



Wauwatosa, WI

Board of Zoning Appeals

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, December 5, 2024

6:00 PM

Zoom Only:
<https://us02web.zoom.us/j/89325102239>,
Meeting ID: 893 2510 2239

Regular Meeting

VIRTUAL MEETING INFORMATION

Members of the public may observe and participate in the meeting via Zoom only at the link above. To access the Zoom meeting via phone, call 1-312-626-6799 and enter the Meeting ID.

CALL TO ORDER

ROLL CALL

NEW BUSINESS

1. Request by Jessica Fugere for a street side yard fence height exception at [24-1557](#)
1903 Church Street

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Staff Report

File #: 24-1557

Agenda Date: 12/5/2024

Agenda #: 1.

Request by Jessica Fugere for a street side yard fence height exception at 1903 Church Street

Submitted by:

Andy Krause

Department:

Development

A. Issue/Background

The applicant is requesting a fence code exception for an already constructed fence exceeding 4-1/2 feet in height located in street side yard along the south side/Hillcrest Avenue for a length of approximately 78 feet. While the fence is physically 5 feet tall, the finished height varies from 5'-1" above grade up to 5'-7" at the gate on the west side of the property.

Constructed Fence

The side yard fence varies from 5'-1" above grade up to 5'-7" for a length of approximately 78 feet along the southern property line.

Allowed by City Code

Under 15.28.030A.2, fences located in the rear yard or side yard abutting a street may be erected to a height of four and one-half feet.

Attachments to this report include the applicant's narrative addressing the exception criteria, a site plan, and photos.

The applicant needs to obtain a permit for the fence regardless of this request.

B. Recommendation

Under the exception provisions, the applicant must demonstrate to the Board that a hardship exists created by conforming to the fence regulations. The Board should consider all of the following, making findings that each of these factors applies in favor of granting the exception:

1. Whether strict application of the code would create a hardship to the property owner;
2. Whether the hardship results from conditions which are unique to the property, or unusual in comparison to the properties to which the code is generally applicable; and
3. Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety.



1903 Church Street

City of
Wauwatosa



Jessica Fugere



1903 Church Street Wauwatosa, WI
414-839-4954
jessicafugere@yahoo.com

October 3, 2024

Dear Board of Zoning Appeals,

I kindly request this Board of Zoning Appeals please consider a fence exception for my replacement fence constructed in May 2024 that is now known to be in violation of the allowable height ordinance when a fence is facing a city street. Now that I am aware of this height restriction, I do not contest the fence is out of ordinance. I acknowledge, without excuse, I was ignorant of the height ordinance and did not understand I needed a permit to replace the existing fence. Respectfully, I would never have knowingly constructed this fence with intention to defy the ordinance. I contracted several local private fence companies for quotation and ultimately selected Mjólnir Design, requesting a 5' cedar shadow box privacy fence.

The reason for the requested fence exception is twofold:

First, in concert with the guidelines set forth in the Board of Zoning Appeals Application Information handout, to bring the fence into strict application of the code would create a financial hardship for me as the property owner and occupant. I am a single mother, a local high school English teacher at Pius HS, a UW Milwaukee graduate school student and 20-year resident of Wauwatosa. I purchased my home at 1903 Church Street in October 2023. This is my first home I have owned post-divorce. The fence in question was constructed in May 2024. Admittedly, the fence design and height I chose was intentional. The cedar makes for a very attractive and appealing fence not only for me, but also for neighbors and passers-by. The existing fence was significantly dilapidated and in desperate need of replacement. It provided neither security nor privacy and was very unattractive. The 5' height, cedar material, and decorative shadow box style of the new fence constructed was intentionally selected to maximize privacy, security and curb-appeal. The new fence came with a cost of \$7,700 and if forced to remedy it to comply with the violated ordinance, it will result in a financial hardship for me. I am still paying off the original \$7,700 fence cost, and now I am very nervous I will not be able to afford the cost to remedy. It is for this reason, remedying the fence would

create a hardship for me and for this reason, I kindly request a fence exception be granted.

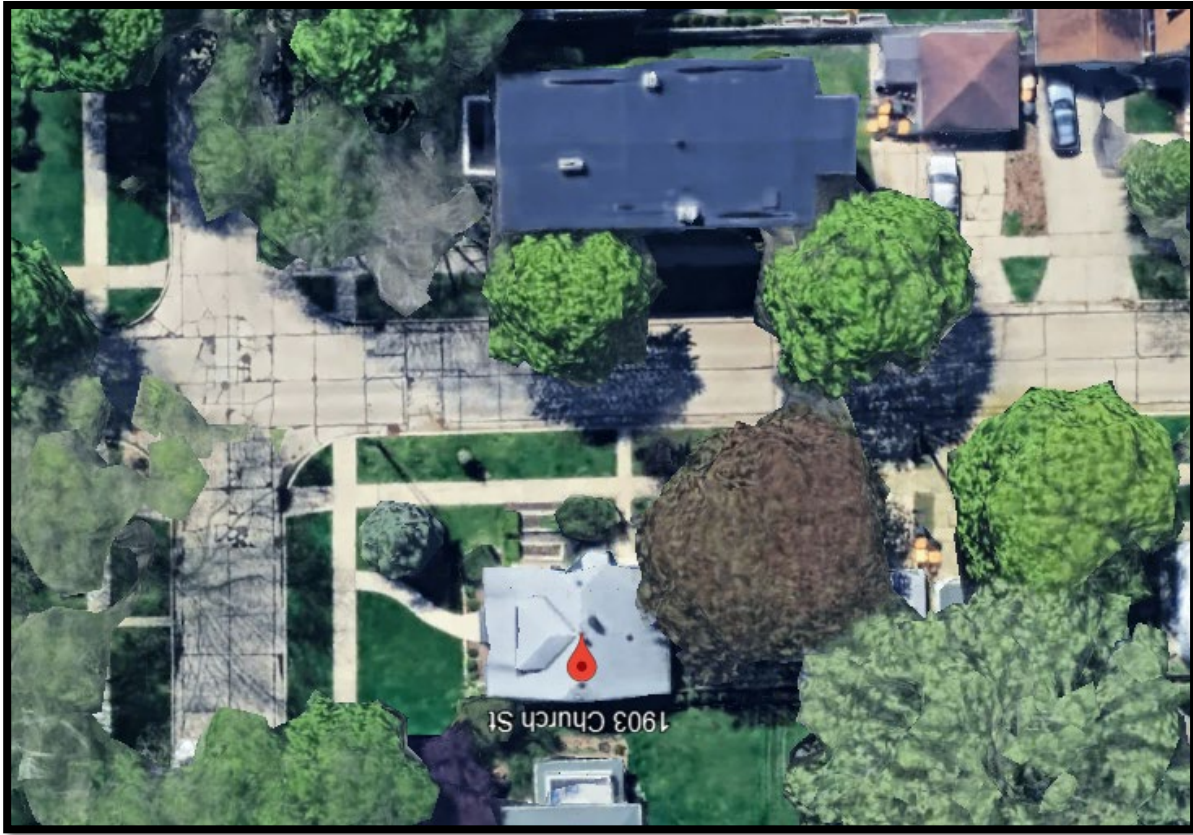
Secondly, the fence provides very real security and privacy considering the building directly across the street is a unique three-story apartment building. This building is unique in this neighborhood area of Wauwatosa. There are no other multi-family dwellings similar to this in size or stature. I know the building well, as I lived there, renting the 3rd floor apartment for one year prior to purchasing my new home at 1903 Church Street. Because I lived there, I am very aware that with the previous fence, the sight lines from the second and third story apartments allowed for direct line of sight over the fence, into my yard and home. It is also worth noting, the property immediately on the other side of the apartment building also has a 5' privacy fence and this was a factor in my selection of the same size fence. The difference, of course, is their fence does not directly face the street, although it is entirely visible from the same street, and therefore, their 5' fence is allowed. In essence, I am requesting the same consideration the other apartment building next-door neighbor enjoys. Replacing the fence was my first remodeling priority when purchasing the home for this reason. As a single mother, I am often home alone and for me, having renewed privacy and security directly because of the new fence, gives me peace of mind I am fearful will be lost if the fence must be shortened to comply with the ordinance. Once again, in concert with the Board of Zoning Appeals Application Information handout, I believe this request for exception should be granted in equal part because the request for exception is the result of conditions which are unique to this property, and unusual in comparison to other properties to which the code is generally applicable because of the unique three-story apartment building directly across the street. The photos provided illustrate the general aesthetics of the fence in question and how well it blends into the neighborhood. It is consistent in appearance to other fences in direct line of sight to mine and it is both well-constructed and well-maintained. I humbly request that my request for an exception be granted. Thank you for your kind consideration

Warm regards,

Jessica Fugere



1903 Church Street
Request for Fence Exception
October 3, 2024



Overhead View



3D View

1903 Church Street



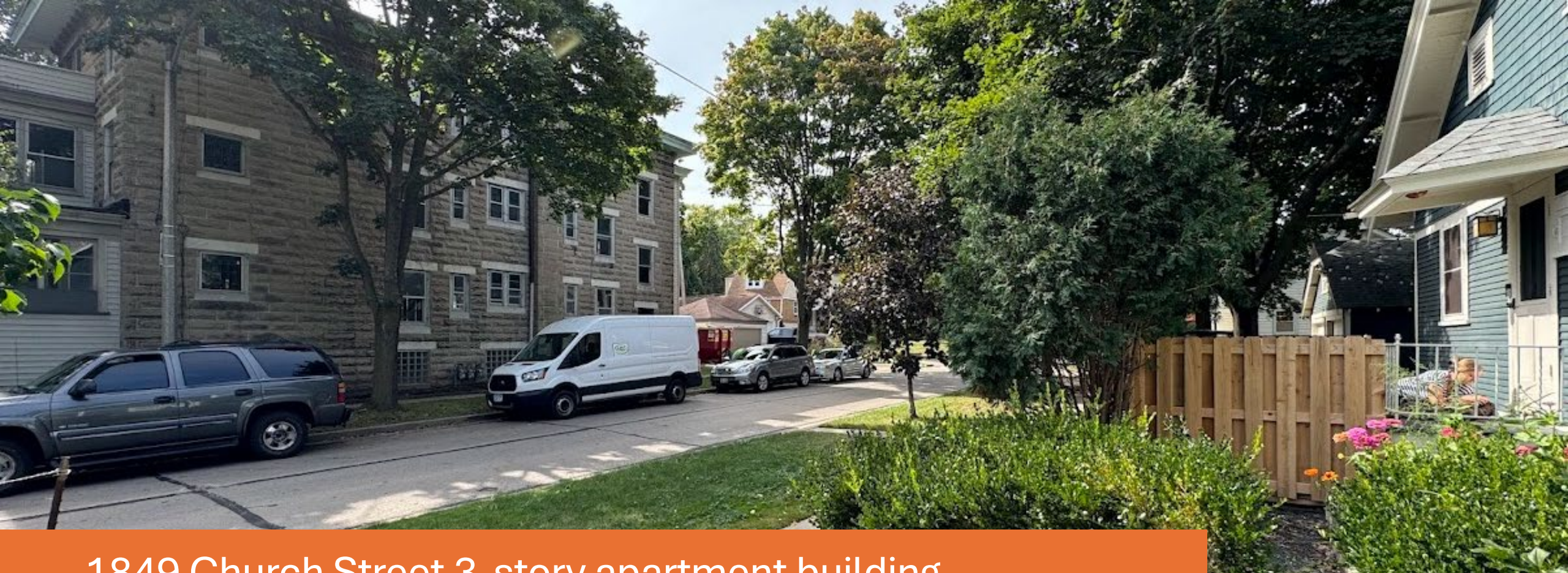
New fence constructed in May 2024



Hilcrest Street View

View of apartment building across Hilcrest





1849 Church Street 3-story apartment building

Requesting fence exception in large part because of the unique nature of the three-story apartment complex directly across the street,



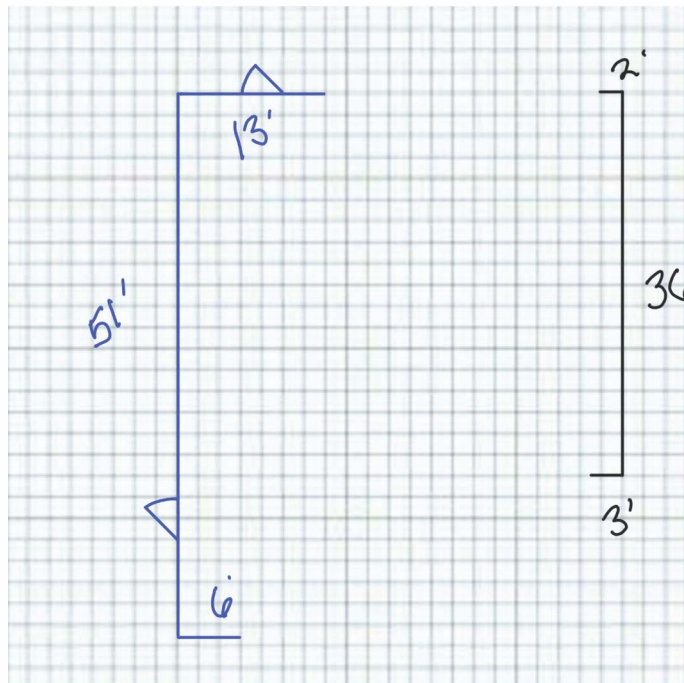
Similar 5 ft. privacy fence at 1846 Church Street;
on other side of apartment building located across the street

Mjolnir Design
Ryan Thor Jorgensen
3224 N Booth St
Milwaukee, WI 53212



Name: Jessica Fugere
Email: jessicafugere@yahoo.com
Phone: 414-839-4954
Address: 1903 Church St.
Milwaukee, WI 53213

Length: 111 ft
Height: 5 ft
Number of Gates: 2
Material: Cedar
Style: Shadowbox



Description:

Client is looking for a 111ft of 5ft tall, cedar, shadowbox fence with two gates for the side property. The fence will use 4x4x10 ft posts in concrete footings. The fence will use three 2x4x8 rails and 5/8"x5.5"x5' pickets. All materials and labor are included.

Quote Total: **\$2,500.00 north side**
\$5,200.00 south side



WILLIAM H. SCHMITT & ASSOCIATES
 SURVEYORS — DESIGNERS — PLANNERS
 445-3833 6330 W. APPLETON AVENUE
 MILWAUKEE, WISCONSIN 53210

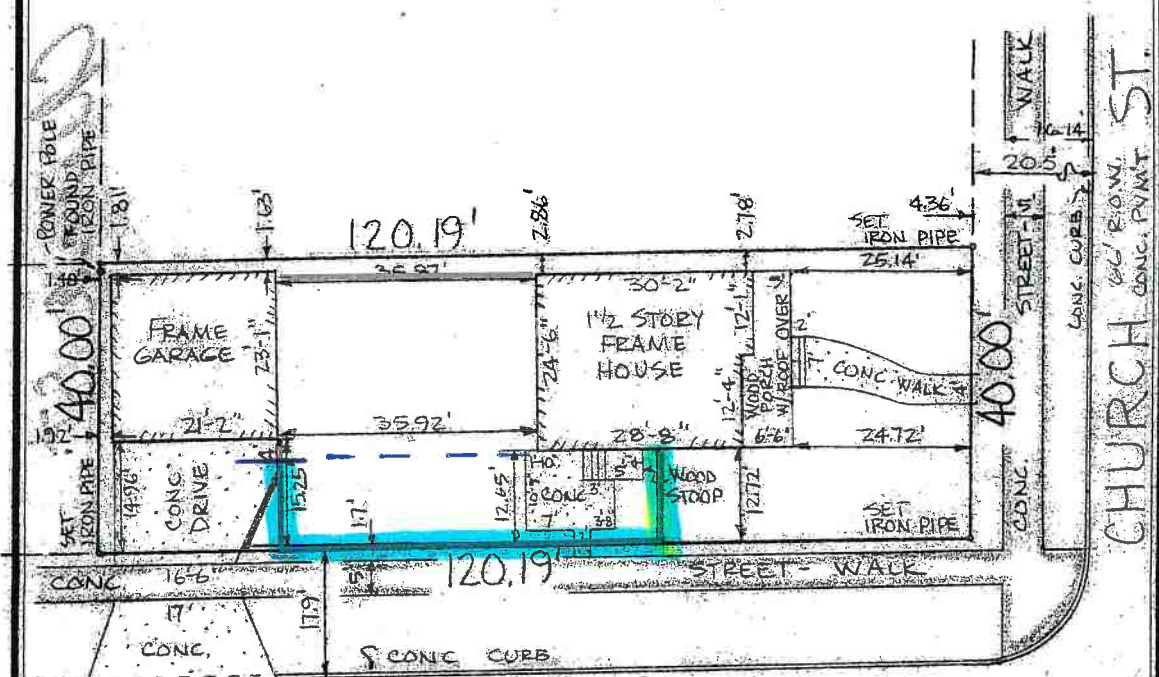
PLAT NO. HANSEN

PLAT OF SURVEY

Description of lot or parcel of land Lot 12 in Block 17 in "SECOND CONTINUATION OF WARREN'S SUBDIVISION", being a subdivision of a part of the Northeast 1/4 of Section 21, Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.

Name and address of owner Kathy and Roy Hansen

Address of premises No. 1903 Church Street, Wauwatosa, Wisconsin



28-08

HILLCREST DR. CONC. CURB 60' R.O.W.

RTK 4.11.90

SCALE: 1" = 20'

CURB TO P/L DISTANCE CHANGED ON CHURCH ST. 4-10-90

State of Wisconsin }
 County of Milwaukee } SS

I, WILLIAM H. SCHMITT, hereby certify that I have surveyed the above described property on the 25th day of September, 19 89, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof; and as to them the accuracy of said survey and map to within those standards generally acceptable in the surveying profession.

William H. Schmitt
 REGISTERED LAND SURVEYOR 8-626

Property Information		
Parcel Number 343-0665-000	Site Address 1903 CHURCH ST WAUWATOSA, WI 53213	Owner Name & Address ANODYNE 116 REVOCABLE TRUST 1903 CHURCH STREET WAUWATOSA, WI, 53213
Tax Year 2025 ▾		
Aldermanic District 5	Property Class Residential	Tax Status T - Taxable
Appraisal Neighborhood 302-5 Wauwatosa East Bungalow	Voting Ward 2	Acreage 0.1100
Legal Description SECOND CONT OF WARRENS SUBD LOT 12 BLK 17 NE 1/4 SEC 21		

➤ Property Sketches & Photos

Assessments			
Assessment Period	Land	Building	Total
Prior Year Value	77,600	184,500	262,100

Sales History						
Year	Document #	Sale Type	Sale Date	Sold By	Sold To	Price
2023	11379461	Land and Improvement	10/27/2023	BRENNAN CASEY J KELLY MARK W	ANODYNE 116 REVOCABLE TRUST	\$465,000.00
2020	11039808	Land and Improvement	10/29/2020	LAUREN STOECKLIN LAUREN E STOECKLIN	BRENNAN CASEY J KELLY MARK W	\$360,000.00
2016	10545215	Land and Improvement	3/4/2016			\$300,000.00
2013	201307299992856	Land and Improvement	8/16/2013			\$268,000.00

Zoning		
Code	Classification	Special Use?
R1-6	Single-unit Residential-6	No

Land Details		
Width	Depth	Acres
40	120	0.11

Structure 1 of 1

Story Height	Property Use	Total Living Area	Base Area	Year Built
One and One-Half Story	RES - Residential	1,284	744	1923

Attic Types	
No Attic	

Porches	
OPF Lower Floor	120.00 Square Ft.

Patios	
Concrete/Brick Patio	270.00 Square Ft.

Fireplaces	
Gas Fireplace	1.00

Basement Adjustments	
Recreation Room Finish	319.00 Square Ft.

Exterior Walls	
Frame/Composite	

First Floor	
Frame Construction	744.00 Square Ft.

One-half Story	
Frame Construction	540.00 Square Ft.

Fuel Types	
Gas	

Detached Garages	
Frame/Concrete Block	483.00 Square Ft.

Heating Adjustments	
	Y

Heat Types	
Forced Air	

Other Information	
Living Units	1.00
Bedrooms	3.00
Full Baths	2.00
Family Rooms	0.00
Half Baths	0.00
Total Rooms	6.00
Basement Bath Full	

Styles	
Bungalow	