

**VILLAGE OF FOX POINT  
BOARD OF APPEALS MEETING  
MINUTES AND DETERMINATION  
THURSDAY, FEBRUARY 10, 2022**

A meeting of the Fox Point Board of Appeals was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Thursday, February 10, 2022 at 5:00 p.m. The Village Clerk took roll call. Those present included:

Kurt Ostoic, Chairman  
Thomas Dunst  
Nancy Filsinger  
Mark Grady  
Scott Ratke

Staff members also present were Board of Appeals' Attorney Christopher Jaekels, Building Inspector's Attorney Eric Larson, Building Inspector Michael Rakow, and Village Clerk Treasurer Kelly Meyer.

Notice of the meeting was provided to the North Shore Now, to all others as required by State open meetings laws, Village ordinances and posted on the official bulletin boards.

**Approval of Minutes of December 9, 2021 Meeting and the Findings of Fact, Decision and Order**

Member Mark Grady requested grammatical errors be corrected in the minutes of December 9, 2021 on lines 254, 302, 303, 305, 388, 424, and 617.

*On the motion by Member Mark Grady, seconded by Member Thomas Dunst, and carried unanimously, the Board of Appeals approved the December 9, 2021 minutes and the Findings of Fact, Decision and Order of the last meeting, as amended.*

**Case 2022-01: 7250 N Beach Rd. (Dr.)**

The applicant is requesting the interpretation of Village Zoning Code and reversal of order, requirement, decision or determination of an administrative official in regard to Village Zoning Code 745-4 C. (1-3) and 756-9.

**Village of Fox Point Building Inspector Michael Rakow**

*Building Inspector Mr. Michael Rakow stated his name and was sworn in to provide testimony by the Village Clerk Treasurer.*

**Building Inspector's Attorney Eric Larson**

*Building Inspector's Attorney Eric Larson stated his name and was sworn in to provide testimony by the Village Clerk Treasurer.*

Building Inspector Michael Rakow gave background on Case 2022-01. The first item, the applicant would like to raze the garage and move the accessory building. If you refer to the survey with legal descriptions, this property has three parcels. Parcel 1, parcel 2 and a parcel 3 with an easement that the village owns.

Building Inspector Attorney Eric Larson inquired if the Building Inspector had received a survey from the applicant regarding this property. Building Inspector Attorney Eric Larson commented it is in the Board of Appeals packet.

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Building Inspector Attorney Eric Larson distributed [Exhibit A-also included in the packet], the property survey. It was noted the date shown on the survey was August 18, 2020. On the survey it shows two parcels – parcel 1 and parcel 2. The lot line that separates parcel 1 and parcel 2 actually goes right through the home.

Building Inspector Attorney Eric Larson stated when you said there is more than one parcel on this property, that is what you are referring to, correct? Building Inspector Michael Rakow stated it is.

Parcel 3 was briefly discussed. Building Inspector Attorney Eric Larson stated the crux of the matter is parcel 1 and parcel 2.

Further clarified was the applicant, Kenneth Erdmann is not the owner, but is the appellant/applicant in Case 2022-01.

Building Inspector Attorney Eric Larson inquired further of the Building Inspector Michael Rakow what the applicant is seeking here. Building Inspector Michael Rakow stated the frame garage on parcel 2 is going to be razed. The frame shed on parcel 2 is going to be moved to parcel 1. The applicant is also seeking a new garage build on parcel 1 as well.

Chairman Kurt Ostoic inquired if everything currently standing meets the current setbacks. Building Inspector Michael Rakow stated in his opinion it does not; these are two separate parcels, parcel 1 and parcel 2. This is not one lot. He is using the middle line or the center line between parcel 1 and parcel 2 as a lot line because if the owners were to raze the home, they could theoretically sell a parcel in his opinion. These are separate lots; therefore, it is being evaluated by working off the lot lines/setbacks. It appears that the frame shed, as placed on parcel 1 will be too close to the center lot line.

Building Inspector Attorney Eric Larson addressed Chairman Kurt Ostoic asking if he would prefer to swear the appellant in or if the Board would like to hear from him. He further stated he has a legal argument. To better clarify, Attorney Eric Larson stated tonight, he is not representing the Board, he is representing the Building Inspector. That is the reason for special council representing the Board tonight.

Chairman Kurt Ostoic stated he would like to understand the Building Inspector Attorney Eric Larson's determination of definition of the two parcels.

Member Mark Grady stated he is not sure he understands the argument, so the Board will hear from Attorney Larson. If this is treated as one entire parcel, rather than two for the sake of argument and ignore the dividing line down the center of the lot, are there any setbacks requirements with what they want to do in that scenario. So, the issue really is the parcel lot line.

Building Inspector Michael Rakow stated that is correct.

Building Inspector Attorney Eric Larson stated the entire issue is whether this is one lot

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or two lots. Prior to 2017, he would have ruled in his opinion that it is one lot. He would have made that argument under theory called merger title. Meaning, even though it appears to be two parcels, he would have said that is one lot because the title to those parcels are being held in common and fairly intending it to be one lot the title is considered merged. In 2017, in a case in *Murr v. Wisconsin*, that was Attorney Larson's office argument before the Supreme Court. This went to the U.S. Supreme Court. The issue was they were representing St. Croix County. There were two lots up against the river. One property owner owned both the lots. The owner had a home over on the side of one lot, with some things over the lot line. The owner wanted to sell the other lot. The county said no you cannot sell the lot; it is one lot. We realize that is shows up in the tax records as two lots, but we have taxed it as one lot, you have used it as one, you own it as one, and it is treated as one. But you cannot sell that lot because the title is merged. Municipal Law & Litigation Group argued that in Wisconsin State Court and it went all the way to the U.S. Supreme Court. They won in the Court of Appeals, they won in state court and they won in the U.S. Supreme Court saying that is one lot. Property rights people in the State of Wisconsin didn't like that result. They thought you have taken away one of his lots. That is not right. You have two lots. You should be allowed to have two lots. You should have been allowed to sell that lot. I understand that lot is too small. It is non-conforming and doesn't comply with the zoning code, but it exists and he should be able to sell it. They convinced the state legislature to change our laws in 2017. In 2017, Wisconsin Act 67 laws changed to prohibit merger title. Ever since this case happened, throughout the State of Wisconsin, including Fox Point, many people have said I don't like that result. The property owners have combined their parcels by CSM (Certified Survey Map) to get rid of that lot line. As shown in Attorney Larson's drawing, there is a lot line going through their house. That creates problems for the owners. So, it is combined by a CSM. Then it is cleared and everyone agrees it is one lot. Certified Survey Maps get approved as a matter of course to get rid of that problem. The fact that they are assessed as one, that was true in *Murr v. Wisconsin* as well.

Chairman Kurt Ostoic inquired why the owners have not combined the lot. Attorney Larson replied yes you can ask the appellant that questions once they are sworn in.

Attorney Larson stated the fact that they are assessed as one was true in *Murr v. Wisconsin*, as well. It supports the theory of merger entitlement. There is no merger entitlement statutorily. We do have a state law that says that the assessor can treat them as one; that is still the law of assessment. For purposes of property law, when there are two lots, you can sell them or you can build on them. They are nonconforming, but there are two lots.

Member Mark Grady inquired of Building Inspector Attorney Eric Larson, if it is possible that the U.S. Supreme Court ruling addresses property ownership and the ability to transfer property which can be distinguished from zoning interpretation. Perhaps you could have one lot under assessment according to the law, you could have one lot for zoning interpretation in a different legal standard that applies to property ownership law.

Building Inspector Attorney Eric Larson distributed Wisconsin State Stats, Section 66.10015 with highlighted provisions. He stated we are preempted from treating the parcels as though they have been merged. Attorney Larson pointed out the language in Section 66.10015(2)(e)1. We cannot prevent them from zoning exemption. He further noted, in Section, 66.10015(2)(e)2, in this case they probably could not use the parcel as a building site.

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Subsection, 66.10015(4), without the consent of the owners of the lots that are to be merged. He stated this is potentially relevant. It is potentially possible that the owners could consent to these lots being merged. It could not be implied. That was the whole reason for the merger entitlement, it was implied. This cannot be implied and therefore needs clear written consent. That is Attorney Larson's position that unless these lots consist under the current configuration, they cannot move a nonconforming building from one lot to the other. They cannot move it across that property line and they also have to measure the setbacks because that property line exists.

Chairman Kurt Ostoic clarified his understanding that the property owners can go ahead and build a new garage and a new shed, as long as they have the proper setbacks per parcel.

Building Inspector Attorney Eric Larson stated that is correct. But they cannot move that building across the lot line. There is a separate ability to move a building over from one lot to another but it would need Plan Commission's approval. They are contending they do not need Plan Commission's approval because nonconforming buildings are allowed to be moved on the same lot. So again, it comes down to whether this is just one lot or two lots. From his perspective and as the Building Inspector said, it is easily solved by a CSM. Unless we fix these problems when we see them, the problems are just going to occur. So, it is in the best interest to fix the problems where we see them.

Board of Appeals Christopher Jaekels asked to clarify both issues. The first issue is razing the garage and moving the shed is the second issue.

Building Inspector Attorney Eric Larson stated they can raise the shed and they can build a new garage but it just has to be in an appropriate location. The lot line is the issue.

Member Thomas Dunst inquired what the procedure is for obtaining a CSM.

Building Inspector Attorney Eric Larson stated they already have a survey. What they need to do is talk to their surveyor and say give us a Certified Survey Map, which is an advanced version of the survey map, which eliminates that lot line. Then it gets filed and reviewed by the Plan Commission. Plan Commission makes a recommendation to the Village Board and then the Village Board acts on it.

Member Mark Grady stated just looking back over personal recollection in the last year or two, I found at least two instances one of which he was involved with for Fox Point Lutheran Church taking 11 parcels and combining them into one parcel in the last year according to the CSM process mentioned prior. The other being a homeowner that was going through the same CSM process in the last year.

Building Inspector Attorney Eric Larson stated it is happening all the time all over the state for this very reason; it creates problems. Before 2017, this problem did not exist. It is due to a change in the law that is now requiring it.

Board of Appeals Attorney Christopher Jaekels inquired if there was a change in Village Code due to the changes with Wisconsin Act 67.

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Building Inspector Attorney Eric Larson stated he cannot remember if there were amendments. He does not think there were any directly related to this. There is some archaic language in our Village Code.

Board of Appeals Attorney Christopher Jaekels inquired to Building Inspector Attorney Eric Larson, none of that is implicated here as you see it. Building Inspector Attorney Eric Larson confirmed that is correct.

Owners Appellant/Representative Energy Save Solutions Kenneth Erdmann

*Appellant/Representative Energy Save Solutions Kenneth Erdmann stated his name and was sworn in to provide testimony by the Village Clerk Treasurer.*

Appellant/Representative Energy Save Solutions Kenneth Erdmann gave background testimony to Case 2022-01. He stated from his point of view, this is one of these situations where trying to make one size fits all does not work here. One of the issues we have here is this property has one tax key on Milwaukee County site, with a different legal description than what is shown here. We did note that there was this home survey lines showing division of the property and then these parcels were combined. All the time the two parcels keep showing up on the surveys. It is not a CSM at this point. One thing is the owner could sell this parcel to either the neighbor to the north or the neighbor to the south. But obviously not with a house right on top of the property lines. If you create a CSM, it prevents the owners from tearing down the house in the future and selling it to the neighbor to the north or to the south. They believe they are giving up some of their rights by forcing the owners to create a CSM. In the future, the owners may decide to tear everything down, sell it off, and move to a different state. They do not know what the future holds. We would like to not go down that avenue. Looking at the Village Code, it seems to be pretty straight forward. It is not talking about setback lines; it is talking about yard setbacks. It is talking about setbacks to protect your neighbor's rights. That is what the setbacks are for. You are guaranteed certain things you can do to enjoy your property. One of them is building structures within 20 feet of your neighbor. It says the neighboring yard. They are not contesting that they need to be 20 feet away from their neighbor. As far as moving those structures, you are also guaranteed the right to move the structures that already exist to a conforming spot on the property. There does not exist a spot on either parcel where those structures can be moved 20 feet from the edge, 20 feet from the center and 20 feet from the other edge. We have created a special circumstance here, where one size does not fit all. The owners are looking to keep 20 feet away from the neighbors and 30 feet away from the road and in the future if they decide to tear everything down and sell the parcels off, so be it. That is where he is at as far as relocating the structures. Everything we are trying to do here is to make it conforming. It is not only two feet off the property line. They want to move everything back from the property line and into a conforming status within that property. As far as welling one lot off, or the other lot, the property cannot be sold off other than to be purchased with another property because the lot is too small to sell off the parcels. Neither one of those parcels is a conforming lot. They could not be sold off if you separated the parcels unless the neighbor to the north or south were to purchase a lot. He stated that was not addressed by anything Building Inspector Attorney Eric Larson has mentioned. In the past by inference, the fact that the house was built with a property line right down the center, even then, the parcel line went right down the center. So even in the beginning it was viewed as one lot. He stated the code clearly states it is a yard setback and not a parcel setback.

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Chairman Kurt Ostoic inquired of Building Inspector Attorney Eric Larson what the definition of a yard setback is versus a parcel setback.

Building Inspector Attorney Eric Larson stated that is an interesting question. After 2017, Act 67 legislature has told us that these little segments have to be treated as separate ownership interests. They define what a substandard lot is means a legally created lot for a parcel that met an applicable lot size requirement when it was created. Therefore, these parcels were legal when they were created. We could look to the definitions in our Zoning Code book, but the fact of the matter is they are probably not right because it is preempted by Act 67. Act 67 says lot or parcel are interchangeable. Each of these is either a lot or parcel.

Appellant/Representative Energy Save Solutions Kenneth Erdmann said following that theory thought means you are forcing my clients to do something they do not necessarily want to do, which is creating a CSM. Which creates a hardship because they cannot ever build a garage or anything they want on their property, unless this whole thing is in court. He stated this is not the same scenario. There are nuances with this.

Member Mark Grady inquired of Attorney Larson, if he is understanding the argument correctly, your argument would be that by interpreting the zoning ordinance to treat this as one lot for zoning purposes, we are thereby requiring one or more lots to be merged. His question is, isn't there another alternative that those are not the same thing. Why isn't the interpretation of the zoning ordinance the same thing as requiring the lots to be merged. Requiring them to be merged in any legal fashion in terms of property ownership rights or the ability to convey it at some date in the future, we are not merging them for all intensive purposes and for all time. We are just interpreting a zoning ordinance to treat it within the context of the zoning ordinance like yard setbacks within the policy of the zoning ordinance that underlies the zoning ordinance.

Building Inspector Attorney Eric Larson stated the only way they can allow the property owners to move that shed from one lot to another, is to merge those two parcels, into one parcel.

Member Mark Grady stated skipping the moving of the shed, what about the setbacks?

Building Inspector Attorney Eric Larson stated it is the same thing. It is legal and conforming where it is; it can stay where it is. If the owners move that shed, they have to move it to a conforming location. The code requires that. So, they currently have not proposed doing that as he understands it, with regard to the distance between shed and the center lot line.

Appellant/Representative Energy Save Solutions Kenneth Erdmann for the sake of argument, this is not what they are doing. The garage is falling apart and it is in need of replacement. Even not moving it, the code requires one detached garage. Neither parcel 1 or parcel 2 can have a garage unless they meet the setbacks for all four requirements. So again, you are interfering with the property rights of this property owner. They cannot even have a garage until they have a CSM. They don't want a CSM. So now they can never have a garage. But they are guaranteed their right to have a garage.

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Kurt Ostoic stated it doesn't mean they are guaranteed to have a garage. They are allowed to have a garage. It has to meet the setbacks and it has to be conforming.

Building Inspector Attorney Eric Larson stated we are not here today to talk about a variance. The owners could apply for a variance. We are here today in regard to the interpretation of the code of saying that the Building Inspector has interpreted the code incorrectly. Essentially, the owner states this is one parcel; the Building Inspector's point is that this is two parcels.

Appellant/Representative Energy Save Solutions Kenneth Erdmann stated actually, our question is setbacks. Whether there would be a setback requirement lot lines in common. That is our issue. There would not be a setback requirement where the two lots merge.

Member Mark Grady requested some interpretation or advice from Board of Appeals Attorney Christopher Jaekels.

Board of Appeals Attorney Christopher Jaekels stated this is an administrative decision, regarding the Building Inspector Michael Rakow. You are hearing an appeal of his interpretation of state and local zoning laws. The Board is to determine whether he is correct or not. You can make your own determination, you can approve what he did absolutely 100 percent, or you can modify it. It is all up to you as the Board. The question is whether he was proper in interpreting the Wisconsin State Statute, in the way that has been described by Building Inspector Attorney Eric Larson. Is there a requirement to keep these parcels separate for purposes of side yard setbacks? The word "yard" is used all the time. In the legal sense, municipal codes all over the place in their zoning codes talk about front yard setbacks, side yard setbacks, and there is even a definition of yard setbacks in some of those codes. All of that having been said, your task is to decide whether or not you agree with Building Inspector Michael Rakow based on his interpretation through Attorney Larson or whether the burden of proof has been met by the applicant/appellant or whether you find something either, all or in-part, that was incorrect in his decision. I am well familiar with Act 67, as it was giving us headaches when it first came out and this is where it has gone. I am the Attorney for the Village of Whitefish Bay and a lot of the old planning that was done in the 1890's and so on, result in homes that are straight through lot lines. There was a merger process in the past that worked, but it is gone. Now the only answer is Chapter 236, which is the CSMs that Attorney Larson was talking about. He stated he didn't think this would be eligible for a lot line correction, which is another way of two neighbors getting together and saying I need three more feet so that I can get my car past the fence. As advice to the Board, he agrees that the CSM is the best approach to handling this. The question is whether you are satisfied with Building Inspector Michael Rakow's decision and the applicant/appellant's decision, why it matters so much, and why they cannot do the CSM that the Building Inspector is asking them to do.

Member Mark Grady is asking if there is a way to interpret in 66.10015 consistent with our zoning ordinance to allow the property owners to treat this as one lot for setbacks.

Board of Appeals Attorney Christopher Jaekels stated he agrees with Attorney Larson's argument and stated keep in mind that it just becomes legal nonconforming. It is still legal. The footprint of the house can still be rebuilt if it burns down or something.

Member Mark Grady asked if there is a way to interpret our Fox Point zoning ordinance to say

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we are going to treat this as one lot so they can build a garage in compliance with the setback requirements and not run in violation of the WI State Stats, 66.10015.

Board of Appeals Attorney Christopher Jaekels responded to Member Mark Grady, stating he doesn't think you can. That is his personal opinion. A CSM is the way this has done. I cannot see a way that you can allow for new construction, new structures, and a new footprint without having to get through the Building Inspectors review and his application of Act 67. The question of whether he is right about Act 67 is part of the question that is presented to you. If you have seen a copy of it and what it states and that is a true and correct copy, as he has been in front of a bunch of municipal boards on this topic. He is not taking an advocacy position in one way or the other. Your job is to decide whether or not the Building Inspector correctly interpreted the code.

Chairman Kurt Ostoic stated if they did the CSM and later down the road they wanted to split the parcel back up to sell part of the lot to neighbors, could they do that? Are they really giving up anything by creating a CSM?

Attorney Larson stated it could probably be done. He doesn't want to state that for certain.

Appellant/Representative Energy Save Solutions Kenneth Erdmann inquired if it was an automatic with a CSM stating you have to apply for it and it could be denied.

Chairman Kurt Ostoic stated it sounds pretty automatic.

Appellant/Representative Energy Save Solutions Kenneth Erdmann stated what about a separation of the parcel after the combination CSM.

Chairman Kurt Ostoic answered if you are not creating a non-conforming lot, it would be the same thing.

Member Mark Grady asked for Attorney Jaekels thoughts of future land separation of the parcel.

Board of Appeals Attorney Christopher Jaekels clarified how a land separation in the future would be handled. And stated that the Plan Commission makes a recommendation to the Village Board. The Village Board would consider it. It is still a legislative decision on the part of the Board. It is pretty rare to see a denial of a CSM, unless there are other circumstances. City of Milwaukee is extremely militant right now regarding CSMs, regarding any change in lot lines.

Member Mark Grady stated the point the Chairman is getting at is to a comment the applicant made earlier that they don't want to do a CSM because they are giving up their property rights. The point that Attorney Jaekels is making is that they are not really giving up their property rights irreversibly.

Board of Appeals Attorney Christopher Jaekels stated that is correct. If in the future they were to ask for a different CSM that is making more lots or less lots there is still going to be an arbitrary capricious standard that applies to this issue. We have our constitutional protections. It is not an absolute to get a future CSM, but it is within the realm of normal property ownership to understand

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what your rights are now and in the future.

Member Mark Grady stated, setting aside the setback requirement, he believes that between Attorney Larson and/or Michael Rakow said that if this is one lot there is no setback issue with respect to the garage in its new location. It would be more than within the setback requirements. The other question that came up was with the moving requirement. Again, if there is a CSM, there is no issue with them moving this from one side of the lot to the other side of the lot.

. Building Inspector Michael Rakow stated he doesn't have a problem with them moving it, but if you are moving it, you still have to follow the moving ordinance.

Member Mark Grady commented on Village Code, Section 756-9 regarding the moving ordinance. He asked for clarity from Building Inspector Michael Rakow on moving the building from one lot to the other and whether it would be a move involved with the village public right-of-way.

Building Inspector Michael Rakow commented he is specifically referring to 756-9. B. would apply if they pick the building up and it falls apart.

Member Mark Grady clarified that Michael Rakow's interpretation is 756-9. B., and A. doesn't limit the sections that come after it. Member Mark Grady stated he was interpreting 756-9. A. to be general and would be applied to every section following that.

Member Mark Grady stated he feels that none of this part of village code, Section 756-9 would apply to move a building from one lot side of a lot over to another side of a lot.

Attorney Jaekels stated that is a valid question he would like to hear Attorney Eric Larson's feelings on because as Member Mark Grady described, it seems to refer to Section 756-9. A., if you go out on the public rights of way and if that applies to all of the rest of the sections in 756-9. As a matter of fact, it does in D., again in F., and again in H. talk about permits. The permit described in 756-9 A. as being a permit to move on a public right-of-way. Attorney Jaekels stated this is really just to get down to the root of it more than anything else.

Member Mark Grady continued that this applies to whether or not they agree with the Building Inspectors decision.

Attorney Christopher Jaekels asked about a second Section of the moving ordinance, 745-4. C. (1-3).

Attorney Larson stated he agrees that 756-9 does not apply because we are not going on a public road presumably. We can assume that given the plat map they would not move the building on a public road.

The Board agreed they still have a setback issue.

Building Inspector Michael Rakow pointed out that parcel 3 is owned by the village and a public right-of-way. He stated he was unclear as to how they would move the building. In his opinion, if they are going to move the building and anything is damaged with the machinery, the village cannot

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invoice for the damage.

Building Inspector Attorney Eric Larson stated if they are going on the road, they would need it. If there are not going on the road, they do not need the permit. The more relevant issue is 745-4. C. regarding the non-conforming structures. It can be moved as stated in that paragraph.

Member Mark Grady assuming for the sake of argument this is one lot, either through interpretation or a CSM. As long as they are not going on the road, there is no reason they cannot move the nonconforming building from one side of the lot to the other side of the lot without getting a permit.

Attorney Eric Larson confirmed if it were all one lot, yes.

***Without objection and by unanimous consent, Chair Ostoic closed testimony at 5:56 p.m.***

Chairman Kurt Ostoic stated in his opinion he does believe that Building Inspector Michael Rakow applied the practice of the laws to his position to deny. If the property owners get a CSM they are not giving up any rights in the future. Doing this will make all the other issues with setbacks disappear. This seems like the simplest solution for the owners.

Member Mark Grady commented he came to the meeting tonight wondering why no one suggested combining the lots. That seemed like the simple solution, as it avoids the setback requirements. He did not anticipate the argument that it gives up some property rights. At first it struck him as a legitimate argument, but after thinking about it as the Chairman indicated it seems like there is no reason you could not reverse the combination to sell to the neighbor to the north or south if that's what an owner would end up doing down the road. The Board has what we need from both the Applicant, Building Inspector, Building Inspector Attorney and the Board of Appeals Attorney. Both legal counsels seem to be telling us there is no way we can interpret the ordinance to treat this as one lot that doesn't violate Chapter 66.10015, Act 67. Therefore, he feels constrained by the legal opinions that he has been given in that regard. He would affirm the Building Inspector's interpretation with respect to the setbacks. Member Mark Grady stated he would overturn the building inspector's interpretation of the moving ordinance, under the assumption that they not use the roadway.

*Both Member Thomas Dunst and Member Nancy Filsinger agreed.*

***Motion by Member Mark Grady, to affirm the building inspector's decision with respect to the setback requirements and overturn the building inspector's decision with respect to the moving ordinance applicability, assuming as the Board has been assured that the movement of the building will not occur on the right-of-way. Seconded by Member Nancy Filsinger.***

<u>Scott Ratke</u>	<u>Aye</u>
<u>Thomas Dunst</u>	<u>Aye</u>
<u>Mark Grady</u>	<u>Aye</u>
<u>Nancy Filsinger</u>	<u>Aye</u>
<u>Kurt Ostoic</u>	<u>Aye</u>

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*Motion carried by roll call vote, 5-0.*

**Adjourn**

*Without objection and by unanimous consent the Board adjourned at 6:01 p.m.*

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Meyer". The signature is written in a cursive style with a large, stylized initial "K".

Kelly A. Meyer, *CMC/WCMC*  
Village Clerk Treasurer