

Andrew Krause asked me to address three additional criteria for the Board of Zoning Appeals to consider in granting an exception to strict enforcement of Wauwatosa's fence code for the property at 1109 N. 120th Street.

Whether strict application of the code would create a hardship to the property owner.

My daughter paid Chuck's Fences \$14,500 to install the fence, and it would cost \$8,700 more to lower its height by six inches to conform to the code. (See the attached estimate from Chuck Ewers, the same contractor who built the fence.) Additionally, the resulting appearance of the fence is likely to be significantly less attractive. My daughter is a single mom and public-school teacher. My wife and I are already subsidizing her monthly mortgage payments by covering the HELOC loan we took out for the downpayment on the house, the interest on which is almost \$700 a month as is. Neither Kelly nor my wife and I can afford to take on another \$8,700 in debt.

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

What is unique to the property is its proximity to neighboring houses with fences that measure six feet tall. They are lovely. Our five-foot fence fits the character of the neighborhood and enhances the value and beauty of both 1109 N. 120th St as well as the surrounding area.

Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety.

The application of the exception will be consistent with the intent of the ordinance in that it both contributes to public safety while also complementing the character of surrounding homes. If we try to modify the fence to conform to the code ourselves to save to expense of paying Mr. Ewers, the result is more likely to appear as a botched DIY project than a professionally installed and expertly crafted one. Neighbors' responses to the fence as Mr. Ewers installed it have been universally positive.