

The meeting was called to order at 5:30 p.m. by Z. Fowler.

Roll Call – Present: Chairman Z. Fowler, Members; M. Leach. C. Rynders, G. Luecht, M. Madouse and S. Ford. Administrator Sandra Kulik. Audience (3).

Meeting Notice was read by Administrator S. Kulik at request of Chair Z. Fowler:

NOTICE IS HEREBY GIVEN that the Board of Appeals of the Village of Hales Corners will convene at the Municipal Building located at 5635 South New Berlin Road, on October 22, 2025 at 5:30 P.M. regarding a request by Derek & Rochelle Goodman, owners, for a vacant parcel located behind 9431 W. Grange Avenue, Tax Key No. 660-0008-001, for the necessary variance to construct a fence along the west, south and east property boundaries on a vacant parcel. The property is zoned in R-3 Residential District and is adjacent to a residential property located at and occupied by the owner at 9431 W. Grange Avenue, Tax Key No. 660-0013-000 with a principal structure and use present.

A four foot fence is proposed on the west and east lot line and a six foot fence, with a two foot setback, on the south rear lot line on the vacant parcel Tax Key No. 660-0008-001. A fence is an accessory structure per Village Code Article XIV, Accessory Uses and Structures.

Per Village Code Article XIV, Accessory Uses and Structures, Fences and Hedges, Chapter §445-14.1 B Accessory uses or structures, a principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as otherwise provided.

All interested persons will be given an opportunity to be heard at this meeting. NOTICE IS HEREBY GIVEN that the Board of Appeals of the Village of Hales Corners will convene at the Municipal Building located at 5635 South New Berlin Road, on May 28, 2025 at 5:30 P.M. regarding a request by Vatika Real Estate LLC, Manish Upadhyay, Agent, for the property located at 5615 S. 108th Street, for the necessary variance to retain the legal non-conforming use to operate as mixed use commercial residential structure on parcel number 658-0036-001.

All interested persons will be given an opportunity to be heard at this meeting.

Z. Fowler requests clerk to review procedures. Petitioner will provide support for the variance request. Board may ask questions and must make a decision based on 1.) Exceptional circumstances 2.) Absence of Detriment 3.) Hardship not created by owner. Before the the Board of Appeals deliberates and renders a decision you will be able to address the board.

Petitioner: Derek & Rochelle Goodman, 9431 W. Grange Ave., Hales Corners, owners of the vacant parcel adjacent to 9431 W. Grange Ave. addressed the Board regarding the request. Mr. Goodman commented The vacant lot is zoned R-3. Per Village of Hales Corners Municipal Code §445-3.7 E., the minimum lot size is 20,000 square feet. The lot was purchased as part of the primary residence at 9431 W. Grange Ave. The lot at TAX KEY NO. 660-0008-001 is approximately 11,151 square feet and is not zoning compliant with the R-3 Zoning District. The lot is land locked on all sides except for the 9431 W Grange Ave. parcel. The combined square footage of both parcels is 31,516 square feet. Based upon the lot size minimum, if the lots were resurveyed to attempt to split the total acreage into two lots, there is no legal avenue to do so as neither lot would be zoning compliant for square feet and a street frontage currently is 133 feet and each lot would need a minimum of 100 feet.

All adjacent parcels abutting these lots are zoned R-3 and there is no legal avenue to change to zoning to any other residential zone with less than the 20,000 square feet minimum sizes. This is the only parcels anywhere in the area surrounding our home with this back parcel land locked and unbuildable. Upon inquiring with Village staff on this matter, they identified that the lot is non-conforming with the district as a whole and the only other parcel with a similar situation is on Wildflower Court for which a variance was granted to place an accessory shed a few years ago.

2. Absence of Detriment: The addition of a privacy fence will not have any negative effects on neighboring property values.

3. Hardship not Created by Owner: The lot size minimums and the accessory structures were not created by the property owner. They are inherent in the code.

Staff: S. Kulik reported on accessory use sections of the code that require a principal use to be present. That the parcel is not accessible except through the currently adjacent parcel owned by the requestor as well as the parcel under discussion.

Public: none.

Board of Appeals:

C. Rynders inquired if a CSM would work. S. Kulik commented that it would be over \$4,000 to accomplish a CSM and the cost of the fence is not that much which creates a hardship for the owners that under the financial hardship burden for an appeal affecting the adjacent properties in stead affects the owners. The property is landlocked and unbuildable.

Motion (Madouse, Leach) to approve the variance as:

- a) An unnecessary hardship exists on the property as it is not conforming to the R-3 Zoning district lot size of 20,000 square feet;
- b) That this condition unique as there are only a few lots in the Village similar to this parcel in that there is no access to it but for the primary parcel, that it is not zoning compliant to the district it located in and there is no way to split the parcel and the primary parcel it is attached to for the R-3 zoning minimum lot size requirement;
- c) The condition was not self-created as the lot minimum requirements and the accessory use restriction for a principal use to be present are inherent in the code;
- d) That the installation of the fence will not create a financial hardship to the adjacent properties and would create a financial hardship for the property owners if required to join the lot to the principal dwelling through a certified survey map process.

Motion passes 6-0.

Adjournment-Motion (Leach, Fowler) to adjourn meeting at 5:46 p.m.

(e) Sandra M. Kulik

Sandra M. Kulik
Administrator