

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

RECEIVED

JUL 25 2018

CITY PLAN COMMISSION
Stamp Date Received

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

☒ A variance from section 22.58(2)j.3 of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property located at the following address: 233 Greenfield Ct, 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: Jeff Oldenborg

Address: 233 Greenfield Ct.

City & Zip: Waukesha WI 53186

Phone: (262) 366-8069

E-mail: Jeffnmary@hotmail.com

Owner of property:

Jeffrey and Mary Oldenborg

Please describe present use of premises: Single Family Residence
Briefly describe below your proposal (attach other sheets as needed):

Our land is on a hill that follows up to the side walk on Newhall St. When we purchased the property, trees were there so that afforded us some privacy from the people and cars on Newhall St and the sidewalk looking down at us from the top of the hill. The Electric Co and/or the Telephone Co. hired a company to come and cut many of those trees down because they were in the lines. Since then we can hear vehicles more and any privacy we had is gone. We have a unique situation because of where our property is located. We needed to build a higher fence so that we can enjoy our back yard without the people walking by looking down at us.
Thank you for your time.

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.

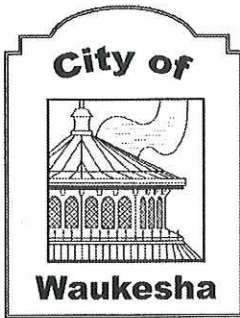

Applicant Signature

7/23/18
Date

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

For Internal Use Only

Amount Paid: _____	Check # _____	Received by: _____
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COMMUNITY DEVELOPMENT

201 DELAFIELD STREET
WAUKESHA, WISCONSIN 53188-3633
TELEPHONE 262/524-3750 FAX 262/524-3751

Jennifer Andrews, Director

JAndrews@waukesha-wi.gov

July 05, 2018

JEFFREY J & MARY E OLDENBORG
233 GREENFIELD CT
WAUKESHA, WI 53186

Re: 233 GREENFIELD CT - Case #CE18-00260

Dear JEFFREY J & MARY E OLDENBORG:

This office has received a complaint regarding the condition of your above stated property. During a recent inspection, the following violations were found:

22.58(2)j.3. FENCES, 6 FT, NO
STR YD:

Solid Fences are permitted in residential zoning districts, subject to the following rules: They shall not exceed a height of 6 feet; they are permitted in side and rear yards; and they are not permitted in street yards, except that they may extend on or parallel to the lot line into the street yard, no farther than the line of the adjacent property's street yard.

A 6 ft high wooden fence has been recently installed along the rear lot line of this property. Because this is a double frontage lot, the rear yard is a street yard and therefore not permitted to have solid fences. Therefore, you are in violation of the above code and hereby ordered to remove the fence or replace the fence with an ornamental fence, no higher than 4 ft, and at least 50% open, within 20 days from the date of this notice.

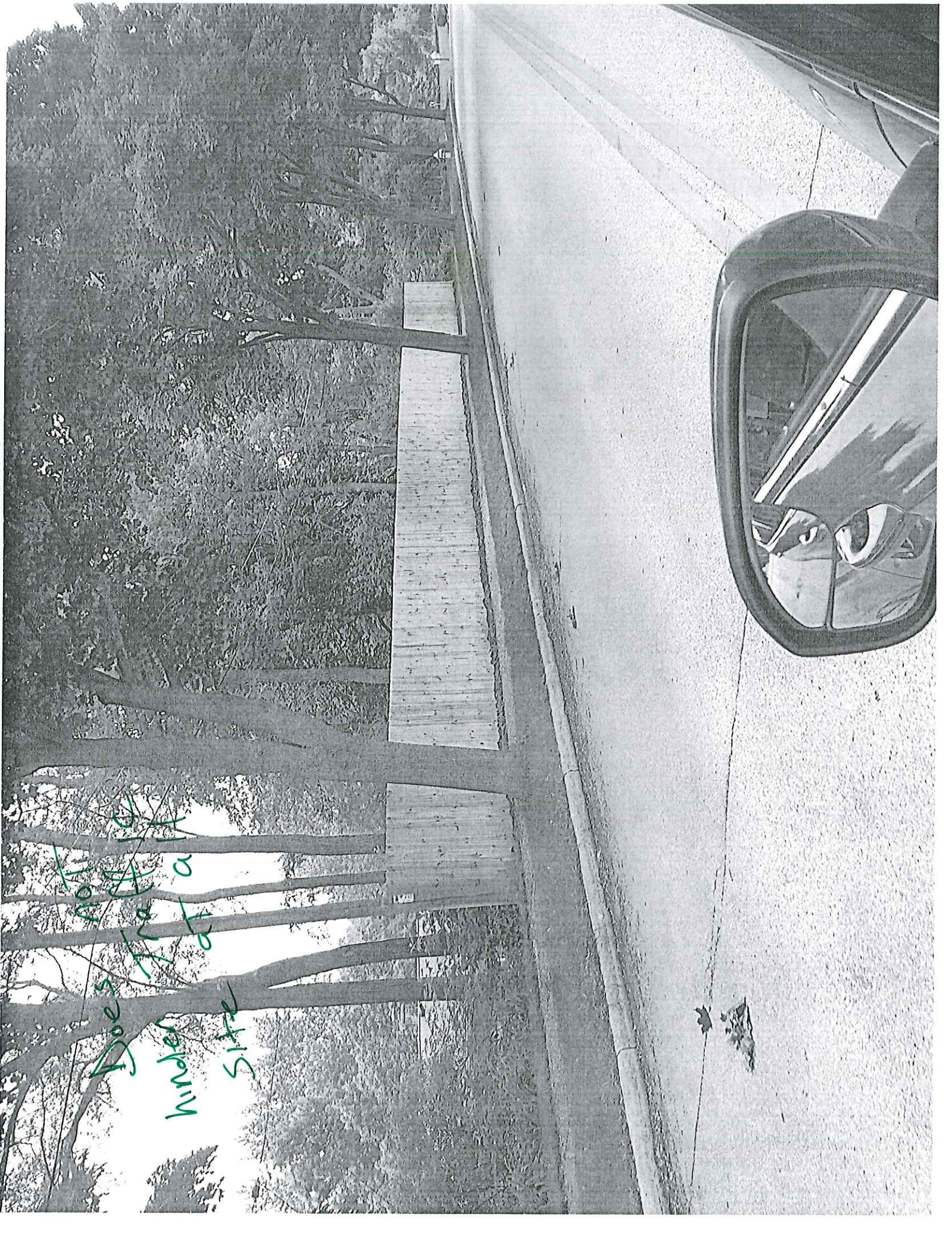
An inspector shall return to your property after the deadline given in these Orders to determine whether the property has been returned to compliance with the Code. If the inspector determines the Code violation has not been corrected, a \$75 fee shall be charged against the property for the first re-inspection, \$150 shall be charged for the second and any subsequent re-inspections. Any such fees shall be charged against the real estate upon which the re-inspections were made, shall be a lien on the real estate, and shall be assessed and collected as a special charge. Additional enforcement action may also be taken such as issuing citations or filing a law suit.

If you have any questions, please contact this office.

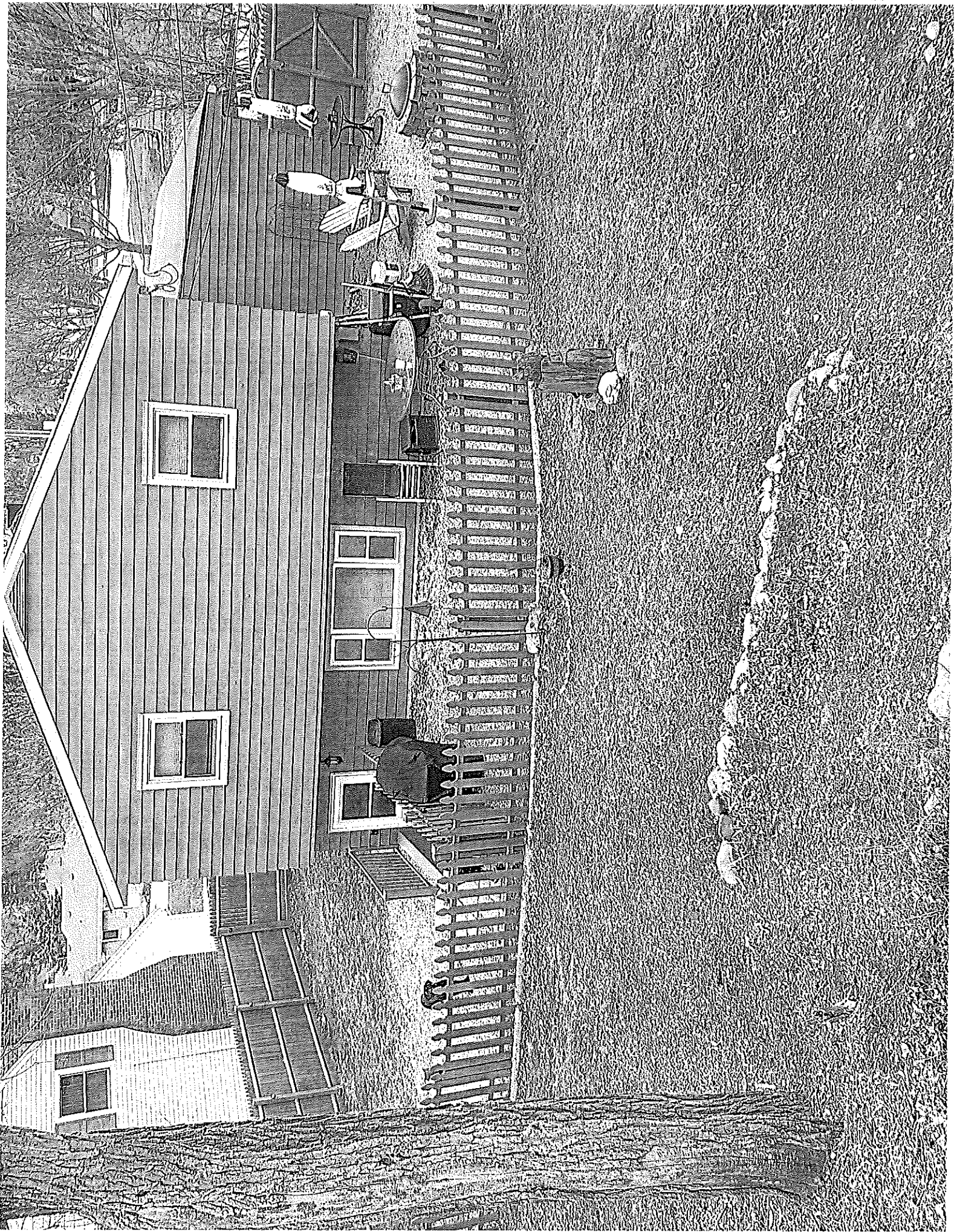
Sincerely,

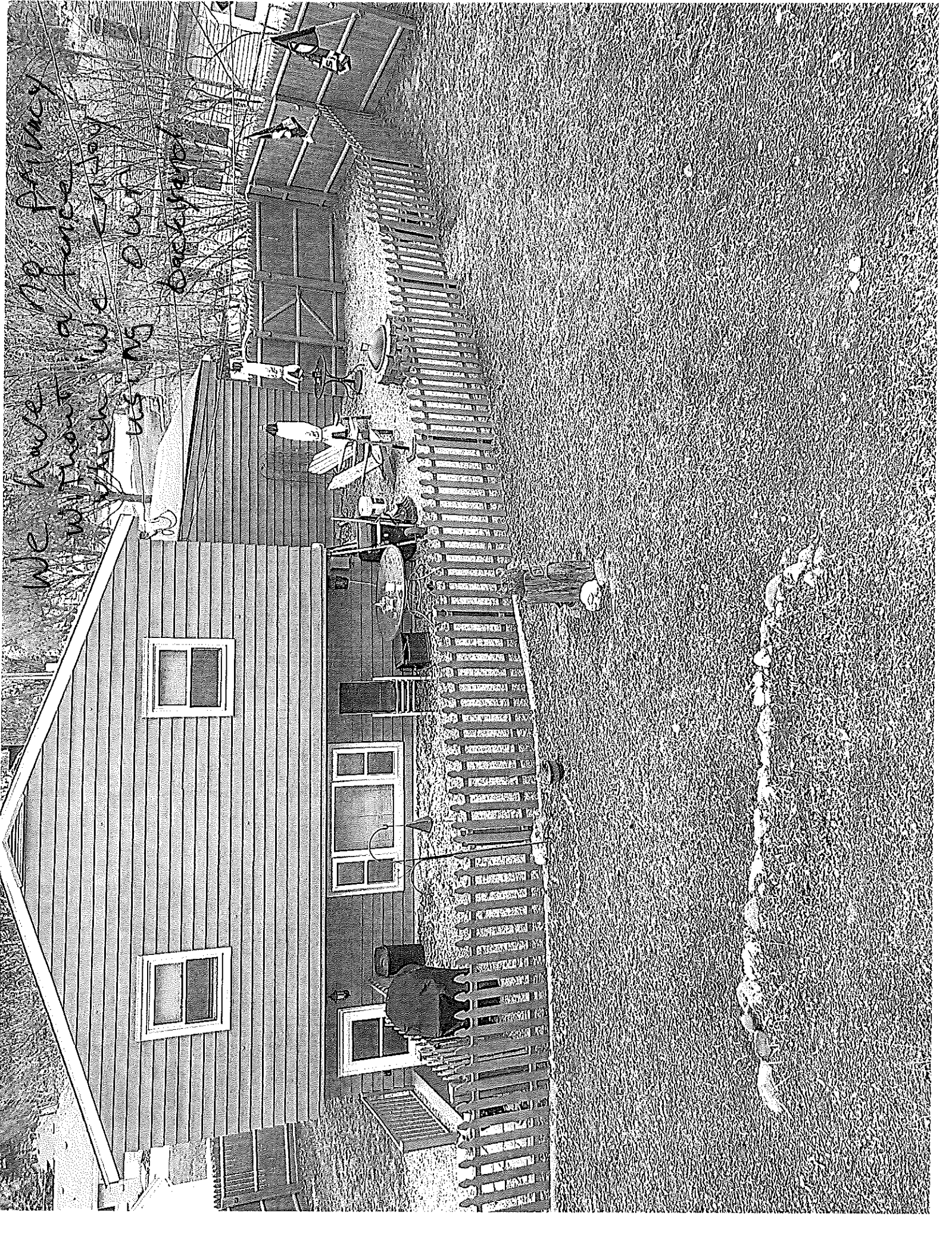

Scott Lau



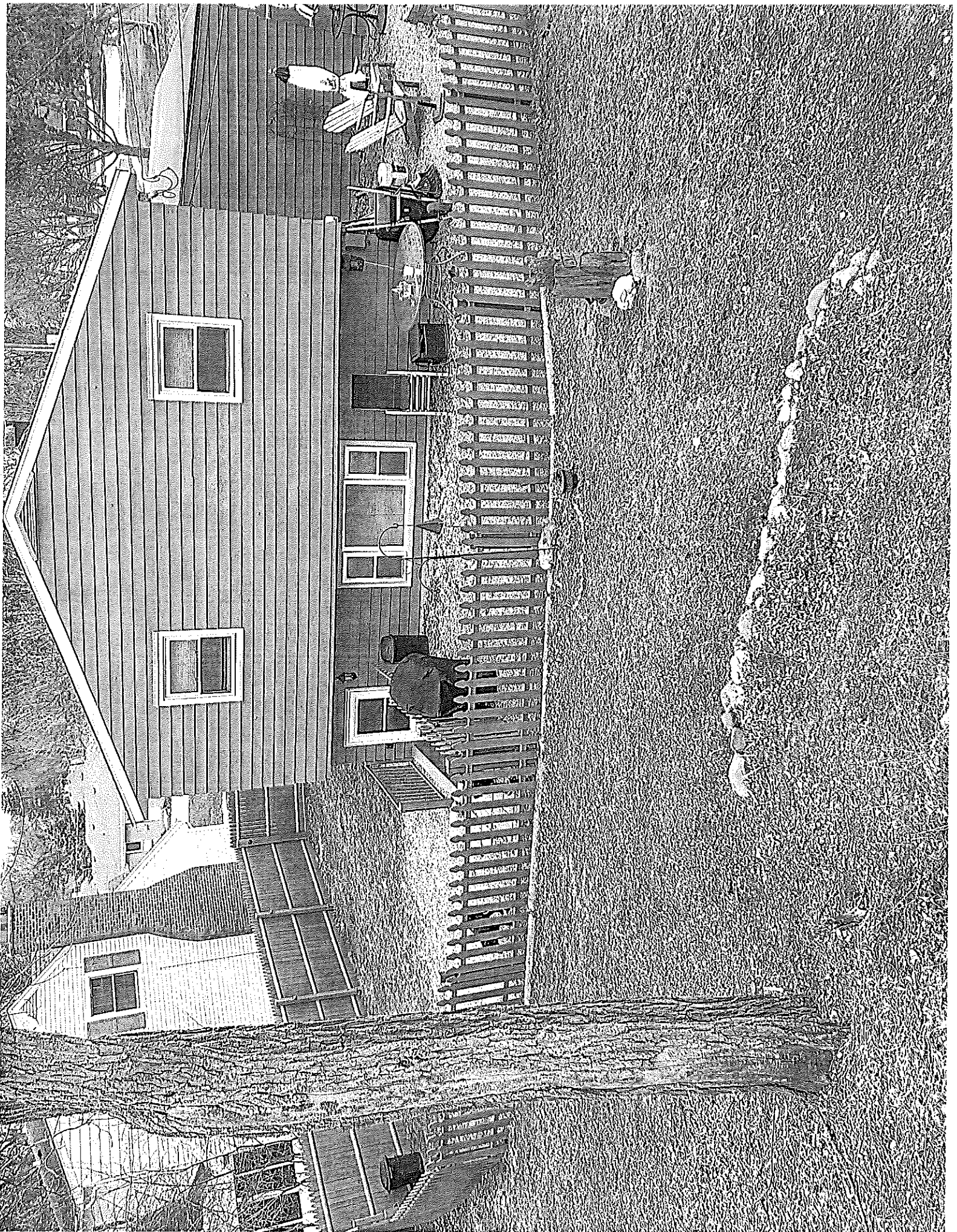


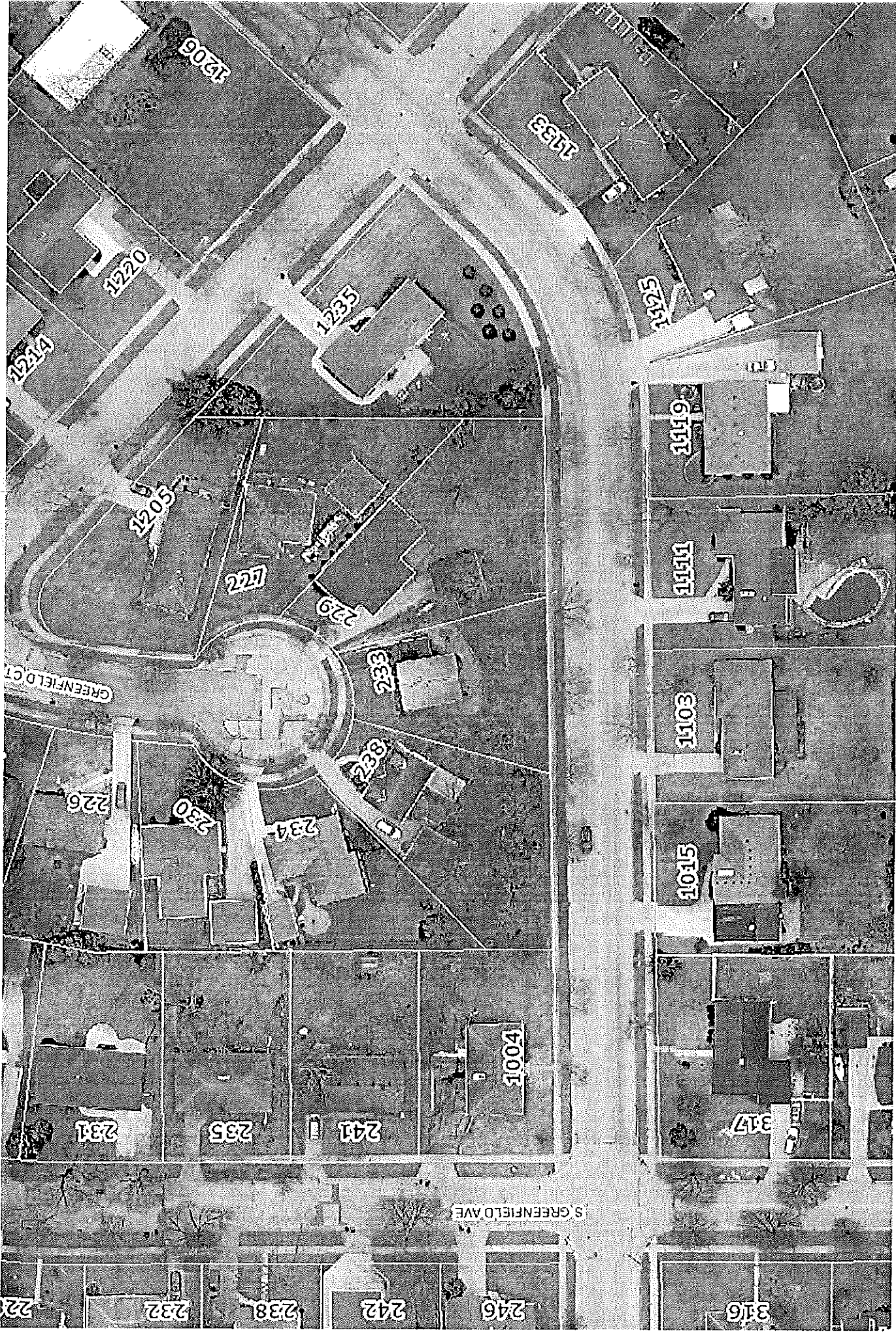
Does traffic
under at a
site





We have no privacy
without a fence
which we can't
use our own
backyard





when we looking at website
we thought we would be fine

AT&T Wi-Fi

1:27 PM



waukesha-wi.gov



AN EQUAL OPPORTUNITY /
AFFIRMATIVE ACTION EMPLOYER

Regulations For Fences

CITY OF
WAUKESHA

201 Delafield Street, Suite 200
Waukesha, WI 53188-3690
Phone: 262-524-3330
Fax: 262-524-3751
Website: www.ci.waukesha.wi.us



Tel: 262-
524-3530

CITY OF WAUKESHA

Regulations for Fences

In the Zoning Code for the City of Waukesha, FENCES
are defined as follows: (SECTION 22.05)

Fence, Open

A structure of rails, planks, stakes, strong wire, or similar
material erected as an enclosure, barrier, or boundary.

Open fences are those
with more than 50% of
their surface area open
for free passage of light
and air. Examples of
such fences include but
are not limited to:
barbed wire, chain link,
picket, and rail fences.

Fence, Ornamental

An open fence other than
a chain link or barbed
wire fence intended to
decorate, accent, or frame a feature of the landscape.
Ornamental fences are often used to identify a lot corner
or lot line, or frame a driveway, walkway, or planting
bed. Ornamental fences are often of the rail, or wrought
iron, type.



Fence, Security

A fence intended to guard property against unau-
thorized entry, and to protect stored goods and
products from theft and other unauthorized han-
dling. Security fences usually exceed six feet in

height, are often made of
wrought iron or woven wire, and
may incorporate additional secu-
rity features such as barbed wire.

Fence, Solid

A structure of rails, planks, stakes,
strong wire, or similar material
erected as an enclosure, barrier,
or boundary. Solid fences are
those with 50% or less of their
surface area open for free pas-
sage of light and air and de-
signed to conceal from view the
activities conducted behind them. Examples of
such fences include but are not limited to stock-
ade, board-on-board, board and batten, board
masonry, lattice-work, and chain link with screen-
ing inserts.

Requirements For Fences

Fences are a permitted acces-
sory use in any district
(permits are not required)
and must comply with the
following requirements
(SECTION 22.58(j)):

Barbed wire fences and electric fences
are prohibited except in the T-1 Tempo-
rary District. T-1 fences are permitted up
to the lot line and shall not exceed four (4)
feet in height in the street yard or six (6)
feet in height in the side yard or rear yard.
All fences erected in a street yard of the T-1
district shall be open fences as defined in
section 22.05.

Residential fences are permitted up to the
lot line in the side and rear yards of resi-
dential districts, but shall not exceed a
height of six (6) feet, and shall not extend
into the street yard. Residential fences
may be solid fences as defined in section
22.05. Residential fences shall be con-
structed in such a manner that the finished
side shall face the neighboring property.
Fence posts shall be on the side of the
fence facing away from the neighboring
property. (See Illustration No.4)

Ornamental fences, as defined in section
22.05, are permitted in the street yard in
any district, but shall not be erected in a
street right-of-way and shall not exceed a
height of four (4) feet. Ornamental fences
on corner lots must not obstruct or interfere
with traffic visibility as set forth in section
22.53. Ornamental fences shall be con-
structed in such a manner that the finished
side shall face the neighboring property.
Fence posts shall be on the side of the
fence facing away from the neighboring
property. (See Illustration No. 4)

Security fences, are permitted up to the

property lines in all districts except residential
districts, but shall not exceed ten (10) feet in
height and shall be open fences when located
in the street yard. Security fences may include
up to four strands of barbed wire on the top
of the fence provided that the barbed wire is
at least eight (8) feet above grade with the
vertical supports for the barbed wire either
extending vertical or slanting inward away
from the property line. Security fences on cor-
ner lots must not obstruct or interfere with traf-
fic visibility as set forth in section 22.53. Secu-
rity fences shall be constructed in such a man-
ner that the finished side shall face the nei-
ghoring property. Fence posts shall be on the

side of the fence facing away from
the neighboring property. (See Illus-
tration No. 4)

ADDITIONAL INFORMATION

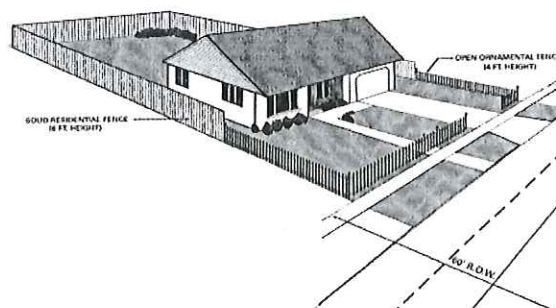
Permit Application Requirements
NO PERMIT IS REQUIRED FOR A FENCE.

For questions concerning fencing
regulation, call the Department of
Community Development:

(262) 524-3530.

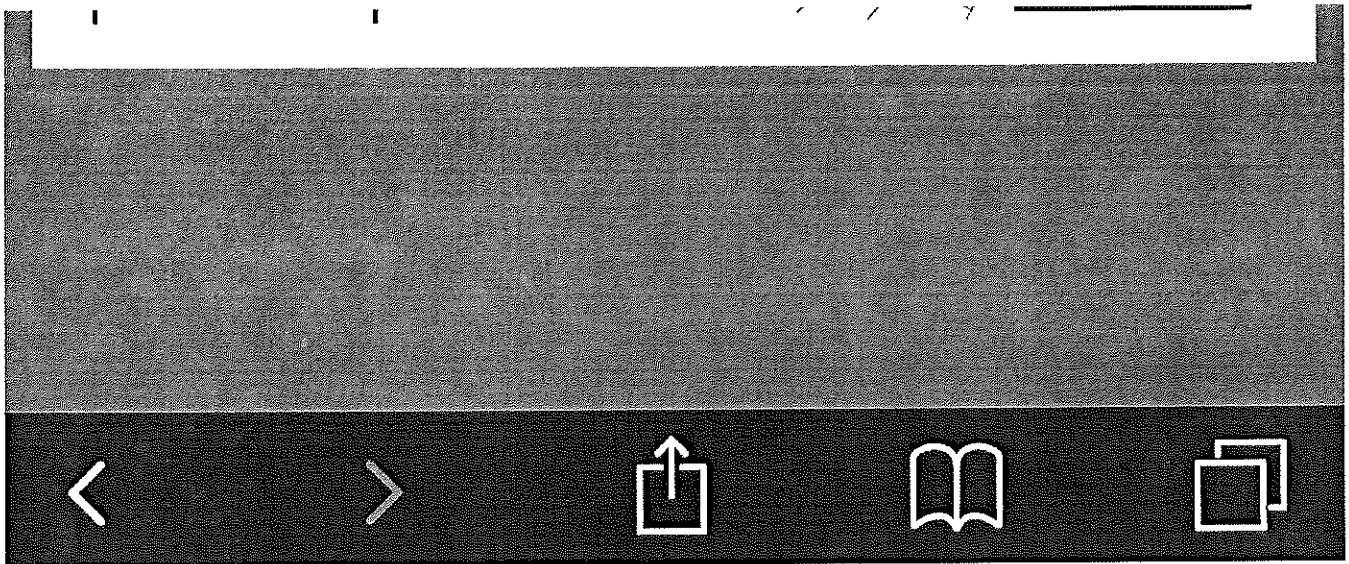
The entire text of the
City of Waukesha Zoning Code
can be found on the
City of Waukesha's webpage at:
www.ci.waukesha.wi.us.

ILLUSTRATION NO. 4
LOCATIONS OF RESIDENTIAL AND ORNAMENTAL FENCES

CITY OF
WAUKESHA

201 Delafield Street, Suite 200
Waukesha, WI 53188-3690

Phone: 262-524-3330
Fax: 262-524-3751
Website: www.ci.waukesha.wi.us



Charlie Griffith

From: Jeff Oldenburg <jeffnmary@hotmail.com>
Sent: Tuesday, July 24, 2018 8:12 AM
To: Doug Koehler; Jeff Fortin; Charlie Griffith
Subject: 233 Greenfield Ct/ Variance application

Hello,

I was asked to answer a few questions regarding my application for a Variance for our property at 233 Greenfield Ct. I gave all the other paperwork to your office yesterday.

1. Our situation is unique, from the Sidewalk on Newhall St., you can see our entire back yard (see photos). People and cars going by can look right down on us and in our windows. We have absolutely no privacy. We would like to enjoy our backyard without being on display.
2. Without the fence, we have no privacy whatsoever.
3. It is very difficult to enjoy the use of our backyard without every person walking by or driving by seeing what we are having for lunch or what we are doing.
4. The fence does not hinder public access to the sidewalk nor does it interfere with or pose as an obstacle for traffic or snow removal.

Thank you for your time.

Sincerely,
Jeff and Mary Oldenburg