

We respectfully request exception to the City of Wauwatosa's fence regulations to allow the existing four-foot decorative wooden fence to remain on our property for the protection of our two young children.

When we installed the fence, we believed it was located within what functioned as our side yard. The fence company we used also advised us that a permit was not required and that they would handle the necessary arrangements. We later learned that, because our property is a corner lot, the City's ordinance classifies that area differently than we understood. We recognize the importance of complying with City ordinances and appreciate the opportunity to present our request.

The following demonstrates that a hardship exists by conforming to the fence regulations based upon the following three factors:

1. Strict application of the ordinance creates a hardship.

Strict application of the code would create a significant hardship for us as the property owners due to the long, narrow configuration of the lot, as shown on the provided plat of survey. Because of the unique dimensions of the property, there is no other practical yard space available for fence installation. Unlike other corner lots, which can enclose their rear or side yards with residential fencing, our lot configuration does not allow for a comparable enclosed outdoor space.

Requiring full compliance under these conditions would unreasonably limit our ability to use the property in a functional and reasonable manner. The existing four-foot fence allows our family to define a safe and usable outdoor living area where our two young children can play safely under parental supervision. For these reasons, approval of the fence exception is respectfully requested.

2. The hardship results from conditions unique to this property.

The hardship is caused entirely by the physical characteristics of the property. Due to the lot's narrow dimensions and corner-lot configuration, there is no other usable yard area large enough to accommodate a fence. As shown on the plat of survey, the west yard consists of a concrete driveway, and the north and south yard areas are too narrow to allow for a fence. The only yard that can functionally be enclosed is the east yard, which is classified under Wauwatosa's ordinance as the front yard. Unlike most corner lots, this property does not have a usable side or rear yard where a residential fence can be placed without creating an undue hardship.

3. Granting the exception is consistent with the intent of the ordinance and will not impair public safety.

The 4-foot wooden residential fence, featuring 2-inch spacing between pickets to maintain visibility, does not impair public safety. The fence is low in height, and is located entirely on private property, and does not obstruct visibility at the corner or interfere with the sight lines of motorists, bicyclists, or pedestrians. It does not block traffic control devices, encroach into the public right-of-way, or interfere with driveway access, snow removal, or drainage. Because of its limited height and placement, the fence will maintain an open and safe condition at the intersection while providing the requested residential enclosure.

Additionally, the fence is compatible with the surrounding neighborhood. Similar residential fencing exists on nearby properties, demonstrating that the requested exception is consistent with the established appearance and character of the area.