



Wauwatosa, WI

Board of Zoning Appeals

Meeting Agenda

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, March 26, 2026

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 David Morgan for fence code exceptions for a front yard fence located at 1909 N. 68th Street [26-0449](#)

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 #: 26-0449

Agenda Date: 3/26/2026

Agenda #: 1.

Request by David Morgan for fence code exceptions for a front yard fence located at 1909 N. 68th Street

Submitted by:

Andy Krause

Department:

Development

A. Background

The applicant is requesting three code exceptions for a proposed four-foot fence to be constructed in the front yard. While the house faces 68th Street, Hillcrest Drive is considered the front of the lot. There is an existing fence that is grandfathered and not subject to current regulations or this application; only the additional fencing is subject to the exception request and fence regulations.

Proposed fence

Three exceptions are requested:

1. Maximum height. The proposed fence is four feet tall.
2. Setback. The proposed fence will be constructed on the west lot line.
3. Length of Fencing. The additional fencing is approximately 52 linear feet.

Allowed by City code

Under 15.28.030A., fences located in the front yard in residential districts cannot:

1. Exceed three feet in height.
2. Setback less than 3 feet from the side lot line
3. Extend more than 20% of the lot width in total length. The lot width is 57.32 feet. A maximum of 11.46 feet of fencing is allowed by code (20% of 57.32 feet).

Application information is attached.

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.



1" = 33'

City of Wauwatosa

City of Wauwatosa



1909 N. 68th Street
Wauwatosa, Wisconsin
Board of Zoning Appeals
City of Wauwatosa

Dear Members of the Board:

On behalf of my wife and myself, we respectfully request that the Board of Zoning Appeals approve our application to replace and modestly extend the existing fence on our property located at 1909 N. 68th Street.

- We have included the following materials for your review:
- Photographs of the current lot showing the existing vinyl fence
- Images of the proposed white cedar picket fence design
- An aerial view of the property
- A survey identifying the existing fence location and proposed extensions
- An email of support from our neighbor to the west along Hillcrest

The existing fence was originally approved through a variance granted in 1996 and has remained in that approved location since that time. Our proposal removes the current vinyl fencing and replaces it with a four-foot white cedar picket fence that is more consistent with the historic character of the neighborhood.

In addition, we are requesting approval for modest extensions that complete the enclosure of the yard. On the west side of the property, we propose extending the fence to the property line and connecting it to the southwest corner of our home. Along the front yard, the fence will remain in its current location, and we propose closing the open gap by connecting the existing end post to the southeast corner of our home. Importantly, no new fencing is proposed along any roadway frontage.

Unnecessary Hardship / Unique Property Conditions

The hardship arises from the unique configuration and layout of our lot and home. The yard area technically classified as the “front yard” functions as the only practical and usable yard space on the property. The area technically considered the “backyard,” located to the north, functions more as a narrow side yard and does not provide meaningful or usable outdoor space. Similarly, the portion of the property between our home and the neighboring property along Hillcrest functions as a side yard and is limited in width.

Because of this configuration, the only functional and usable yard area is the space technically designated as the front yard, though in practical terms it operates more like a side yard relative to how the home is oriented and used. The physical layout of the home and lot does not offer reasonable alternative locations where a fence could be installed to enclose usable yard space while strictly complying with the ordinance. Without relief, the property is effectively deprived of the ability to enclose its only functional yard area in a manner consistent with typical residential use.

Hardship Not Self-Created

The conditions giving rise to this request were not created by us. The lot configuration, street orientation, and prior fence placement approved by variance predate our ownership. We are not seeking to intensify the use of the property, but rather to improve and modestly adjust an existing condition.

No Detriment to the Public Interest

The proposed fence will not obstruct visibility or impact roadway safety, as no additional fencing is proposed along street frontages. The requested extensions primarily close gaps between the existing fence line and the home. Additionally, our adjacent neighbor has provided written support for the proposal, demonstrating that the request is not detrimental to neighboring properties.

Consistency with the Intent of the Zoning Code

The purpose of fencing regulations is to preserve neighborhood character, maintain safety, and ensure reasonable open space. Replacing a vinyl fence with a traditional four-foot white cedar picket fence enhances the aesthetic

quality of the property and better aligns with the historic character of the neighborhood. The modest extension maintains the spirit and intent of the zoning code while allowing reasonable residential enclosure.

We respectfully submit that this request satisfies the required criteria for a variance and represents a thoughtful and appropriate improvement to the property. We appreciate the Board's time and careful consideration of our application and are happy to provide any additional information the Board may require.

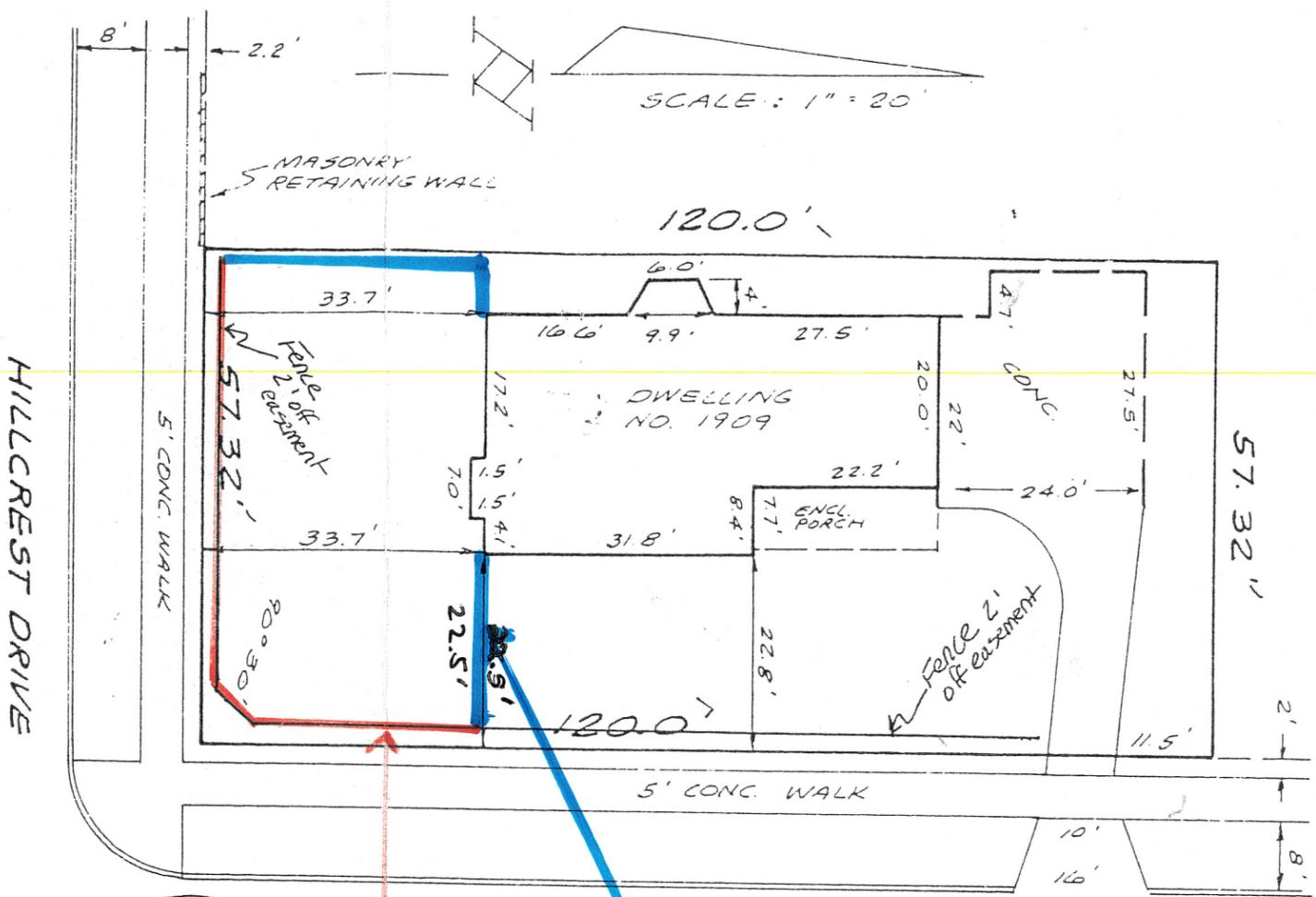
Sincerely,

David and Heather Morgan

PLAT OF SURVEY

Lot 8, in Block 5, in Browns Subdivision in the Northwest 1/4 and Southwest 1/4 in Section 22, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, State of Wisconsin.

Located at: 1909 North 68th Street, Wauwatosa



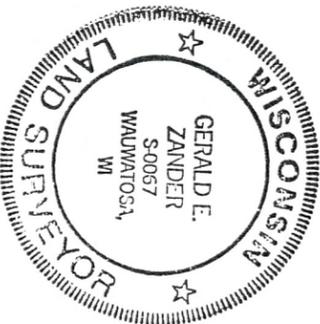
N. 68TH. ST.

New fence
encloses yard

Existing fence
approved in 1996



RMF
8-1-96



Chris & Susan Bradley
1909 North 68th Street
Wauwatosa, WI 53213

344-51150

July 22, 1996

NOT ORIGINAL COPY
44

Aerial View



New fence design



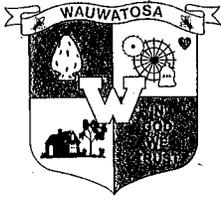
New fence design



Picture of Existing Fence
Corner of Hillcrest and 68th
Fence has been in place for over 20 years.







CITY OF WAUWATOSA
Safety & Buildings Division
P.O. Box 13068 - 7725 W. North Avenue
Wauwatosa, Wisconsin 53213

Telephone 414-479-8907
Building Inspection
Electrical Inspection
Plumbing Inspection
Property Maintenance
FAX 414-471-8414

DECISION OF THE BOARD OF ZONING APPEALS

September 18, 1996

Christopher & Suzanne Bradley
1909 N. 68th Street
Wauwatosa, WI 53213

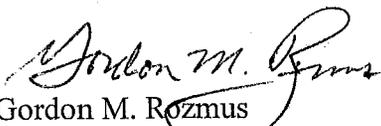
Re: Request by Christopher and Suzanne Bradley for a variance at 1909 N. 68th Street in the AA Single Family Residence District to permit a fence in the front and side yard with a height of up to 3.5 feet, whereas the height restriction is 3 feet.

Dear Mr. & Mrs. Bradley:

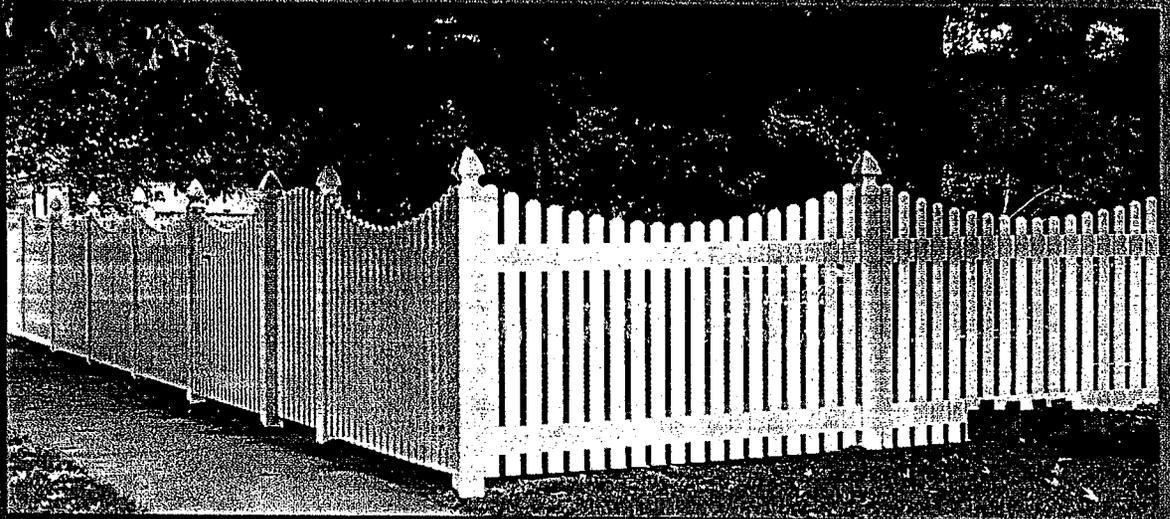
With regard to subject application as referred to above, and a public hearing, before our Board of Zoning appeals on August 22, 1996, the following is the decision of said board:

To approve a variance to permit a fence in the front and side yard setback with a height up to 3.5 feet in that the variance will not create a special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or to the public interests.

Sincerely,


Gordon M. Rozmus
Director of Community Development

rm



↑
High point
is 3½'

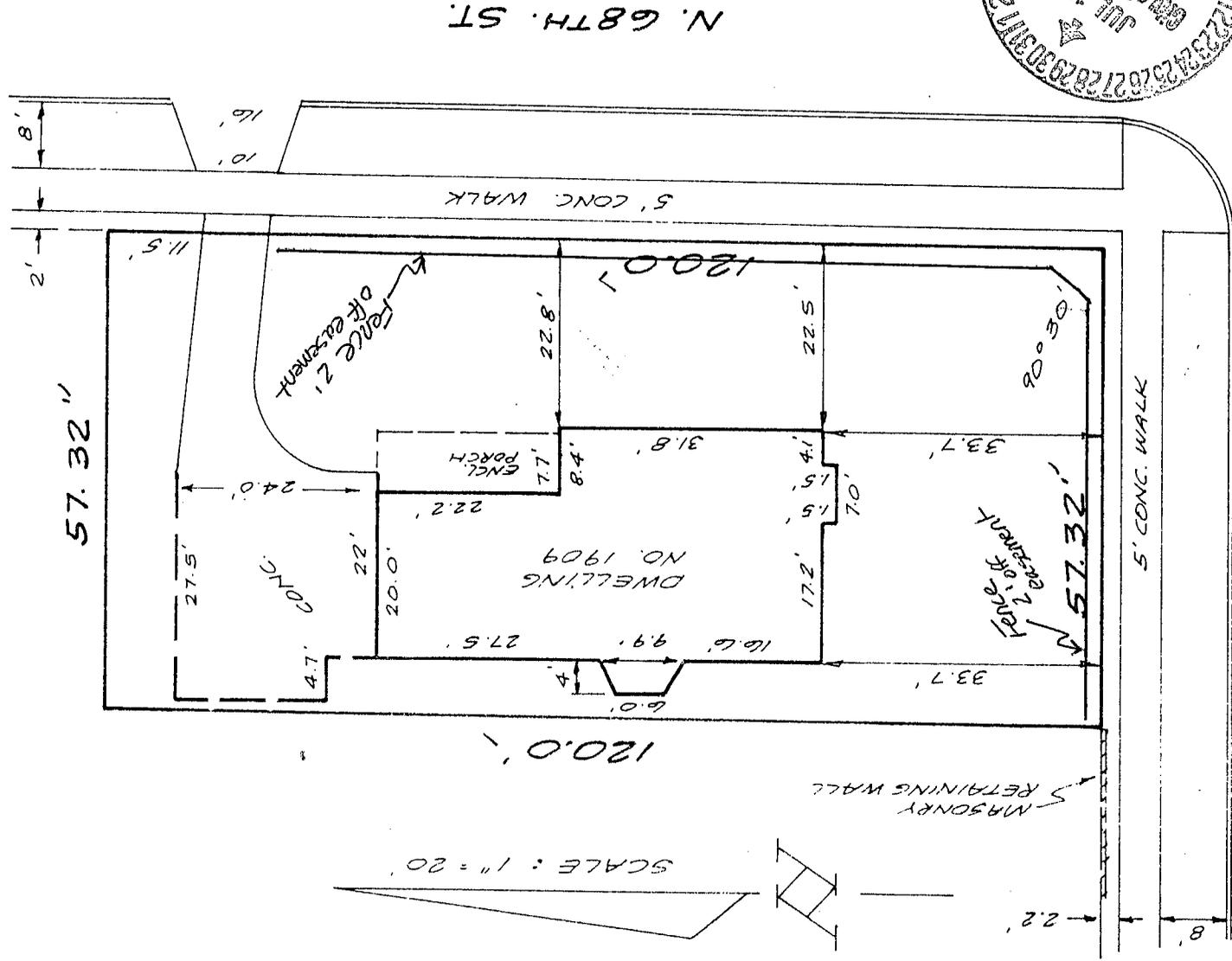
↑
low point
is 3'



PLAT OF SURVEY

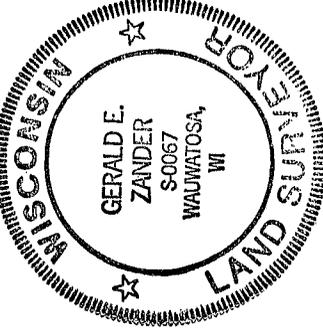
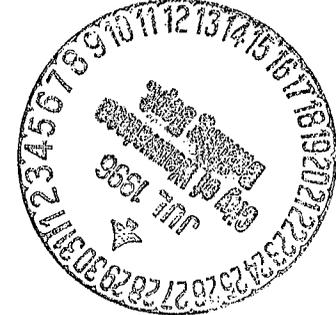
Lot 8, in Block 5, in Browns Subdivision in the Northwest 1/4 and Southwest 1/4 in Section 22, Town 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, State of Wisconsin.

Located at: 1909 North 68th Street, Wauwatosa



N. 68TH. ST.

HILLCREST DRIVE



RmE 8-1-96

NOTICE: THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A GUARANTEE OF ACCURACY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR INTERESTS. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE PROPERTY. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE PROPERTY. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE PROPERTY.



WING MIDLAND SURVEYORS LTD
 600 WEST WISCONSIN STREET
 MILWAUKEE, WI 53233
 TEL: 414-333-4500 FAX: 414-333-4501

For
 Chris & Susan Bradley
 1909 North 68th Street
 Wauwatosa, WI 53213

NOT ORIGINAL UNLESS SEALED IN RED INK

Date July 22, 1996

No 344-51150

Sur

From: [David Morgan](#)
To: [David Morgan](#)
Subject: Fwd: Fence project
Date: Friday, February 13, 2026 8:11:01 AM

 EXTERNAL MESSAGE – Think Before You Click

----- Forwarded message -----

From: Heather Morgan <heather.morganrose@gmail.com>
Date: Tue, Feb 10, 2026 at 12:02 PM
Subject: Re: Fence project
To: David Morgan <dmorgan9295@gmail.com>

Mary,

Thank you so much!! We really appreciate it. Looking forward to seeing you out gardening in the spring.

Heather

On Tue, Feb 10, 2026 at 12:00 PM Heather Morgan <heather.morganrose@gmail.com> wrote:

----- Forwarded message -----

From: <mpboelk@gmail.com>
Date: Tue, Feb 10, 2026 at 11:03 AM
Subject: Fence project
To: <Heather.morganrose@gmail.com>

Hi Heather,

Here is my fence letter. Feel free to share with the appropriate members of the City of Wauwatosa staff.

Mary

To whom it may concern,

I am writing to express my support for the fence project being proposed by the Morgan's at [1909 N. 68th Street](#) in Wauwatosa. They are next door neighbors and have been quite forthcoming in sharing their ideas regarding building a fence, including proposed materials and esthetics.

I think the fence will not only enhance their property but the neighborhood as a whole.

Thank you for considering my opinion in this matter.

Sincerely,

Mary P. Boelk
6812 Hillcrest Drive
Wauwatosa, WI 53213

Sent from my iPad