



Wauwatosa, WI

Board of Zoning Appeals

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Thursday, August 1, 2024

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. Consideration of the request by David Guthery, Landcrafters, LLC., for a [24-0993](#) side yard fence height exception at 2414 N. 88th Street

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

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 24-0993

Agenda Date: 8/1/2024

Agenda #: 1.

Consideration of the request by David Guthery, Landcrafters, LLC., for a side yard fence height exception at 2414 N. 88th Street

Submitted by:

Stefanie Escobedo

Department:

Development

A. Issue/Background

The applicant is requesting a fence code exception for a six-foot fence to be constructed in the side yard along the south parcel line for a length of approximately 28 feet.

Proposed fence

The requested exception is for a 6' fence in the side yard.

Allowed by City code

Under 15.28.030A., fences located in the side yard not abutting a street are allowed up to four and one-half feet or less in height.

Attachments to this report include the project request, site plan, photos and a letter of support from the affected neighbor.

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.



Title

City of
Wauwatosa



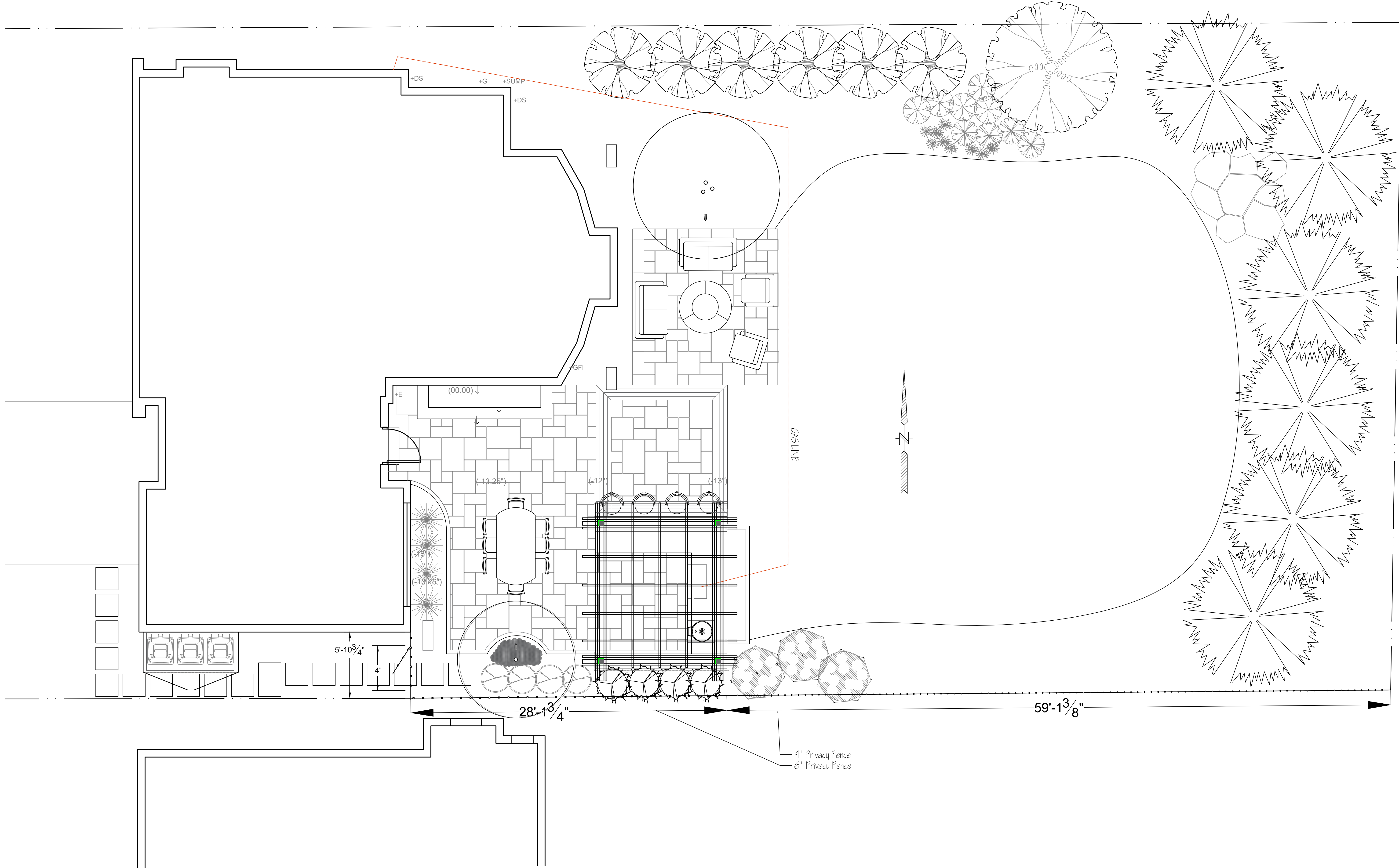
A **fence exception** can be granted by the Board of Zoning Appeals if the applicant demonstrates to the Board that a hardship exists created by conforming to the fence regulations based upon the following three factors:

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

Fence Exception Description: We ask for the approval of a fence exception allowing for a length of 18.5' of side yard to be screened with 6' fencing. Our reasoning and responses to the above three factors are as follows:

1. Strict application of the code would impose hardship on the property owner by eliminating privacy for their indoor and outdoor living areas. Arborvitae trees (planted by previous owners) screened the area but were uprooted this winter. Before their removal they completely blocked the only entry/exit to their yard through their back gate, so their yard was only accessible through the house. To keep a clear entry/exit through the gate an evergreen screen replacement is not an option, necessitating the proposed 6-foot fence to restore desired privacy. Lowering the fence in this area to 4.5 feet would eliminate privacy in their main functional yard space as well as interior living area. This measure is crucial as both neighbors' windows face each other allowing view into each other's interior living areas as well as adjacent outdoor entertainment areas.
2. The hardship arises because of a unique addition made by previous owners, which extends from the middle of the house into the rear yard, parts of their yard that traditionally functioned as rear yard are now classified as side yard. As demonstrated in photos the patio now lies behind the attached garage and upper floor living areas and to the side of the family room. Unlike other houses in the area with more linear rear facades, this property faces the unusual situation of having areas designated as side yard that have historically functioned as rear yard.
3. The application of the exception aligns with the 6-foot maximum for backyards and does not compromise public safety. The top foot of the fence is lattice as shown in supplemental photos, this provides veiled screening and a compromise between a 4.5' and 6' privacy fence. The lawn area will be surrounded by 4' fencing where there is less privacy needed.

LANDSCAPE DEVELOPMENT FOR
THE STANEK RESIDENCE
2414 N. 88th Street, Wauwatosa, WI 53226



DATE: 2.26.24

DESIGNER: KMV

SCALE: 1/4" = 1'-0"

REVISIONS:

Date Printed: 6.26.24

Reproduction of these plans in whole or part or the reproduction of derivative works thereof without the express written permission of LandCrafters, Inc is strictly prohibited.

Use of these plans is limited to the construction of this project only. Use of these plans for any purpose other than use on this project is prohibited.

Express written consent is required for private use.

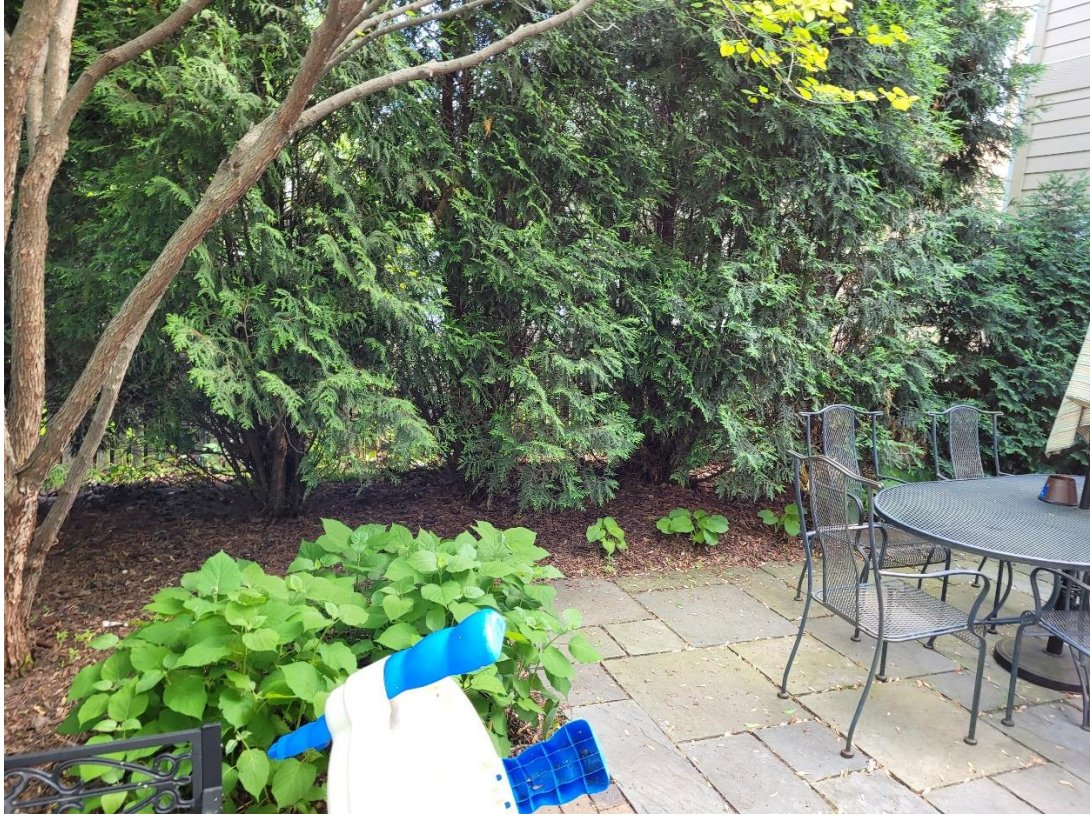
Client Name

Fence Style: Executive Fence



2021-Upright Arbs Block Access to Back Yard





Before (with uprooted trees)



After Tree Removal Exterior Views



Overall View



From Patio



Interior View



Gate to Project Area

City of Wauwatosa Development Department
7725 W. North Avenue
Wauwatosa, WI 53213

June 25, 2024

To Whom It May Concern,

We are neighbors directly to the south of Peter and Erin Stanek, at 2404 N. 88th St. We've lived here 17 years. We're writing to state our full support for the height of the fence that will be placed along the lot line. This past winter, we both lost very large arbor vitae and cedar trees which provided screening between our houses. With the trees removed, we both have a wide open view of each other's homes. Knowing that this is typical of Wauwatosa properties, our case is a bit different.

The previous homeowners of the Stanek's property added on a two-story addition, which changed the layout of the property and back yard, creating a courtyard between our properties. The previous arbor vitae and cedar trees provided screening but were not placed in a good spot—leaving about a 4-6 foot gap between our current fence and their patio which took away valuable backyard space.

In 2019, we remodeled our kitchen and now our kitchen table and window look to the north, directly facing the Stanek's home. It wasn't an issue with the tree screening. Now that the trees are gone, I'm sure they can see what we're having for dinner, and we can see what's going on in their living area. We both have pretty windows which should not be covered with window treatments.

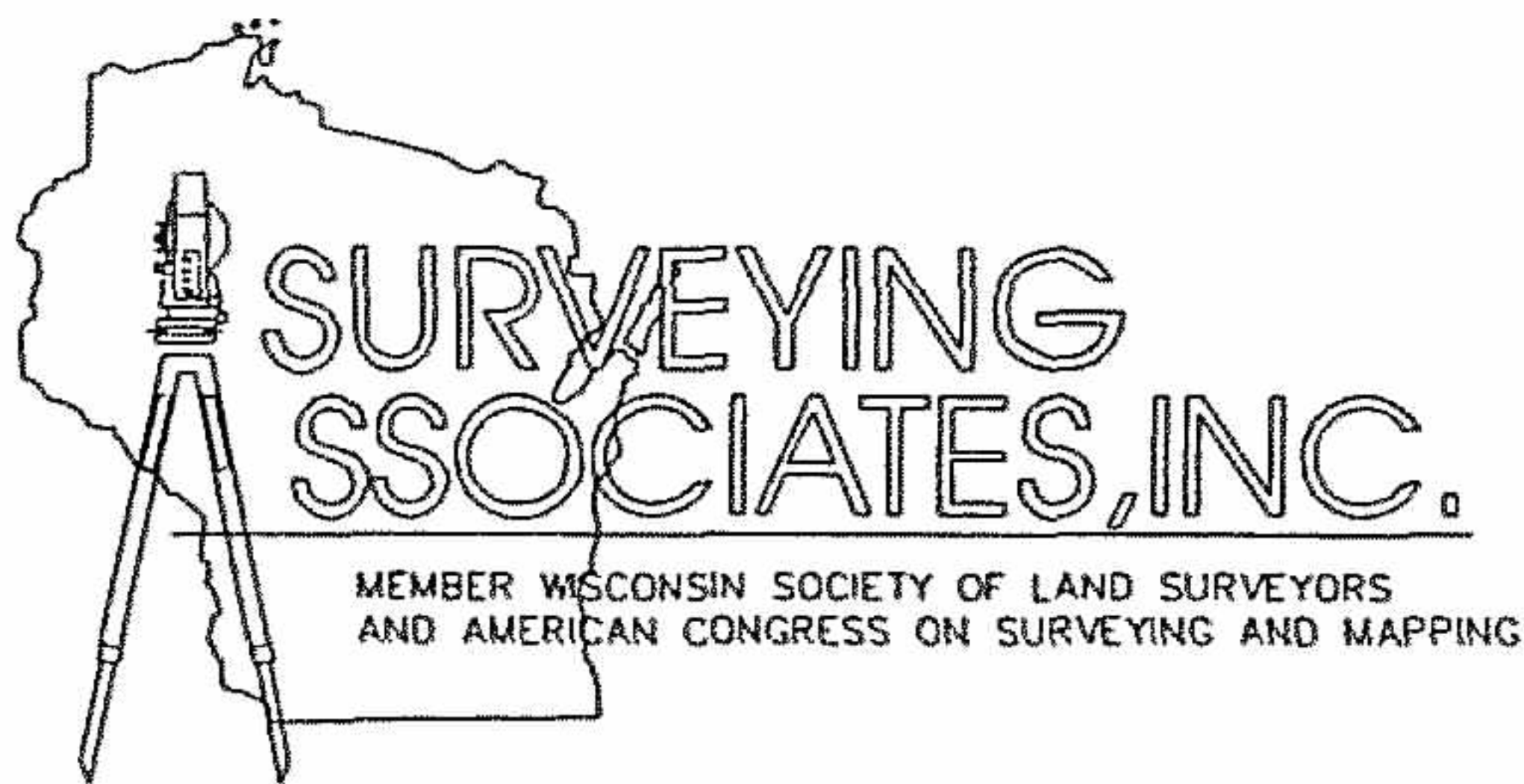
Peter, Erin and their family are great neighbors and have shared their backyard plans with us. We have no issue with the height of their proposed fence and would ask that you allow the exception. It will be appreciated by us and any future residents in either of our homes.



Here's a current view from our kitchen table looking directly into the Stanek's home.

Thanks for our consideration.

Greg & Margaret Fritsch
2404 N. 88th St.
Wauwatosa



2554 N. 100TH STREET
 P.O. BOX 26596
 WAUWATOSA, WISCONSIN 53226
 (414) 257-2212 FAX : (414) 257-2443

FREDERICK W. SHIBILSKI R L S

N. 88th ST.

(60' WIDE PUBLIC R.O.W.)

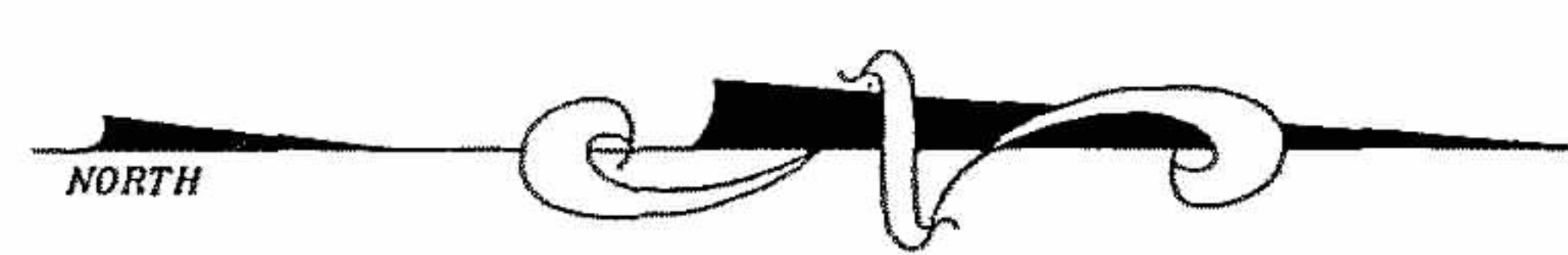
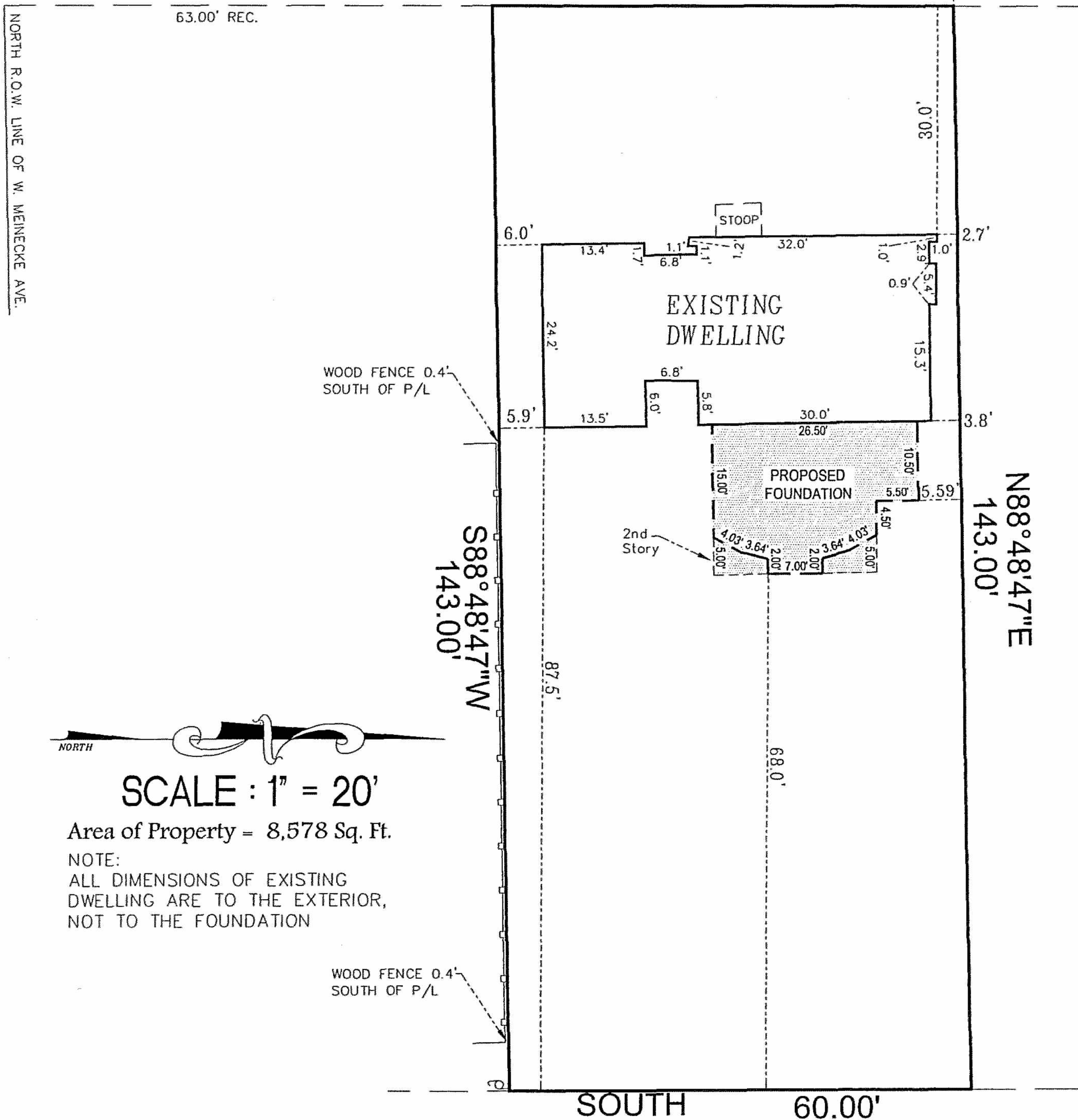
PLAT OF SURVEY

LOT 12, BLOCK 6, GLENSHIRE,
 being a subdivision of a part of the
 Southwest ¼ of Section 16, Town 7
 North, Range 21 East, in the City of
 Wauwatosa, Milwaukee County,
 Wisconsin.

Address: 2414 N. 88th Street

CONCRETE CURB

CONCRETE WALK NORTH 60.00'



SCALE : 1" = 20'

Area of Property = 8,578 Sq. Ft.

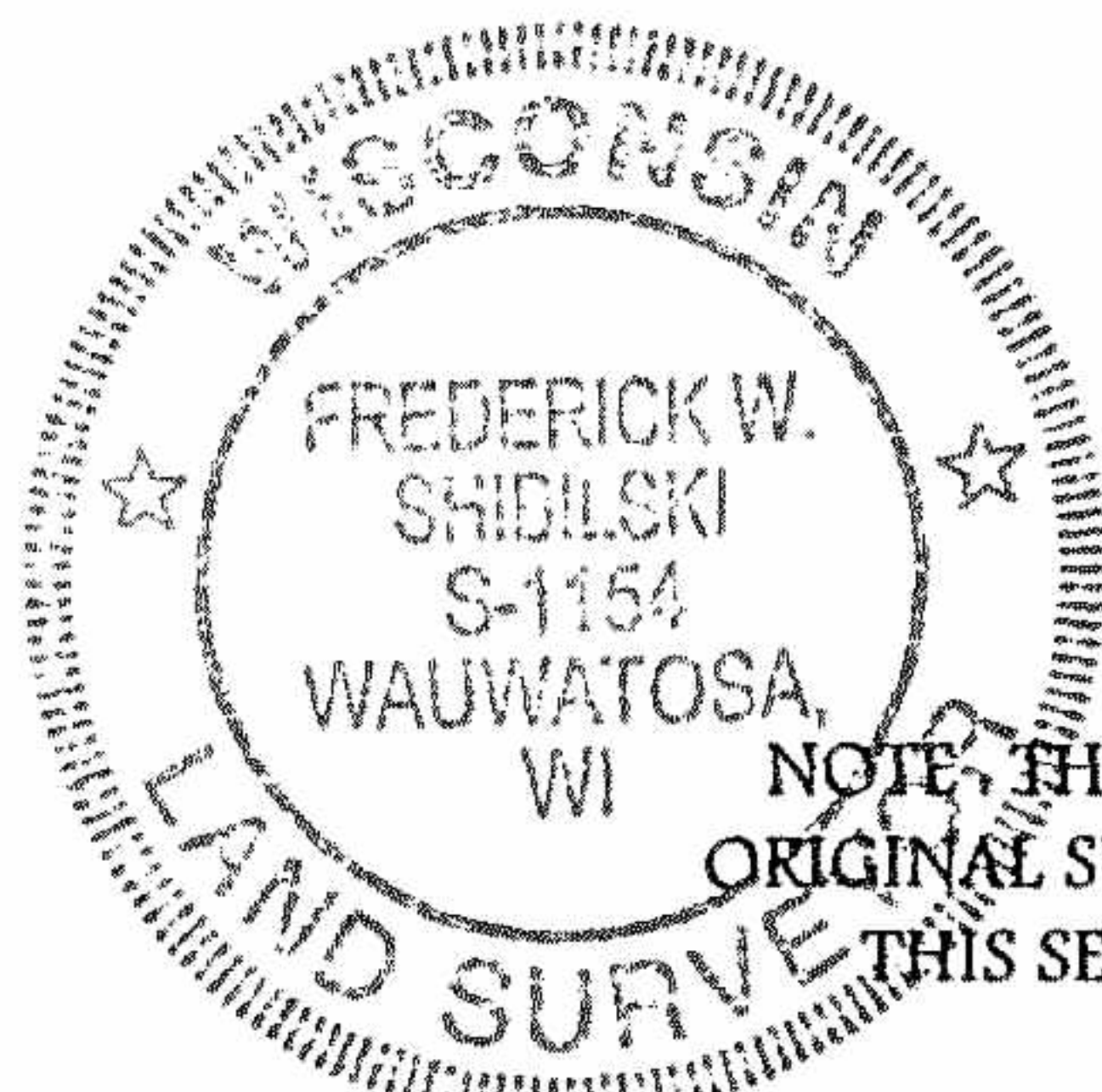
NOTE:
 ALL DIMENSIONS OF EXISTING
 DWELLING ARE TO THE EXTERIOR,
 NOT TO THE FOUNDATION

WOOD FENCE 0.4'
 SOUTH OF P/L

Surveyed for: CONTRACTOR: BADGER CARPENTRY
 OWNER: BRANDT

"I have surveyed the above described property from the legal description furnished by the client named on this survey."

"This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof."



NOTE: THIS IS NOT AN ORIGINAL SURVEY UNLESS THIS SEAL IS RED.

[Signature]
 WISCONSIN REGISTERED LAND SURVEYOR

SEPT. 9, 2010 DATE MCP/MTK FIELD WORK BY JTY DRAWN BY 33304 JOB NUMBER

7-21-16-3
 MCL1010_0530.PDF
 Sep 09, 2010 3:01pm - c:\Drawings\33304\dwg\33304.dwg