

**CITY OF WAUKESHA****Administration**

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Committee: Board of Zoning Appeals	Date: 9/14/2020
Item Number: ID#20-1024	Date: 9/14/2020
Submitted By: Maria Pandazi, City Planner	City Administrator Approval: Kevin Lahner, City Administrator
Finance Department Review: Bridget Souffrant, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: The appeal of Jennifer and Matthew Reilly for a dimensional variance from section 22.58(2)(J)(3) of the zoning code. If granted the variance would allow a solid fence that was built in the street yard at 3669 Olde Howell Road to remain when solid fences are not permitted in street yards.	

Details: 3669 is located on a corner lot at the intersection of Olde Howell Road. and Scarlet Oak Lane. The applicants built a six foot solid fence into the street yard adjacent to Scarlett Oak Lane. Since the city website notes that no permit is required for fence installation and does not state the fence requirements they mistakenly believed the city did not have any regulations of fences. Earlier this year they had an inspection for a new deck. During the inspection the building inspector noted that the fence was in violation of the zoning ordinance and referred the issue to the property maintenance inspector for that area. He sent them an order to either apply for a variance or remove the fence.

They have also planted a row of trees around the outside of the fence. There is no city requirement preventing the trees from being planted. Currently the trees limit visibility of the fence from the road, and once they've grown to their full height it will be completely invisible. The applicants believe they need a fence in the current location for privacy and to allow space for their dogs to run around in the back yard. They have noted that it does not obstruct the vision triangle at the intersection, since it includes only the section of the street yard that is also the rear yard.

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

If the applicant proves a hardship exists, the Board may consider granting a variance to allow the six-foot solid fence to remain where it is currently located in the street yard at 3669 Olde Howell Road.

