ordinances. Specifically, the proposal does not conform to Section 121-14(c)(2)(k) and (t) which prohibits playground equipment and fences in the front.

You are hereby advised that the proposal needs to be amended in order to conform to Village Code. Alternatively, you may request a variance review through the Board of Appeals of the Village of Brown Deer.

Should you have any questions related to the above issues please feel free to contact me.

Sincerely,



Nathaniel Piotrowski
Community Development Director

W. PARKLAND AVE

N 49TH ST

side yard adjoining

4835

front yard/ swing set

rear

15

side yard

4821

4813

4907

7737

7736

14

17

