



CITY OF WAUKESHA

Administration

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| Committee: Plan Commission | Date: 10/7/2019 |
| BZA Item Number: ID#19-1319 | Date: 10/7/2019 |
| Submitted By: Maria Pandazi, City Planner | City Administrator Approval: Kevin Lahner, City Administrator |
| Finance Department Review: Rich Abbott, Finance Director RA | City Attorney's Office Review: Brian Running, City Attorney |
| Subject: The APPEAL OF Tim and Deb Dubois for a dimensional variance from section 22.58(2)j.3. of the zoning code. If granted, the variance would allow for a solid 6-foot-tall residential fence in the street yard at 1603 Rushmore Dr., a corner lot, when solid 6-foot tall residential fences shall not extend into the street yard. | |

Details: In 2018 the applicants built a privacy fence that extends into the street yard of their property. The house is on a corner lot and is situated at an angle, facing the corner, rather than parallel to either street. The fence encloses the west side of the property, extending from the rear lot line to the sidewalk, and then along the sidewalk to the applicants' driveway, and back to the house.

Rear yards and street yards are defined in the code based on a line parallel to the property boundary, extending from the point on the house closest to the boundary. As a result, the angle of the house makes the configuration of the yards at 1603 Rushmore different from yards on most other lots in the city. On corner lots the street yard is considered to be the yard adjacent to the street where the house is addressed, and the yard section facing the other street is considered side yard or rear yard. Since this house is addressed on Rushmore Dr., a fence would be allowed up to the sidewalk facing Glenwall Dr., but not where it is currently located on the opposite side of the property.

On August 14 a property maintenance inspector sent the applicants orders to remove the fence from the street yard. They are seeking a variance to allow them to keep the fence where it is, stating in their application that a privacy fence in the street yard is necessary to maintain the same privacy that other homeowners enjoy and to allow them to be courteous to their neighbors. Additionally, the rear door from the garage, which is the only direct access from the house to the fenced-in area, is on the west side of the garage near the front corner, so the applicants believe requiring them to move the fence would make direct access to the yard more difficult.



Options & Alternatives:**Financial Remarks:****Staff Recommendation:**

If the applicant proves a hardship exists, the Board may consider granting a variance to allow the 6-foot-tall privacy fence to remain in the street yard at 1603 Rushmore Dr.