

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

RECEIVED

FEB 15 2021

CITY PLAN COMMISSION
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 22.58 of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 2313 Pendleton Pl Tax Key #: 291-1311-032-000

Current Zoning: RS-2 Existing Use: Single Family 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: Heather Ricciotti
Address: 2313 Pendleton Pl
City & Zip: Waukesha WI 53188
Phone: 262-949-5727
E-mail: HRICCIOTTI@GMAIL.com

Owner of property:

same
Heather & Joseph
Ricciotti

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

Heather Ricciotti
Applicant Signature

3/11/21
Date

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

For Internal Use Only

Amount Paid: <u>ma</u>	Check # <u>5000</u>	Received by: <u>ma</u>
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Joseph & Heather Ricciotti

2313 Pendleton Pl.
Waukesha, WI 53188
(262) 949-5727
hricciotti@gmail.com

March 14, 2021

Board of Zoning Appeals
201 Delafield St.
Waukesha, WI 53188

Re: 2313 Pendleton Pl - Case #CE21-00046

Dear Board Members:

By correspondence dated March 8, 2021, we received notice that our fence was not in compliance with Chapter 22, Section 22.58 of the City's zoning code. I understand that a complaint was made by a Waukesha resident that lives nowhere near our home, and is completely unaffected by said fence.

We purchased our home less than two years ago with the understanding that a fence of this nature would not be a problem. As I'm sure you can all understand, living in a home off of a busy street (Grandview Blvd.) with young children can be challenging and a little scary. Our home has a very large street yard. In fact, because it is so large and on a busy street, we do not feel comfortable having our children safely play in most of our yard. For this reason, we chose to construct our 5-foot fence along Grandview Blvd.

There is absolutely no traffic obstruction due to our fence. Our fence is quite a far distance from the sidewalk (see attached photos) — approximately 20 feet; and approximately 36 feet from the fence to the very start of the street. As you can see from photos, visibility is unaffected in every way for vehicles and pedestrians.

Without the fence going slightly into our street yard, our back yard would be too small for our children to enjoy, the usability would not be the same, and frankly, we might never have purchased the home. We spend a lot of time in our yard when the weather is nice, especially with the current restrictions happening everywhere.

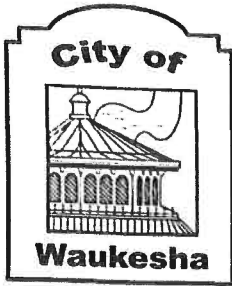
Along with photos, enclosed herewith you will find two letters from neighbors stating that they have absolutely no problem with our fence, and in fact they believe it provides safety to our three young boys.

We appreciate your time, and hope you will grant the variance requested herein. If you have any questions or concerns, please contact me via phone or email.

Sincerely,

A handwritten signature in blue ink that reads "Heather Ricciotti". The signature is written in a cursive style with a large, looped 'H' and a trailing flourish at the end.

Heather Ricciotti



COMMUNITY DEVELOPMENT

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

March 08, 2021

JOSEPH & HEATHER RICCIOTTI
2313 PENDLETON PL
WAUKESHA, WI 53188

Re: 2313 PENDLETON PL - Case #CE21-00046

Dear JOSEPH & HEATHER RICCIOTTI:

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.

You are hereby ordered to repair your fence and bring it into compliance with city ordinance(s) within 30 days from the date of this notice.

-please refer to the literature I have included, please call or email the inspector with any questions - (262)524-3532

street yard fence along Grandview

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

www.waukesha-wi.gov



March 12, 2021

To whom it may concern:

We are next door neighbors of Joe and Heather Ricciotti. We have no concern or objection regarding the fence that runs along their property and provides protection for their young sons from traffic on Grandview Blvd.

A handwritten signature in cursive script, appearing to read "Lisa Haughney".

Lisa and Patrick Haughney
2317 Pendleton Place
Waukesha

To Whom it May concern,

We do not have a problem
or find anything wrong
with the fence at 2313 Pendleton
Place. It provides safety for
their 3 young boys and it was
a very good idea to construct
it as to the busyness of Grandview
Blvd.

Mary Jo & Chris Chintanen
2314 Pendleton Place



