

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

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Committee: Board of Zoning Appeals	Date: 10/5/2020
Item Number: ID#20-1200	Date: 10/5/2020
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 Margarito Garcia for a dimensional variance from section 22.58(2)(J)(3) of the zoning code. If granted the variance would allow a new solid fence to be built in the street yard at 961 Oakland Avenue when solid fences are not permitted in street yards.	

Details: 961 Oakland is located at the corner of Oakland Ave. and National Ave. It is zoned RM-1. It is in one of the city's older neighborhoods and is a substandard lot. The minimum lot width in the RM-1 district is 75 feet for corner lots and 65 feet for all other lots. At the front end of the lot, facing Oakland Ave., the width is 50 feet. It tapers back to a width of 73 feet at the rear. The house is located closer to the south lot line than the north, so the street yard along National Ave. takes up a larger portion of the property than it would if the house was centered. This means there is less space available to enclose just the rear yard with a six foot solid fence.

The applicant built a six foot solid fence on the property. It extends into the street yard along National Ave., running between five and six feet in from the sidewalk, along the top of a steep incline. The applicant has stated that due to the shape of his lot his rear yard would not be useable with a fence that conforms to the regulation, and a decorative fence would not give the desired privacy.

The applicant filed this appeal in response to a code enforcement case opened in July by Property Maintenance Inspector Angie Grover. A portion of the fence facing 957 Oakland Ave., the neighboring property to the south, was built with the decorative side facing in. The code case notes that this is also a violation which will need to be fixed.

Options & Alternatives:**Financial Remarks:**

Staff Recommendation:

If the applicant proves a hardship exists, the Board may choose to grant a variance to allow a six-foot solid fence in the street yard at 961 Oakland Ave.

- If the Board grants a variance, staff recommends including a condition that the fence will be corrected so that the decorative portion faces out for its entire length, by no later than January 1st, 2021.