

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

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Committee: Board of Zoning Appeals	Date: 3/15/2021
Item Number: ID#21-1746	Date: 3/15/2021
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 Gregory and Kayla Clark for a dimensional variance from section 22.58(2)(J)(3) of the zoning code. If granted the variance would allow a solid fence which was built in the street yard at 1980 Jan Ave to remain when solid fences are not permitted in street yards.	

Details: 1980 Jan Ave. is located at the corner of Jan and Western Ave. It has an area of roughly 8,700 square feet and meets the requirements for minimum width in the Rs-3 zoning district. However, the lot has a square shape rather than the rectangular configuration that is common in the area and throughout the older city neighborhoods, and the rear yard setback is about 28 feet, which doesn't meet the district minimum of 40 feet. The house was built sometime before 1963, so the setback is considered to be legal non-conforming. The configuration of the lot and the house leave a rear yard area of roughly 2,200 square feet, about a third of which is taken up by the garage. Properties in the surrounding area typically have rear yard areas ranging from 4,000 to 8,000 square feet.

The applicants built a six-foot solid fence in the street yard adjacent to Western Ave. in 2008. They rebuilt it in the same location in 2019. They have stated that they built the fence to provide privacy and safety for their children, and that they were unaware that solid fences are not allowed in the street yard.

The department received a complaint about the fence from a property owner who had a variance for a fence in a street yard denied last year.

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 fence to remain in the street yard at 1980 Jan Ave.