

The permit we received for building a fence said: "Contractor to install a six foot high pressure treated wood fence of 198 linear feet to enclose backyard at 1109 N. 120th ST."

I understand that the language of the signed permit and the language of earlier email correspondence with code enforcement officer, Andrew Krause, does not match. We (my, wife, daughter, and I) and our contractor, Chuck Ewers of Chuck's Fence, believed that the permit itself superseded any of our previous correspondence.

All of us clearly were operating under the understanding that this was the case. Mr. Ewers received the signed permit that indicated the fence could be as high as six feet. Modifying the two sections of the fence he installed that measure five feet instead of four feet, six inches now would present financial hardship for my daughter, Kelly Frederick Mizer, a long-time art teacher at Tosa East who lives in the home with her 14-year-old son. All of us were attempting to do our due diligence throughout the process of making this improvement to the property, an improvement that improves the value of the property significantly. I humbly request you grant this exception if we misunderstood what the permit allowed.

The installed fence does not extend into the front yard at all. The aerial view photograph shows a preliminary plan that does include lines for a fence that partially extends into the front yard, but both for cost and aesthetic reasons we decided that it would be better if the fence was flush the house itself, enclosing just the backyard. Mr. Ewers received only the signed permit as did another contractor with whom we initially sought a bid for the work. We chose Mr. Ewers even though his bid was higher because of his craftsmanship and quality of materials.

The signed contract with Chuck's Fence indicates that we had intended the fence to measure 4 feet, six inches all around. However, because the permit Chuck's Fence received indicated the allowable height could be six feet all around, Mr. Ewers advised that it would actually be less expensive to install at five feet due to the extra labor involved in cutting the five-foot boards to measure 4 feet, six inches.

Additionally, since receiving notice from Mr. Krause that Mr. Ewers's work violates Wauwatosa's fence ordinance, my daughter has noted that the home kitty-corner from her own has a fence that measures six feet tall. The feedback my daughter has received from neighbors has been very positive. The addition of the fence not only enhances the beauty of the neighborhood but increases everyone's safety as well.

My daughter has lived in Wauwatosa for more than 25 years, and she raised four children there. Her work at Wauwatosa East has earned its art department national recognition and contributed to the success of countless students. While these facts have nothing to do with the ordinance which we mistakenly violated, please know that in granting this variance you would be sparing a very fine person financial hardship as well as making her very relieved and happy.

Thank you for considering this request.

Respectfully,

Gregory R. Frederick