



**CITY OF WAUWATOSA**  
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**MINUTES**  
**MEETING OF THE BOARD OF ZONING APPEALS**  
**Thursday, September 24, 2015**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Peter Subotich	Member	Present	
James Bittner	Board Member	Present	
David Kern	Board Member	Present	
Jamie Kristof	Board Member	Excused	
Brian Randall	Chair	Excused	
Pamela Stokke-Ceci	Board Member	Present	
Jennifer Ferguson	Planner	Present	

Meeting was called to order by Mr. Kern as Acting Chair.

**Woman's Club Variance - Fence**

**Variance**

The applicant is requesting a variance for a fence located in a front yard setback, specifically with respect to the code provisions in Section 15.28.030(A)(1) pertaining to fence height, length and side yard setback. Fences cannot exceed three feet in height, run longer than 20% of the width of the lot, or be located less than three feet from a side yard lot line when located in the front yard in residential districts.

Currently, the existing fence is located approximately 35 feet from the front lot line at Milwaukee Avenue and therefore it does not reside in the front yard setback of 30 feet; the existing fence meets the requirements of the residential fence ordinance. The applicant now requests extending the fence from where it currently ends forward toward Milwaukee Avenue, stopping seven and a half feet from the sidewalk and five and a half feet from the front lot line.

The proposed fence as presented will match the existing fence in style/design, but necessitates the following variances for the front yard location:

- one foot height variance (proposed fence is four feet in height versus the maximum three feet allowed);
- length variance (proposed fence extends 25 feet in length in the front yard, which is 14 feet more than the 11 feet allowed by code for this lot;
- side yard setback variance (proposed fence is set back eight inches from the side lot line versus the three feet that is required)

Present in favor: Kay Lorenzen, 1517 N. 60th Street, Wauwatosa, WI  
Ald. Dubinski, 7921 Milwaukee Avenue, Wauwatosa, WI

Barb Groth, 16855 Lake Road, Brookfield, WI

Ms. Lorenzen, President of the Wauwatosa Woman's Club, is requesting approval to be able to extend the current fence further along the east property line north to approximately six feet short of the Milwaukee Avenue sidewalk. This fence will prevent students from Wauwatosa East High School from attempting to shortcut through the neighborhood and injure themselves on the decorative retaining wall. There are also neighborhood children that play on the retaining wall with their skateboards which then causes a liability issue. Currently the fence looks incomplete and the continuation will make it more aesthetically pleasing. It will also help promote the growth of a garden-like setting and prevent vegetation from being trampled.

Ms. Lorenzen had a letter of support from one of the neighbors, Ms. Marino, 7513 Milwaukee Avenue.

Ald. Dubinski had received comments from constituents that they felt the fence would make the property aesthetically pleasing and help stop kids from the high school from cutting through the yards.

Mr. Kern commented that in order to comply with the zoning requirements the continuation of the fence from the existing fence would need to cut in two and a half feet which would make it look out of place. Ms. Ferguson confirmed this.

Moved by Ms. Stokke-Ceci, seconded by Mr. Subotich to approve the request by Kay Lorenzen and the Wauwatosa Woman's Club for a variance to the ordinance for a fence located in a front yard setback located at 7517 Milwaukee Avenue in the R1-6 Residential District. The Board finds beyond a reasonable doubt that:

1. Exceptional circumstances do exist pertaining to this lot. After the grading project a potential public safety hazard became apparent.
2. That a variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity. The neighbor supported the fence by a letter.
3. That the variance will not create special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this or to the public interests. The neighbor has provided a letter in support.
4. That the difficulty or hardship was not created by the property owner. It was based on a City approved grading plan and the resulting fence plan will enhance public safety.

Mr. Bittner stated that the neighboring property should not be the sole reason why this variance is granted. The most affected person has provided support, but there are more stakeholders in the neighborhood.

Mr. Kern recommend an amendment to criteria 2 and 3 focusing the fact that the aesthetics will enhance the entire neighborhood;

the relative incomplete look of the fence should the variance not be granted; and the neighborhood and general public would benefit from the safety aspects from not allowing students to cut through and jump over the retaining wall should the fence not be there.

Amendment accepted.

And based upon these findings I move that the application for a variance be granted. Ayes: 3 Nos: 1 (Bittner)

Meeting adjourned at 7:20 p.m.

<b>RESULT:</b>	<b>APPROVED [3 TO 1]</b>
<b>MOVER:</b>	Pamela Stokke-Ceci, Board Member
<b>SECONDER:</b>	Peter Subotich, Member
<b>AYES:</b>	Subotich, Kern, Stokke-Ceci
<b>NAYS:</b>	Bittner
<b>EXCUSED:</b>	Kristof, Randall

Meeting Adjourned at 7:20 PM

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Jennifer Ferguson, Secretary