

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

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Committee: Board of Zoning Appeals	Date: 4/5/2021
Item Number: ID#21-1962	Date: 4/5/2021
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 Joseph and Heather Ricciotti 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 2313 Pendleton Place to remain when solid fences are not permitted in street yards.	

Details: 2313 Pendleton Place is located at the corner of Pendleton Place and S. Grandview Blvd. The house and lot meet all area, width, and setback requirements for the RS-2 zoning district, including the requirements for corner lots. Lots in the surrounding area range from about 10,000 to 20,000 square feet in area, and 2313 Pendleton has an area of roughly 17,000 square feet.

The applicants recently built a six-foot solid fence in the street yard along South Grandview Blvd. It encloses the rear yard and extends about halfway into the street yard, stopping between ten and twenty feet from the property boundary. The applicants have stated that they built the fence to make their yard safe for their children, and to give the back-yard privacy, since Grandview Blvd is a high traffic, high speed street.

The fence is five feet high and extends about fifteen feet into the street yard. It is set back fifteen to twenty feet from the Grandview Blvd. property boundary at all points. The rear yard has an area that is comparable to other yards in the area, but several large stands of trees limit its useability. Several trees would also have been in the way of the fence if they had extended it directly back from the house.

This variance resulted from a code enforcement case opened by inspector Matt Dama in response to a complaint from a person lives in another part of the city and who had a similar variance 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 five-foot solid fence to remain in the street yard at 2313 Pendleton Place.