



Wauwatosa, WI

Board of Zoning Appeals

Meeting Agenda

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, August 27, 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

APPROVAL OF MINUTES

1. Approval of minutes of the April 23, 2026, regular meeting [26-1405](#)
2. Approval of minutes of the May 28, 2026, regular meeting [26-1404](#)
3. Approval of minutes of the July 23, 2026, regular meeting [26-1406](#)

NEW BUSINESS

The Board may convene in closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(g), for purposes of deliberating after a quasi-judicial hearing or to confer with their legal counsel. The Board may reconvene into open session to consider any action discussed in closed session and/or the balance of the agenda.

1. Request by Kenzie Kokta for fence code exceptions for a front yard fence located at 8305 Currie Avenue [26-1362](#)

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.

Wauwatosa, WI

Board of Zoning Appeals

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, April 23, 2026

6:00 PM

Zoom Only:
<https://us02web.zoom.us/j/89325102239>,
Meeting ID: 893 2510 2239

Regular Meeting

CALL TO ORDER

Meeting was called to order at 6:00 PM

ROLL CALL

Present 3	Member, Chair Patricia Stone
	Member Melissa Hunter
	Member Michael Mazmanian
Excused 1	Member James Bittner

APPROVAL OF MINUTES

None

NEW BUSINESS

The Board may convene in closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(g), for purposes of deliberating after a quasi-judicial hearing or to confer with their legal counsel. The Board may reconvene into open session to consider any action discussed in closed session and/or the balance of the agenda.

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

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

Background

The applicant is requesting three code exceptions for a proposed four-foot fence to be constructed in the front yard. Although the house faces 68th Street, Hillcrest Drive is considered the front of the lot for zoning purposes. An existing fence on the property is grandfathered and not subject to current regulations; only the additional fencing is included in this request.

Proposed fence

Three exceptions are requested:

Maximum height - The proposed fence is four feet tall.

Setback - The fence will be constructed on the west lot line, where a three-foot setback is required.

Length of fencing - Approximately 52 linear feet of additional fencing is proposed, exceeding the allowed maximum.

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. Be set back less than three feet from the side lot line.*

3. Extend more than 20% of the lot width in total length (maximum of 11.46 feet for this lot width of 57.32 feet).

Recommendation

Under the exception provisions, the applicant must demonstrate to the Board that a hardship exists created by conforming to fence regulations. The Board must consider and make findings that each of the following factors supports 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 unique to the property or unusual compared to other properties subject to the code;
3. Whether applying the exception is consistent with the intent of the ordinance and does not impair public interest.

Applicant Summary

The applicant requested approval to replace the existing vinyl fence at 1909 N. 68th Street with a four-foot wood picket fence and to add small extensions to complete the enclosure. They noted that the current fence was approved by a variance in 1996. The proposed fence is intended to better match neighborhood character and provide additional safety for their pet.

The applicant stated that the property's unique layout creates a hardship, as the area labeled the "front yard" is the only usable yard space. The configuration of the lot and prior fence placement predate their ownership, and the hardship was not created by them. They indicated that the proposed extensions do not affect visibility or roadway safety, and a neighbor to the west provided a letter of support.

Public Comment

No one spoke in favor.

No one spoke against.

Board Discussion

The applicant requested approval to replace the existing vinyl fence at 1909 N. 68th Street with a four-foot wood picket fence and to add small extensions to complete the enclosure. They noted that the current fence was approved by a variance in 1996. The proposed fence is intended to better match neighborhood character and provide additional safety for their pet.

The applicant stated that the property's unique layout creates a hardship, as the area labeled the "front yard" is the only usable yard space. The configuration of the lot and prior fence placement predate their ownership, and the hardship was not created by them. They indicated that the proposed extensions do not affect visibility or roadway safety, and a neighbor to the west provided a letter of support.

Motion

Motion by Board Member Mazmanian to approve the three requested fence exceptions:

Maximum height of four feet.

Setback at the west lot line.

Approximately 52 linear feet of additional fencing.

The Board found that the application met all required criteria:

1. Whether strict application of the code would create a hardship to the property owner: The Board determined that the property's unique configuration, including two street frontages and limited usable yard space, creates a hardship. Strict application of the code would prevent the applicant from enclosing the only functional outdoor area.

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: The Board agreed that the lot layout is unusual compared to other properties. The limited open space and orientation of the home

restrict reasonable yard use, and strict compliance would prevent maximizing the available space.

3. Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety: The Board concluded that the proposed fence maintains the intent of the ordinance. It will be reconstructed within the same layout previously approved in 1996, does not encroach toward public areas, and aligns with neighborhood character. No public safety issues were identified.

Amended Motion

Board Member Hunter expressed concern regarding the requested height exception and stated she did not support allowing a four-foot fence. Board Member Stone agreed with the concern.

Board Member Mazmanian amended the original motion to limit the fence height to 3.5 feet, consistent with the existing fence height. Board Member Hunter seconded the amended motion.

An amended motion was made by Board Member Mazmanian, seconded by Board Member Hunter, to approve the requested code exceptions with the condition that the fence height be limited to 3.5 feet.

The amended motion carried, approving the code exceptions for the property located at 1909 N. 68th Street.

RESULT: APPROVED

MOVER: Michael Mazmanian

SECONDER: Melissa Hunter

Aye: 3 Stone, Hunter, and Mazmanian

Excused: 1 Bittner

2. Request by Michael Davis, Insite Landscape Design, for front and side street setback variances for a Veterans Memorial Plaza located at the corner of Milwaukee Avenue and Harwood Avenue.

[26-0706](#)

Request by Michael Davis, Insite Landscape Design, for front and side street setback variances for a Veterans Memorial Plaza located at Milwaukee Avenue and Harwood Avenue

Background

Art Piñon introduced the item. He stated that although the variance request was originally scheduled for Board action, a revised site plan was submitted following a Design Review Board meeting. Because public notices had already been issued for the original plan, no decision could be made at this meeting. The item was therefore presented for Board feedback only.

The applicant is requesting two setback variances to accommodate two semi-circular pergolas proposed as part of a Veterans Memorial Plaza on a small triangular lot at the corner of Milwaukee Avenue and Harwood Avenue in the Neighborhood Residential (NR) zone. All other elements of the memorial including the monument, flagpoles, landscaping, engraved pavers walkway and hardscape meet City Code requirements.

Setback requirements under WMC 24.02.030 and the proposed encroachments are as follows:

- *Front yard setback (Harwood Avenue): Required 25 ft; Proposed 0 ft*
- *Side yard setback (Milwaukee Avenue): Required 15 ft; Proposed 0 ft*

A justification letter, conceptual renderings, and a revised site plan were provided, noting that the plaza is intended to honor all U.S. Military Veterans and that the pergolas provide architectural framing for the memorial space.

Board Action

The item was presented for feedback only. No decision was taken.

RESULT: INFORMATIONAL ONLY

ADJOURNMENT

Meeting adjourned 7:13 PM.

Wauwatosa, WI

Board of Zoning Appeals

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, May 28, 2026

6:00 PM

Zoom Only:
<https://us02web.zoom.us/j/89325102239>,
Meeting ID: 893 2510 2239

Regular Meeting

CALL TO ORDER

Chairperson Stone called the meeting to order at 6:00 PM.

ROLL CALL

Present 3	Member, Chair Patricia Stone Member James Bittner Member Melissa Hunter
Excused 1	Member Michael Mazmanian

NEW BUSINESS

1. Request by Kirsten Jablonski for a fence code exception for a rear yard fence located at 2203 N 69th Street

[26-0991](#)

Request by Kirsten Jablonski, for a fence code exceptions for a rear yard fence located at 2203 N 69th Street.

Background

The applicant is requesting a code exception for a proposed six-foot fence to be constructed in the rear yard abutting a street at 2203 N 69th Street.

Proposed fence

One exceptions is requested: Maximum height. The proposed fence is six feet. Approximately 31 feet (section in yellow) would be located in the side and rear yard abutting a street where the maximum permitted height is 4'-6". The applicant has already obtained an encroachment agreement through the Board of Public works for approximately 74 total feet of fencing to be in the Right of Way.

Allowed by City code

Under 15.28.030A., fences located in the rear yard abutting a street cannot:
1. Exceed four and a half feet in height

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*

The applicant and property owner provided a brief summary of the reasons for requesting the exception . Because the property is located on the corner of 69th Street and Garfield, a busy area with frequent pedestrian traffic, passing vehicles, and on-street parking, the owner believes they do not have adequate privacy.

The applicant explained that a higher fence is necessary to prevent children from the parish, school, and neighborhood from entering the retention pond, as a three-foot fence can be easily climbed . They noted potential safety hazards and liability concerns as hardships. They also stated that the condition is unique because the fence functions as a safety measure for the retention pond rather than a traditional front-yard fence. Finally, the applicant indicated that the proposed fence is decorative, does not obstruct views, and aligns with the intent of the ordinance by enhancing public safety.

No one spoke in favor

No one spoke against

Ms. Hunter expressed concerns about the proposed six-foot fence being located one foot from the sidewalk and the potential precedent this could set. She also noted pedestrian safety issues, explaining that a six-foot fence positioned adjacent to the driveway would further restrict the sightline for drivers . Mr. Bitter asked how long the applicant has owned the home for? The applicant stated they have been at the property for at least 6 years.

The motion was made to deny the request for an exception. The Board determined that the applicant did not meet or demonstrate the standard that the hardship results from conditions unique to the property or unusual in comparison to other properties to which the code applies .

It was moved and seconded (Stone/ Hunter) to deny the height exception.

The motion carried to deny the code exception for property address 2203 N 69th Street

RESULT: DENIED

MOVER: Patricia Stone

SECONDER: James Bittner

Aye: 3 Stone, Bittner, and Hunter

Excused: 1 Mazmanian

2. Request by Thomas Vavra IV, Vavra Design, for a lot coverage variance for a detached accessory structure (garage) at 1851 Church Street

26-0989

The Board reviewed two variance requests for 1851 Church Street to allow construction of a 750-square-foot three-car detached garage replacing the existing two-car garage . The proposed accessory structure would increase accessory lot coverage from 12 % to 12.25% and total lot coverage from 42% to 44.5%.

Tom Vavra further explained that the goal is to convert the property into condominiums . The request represents a 39-square-foot increase over the total lot coverage requirement and would accommodate three vehicles in the garage and three outside, providing six total parking spaces . He noted the intent to preserve the historic character and appearance of the building without a full reconstruction .

The applicant stated that exceptional circumstances exist because the property is one of the few three-unit

residences in a predominantly single-family neighborhood, creating a unique need for additional off-street parking. The applicant explained that the variance is necessary to provide one garage space per unit and reduce on-street parking, and that the proposed three-car garage would not create a detriment to neighboring properties. The structure is low in height and would not obstruct views, and its construction would improve public interest by keeping vehicles off the street. The hardship was not created by the owner, as the building was constructed more than 100 years ago with a two-car garage that does not meet current needs.

No one spoke in favor

No one spoke against

Mr. Bittner noted that the proposed lot-coverage increase is roughly half a percent and asked how many square feet this represents, which was identified as 187 square feet. He questioned whether the garage could be made smaller to avoid the overage. The applicant explained that each garage door is 9 feet wide; while older garages often had 8-foot doors, modern standards require additional spacing, including at least 2 feet between each door. The design presented would not accommodate three garage bays if reduced in size.

Mr. Bittner's motion was to approve the variance, finding that the applicant demonstrated that all required criteria were met. The Board considered each factor and determined that all findings supported granting the variance:

1. Exceptional circumstances exist pertaining to this lot: The property is a corner lot developed as a multi-family, vertical three-plex-an uncommon condition in the surrounding single-family neighborhood.
2. A variance is necessary for the preservation and enjoyment of property rights possessed by other properties in the district and vicinity: The additional parking space will support the needs of the three-unit building, help deter crime, and reduce on-street parking.
3. The variance will not create a special detriment to adjacent property and is not contrary to the purpose or spirit of the ordinance: The area is already paved, and the added coverage does not create stormwater issues. The proposal maintains neighborhood character while preserving the historic structure.
4. The difficulty or hardship was not created by the property owner: The home was built over 100 years ago, and although the garage may have been added later, the current owners inherited the limitations of the existing structure. The proposed garage enhances the historic building that exists in the city.

The Board unanimously approved both variance requests after determining that all applicable criteria were met. The Board found that the proposed three-car garage is reasonable for the property, supports off-street parking needs for the three-unit building, and maintains neighborhood character while preserving the historic structure.

RESULT: APPROVED
MOVER: James Bittner
SECONDER: Melissa Hunter

Aye: 3 Stone, Bittner, and Hunter

Excused: 1 Mazmanian

3. Request by Michael Davis, Insite Landscape Design, for front and side street setback variances for a Veterans Memorial Plaza located at the corner of Milwaukee Avenue and Harwood Avenue.

[26-0990](#)

Staff noted that the applicant is requesting two variances to allow front and side yard setbacks of 0 feet for two semi-circular pergolas within a proposed veterans memorial plaza at Milwaukee Avenue and Harwood Avenue. The triangular lot is in the Neighborhood Residential zone, and all other elements of the memorial meet code requirements. The Design Review Board (DRB) requested revisions in April, and the

updated plans were approved by the DRB on May 7, 2026. A justification letter and site plans were provided.

The applicant stated that since the project was last before the Board, several modifications were made based on feedback from other reviewing bodies, including rotating the pergola layout, reducing its size, and aligning it with key access paths. The applicant explained that exceptional circumstances exist due to the property's small triangular shape, overlapping front and side yard setbacks, and the requirement to preserve the pedestrian path and mature trees. These combined constraints leave a very limited buildable area compared to surrounding rectangular parcels, making the variances necessary for reasonable use of the site.

The applicant noted that the pergolas are designed to avoid detriment to adjacent properties, preserve existing trees, maintain the walking path, and enhance the Veterans Plaza as a public gathering space. The project has undergone review and approval by the Design Review Board to ensure compatibility with neighborhood character and alignment with City design objectives. The hardship was not created by the property owner; it is inherent to the lot's configuration and required site features. Several alternative layouts were explored, and the final design reflects both these site limitations and direction from the DRB to improve access and overall site design.

Spoke in favor:

Alex Colletta, 10100 W Blue Mound Road,

Benjamin Hruz and Tivia Hruz , 9625 Harding Blvd

Bill Ryan Ganz, N24W24210 Saddlebrook Dr, Pewaukee

Ms. Hunter asked for clarification on the drawing, noting that the pergola appeared to overhang the sidewalk. Staff explained that a revised drawing has been submitted; while the variance request remains the same, the pergola has been adjusted so the overhang no longer extends to the sidewalk. Ms. Stone asked how the applicant was able to make this adjustment. The applicant explained that the pergola design was shifted 1.8 feet to the south, providing additional space and clearance so it no longer obstructs the sidewalk. Mr. Hunter asked what would happen to the Bublr bike station. Mike expressed that city staff and council members have determined that it would be moved to a different location. Ms. Hunter has asked if they have received any feedback in support of the project. Mike has confirmed that Alder Saso has expressed being in favor of the project not only as a council member but also as the owner of the neighboring property.

The applicant requested that the item be tabled to the next Board meeting scheduled for June 25, 2026. The Board agreed and tabled discussion of the item until that date.

RESULT: HELD

ADJOURNMENT

Meeting adjourned 8:18 PM.



Wauwatosa, WI

Board of Zoning Appeals

Meeting Minutes

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, July 23, 2026

6:00 PM

Zoom Only:
<https://us02web.zoom.us/j/89325102239>,
Meeting ID: 893 2510 2239

Regular Meeting

CALL TO ORDER

Meeting was called to order at 6:00 PM.

ROLL CALL

Present 4 Member, Chair Patricia Stone
 Member David Lewis
 Member Melissa Hunter
 Member Michael Mazmanian
Excused 1 Member James Bittner

NEW BUSINESS

The Board may convene in closed session regarding this item pursuant to Wis. Stat. §19.85 (1)(g), for purposes of deliberating after a quasi-judicial hearing or to confer with their legal counsel. The Board may reconvene into open session to consider any action discussed in closed session and/or the balance of the agenda.

1. Request by Robert Kubiak and John Trojan, The Tribute Companies, for a side yard setback variance for a storage building located at 10700 W. Capitol Drive

[26-1289](#)

Background

The applicant requested a variance from the required side yard setback in the SP-POS District to allow an addition to an existing casket storage building. The district requires a 100-foot side yard setback. The proposed addition would be located 66.7 feet from the side property line; the existing building is currently set back 81.7 feet. All other applicable setback requirements are met.

Project description, variance justification, site plan, and survey materials were submitted for review.

Recommendation

The standard four criteria should be applied to make the determination for the requested variances:

1. Exceptional circumstances do exist pertaining to this lot.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity.
3. That the variance will not create 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.
4. That the difficulty or hardship was not created by the property owner

Applicant Summary

The applicant stated that the existing building on the northeast corner of the lot was constructed before the current 100-foot setback requirement. They are requesting a 15-foot addition for casket storage. The east side was selected because the west side contains a large legacy oak tree that would be disturbed if the addition were placed there.

They explained that the cemetery relies on mature vegetative screening to separate maintenance activities from burial areas. Placing the addition on the east side preserves this screening and avoids removing old-growth trees. They noted that locating the addition on the west side would increase visibility of the maintenance area for residents on Congress Street.

The applicant stated the variance would not create detriment to adjacent properties, as more than 60 feet of vegetative screening will remain. They further noted that the hardship is not self-created, as the site's existing trees and screening patterns limit feasible placement of the addition.

Board Member Hunter asked how close the legacy oak tree is to the west side of the building. The applicant stated the tree is approximately 22 feet from the structure and that excavation for footings and a foundation wall would cut into the roots, likely requiring removal of the tree. Hunter also asked about the type of foundation needed; the applicant explained it would require a 4-foot-deep concrete footing and foundation wall. When asked whether an arborist had evaluated the tree, the applicant said no.

Hunter asked why the north and south sides of the building are unsuitable for the addition. The applicant explained that the north side does not provide enough space for vehicles to pass between the maintenance building and cold storage. The south side would require creating new access that would also impact trees. The east side is preferred because it has direct access from the existing drive and fewer conflicts with mature trees and shrubs.

No one spoke in favor

No one spoke against

No letters in support or opposition.

Board member Lewis made a motion to approve the variance, that the applicant demonstrated to the board. The board considered all the following, making the finding of each of these factors in favor of granting the variance:

- 1. Exceptional circumstances do exist pertaining to this lot: It is a building that has been there and is already within the 100 ft requirement. Adding onto it would not create a detriment.*
- 2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity: There have been no negative comments and it is hidden by all the vegetation.*
- 3. That the variance will not create 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: it is a facility for storing caskets there will be very little noise*
- 4. That the difficulty or hardship was not created by the property owner: It is adding on to an existing storage facility to add capacity to not have rent extra storage.*

It was moved and seconded (Lewis / Hunter) to approve the variance.

RESULT: APPROVED
MOVER: David Lewis
SECONDER: Melissa Hunter

Aye: 4 Stone, Lewis, Hunter, and Mazmanian

Excused: 1 Bittner

2. Request by Michael Davis, Insite Landscape Design, for front and side street setback variances for a Veterans Memorial Plaza located at the

[26-1288](#)

corner of Milwaukee Avenue and Harwood Avenue.

Michael Davis of Insite Landscape Design requested two setback variances for a proposed Veterans Memorial Plaza at the corner of Milwaukee Avenue and Harwood Avenue.

Background

The site is a triangular lot in the Neighborhood Residential (NR) Zone.

Two semi-circular pergolas require variances from the required setbacks:

- 1. Harwood Avenue front setback: 25 feet required; 0 feet proposed at the pergola overhang.*
- 2. Milwaukee Avenue side setback: 15 feet required; 0 feet proposed at the pergola overhang.*

No portion of the structures would extend into the City right-of-way.

Other project components, including flagpoles, landscaping, hardscape, and site improvements, comply with applicable requirements

The Design Review Board (DRB) reviewed the project beginning April 16, 2026, and requested site-layout modifications.

The revised plans received DRB approval on May 7, 2026.

BOZA reviewed the variance request on May 28, 2026, but deferred action and directed the applicant to conduct outreach to neighboring property owners.

The applicant, Michael Davis, and JC Moore gave a brief presentation on the community outreach conducted at the Board's request. They shared feedback received from neighboring property owners, including both support and opposition. They also reviewed the four variance criteria, explaining the exceptional circumstances of the project, community support for the Memorial, the lack of negative impact on neighboring properties, and that the hardship was not created by the applicant.

Spoke in favor

Jessica Canizzaro, 8130 Gridley Ave

No one spoke against

Board Questions

Board Member Stone noted that he did not see any letters specifically addressing the variance requests and asked whether the applicant was aware of any correspondence that addressed the variance issues. The applicant identified and explained which letters specifically addressed the requested variances.

Motion

Board Member Lewis made a motion to approve the variance, finding that the applicant demonstrated that the four variance criteria had been met. The Board considered the following:

- 1. Exceptional circumstances do exist pertaining to this lot: The applicant clearly explained the exceptional circumstances related to the lot and the project. The project has received significant support from an Alderperson, the Veterans Memorial Committee, and neighboring residents.*
- 2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity: No specific opposition to the requested variance was presented. Three letters expressed opposition to the project, but did not specifically address the variance requests and therefore were not considered in evaluating this criterion.*
- 3. That the variance will not create 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: The Board noted the numerous emails and comments received in support of the variance and found that the request would not create a special detriment to adjacent properties or negatively affect the public interest.*
- 4. That the difficulty or hardship was not created by the property owner: The Board noted the numerous emails and comments in support of the variance and found that the hardship was not created by the*

applicant..

It was moved and seconded (Lewis/ Mazmanian) to approve the requested variances.

The motion carried to approve the variance requests based on the Board's finding that all four variance criteria had been met.

RESULT: APPROVED

MOVER: Melissa Hunter

SECONDER: David Lewis

Aye: 4 Stone, Lewis, Hunter, and Mazmanian

Excused: 1 Bittner

ADJOURNMENT

Meeting adjourned 7:00 PM.



Staff Report

File #: 26-1362

Agenda Date: 8/27/2026

Agenda #: 1.

Request by Kenzie Kokta for fence code exceptions for a front yard fence located at 8305 Currie Avenue

Submitted by:

Andy Krause

Department:

Development/Building & Safety

A. Background

The applicant is requesting three code exceptions for a four-foot fence constructed in the front yard. While the house faces north, the east is considered the front of the lot.

Constructed fence

Three exceptions are requested:

1. Maximum height. The fence is 4 feet tall.
2. Setback. The fence is setback 1.1 feet from the south property line
3. Length of Fencing. The fence is 101 linear feet.

Allowed by City code

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

1. Exceed 3 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 45.8 feet. A maximum of 9.16 feet of fencing is allowed by code (20% of 45.8 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.



8305 Currie Ave

City of
Wauwatosa



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.

8305 Currie Ave Fence

Below are two photos showing the current 4-foot wooden residential fence, featuring 2-inch spacing between pickets that we are requesting a fence exception for. The design is consistent with the established appearance and character of the area.



Exhibit

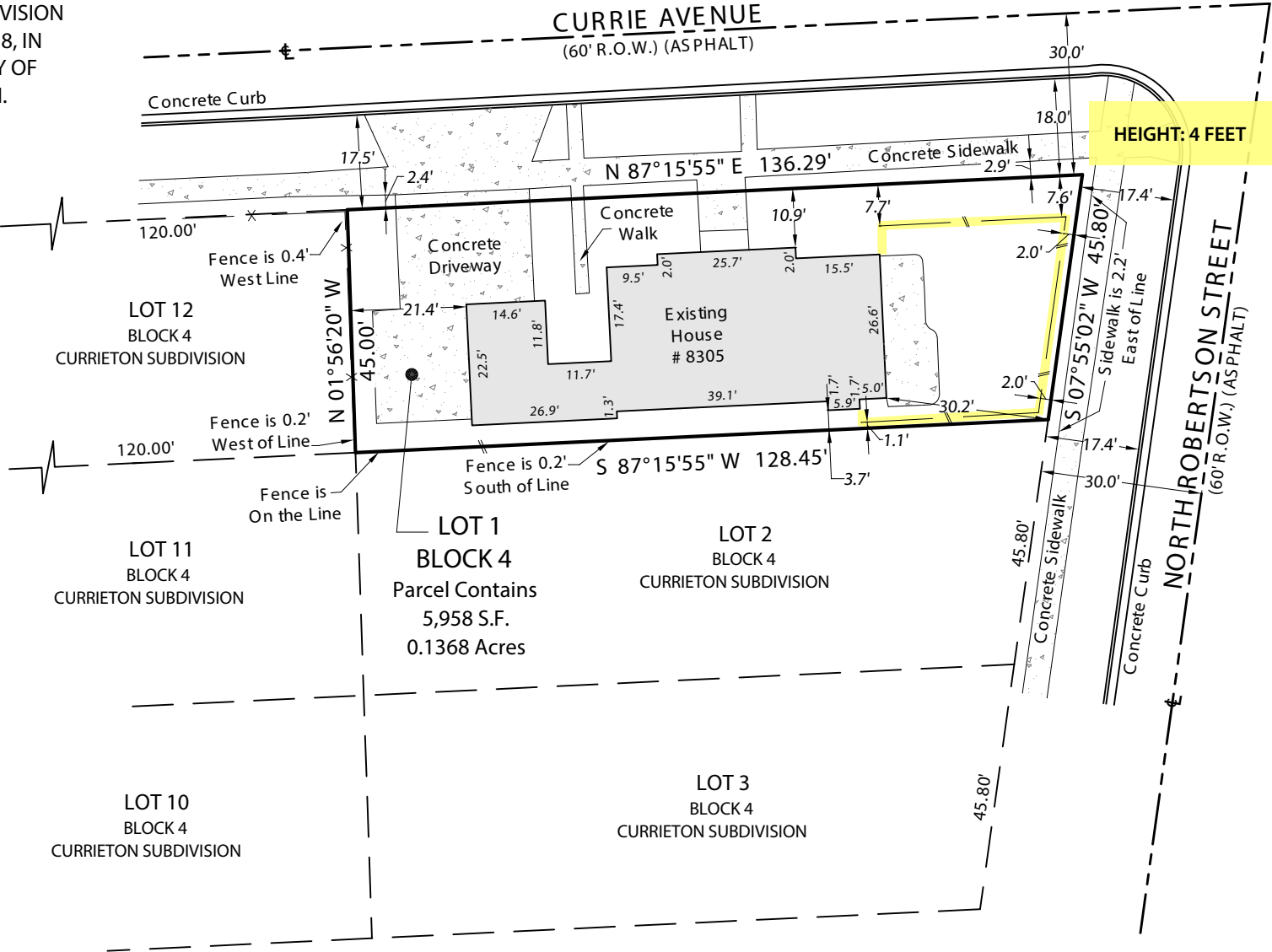
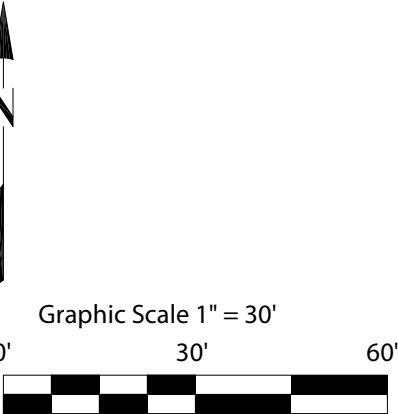
Property Description: Document No. 11366946

LOT 1, IN BLOCK 4, IN CURRIETON, BEING A SUBDIVISION OF A PART OF THE NORTHEAST 1/4 OF SECTION 28, IN TOWNSHIP 7 NORTH, RANGE 21 EAST, IN THE CITY OF WAUWATOSA, MILWAUKEE COUNTY, WISCONSIN.



N19W24400 Riverwood Drive Suite 350
Waukesha, WI 53186 (262) 312-1034
landsurveysinc.com

- LEGEND
- Board Fence
 - Chain Link Fence



Dated this 14th Day of July, 2026

PREPARED FOR:

Kenzie Kokta
8305 Currie Avenue
Wauwatosa, Wisconsin 53213

Drawn By: JMO Job# 26244
Sheet 01 of 01

Plat of Survey

Property Description: Document No. 11366946

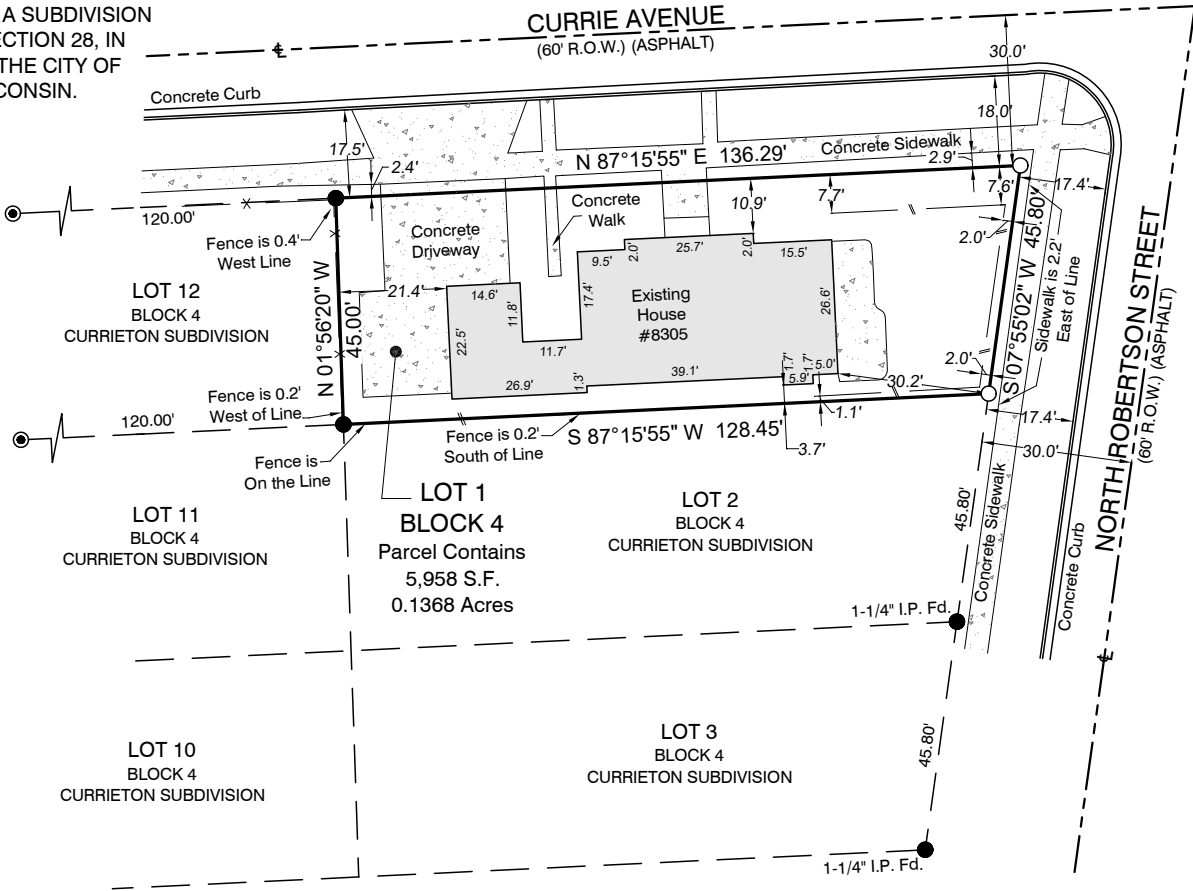
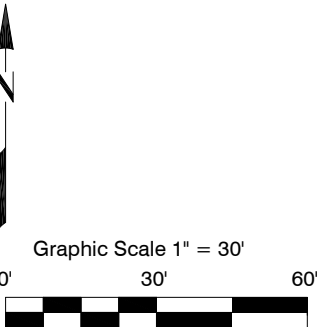
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NOTES:

- 1. A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
- 2. Outside diameter measured on all monuments. Set monuments are 1.50Lbs/Lineal Foot.
- 3. () Indicates recorded as bearings and dimensions.
- 4. Field work completed on 06-07-26.

LEGEND

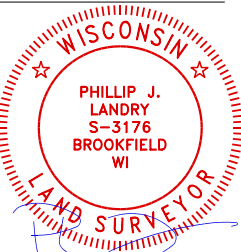
- 3/4" Iron Rod Found
- 1" Iron Pipe Found (Unless Noted)
- 3/4"x18" Iron Rod Set
- \\ — Board Fence
- X — Chain Link Fence



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SURVEYOR'S CERTIFICATE

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.



Dated this 10th Day of July, 2026:
Phillip J. Landry S-3176

PREPARED FOR:

Kenzie Kokta
8305 Currie Avenue
Wauwatosa, Wisconsin 53213

BEARINGS ARE REFERENCED TO WI STATE PLANE COORD. SYS. SOUTH ZONE NAD 83 (2011) SOUTH LINE OF CURRIE AVENUE, NORTH LINE OF LOT 1, BLOCK 4 BEARS N 87°15'55" E

Drawn By: JMO Job# 26244
Sheet 01 of 01

From: Randy Bennett <randyedgarbennett@gmail.com>

Date: May 13, 2026 at 12:16:18 PM CDT

To: kenziekokta@gmail.com

Subject: Fence Addition

To Whom It May Concern:

It is my understanding that the city has voiced some concern over the fence that my neighbors to the north, Kenzie and Paige Kokta, have recently installed. I want to add my perspective as the city reviews this situation. First off, Kenzie and Paige approached me last year and asked if I had any concerns if they were to consider installing a fence so that their very young children could have a safe yard environment. I thought it was a great idea. We have a real issue with vehicles speeding through our area on Robertson Street. A fence was a really good defensive action to protect the children. Second, as for the fence itself, I think it was done very professionally and is attractive to the eye. I have no objection to the addition of this fence next to my property. If you need any further input, please do not hesitate to contact me.

Randy Bennett

945 Robertson St, Wauwatosa, WI 53213 (neighbor directly to the south)

(920) 716-2999 Direct

Wauwatosa Corner-lots with front yard fences

The addresses listed below are corner-lot residences in Wauwatosa with front-yard fences that appear to be in violation of the applicable fence ordinance. The red lines indicates generally where the fences are located on the property.

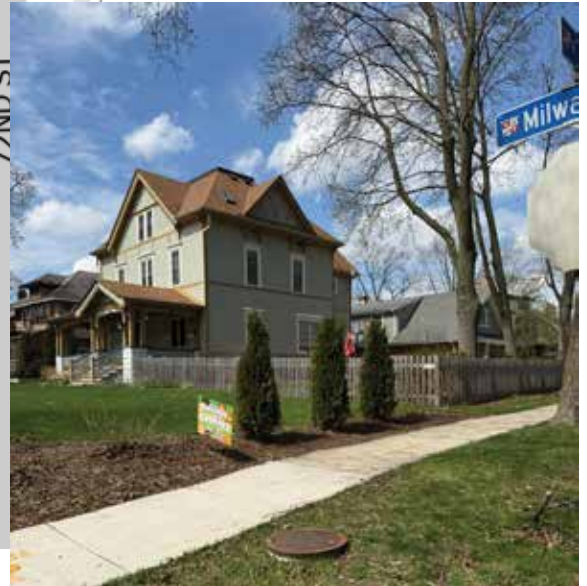
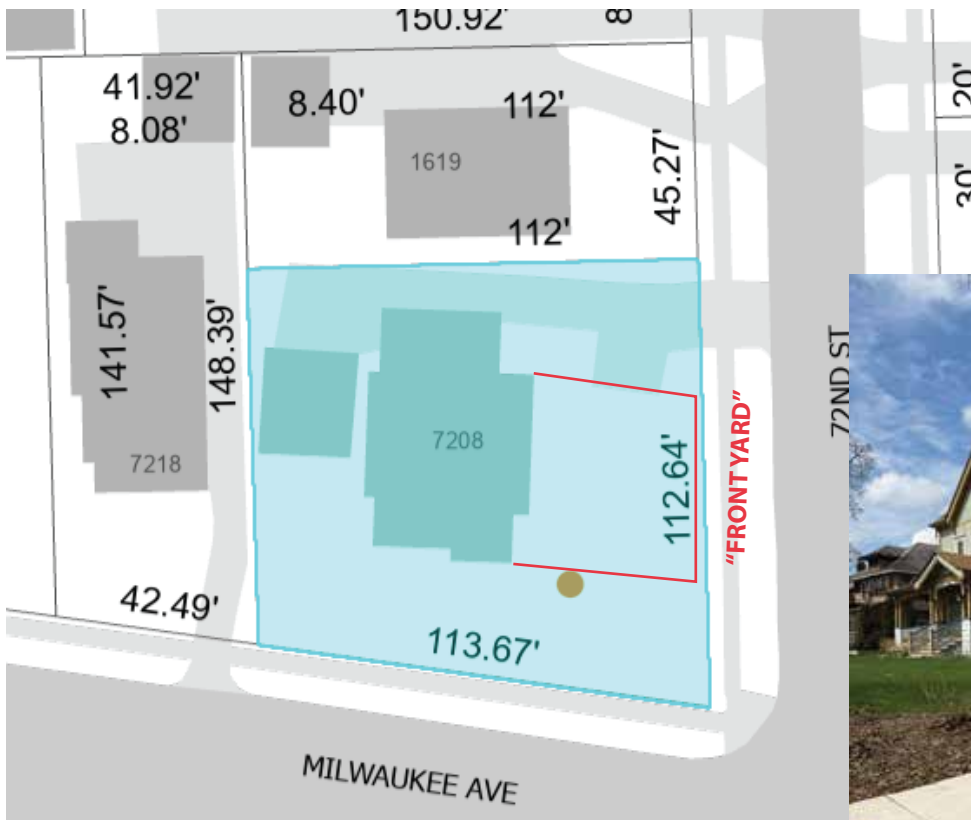
1055 Honey Creek Pkwy



6636 W Lloyd St



7208 milwaukee ave



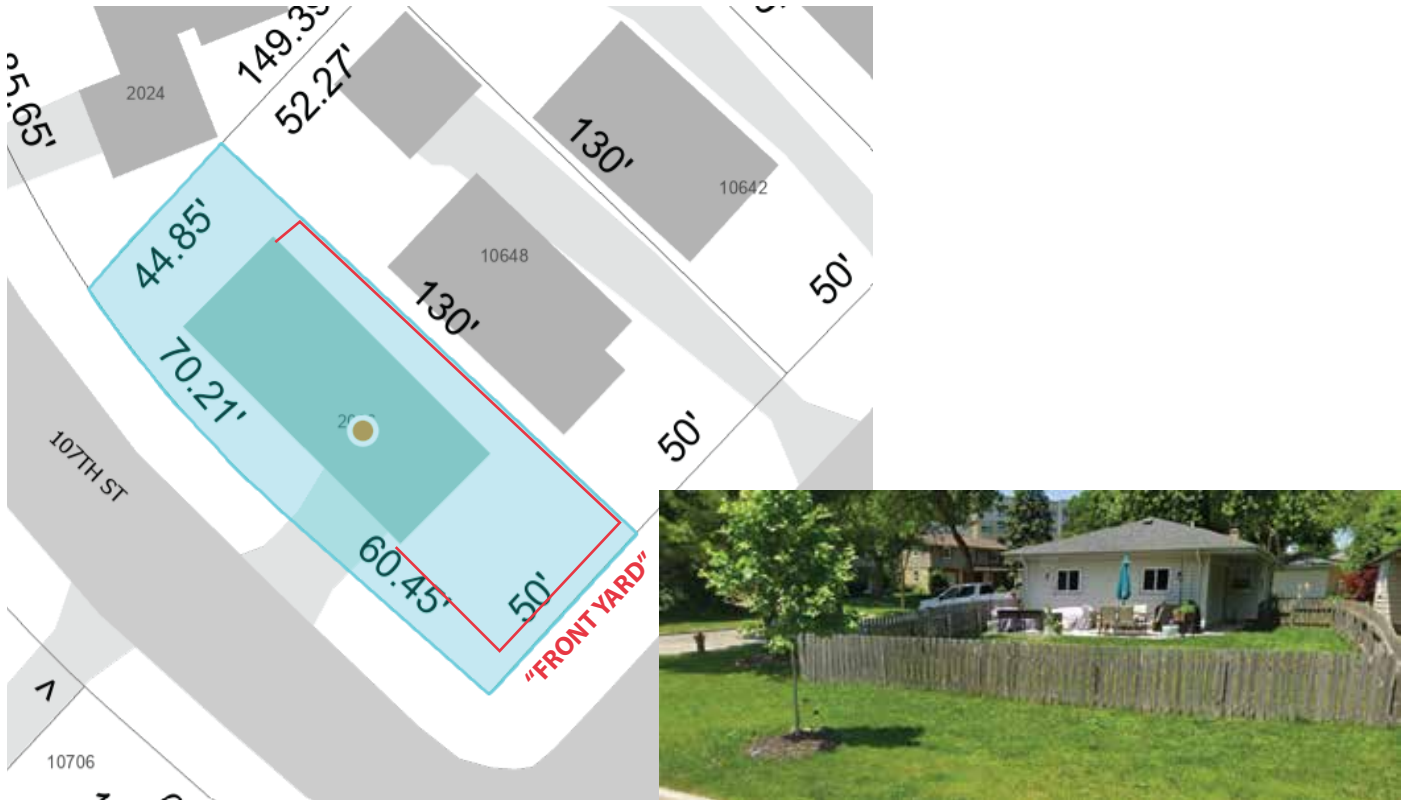
7010 Wellauer Dr



9343 Stickney Ave



2006 N 107th st



7509 Portland Ave

