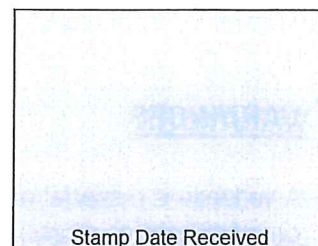


City of Waukesha
Department of Community Development
BOARD OF ZONING APPEALS
201 Delafield Street, Waukesha, WI 53188



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 22.58(2)3 of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 2202 Lander Ln Waukesha, WI 53188 Tax Key #: WAKC1310006

Current Zoning: RS-2 (Single-Family Residential) Existing Use: Single Family Residence

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: Stephanie Pierce

Address: 2202 Lander Ln

City & Zip: Waukesha, WI 53188

Phone: 262-496-1241

E-mail: pierce.stephanie45@gmail.com

Owner of property:

Stephanie Pierce

2202 Lander Ln

Waukesha, WI 53188

262-496-1241

pierce.stephanie45@gmail.com

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

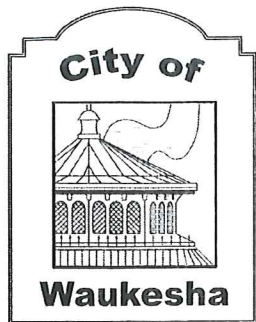
Stephanie Pierce
Applicant Signature

12/30/2020
Date

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

For Internal Use Only

Amount Paid: <u>\$100.00</u>	Check # <u>2546</u>	Received by: <u>MDS</u>
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COMMUNITY DEVELOPMENT

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

December 21, 2020

STEPHANIE PIERCE
2202 LANDER LN
Waukesha, WI 53188

Re: 2202 LANDER LN - Case #CE20-00689

Dear STEPHANIE PIERCE:

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); 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.

The 6 foot high privacy fence on your property illegally extends into the street side yard. You are hereby ordered to make the fence compliant (4 foot high with 50% opacity in the street side yard) or remove within 30 days from the date of this notice.

6' solid fence in street yard

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,

Matthew Dama
Property Maintenance Inspector
MDama@waukesha-wi.gov

(262) 524-3532



To whom it may concern,

I am writing to request a variance waiving the requirement of 22.58(2)j.3 of the zoning code that street facing fences are required to be 4 feet or less and at least 50% open construction. I believe a variance is justified based on the following information.

I live at 2202 Lander Lane in Waukesha. I purchased the house in 2014. At the time I purchased the house, the fence shown in Figures 1, 2, and 3 was already installed on all sides of the rear yard (including the street-facing side) except for the side dividing my property from my only next-door neighbor:



Figure 1: Street-facing side of property



Figure 2: Street-facing side of property front corner

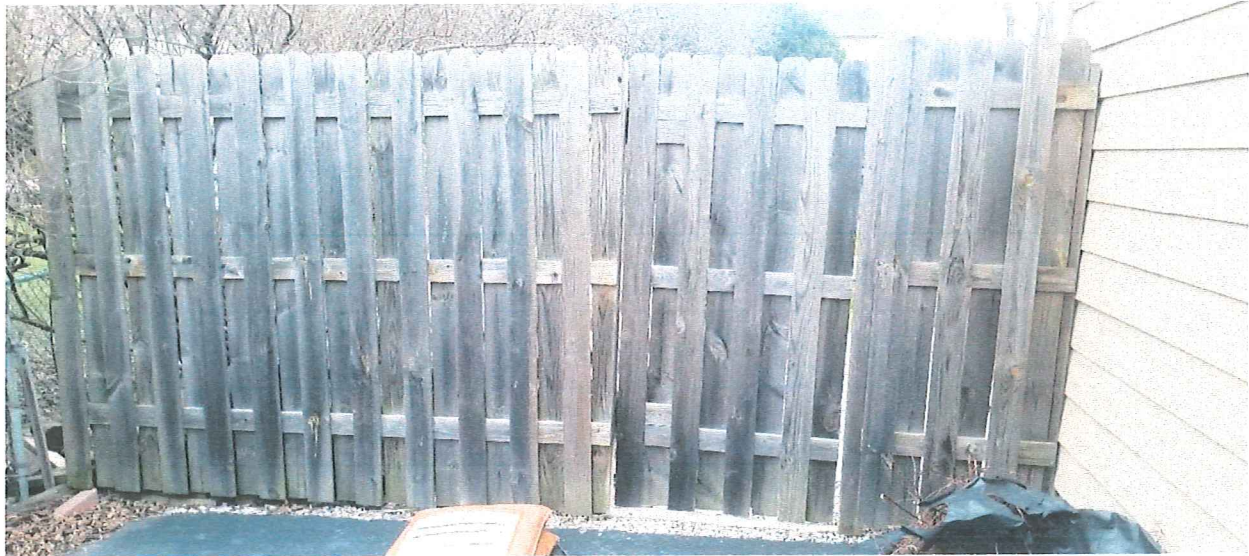


Figure 3: Gate

The old fence was installed sometime between July of 2012 (a chain link fence can be seen on Google Street View) and my purchase of the home in Fall of 2014. To my knowledge, the old fence, which was also 6 feet tall, has caused no issues or complaints in these 6-8 years.

The old fence began to lean over the sidewalk and adjacent to my house, the gate was nearly inoperable, and the wood began to mold and rot, so I decided to replace the fence with a higher quality, more durable fence. I also wanted to replace the fence since it provided privacy as well as a gate that locks, while having a lifetime warranty as opposed to a 7-year warranty on a wooden fence. The new fence fully encloses the rear yard of my property. This was desired for a couple reasons:

1. There have been several armed robberies in the vicinity of my home. I know this largely due to the police approaching me to request my video files since I have cameras on the exterior of my home. These were installed to help deter my second (see below) reason for wanting a 6-foot privacy fence.
2. Trespassing has been a problem in my neighborhood. While some people have just wandered up to my house and taken photos of themselves inches from my garage door, others have run through my back yard and even attempted to enter my back door. Luckily, in this instance I was there to intercept and tell the youth to go home. I am concerned that a trespasser may injure themselves on my property or gain entry to my house using the less publicly visible back door.
3. I have pets and friends who bring their dogs over to play in my rear yard. They are all friendly and have never had a problem with other people. I am concerned for their safety as well. With people trespassing, they may scare the dog or injure the dog. This may cause my dog or my friend's dog to be put down. Additionally, a neighbor has informed me that the children in the neighborhood enjoy teasing and harassing the dogs through their chain-link fence. I do not want my animals to be harassed in this manner.

Seeing dozens of police in your neighborhood multiple times with search lights, dogs, riot gear, and drawn firearms does not make me feel safe. At least with a 6-foot privacy fence, there is a

deterrent to these individuals to enter my rear yard to either hide or to enter my home and threaten my family.

Additionally, the fence is set back from the corner of Kilps Dr and Lander Ln by over 82 feet (see Figure 4 below). This causes no more obstruction to traffic rounding the corner than my house and/or shed does. If the side of the fence in violation were removed or replaced, it would not improve the situation. See Figure 5 for a view as if someone were turning left from Lander Ln onto Kilps Dr.

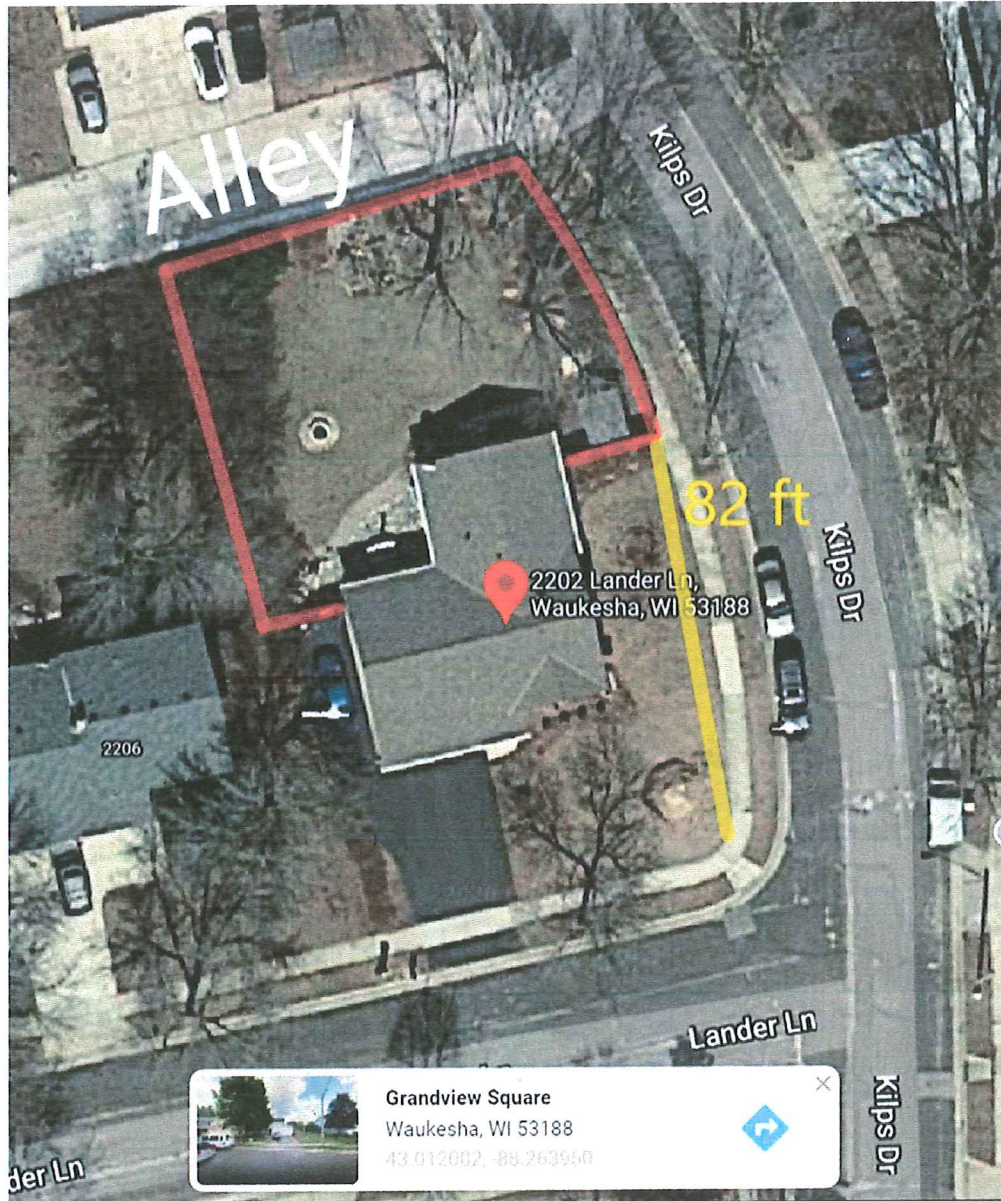


Figure 4: Top view of 2202 Lander Ln



Figure 5: Left turn view from Lander to Kilps

Since there is no obstruction caused by my fence being on my property, having a corner home prohibits me from enjoying the same rights to privacy and security as neighbors who do not own a corner lot. These other properties are free to have 6-foot privacy fences on all sides of their rear yards. They are free to use their yard and house with a reduced worry of privacy or security violations by those who would choose to do harm. Since owning this house, I have also been able to enjoy a reduction in worry. A 4-foot, 50% open construction fence provides none of these rights that most of my neighbors are permitted to enjoy.

I am not concerned with increasing the property value as I plan to live here for many years, yet. My goal is to maintain my home with quality and care so that it may provide me with shelter for years to come.

I cannot control the crime in my area, nor can I control the lack of respect that others have for a stranger's property. For these reasons, the hardship is not self-created. The wish to be safe and maintain some semblance of privacy is more of a need than a wish.

I was not provided with the purpose of this zoning ordinance, nor can I find the purpose spelled out online. The inferred purposes based on the wording of the ordinance is to keep a driver's view unobstructed around corners. I have already given my reasoning for this variance not causing an issue with visibility. The other concern may be aesthetics. It was for this reason that I chose a high-quality, low maintenance fence. Further, none of my neighbors have expressed any problems with my fence. I have since spoken to the two duplexes that are immediately across the street from the street-facing side of my fence. Both said that they would be okay if someone approached them to verify these quotes are accurate and both have consented to my using their opinions in this variance request. The duplex on the left said, "It's nice!", "It's pretty.", and "It looks good." The duplex on the right said "I like your fence! It's new and clean. I have no objection to your fence." Another neighbor that I believe lives in one of the buildings behind me

said "It looks great!" It is my understanding that the complainant was not one of my neighbors, but a disgruntled individual from across town whose variance was denied.

Below are pictures of the new fence for comparison.

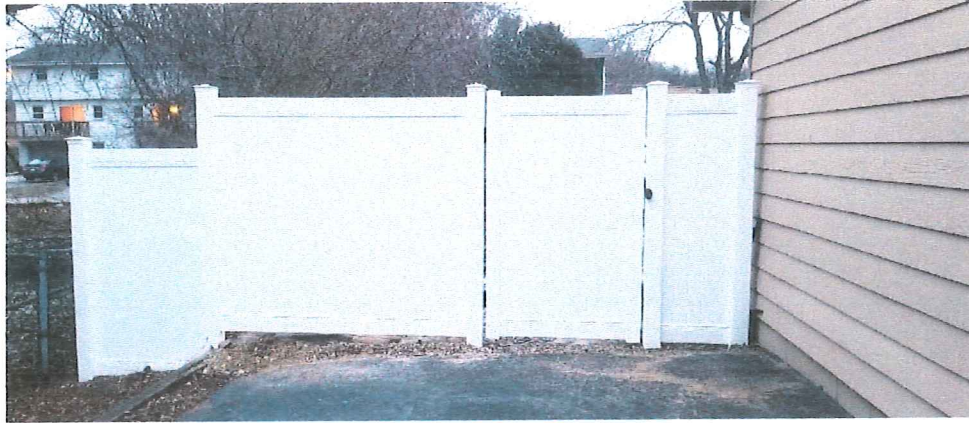


Figure 7: New Gate



Figure 6: New front corner



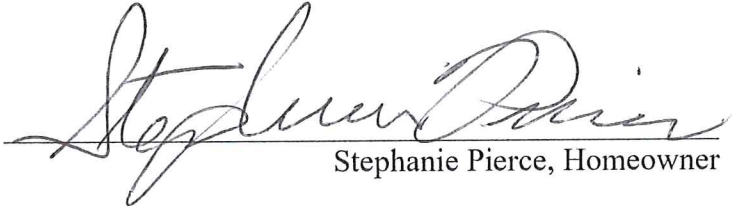
Figure 8: New fence adjacent to street

In summary to your criteria on variances:

1. I have a corner lot. My neighbors do not. This allows them to have a 6-foot privacy fence and I cannot.
2. My neighbors can have a 6-foot privacy fence. This provides added security and safety which I do not have without the fence.
3. I have not had my property assessed with the new fence addition, nor do I intend to. My sole concern is to live in safety in my home for many years.
4. All of the concerns I have are external to me. I cannot control what other people do. I have no wish but to have privacy and remain safe.
5. Again, I do not know the exact purpose of this ordinance, but the fence does not obstruct the view of drivers at the intersection of Kilps Dr and Lander Ln. The fence is aesthetically pleasing to my neighbors and a higher quality than a fence such as a chain link.

I believe that my request satisfies your criteria and that my request for a variance should be granted.

Thank you,


Stephanie Pierce, Homeowner

12/30/2020

Date