

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

Stamp Date Received

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 Department 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.

This application is for (choose one)

☐ A variance from section _____ of the zoning code ☒ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 3644 River Valley Road Tax Key #: 3644 River Valley Rd.

Current Zoning: Single family Residential Existing Use: home

ATTACH DETAILED DESCRIPTION OF PROPOSAL including what is being requested, the rationale, and if a variance request, the facts and circumstances that satisfy the criteria for variance listed on the reverse of this form.

In order to be placed on the Board of Zoning Appeals agenda, the Community Development Department must receive the completed application, fee, project description, and a set of plans in PDF format by the applicable deadline. If this is an appeal from the decision of the Zoning Inspector, also attach a copy of the decision or order rendered by the Zoning Inspector and a statement of principal points on which the appeal is based. The Community Development Department - Planning Division should be consulted to assure an application is complete before being submitted.

SEE REVERSE FOR DEADLINES AND ADDITIONAL INFORMATION.

Applicant: (Person to receive notices)

Name: Scott + Samantha Paul

Address: 3644 River Valley Road

City & Zip: Waukesha, 53189

Phone: 630-740-5851

E-mail: augie2589@aol.com

Owner of property:

Scott + Samantha Paul

I certify that the above statements and the statements contained in the materials submitted with this application are true and correct.

Scott Paul
Applicant Signature

12/1/2020
Date

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

For Internal Use Only

Amount Paid: <u>\$100 -</u>	Check # <u>1016</u>	Received by: <u>ma</u>
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RECEIVED

DEC 02 2020

BUILDING DEPT

Scott and Samantha Paul
3644 River Valley Road
Waukesha, WI, 53189

December 1, 2020

City of Waukesha
Department of Community Development
Board of Zoning Appeals

To Whom It May Concern:

We are contacting you in order to secure a variance on our city ordinance 22.58(2).j.3. specifically the 50% visibility of the fence. Our property is on an extremely high trafficked street across from a park where a lot of people with dogs and children are walking past. We have a dog that regularly gets barked at by passing dogs. We would like to have a board on board fence in place of the 50% visibility to ensure the safety of others and our own family.

All homeowners with non-street yards are allowed to have up to six foot tall, board on board fencing. They are able to have a solid fence which provides a more defined boundary to avoid potential confrontation. This is something that is restricted to our property.

Allowing this variance does not provide a monetary gain to ourselves or increase the property value specific to our needs. Also, it does not decrease the value of surrounding properties in the neighborhood.

The circumstances described are a function of the traffic surrounding this property in addition to the proximity of the park.

The variance is consistent with the existing neighborhood. Specifically there are four street yard properties just within our subdivision that already have a four foot, board on board fence. Addresses and pictures are attached. A four foot fence still allows a view onto the property. In order to better bring our fence into compliance, we have already reduced our fence from five feet to four feet. We feel this would be an excellent compromise in maintaining the aesthetics of the neighborhood while addressing the safety of those around us.

Going to a 50% visible fence would undermine the safety of others and our family. It would allow a greater opportunity for outside animals to unauthorized access our yard. Young children could potentially stick their arms through the fence. The board on board fence diminishes the ability of other dogs to see into our yard, thus reducing barking.

Thank you for your time and consideration,

Scott and Samantha Paul

Existing examples of four foot fences in our subdivision:

3900 Oxbow Drive
Waukesha, WI



3917 Oxbow Drive
Waukesha, WI

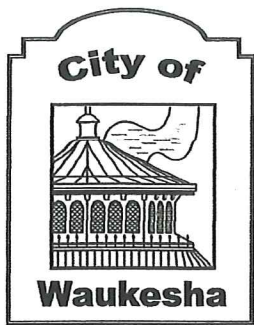


3900 Rivers Crossing
Waukesha, WI



3931 Stillwater Circle
Waukesha, WI





COMMUNITY DEVELOPMENT

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

November 12, 2020

Scott & Samantha Paul
3644 River Valley Rd
Waukesha, WI 53189

Re: 3644 RIVER VALLEY RD - Case #CE20-00623

Dear Scott & Samantha Paul:

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 solid fence has been erected in the street yard of your property. Solid fences are not allowed in street yards - they must be a 50% open type of fence and only 4 ft tall in the street yard. Therefore you are hereby ordered to remove the fence portion in the street yard or lower the fence to 4 ft in the street yard and make it a 50% open type of fence within 30 days from the date of this notice.

Please call me with questions, 262-524-3528.

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,

Angie Grover

application of board of zoning

