

Mark Hart
301 Hillview Circle

**Request for variance from section
22.58(2)(j)(2) of the zoning code
regarding fence setback requirements
for street yards.**

Proposal

- To install a six foot privacy fence in my backyard.
- The variance is requested to extend the fence 13 ½ feet into the street yard along Michigan Avenue on south side of lot.
- To give extra room for pedestrians the fence will be 2 feet from the sidewalk.
- The waiver is needed to increase usable space within the fenced in area due to exceptional, extraordinary topography conditions, and to allow for best placement of the gate.

Fence Information and Graphics

- Fence will be a durable, maintenance free, high-quality polyvinyl solid privacy fence manufactured by Country Estate Vinyl Products (www.countryestate.com).
- Fence, and landscaping, design and installation will be performed by Central Services Co, Inc. of Waukesha.
- To increase aesthetics:
 1. Fence will be upgraded from standard white to clay, with embossed wood grain, to match the color of the home's soffits, fascia, window trim, gutters and downspouts, and the wood grain look of the recently installed vinyl siding.
 2. The space between the fence and the sidewalk will be mulched and landscaped with perennials, shrubs and decorative grasses. The sod between the fence and sidewalk will be removed before mulching in order to prevent mulch from spilling onto the sidewalk.

Artist's Rendering of Proposed Fence

(color not accurate)

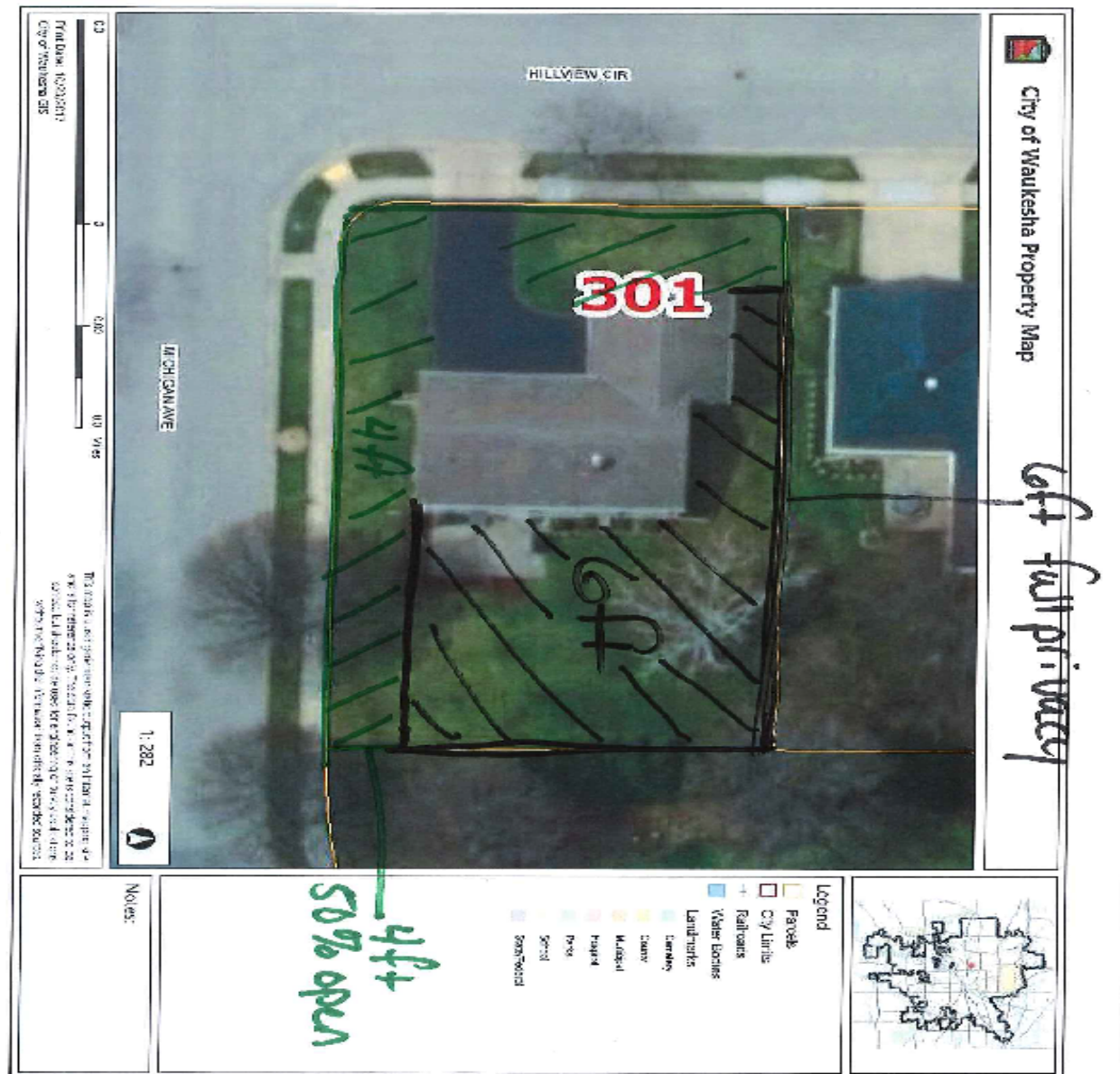


Photograph of Proposed Fence

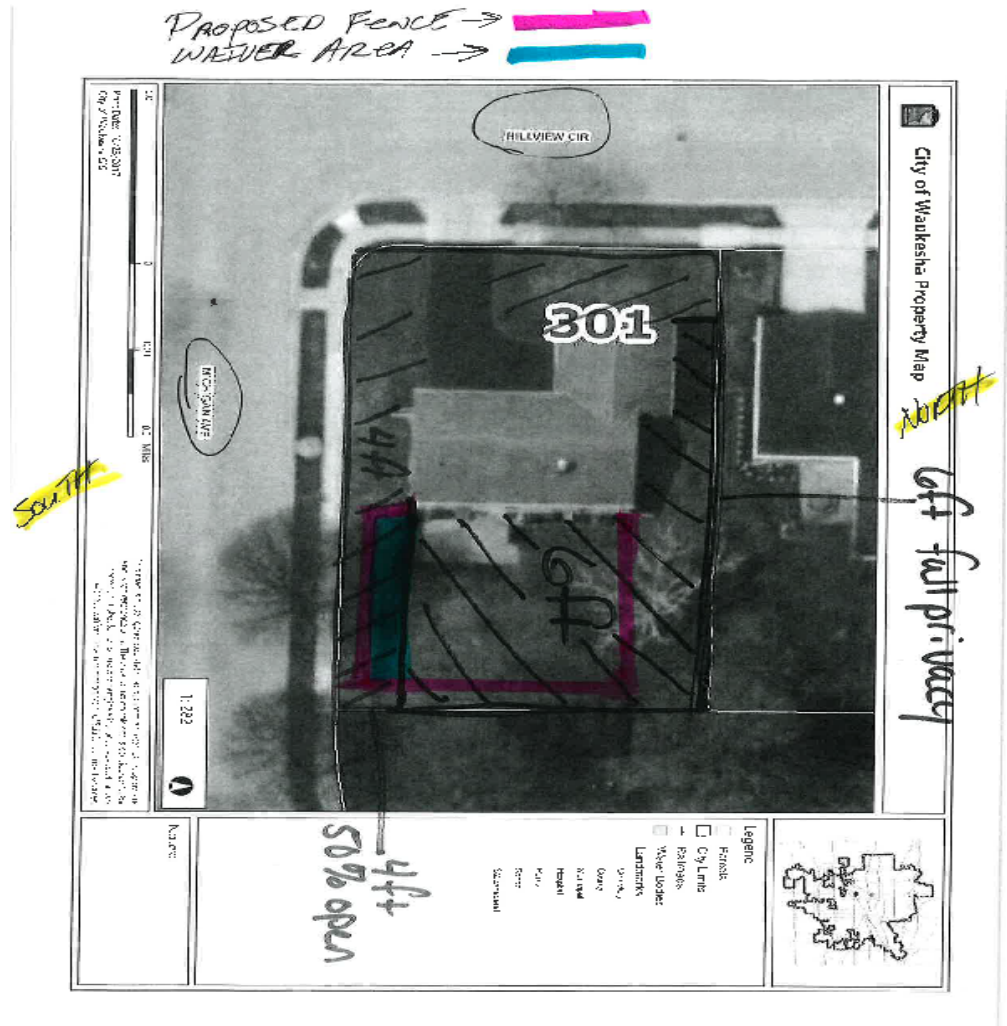
(color and style accurate)



Satellite View of Zoning Restrictions (provided by Community Development Office)

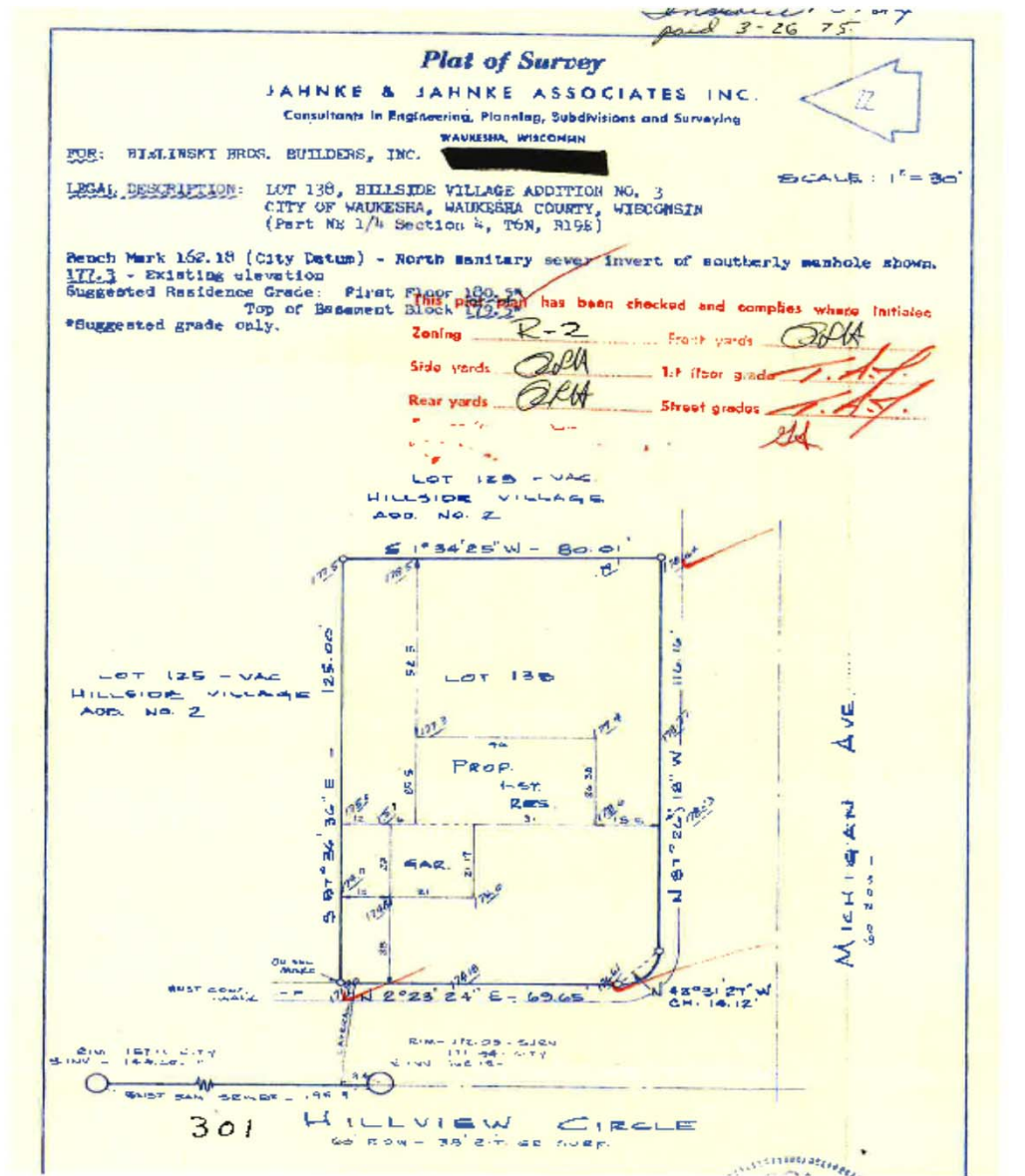


View of Proposed Fence and Area Requesting Waiver

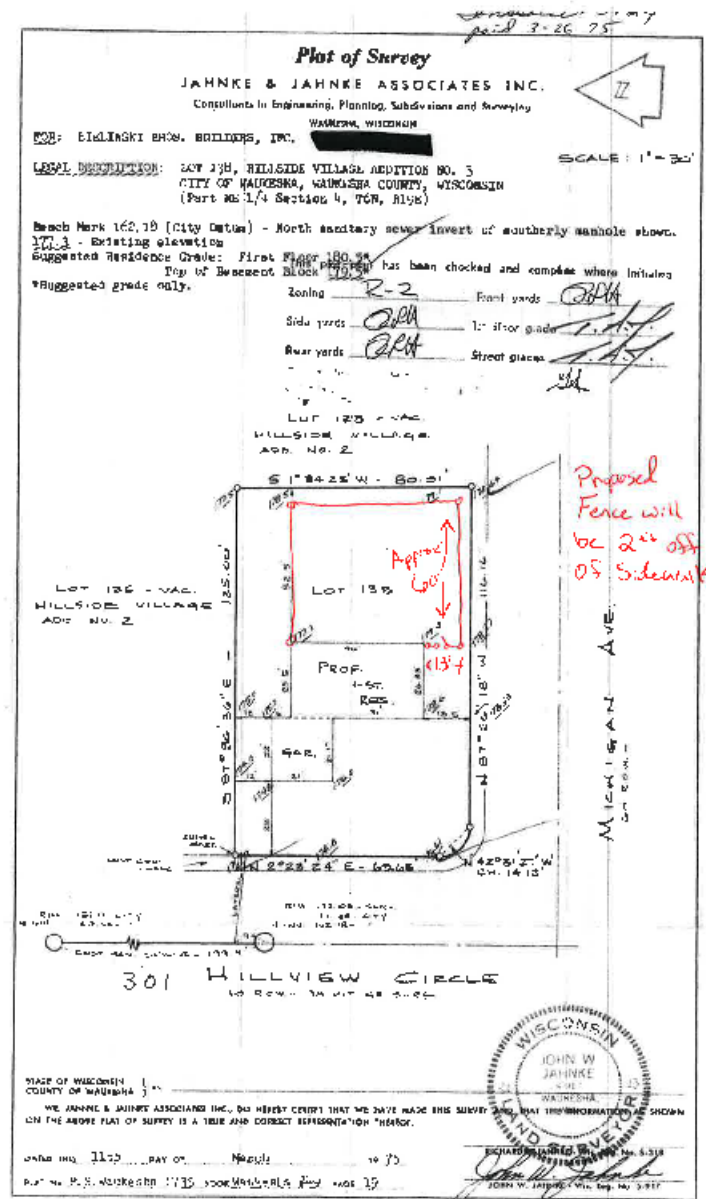


The proposed fence shown in **red** and area requiring a waiver in **blue**.

Plat of Survey with Dimensions of Lot



Approximate layout of fence per Central Services shown in red below



Findings of Fact - Section One

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

Topography

- As shown below, the slope on the north side of the lot results in the loss of approximately 15 feet of usable space, I would like to gain back the use of space on the south side of the lot which is flat.
- Per the city planner, waivers are more easily approved for “narrow” lots defined as no more than 75 feet in width. Though my lot is 80 feet wide, given the unusable slope on the north side of the lot, the effective width of the lot is only 65 feet which would qualify as a narrow lot.



North lot line – view from front of house



North lot line – view from back lot line

Gate Placement

Without a waiver, the fence would extend straight back from the rear corner of the house leaving no suitable location for the gate for the following reasons:

1. The patio would only be two feet from the fence, which would eliminate the ability to put furniture, a grill, etc. on that end of the patio. The patio is only 20' x 14' and I would like to be able to use all of that space.
2. In 2016, the patio had to be replaced as it was sloping towards the house which created moisture issues in the basement. At that time, a swale was created just beyond the patio by Central Services to resolve storm water runoff issues. The landscapers strongly advise against putting a gate over the swale.
3. I would not want to put the gate further down the back of the lot for ease of access reasons:
 - There is a tree on the city-owned strip between the sidewalk and curb, and shrubbery on my property going all the way to the back of the lot inset a few feet from the sidewalk. Both the tree and shrubbery would make it difficult for commercial machinery, such as a bobcat or commercial lawnmower, to gain access to the backyard when needed.
 - Typically a gate is located in a convenient spot for the homeowner to access from their backdoor. I would not want to place the gate more than halfway down my backyard for this reason.

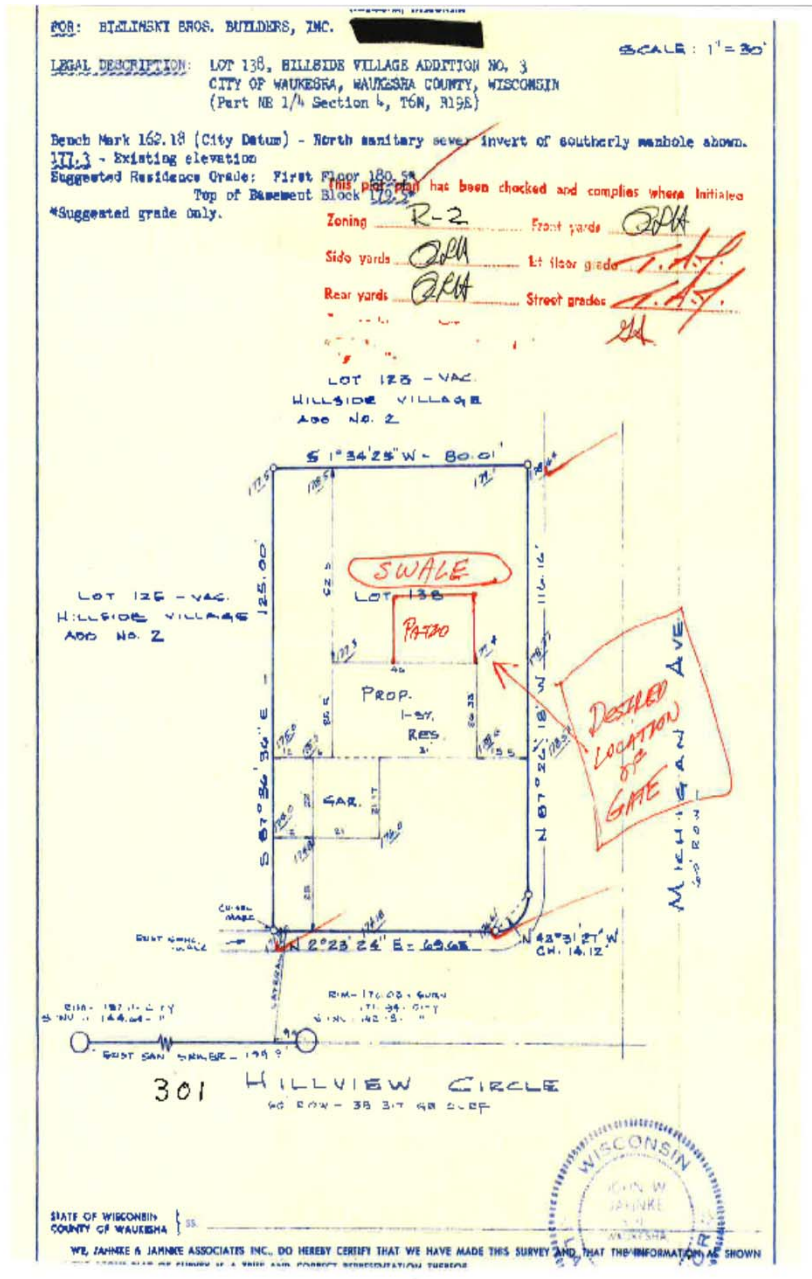
Artist Rendering of Proposed Gate Location



Photo of Swale for Storm Water Drainage



Diagram of swale for storm water drainage



Findings of Fact - Section Two

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.

Reasons for Privacy Fence

- I would like to install a privacy fence to enjoy the same level of privacy as several other homes in my zoning district and vicinity with fences into their street yard, due to the proximity of my backyard and patio to a busy street.
- The following pages will list the reasons for the need for a privacy fence, followed by photographs of other homes in the immediate area with fences that extend into their street yards.

Reason for Privacy Fence - #1

There is a significant pedestrian and automobile traffic along my backyard on Michigan Avenue, in part because there are three schools nearby, as well as because Michigan Avenue connects Grandview Avenue and Moreland Boulevard.

As shown below, Butler Middle School is two blocks due east, Lowell Elementary is two blocks due west, and North High School is two blocks further west of Lowell.



Reasons for Privacy Fence - #2

Michigan Avenue is on the city of Waukesha bus route #7 and 31 buses pass by my backyard daily.



Reasons for Privacy Fence - #3

Homes directly across Michigan Avenue are facing my backyard which reduces privacy.



Reasons for Privacy Fence - #4

Michigan Avenue curves around the back of my home, so westbound automobiles and pedestrians can see directly into the back of my home.



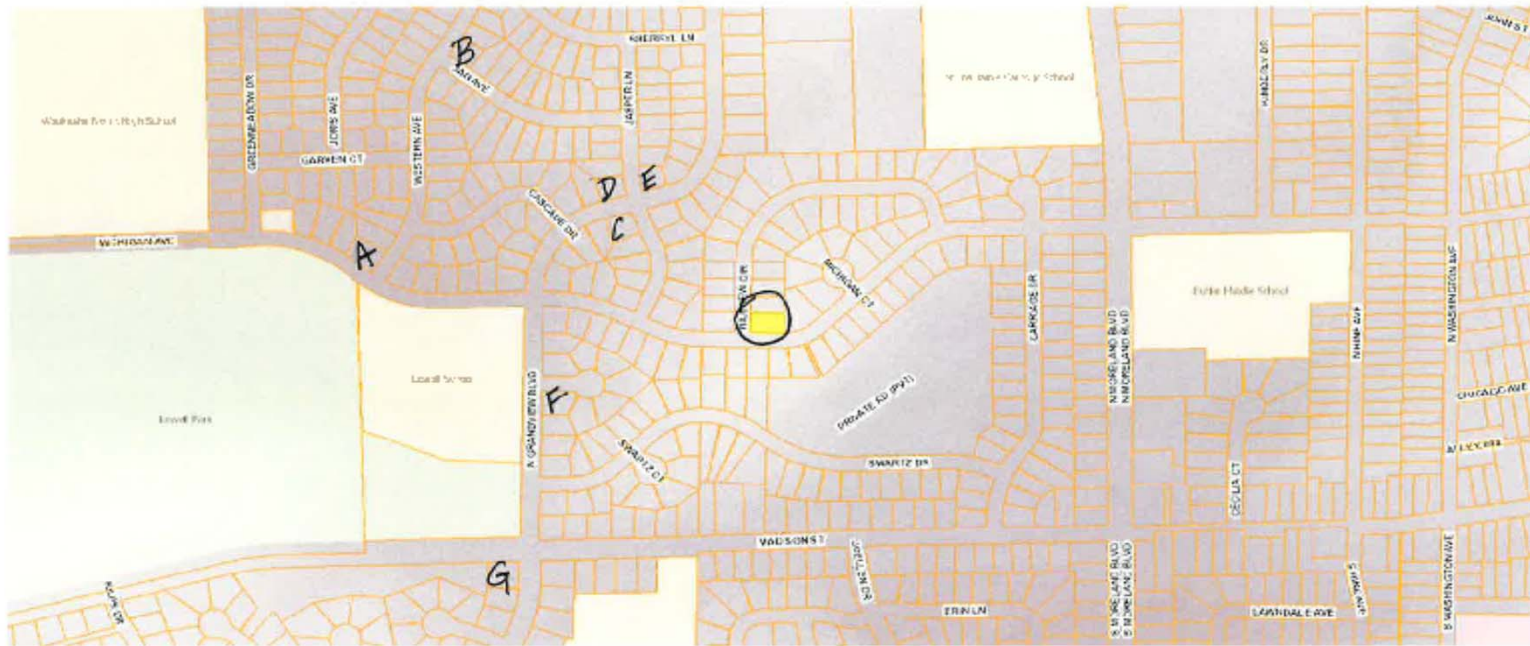
Reasons for Privacy Fence - #5

The home was built in 1975 with a setback on the street side of only 15.5 feet. Current zoning regulations require a 25 foot setback. This short setback combined with the patio situated only two feet from the edge of the house put me very close to the street. In addition to being a privacy issue, the proximity to the street is a safety concern for grandchildren and pets.



Map and Photos of homes within walking distance of my home with fences into street yard.

Letters A through G above coincide with the photos on the following pages.



A – 200 Western Avenue



B – 1980 Jan Avenue



C – 226 Jasper Lane



D – 230 Jasper Lane



E – 231 Jasper Lane



F – 1945 Pilgrim Court



G – 102 South Grandview Boulevard



Findings of Fact – Section Three

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.

There would be no economic gain or loss associated with installing a fence on my property.

Findings of Fact – Section Four

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.

- The following pages show photographs of my home in relationship to surrounding homes.
- Moving the fence 13.5 feet beyond what is permitted under current zoning regulations would not create a detriment or impairment to adjacent properties.
- As mentioned previously, the outside of the fence will be landscaped with perennial flowers, grasses and shrubs to break up the appearance of the fence.

Homes across Michigan would have the same view of the fence regardless of where it is located.



The neighbor adjacent to my rear lot line has trees which would break up his view of my fence. His home is situated quite a distance from mine as can be seen in the photo. This neighbor already has a fence on his property that he estimates is about six inches inside his lot line, abutting my back lot line. I have agreed to give up some usable space at the back of my lot by placing my fence approximately two feet from his fence, to leave access space between the two fences.



As can be seen below, the home north of my property is at a lower elevation. This neighbor also has a fence on her lot line. My fence will be about 18 feet away from her lot line.



Thank you for your consideration, please feel free to call me at (262)894-5647 if you have any questions.

If you have questions regarding the fence and/or installation feel free to contact Scott Pyzik of Central Services.

If you have questions regarding landscaping, or the storm water runoff swale, feel free to contact Sarah Mack of Central Services.

Both can be reached at (262)548-0005.