

Requesting a zoning variance regarding the fence installation in October 2022.

Permit was applied for 8/9/22. Installed by Peerless enterprise (Fencing Division)

Fence was a direct replacement of existing wood fence installed over 25 years prior. It existed with previous owner. Old wooden fence was not in good repair after years of nursing it.

1. Exceptional Circumstances do exist pertaining to this lot. ***Contractor who installed fence said the permit was in good order in August of 2022***
2. A variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. ***I am appealing the minimum setback of 18” 15.28.030.A.3. The original fence that stood in the same place was unsightly and needed replacement. An eye sore to the neighbors, also keeping garbage and litter from collecting in the alley.***
3. 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 or to the public interests. ***Fence is in the same place as the prior fence and is now not an eyesore. It also serves as an effort to create more privacy with the addition of the large multi unit apartment that was constructed several years ago. When the apartments were built they also widened the alley and added curbing. I was under the impression it was reclassified as a street and no longer an alley.***
4. The difficulty or hardship was not created by the property owner. ***I requested it just replace the existing fence in the same spot***

An exception to fence regulations can be granted by the Board of Zoning Appeals if the applicant demonstrates to the Board that a hardship exists created by conforming to the fence regulations based upon the following three factors:

1. Whether strict application of the code would create a hardship to the property owner; ***the set back that was brought to my attention recently, was not made apparent to me by the contractor***
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  
***The prior fence was in place for 25 plus years. Adjoining properties fences are on the same line of sight***
3. Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety. The fence does not impair public safety. ***Based on the changes to the alley / street and the curbs and set backs when the apartment was built on the***

***east side of the alley/street. There is actually more clearance more space between the fence and the actual driving surface.***

Moving the fence back would create undo hardship. It would displace the shed that was also in place for 20 plus years. The cost would be difficult for us as homeowners as we enter retirement.







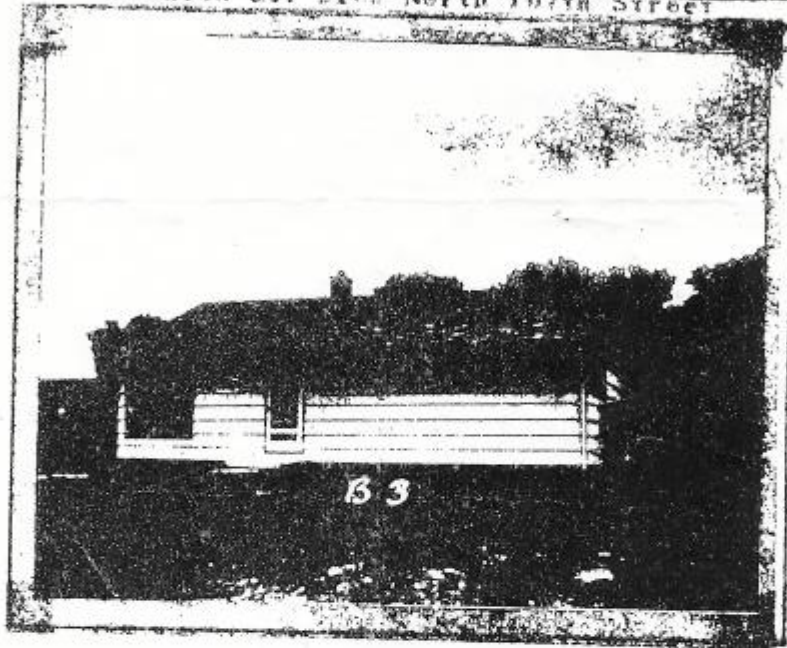
# PLAT OF SURVEY

Lot 6 - Block 8 - Country Club Subdivision

Being a Subdivision of a part of the Northwest 1/4 of Section 20, Town 7 North, Range 21 East, in the City of Wauwatosa, in Milwaukee County, Wisconsin

Located at: 2103 North 107th Street

LOCATED BY 2103 NORTH 107TH STREET



SCALE 1"=20'

20' UNIMPROVED ALLEY

49.77

Fence 4" from now improved Alley in same position as original fence.

Set back 5' from curbs installed when apt built

145



250

51.50

NO. 107TH STREET  
(± 20' GARAGE ROAD)

145.05

Owners: Milan & Marlene Huley

7516 HARWOOD AVE.  
WAUWATOSA, WIS.

Surveyed and Drawn by  
WALTER J. CONNELL, INC.

