

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

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Committee: Plan Commission	Date: 11/16/2020
Item Number: ID#20-1344	Date: 11/16/2020
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 Mitch and Brittany Beschta for a dimensional variance from section 22.58(2)(J)(3) of the zoning code. If granted the variance would allow a fence to remain in the street yard at 404 N. Grandview Blvd. when solid fences are not permitted in street yards.	

Details: 404 N. Grandview Blvd. is located at the corner of Grandview Blvd. and Sherry Lane. The property just exceeds the minimum lot area for the RS-3 district and also exceeds the minimum width. The house meets the street yard and side yard setback requirements, but it is about thirty feet from the rear lot line. This discrepancy is assumed to be grandfathered though, since the neighborhood had developed by the early 1960's.

The property currently has a six foot fence in the street yard along Sherry Lane, which does not predate the fence ordinance. Code Enforcement inspector Matt Dama received a complaint about this property, along with several other properties, from a previous applicant who was denied a variance for a fence in the street yard. All other ones either had variacnes or had been built prror to adoption of the oridinace.

The fence runs about ten feet from the property line facing Sherry Lane and five feet from the rear property line. Along the rear property line the fence is at the top of a small slope. A detached garage is located in the rear yard near the northwest corner of the property, and most of the side yard to the north of the house is taken up by the driveway. The fence encloses a section of the yard with an area of about 1500 square feet. Roughly 800 square feet of that area is in the street yard, leaving about 700 square feet, or 46%, in the rear yard. Typical rear yard area for properties in the surrounding neighborhood is roughly 4,000 – 5,000 square feet.

The applicants have stated that the 700 foot rear yard which would be allowed without a variance is not a reasonable or viable size. They have noted that Grandview Blvd. is a particularly busy street and that the fence both provides privacy and reduces foot traffic through the yard along Sherry Lane. They have included statements from several neighbors explaining that they are not opposed to the current location of the fence.

Options & Alternatives:

Financial Remarks:

Staff Recommendation:

If the applicant proves a hardship exists, the Board may grant a variance to allow the existing six foot solid fence to remain in the street yard at 404 N. Grandview Blvd.