

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

**DATE:** Thursday, October 2, 2014

**LOCATION:** 250 Elm Street  
Thiensville, WI

**TIME:** 5:00PM

**I. PUBLIC HEARING CALLED TO ORDER**

Chairman Trilling called the meeting to order at 5:00PM.

**II. ROLL CALL**

Chairman:	Neil Trilling	
Members:	William Davis	Andy Match
	James (Tony) Engle	Randy Pasternak
	Carole Olkowski	
Administrator:	Dianne Robertson	
Asst. Administrator:	Colleen Landisch	

**III. PUBLIC HEARING WITH REFERENCE TO PROPOSED VARIANCE FOR ANTHONY & ERIN WEIDE, 306 MADERO DRIVE. THE APPLICANT IS SEEKING A VARIANCE TO FENCE HEIGHT REQUIREMENTS.**

**A. Clerk or secretary to read notice and explain the requested variance**

Administrator Robertson read and explained the request for the variance. 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 Yards, limits fence height to 4'. The notice was sent to all property owners within 300 feet and published in the official newspaper, as required by law.

**a. Board reviews particular section of the municipal code**

The Zoning Board of Appeals reviewed Village Zoning Ordinance 17.0603, 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**

Erin Weide explained that they have prepared their home for their autistic son who will have the ability to wander. They have put locks on the windows, registered with the Police Department and now have applied for a fence.

**Page 2**  
**Board of Appeals Minutes**  
**October 2, 2014**

i. Why variance is requested

The applicants are requesting a variance to the 4' high fence requirements to 6'. The fence will be wood and dogeared style. The applicants have a special needs child and are fearful the child will get out of the fenced in area. Their three-year old son Vinny was diagnosed early on with ASD (Autism Spectrum Disorder).

ii. What are the hardships

The applicants supplied letters from their son's doctor and two therapists that provide detail of his condition. They moved to Thiensville to allow their son a better educational opportunity and a better quality of life. The letters describe that children with ADS attempt to wander or elope from safe environments, including their homes. They also often times cannot communicate their name, address, parents' names, phone number, etc. Accidental drowning accounts for almost 90% of all ADS wandering related deaths.

According to the National Autism Association, their son's doctor and therapists suggested securing their home is one of the best ways to prevent their son from wandering. Home security includes installing deadbolt locks, making sure that doors are locked/latched and fencing in the backyard. The letters also explain why their son is a high risk for wandering, his propensity for climbing and not recognizing dangers and how a 6' high fence would make their home more secure and help their son remain safe.

On September 9, 2014 the Village Plan Commission approved the fence contingent upon approval of the variance by the Zoning Board of Appeals.

iii. Other possible solutions

c. Comments from anyone present requesting to be heard

Ms. Jackie Polzin, 304 Madero Drive is a direct neighbor and spoke in support of the plan. Ms. Polzin has also worked with handicapped people.

Member Davis commented on the thoroughness of the application.

Member Match welcomes the addition of lattice on top of the fence in order for the fence to be more attractive and the ability to remove the lattice in the future to bring the fence into height compliance. Mr. Match also stated that a child could also climb the existing trees as easily as the fence could be climbed.

Ms. Weide stated that the 6' high fence also serves a purpose to not allow her son to see beyond the fence. He would be able to see through the lattice. Both trees would not be conducive to her son climbing them due to the species of the trees.

**Page 3**  
**Board of Appeals Minutes**  
**October 2, 2014**

Administrator Robertson explained what needs to be considered when approving a variance.

The Zoning Board of appeals establish that:

A. Preservation of Intent

The request is to help confine a special needs child. By removing the fence or restore the fence to be code compliant when it is no longer needed or when the applicant vacates the home will maintain the preservation of intent of the code.

B. Exceptional Circumstances

The applicants' child is at high risk for wandering, his propensity for climbing and not recognizing dangers and how a 6' high fence would make their home more secure and help their son remain safe. This has been confirmed by the child's doctor and therapists in writing.

C. Economic Hardship

There is no self-imposed hardship.

D. Preservation of Property Rights

The fence will be constructed with aesthetically pleasing materials. Neighbors have been approached and agree to this request.

E. Absence of Detriment

Any detriment can be mitigated by the applicant agreeing to restore the fence to be code compliant when it is no longer needed or when the applicant vacates the property.

d. Other communications received

Administrator Robertson stated that there were no written communications received either in favor or opposed to this request.

**IV. CLOSE OF PUBLIC HEARING**

**MOTION** by Member Engle, **SECONDED** by Member Davis to adjourn to close the public hearing 5:16PM. **MOTION CARRIED UNANIMOUSLY.**

**NO CLOSED SESSION WAS HELD**

**V. MOTION AND ROLL CALL VOTE ON APPEAL**

**MOTION** by Member Pasternak, **SECONDED** by Member Match to grant a variance to Anthony & Erin Weide for the property located at 306 Madero Drive as delineated below.

The Zoning Board of Appeals finds the following:

- Construct the fence to a height not to exceed 6'.
- Construct the fence as approved by the Plan Commission on September 6, 2014.
- Remove the fence or restore the fence to be code compliant when it is no longer needed or when the applicant vacates the property.

**MOTION CARRIED UNANIMOUSLY.**

**VI. ADJOURNMENT**

**MOTION** by Member Engle, **SECONDED** by Member Olkowski to adjourn the meeting at 5:20PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted and approved by,



Dianne S. Robertson  
Village Clerk