

City of Waukesha
Department of Community Development
BOARD OF ZONING APPEALS
201 Delafield Street, Waukesha, WI 53188



To the Board of Zoning Appeals: I hereby make an application for (choose one)

☒ A variance from section 22.53(2)(b) of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property located at the following address: 622 Beechwood Ave., Waukesha, WI 53186

(Address of property in question)

NOTICE: The Board meets on the first Monday of every month at 4:00 p.m. in the upper level hearing room (207) at Waukesha City Hall. **ATTENDANCE OF THE APPLICANT OR A REPRESENTATIVE IS REQUIRED.** Failure to appear could result in the application being acted on without the applicant's input, or it could result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Community Development-Planning Division at least 17 days before the Board's meeting and within 20 days of the Zoning Inspector's order or decision, accompanied by the filing fee of \$100.00.

ALL APPEALS FOR VARIANCES MUST INCLUDE PLANS SHOWING THE VARIANCES BEING REQUESTED.

Other types of applications may require different information, so the Community Development-Planning Division should be consulted before the application is submitted.

Applicant: (Person to receive notices)

Name: James Easter

Address: 622 Beechwood Ave

City & Zip: Waukesha 53186

Phone: (262) 227-6694

E-mail: James.E.Easter@gmail.com

Owner of property:

James & Morgan Easter

622 Beechwood Ave

Waukesha 53186

(262) 227-6694

James.E.Easter@gmail.com

Please describe present use of premises: House located on corner lot with no privacy in back yard and yard
Briefly describe below your proposal (attach other sheets as needed): sits on slight hill.

We are requesting a variance that would allow for a solid, 6 foot tall, residential fence in the street yard at 622 Beechwood Ave. Please see attached supporting documentation, site plan, and photos.

If this is an appeal from the decision of the zoning inspector, attach the following:

- 1) Copy of the decision or order rendered by the Zoning Inspector.
- 2) Statement of principal points on which appeal is based.

I hereby depose that the above statements and the statements contained in the papers submitted herewith are true and correct.

[Signature]
Applicant Signature

08/10/2017
Date

PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$100.00 FILING FEE

For Internal Use Only

Amount Paid: \$100-

Check # 133

Received by: ma

BOARD OF ZONING APPEALS
FINDINGS OF FACT

James and Morgan Easter

622 Beechwood Ave.

Waukesha, WI 53186

JamesEEaster@gmail.com

(262)227-6694

Before a variance can be granted, the Board of Zoning Appeals must find that all of the following facts apply:

- 1. That there are exceptional extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of use in the same district.**

There are quite a few exceptional extraordinary circumstances that apply to our property which make this variance necessary. Our property is located on the corner of Beechwood Avenue and Woodward Street which means more regulations apply to our lot than others in our area due to it being on the corner. Our house also sits on a non-conforming lot as our lot size is around 7500 square feet and the average for our area is 8000 square feet so we have less of a lot than other properties in our area. Due to this, we would like to put a 6-foot solid, privacy fence in the street yard as opposed to the rear yard as we would lose up to 10 more feet of our smaller lot to the other side of the fence if we were to put it in the rear yard; directly straight back from the end of the house. A 4-foot fence would not provide us with the privacy necessary to enjoy our property for a few reasons. We have a pseudo institutional property directly across the street from us in Grace Evangelical Lutheran Church. Due to this, there is heavier traffic, both foot and automobile, on Saturday nights and Sunday mornings along with other holy days and when other events are happening at the church. Our rear yard also sits on a slight hill so if we were to put up a 4-foot ornamental fence, individuals walking by are able to look directly at us while we are enjoying our yard. We would like the privacy for us to be able to enjoy our yard with our dog (English Bulldog named LeeRoy) and future children we hope to have in the next 2 years. Our lot is also currently surrounded by various types of bushes that are overgrown and extend over the sidewalk of the street yard. These bushes range in height from 7.5 to 9 feet tall and are another 1 -2 feet off the ground since they are on the slight hill mentioned earlier. These have become difficult to maintain and we are not able to eliminate the overhang onto the sidewalk without removing them. They also provide no privacy during the winter months as the leaves fall leaving only the branches remaining. Due to this, we have chosen to remove them so others can enjoy the sidewalk without having to walk around them and remove the constant maintenance. Now that they are removed, our rear yard is completely exposed with no privacy which is another reason why we are asking for the 6-foot fence in the street yard. This fence will also be shorter than the bushes that were there so they won't be as obtrusive for our neighbors and will

be much nicer to look at. Also, the stop sign at the end of Woodward Street will now be completely visible with the fence setback from where the bushes used to be as the bushes impeded on visibility of the stop for cars traveling south from Arcadian Ave to Beechwood Ave on Woodward Street. Beechwood Avenue is also a busier street for both foot traffic and car traffic as there is a temporary city bus route on our road until the construction on Arcadian Avenue is completed. There is also a stop sign on the corner of Woodward Street as cars either cross or turn onto Beechwood Ave so we constantly have vehicles stopping in front of our house. Due to this stop sign, the fence will also not impede traffic visibility as all cars must obey the traffic sign and stop at the corner by our house. Lastly, there are also a couple of other houses on corner lots in our neighborhood with 6-foot privacy fences along with neighbors on or block, not on corner lots, so our fence would fit in with those others in the neighborhood as well. We have included pictures of those other fences below.

2. That a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district in the same vicinity.

This variance is necessary because of our non-conforming lot (smaller than the average lot size in our area). Due to this, having a 6-foot fence outside of the written parameters (requesting to put fence in the street yard) would allow us to still be able to utilize a substantial space of our yard for our dog and future children. If we were to put the fence in our rear yard, we would lose up to 10 feet of lot from the outside of the fence to the sidewalk. A 4-foot fence would also not allow us the privacy and flexibility for our dog and future children to be able to be in the backyard unsupervised and free to play as they please.

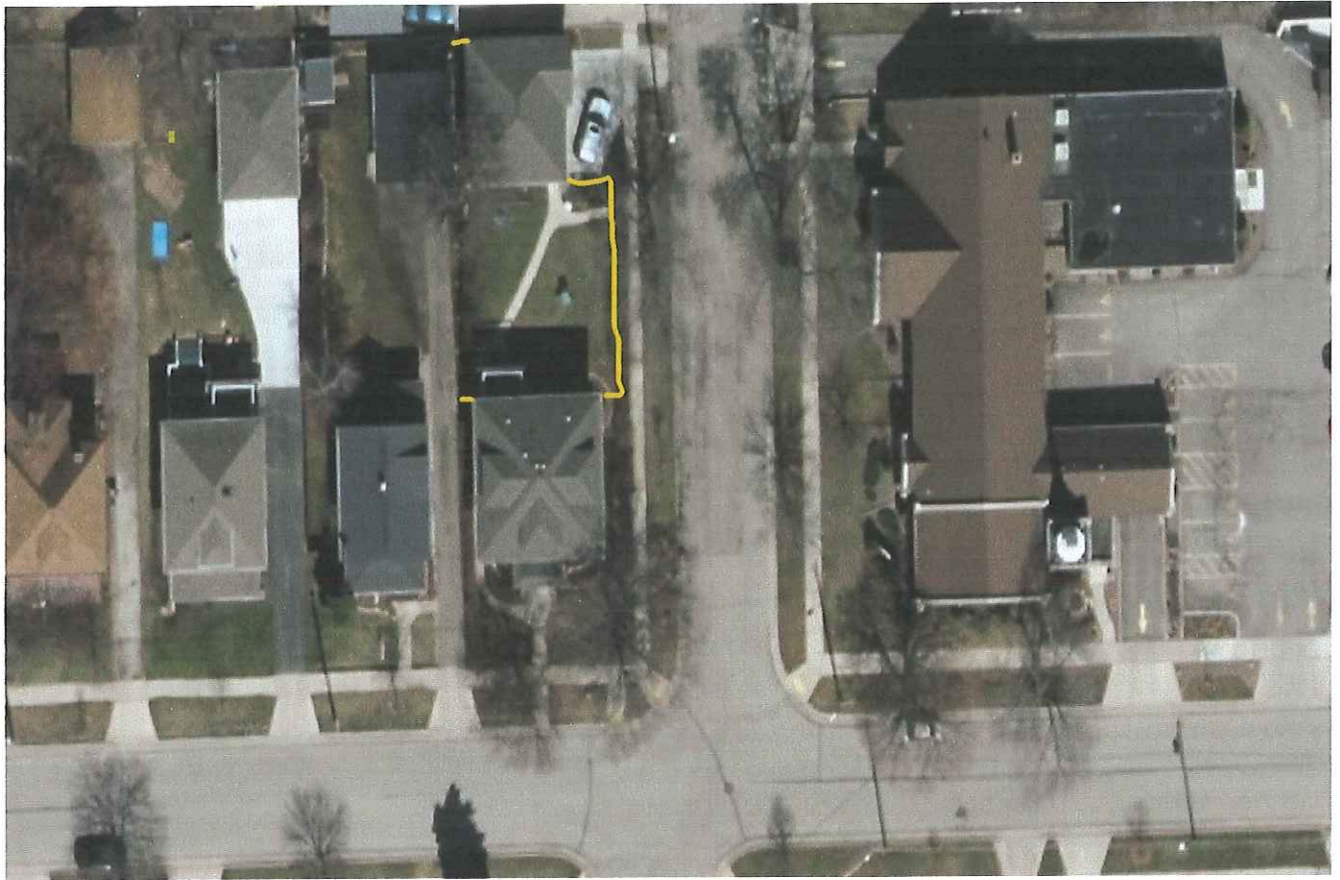
3. That a variance is not being requested solely on the basis of economic gain or loss, and the self-imposed hardships are not being considered as grounds for the granting of a variance.

This variance is not being requested based on economic gain or loss or self-imposed hardships.

4. That the authorizing of a variance shall not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.

This variance will not be of substantial detriment to adjacent properties. We are on a corner lot and the fence will not impede any adjacent property lot lines or yards.

Proposed Fence Map



- Fence will extend 9 to 10 feet from edge of the back of the house towards sidewalk and will run for about 50 to 55 feet on east side (right above) of house (street yard).
- There will be a gap of 3 to 4 feet between fence and sidewalk.
 - o We will be landscaping and/or maintaining this area of grass.
- In total, fence will be setback 17 to 18 feet from the road.
- Fence will also run about 18 feet in rear yard from street yard to garage.
- There will be 2 gates, one between the 2 stone columns near the rear of the yard (see pictures below) and the other on the west side (left above) of the house connected to the back of the house.
- There will also be a 3-foot section of fence near the back of the west side of the yard connecting from our garage to the neighboring fence.

PLEASE SEE ATTACHED PICTURES AND GIS MAPS FOR CLARITY



Our Property – 622 Beechwood Ave



Old Bushes



Bushes Removed



Church Across the Street



Neighboring Corner Lot Properties with 6 foot, Solid Fences in Street Yards

721Oakland Ave.



1125 Anoka Ave.



1100 Anoka Ave.



1212 Beechwood Ave.



1119 Beechwood Ave.



1003 Beechwood Ave.



831 Perkins Ave.



PLEASE SEE ATTACHED GIS MAP FOR REFERENCE

Corner Lot Houses with 6 foot Solid Fences
in our Neighborhood

LAND INFORMATION SYSTEMS DIVISION



Waukesha County GIS Map



Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

0 258.65 Feet