



## BOARD OF APPEALS MEETING AGENDA

**Thursday, November 13, 2025, at 5:30 PM**

City Hall Chambers Room  
2424 15th Ave., South Milwaukee, WI 53172

1. Call to order and roll call.
2. Approval of July 10, 2025 minutes.
3. Discussion and possible action on the following:
  - A. Appeal by Kelly Sobieski for a variance from Municipal Zoning Code Section 15.23 to construct a six-foot fence in the street side yard that exceeds the maximum allowed fence height at 628 Lakeview Avenue, property zoned Z-3 General Urban Zone, parcel number 819-0475-0000.
4. Adjournment.

**PLEASE BE ADVISED THAT A REPRESENTATIVE OF THE APPLICANT FOR THE ABOVE ITEM  
MUST BE PRESENT AT THIS MEETING.**

Dated this 7th day of November, 2025.

CITY OF SOUTH MILWAUKEE  
Steven A. Braatz, Jr., City Clerk

### Notice

Notice is hereby given that a quorum of the Common Council may be present at the above referenced meeting to gather information about all items that appear on this agenda, a subject over which they have decision making responsibility. This may constitute a meeting of the Common Council pursuant to St. ex re. Badke v. Greendale Village BD., 173 Wis.2d 553, 494 N.W.2d 408 (1993), and must be noticed as such although the Common Council will not take any formal action at this meeting.

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the South Milwaukee City Clerk at 414-762-2222 or write to the ADA Coordinator, City Hall, 2424 15<sup>th</sup> Avenue, South Milwaukee, Wisconsin 53172. The City of South Milwaukee is TDD equipped and can be accessed by calling 414-768-8060.

**CITY OF SOUTH MILWAUKEE**  
**MINUTES OF BOARD OF APPEALS**  
**July 10, 2025**

1. The meeting was called to order at 5:30 p.m. Board members present: Chair Anthony Bloom, Carol Bzdawka, Gary Branger Jr., Donald DeMont, and James Davies were present.

Also present: Building Inspector Steve Petery, City Attorney Chris Smith, and Economic Development Manager Ericka Lang.

2. Motion by Bloom/DeMont to approve minutes from June 12, 2025 meeting. All Aye, motion passed.

3. **Public hearing regarding an appeal by the property owner challenging the building inspector's denial of a business use at 927 Madison Avenue, a mixed-use building in the Z-4 zoning district.**

Bloom read the public notice. Lang reported receiving an email from Paul Eberhardy, 2211 10<sup>th</sup> Avenue, South Milwaukee, WI 53172 in response to the public hearing notice, regarding the business use for 927 Madison Avenue. In his correspondence, Mr. Eberhardy expressed reservations about granting a permit for the site, stating that the location should not be approved for residential use. His concerns have been noted and entered into the public record.

4. **Appeal by the property owner challenging the building inspector's denial of a business use at 927 Madison Avenue, a mixed-use building in the Z-4 zoning district.**

Property owner Kim Haueter was present. Attorney Chris Smith summarized an email that was submitted by Kim Haueter from the business tenant Kathleen Randolph, stating she would not be able to rent this location and that she'd have to find another space. Smith states this is a variance for a decision that was made on the business occupancy application for Randolph to operate a business that was described in the application. The email and Haueter confirmed that under no circumstances Ms. Randolph will be renting the space. Haueter stated that she has another person that wants to rent the space. Smith informed Haueter that a new application would be required for that specific business. Smith states that this meeting is for Randolph's business at this property, not for any other tenant. In Smith's legal opinion to the board, based on the email from Randolph there is nothing the board can do that could give occupancy for anyone other than Kathleen Randolph. There is no longer anything to have a hearing about because the business applicant identified in the application materials is no longer going to be occupying the space under any circumstances.

Haueter had several questions regarding uses and would reach out to staff at a later date to get those resolved.

Branger motioned to dismiss the appeal and adjourn at 5:40 p.m. as there is not a business anymore to make a decision whether or not city staff was correct or not, seconded by Bzdawka. All in favor, motion passed.

Submitted by:

Heidi Eichner  
Recording Secretary



**STAFF REPORT**  
**SOUTH MILWAUKEE BOARD OF APPEALS**  
**November 13, 2025**

3: **Appeal by Kelly Sobieski for a variance from Municipal Zoning Code Section 15.23 to construct a six-foot fence in the street side yard that exceeds the maximum allowed fence height at 628 Lakeview Avenue, property zoned Z-3 General Urban Zone, parcel number 819-0475-0000.**

Land Use: Single-Family dwelling

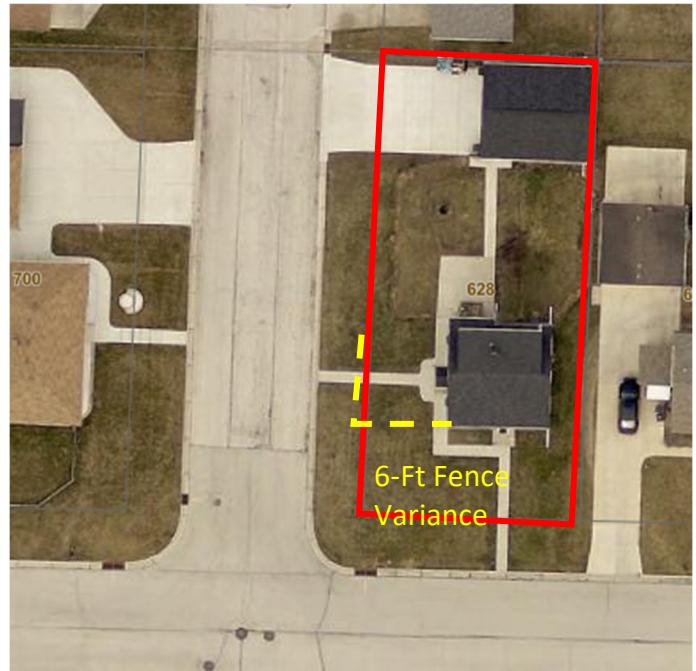
628 Lakeview

**Request for variance**

The property owner applied for a variance to construct a portion of a fence that exceeds the maximum height permitted within zoning code Sec 15.23B(2)(a).

- Street side and front maximum height 4-ft
- Street rear maximum height 6-feet.

This is a corner property. On the following page is an illustration from the zoning chapter showing yard areas and height limits. For zoning, a street yard is a yard extending the full width of a lot between a street line and the nearest point of a building at a setback distance as provided for in the zone. For screening, the street side yard differentiates the rear section and the section adjacent to the side of the primary structure.



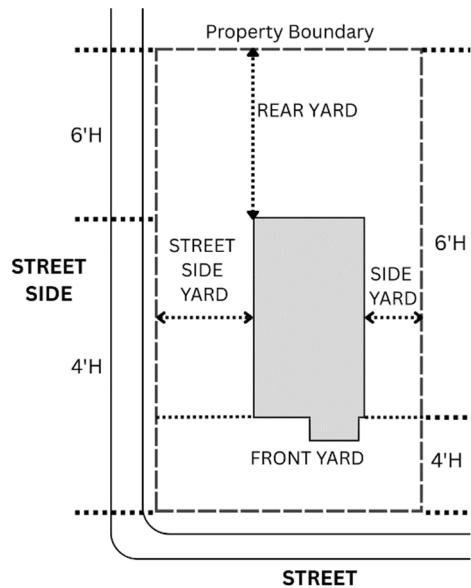
The red outline over the aerial of the property is the property boundary. The dashed yellow line is the area of the variance request.

The attached marked plat of survey identifies the location of the new fence and the portion of the fence the applicant wants 6-feet that does not comply with the 4-foot maximum. There's nearly 280 feet of proposed new fencing in the rear and side yards and 49 feet is the length of fence the applicant is requesting a variance.

To summarize the applicants' reason for hardship:

- a 4-foot fence may be too short to prevent larger dogs from jumping over
- The zoning code was not updated at the time fence materials were purchased
- If the code was updated, the owner may have changed what was ordered and decreased costs

### Illustration 15.08 Code Fig IV-1 Screening Heights



#### Staff Comments:

For variances, a property owner bears the burden of proving that they based the unnecessary hardship on conditions unique to the property rather than considerations personal to the property owner and that the property owner did not create the unnecessary hardship.

The lower fence does not meet hardship requirements:

- Nothing appears to be unique with the land.
  - Property boundaries along 7<sup>th</sup> Avenue are the same along all blocks Drexel to Williams, showing boundaries begin approximately 15 feet from the street curb.
- Meeting the code does not unreasonably prevent the property owner from using the property owner's property for a permitted purpose and is not unnecessarily burdensome.
- Purchasing fence materials prior to receiving an approved building permit is circumstantial and is not factored in as consideration for hardship.
- Economic loss or financial hardship do not justify variances and is not a consideration of hardship.

CC: Steve Petery, building inspector  
Chris Smith, city attorney

**628 L Lakeview – front**



**628 Lakeview – side**





## BOARD OF APPEALS

### APPLICATION

City of South Milwaukee  
2424 15<sup>th</sup> Ave, South Milwaukee, WI 53172  
(414) 762-2222

The Board of Appeals has the authority to grant exceptions, variances or review appeals regarding determinations by the building inspector or other administrative officers.

OFFICE USE ONLY	
PERMIT #	FEE: \$175.00
10-24-2025 -0013	
DATE RECEIVED: 10-24-2025	
SCHEDULED MEETING: 11-13-2025	
TAX KEY: 8190475000 ZONED 2-3	

Property Address 628 Lakeview Ave.

Owner's Information	Applicant Information <u>Same</u>	
Name Kelly Sobieski	Name	
Address Same	Address	
City/State/Zip	City/State/Zip	
Phone [REDACTED]	Phone#	Alt#
Email [REDACTED]	Email	

Check if prefer Board of Appeals meeting agenda Emailed:  Owner  Applicant

You are appealing the decision of:

### 4' height restriction on side yard to a 6'

Describe the reason you are applying to the Board of Appeals (attach up to 1-page typed if more room is needed)  
Applying for the fence permit, I spoke with Erika and found out only portions of the City site were updated to reflect the newly adopted code in 5/2025. This caused me to use the old information to purchase materials for delivery which at this point cannot be altered resulting in quite a substantial cost over what 4' materials or a reduced fence outline would have been had the updated information been available to me. Also, I have larger dogs, a 4' fence causes concern for climbing/jumping where a 6' fence is able to keep them secure within their yard, allowing ample area for exercise.

Describe how there is an unnecessary hardship (attach up to 1-page typed if more room is needed)  
See above

### OFFICE USE ONLY – Findings of the Board of Appeals

Appeal Ruling:

Reason for Ruling:

\*Verify with the City prior to placement on the Board of Appeals Agenda whether site plans or other documentation are required.

\*A copy of the Board of Appeals meeting agenda will be mailed to the applicant/contractor unless otherwise indicated or emailed if an email is provided.





November 3, 2025

Kelly Sobieski  
628 Lakeview Ave  
South Milwaukee, WI 53172  
CC: VIA Email

**RE: Appeal of Denial of Fence Permit Application for 628 Lakeview Ave**

Ms. Sobieski,

The City of South Milwaukee received a Board of Appeals application October 24, 2025, appealing the denial of your building permit application for constructing a fence. A portion of the proposed fence along the street side yard exceeds the maximum four-foot height. The building application describes a six-foot fence surrounding the property boundary, excluding the front yard.

Fences located along the street front and street side yard, not including the street rear yard portion, are limited to four-feet in height. Permitted fence locations, heights and materials are regulated in municipal Zoning Chapter 15, therefore, the request to the Board of Appeals is for a variance, which requires proof of hardship related to the land.

**A Board of Appeals meeting is scheduled Thursday November 13, 2025 at 5:30 p.m. at City Hall in the south end of the council chambers. You or a representative are required to attend. A public hearing notice will be published November 5<sup>th</sup> and a notice sent to neighboring property owners within 300 feet of your property.**

A copy of the meeting packet will be available on the City's website under the Agenda Center by November 7<sup>th</sup>, at [www.smwi.org](http://www.smwi.org).

Please let me know if you have any questions.

CITY OF SOUTH MILWAUKEE

Ericka Lang  
Economic Development Manager/Zoning Administrator  
[elang@smwi.org](mailto:elang@smwi.org)  
414-762-2222 ext 135