



**STAFF REPORT
GREENFIELD ZONING BOARD OF APPEALS
THURSDAY, MAY 23, 2024**

5:30 PM

ROOM 100 – 7325 W. FOREST HOME AVE., GREENFIELD, WI 53220

1. **Roll Call**
2. **Approval of the minutes from the April 25, 2024 meeting.**
3. **Zoning Special Exception petition for construction of an additional garage at 4000 S. 92nd St., submitted by Donald and Sharon Berlin, owners. (Tax Key No. 569-1057-005).**



The applicants, Donald and Sharon Berlin, are requesting a variance to construct an additional garage on their property located at 4000 S. 92nd St. The additional garage will be constructed to the east of their existing garage and would be approximately 1,024 sq. ft., bringing the total square footage of garage space on the property to 1,434 sq. ft. (1,024 + 410).

The property is zoned R-3 Single-Family Residential Conservation District. The proposed location of the additional garage is in compliance with all setback standards for the R-3 District. Section 21.04.0801(B)3 of the Municipal Code, which details the location and maximum area of garages, states that only one (1) accessory structure may be a garage and that garages within the R-3 zoning district may be up to 800 sq. ft.

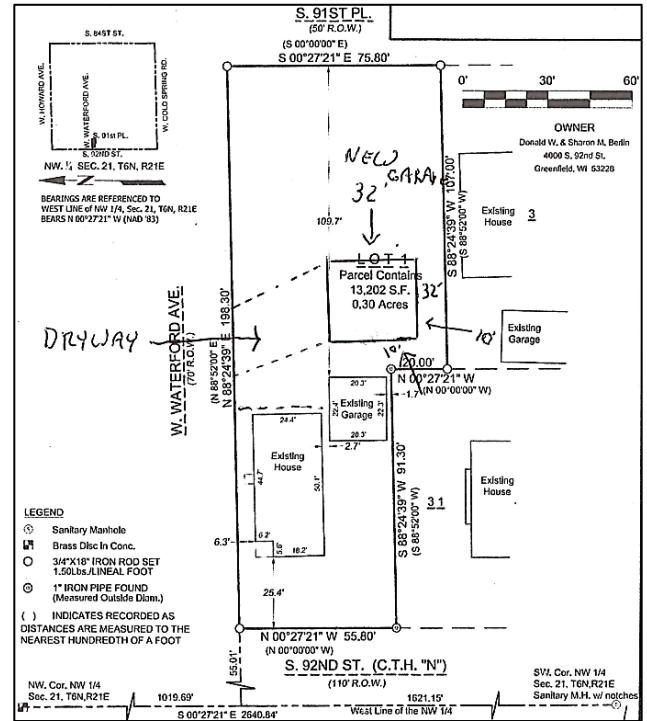
The requested waiver is regarding both the total number of garages on the property as well as the total allowable square footage of garage space for within the R-3 District.

Mr. and Mrs. Berlin have submitted the following narrative explanation for the variance request:

The reason we are requesting a larger garage is so we can store our Pontoon boat in it during the winter. The trailer is 31 feet long so we need the extra length to store it. The new addition to our property is 109.7 feet by 75.8 feet, 8,315.26 sq. feet. Our original lot was 55.8 feet by 91.3 feet, 5,094.54 sq. feet. with a house and garage built on it, so the size of the new lot addition should easily support the size of the requested garage.

The positioning of the new garage, being at the south west corner of the property near the existing garage with the same type and color materials, will fit right in with the existing construction and will not stick out like a sore thumb.

My wife and I have been residents of Greenfield 54 years and would like to thank you for considering our request. We hope you will come to the same conclusion we did, that this will become a great addition to the neighborhood.



Section 21.04.0801 – General Standards for Accessory Uses of the Municipal Code regulates sizes and setbacks of accessory uses. Table 1 summarizes the allowable maximum area for garages and the minimum lot area for the R-1, R-2, and R-3 Districts.

The allowable area of a detached garage varies, depending on the zoning district. In no district are two (2) detached garages permitted. The largest detached garage allowed in the City is 1,000 sq. ft. and is allowed in the R-1 and R-2 Districts. The applicants are requesting an additional detached garage that is 1,024 sq. ft. in area.

The applicants recently went through the Certified Survey Map (CSM) process to combine their lot with the neighboring lot, resulting in a lot larger than what is typical for the R-3 District.

Table 1

Zoning District	Minimum Lot Area	Maximum Area of Garage
R-1	15, 000 sq. ft.	1,000 sq. ft.
R-2	15,000 sq. ft.	1,000 sq. ft.
R-3	9,000 sq. ft.	800 sq. ft.
Applicant's Property	Applicant's Property	Requested Area of Garages
R-3	13,202 sq. ft.	1,434

Staff recommends denial of the variance request for a second detached garage at the property located at 4000 S. 92nd St.

In no area of the City may two (2) detached garages be located on the same parcel. Staff found evidence of a similar request in the minutes from a Common Council meeting held on July 19, 1988. During the public hearing portion of the meeting, there was a request to build a second detached garage at 4024 S. 84th Street. The minutes indicate that “Mel Teska stated this request has been before the Board of Appeals on two occasions and has been denied both times” and the motion to approve the request for a second detached garage lost on a roll call vote. Approval of the current variance request would set a new precedent.

Staff recommends approval of the variance request for a garage that exceeds the maximum garage area outlined within the Municipal Code.

Following the combination with the neighboring lot, the applicants’ lot now more closely resembles lots within the R-1 or R-2 District. Permitting a single garage, which exceeds the maximum allowable area given the lot size, is in line with recent decisions made by the Zoning Board of Appeals allowing larger garage sizes in cases where the lot size exceeds what is typically found in a given zoning district.

Staff recommends that the applicants be permitted to keep their existing garage during the construction of the new garage. However, Staff also recommends the Zoning Board of Appeals consider requiring the existing garage be removed within a certain amount of time, to be determined by the Zoning Board of Appeals.

4. Zoning Special Exception petition for construction of an 8ft. tall fence, to be located at 4199 S. 121st St., submitted by Jim and Dawn O’Boyle, owners. (Tax Key No. 565-0028-000)

The property owners, Jim and Dawn O’Boyle, are requesting a variance for the construction of an 8ft. tall fence along their western property line. The property currently has a 6ft. solid fence and the applicants are seeking to add lattice to the current fence to increase screening between them and the property immediately to their west.

The property is zoned R-1 Single-Family Residential District. Per Section 21.04.0802.D.2.a. of the Municipal Code, fences in residential districts are restricted to a height of six (6) feet or less. The requested waiver is regarding the height of the fence.

Mr. and Mrs. O’Boyle have submitted the following narrative explanation for the variance request:



We are writing to seek a zoning variance to add an additional 20-24 inches of lattice to our current fence for our single-family home at 4199 S. 121 Street, Greenfield, Wisconsin. Currently we have partially installed additional the lattice is because our home is below grade and the original fence did not provide much privacy, as our lot is on a downward slope.

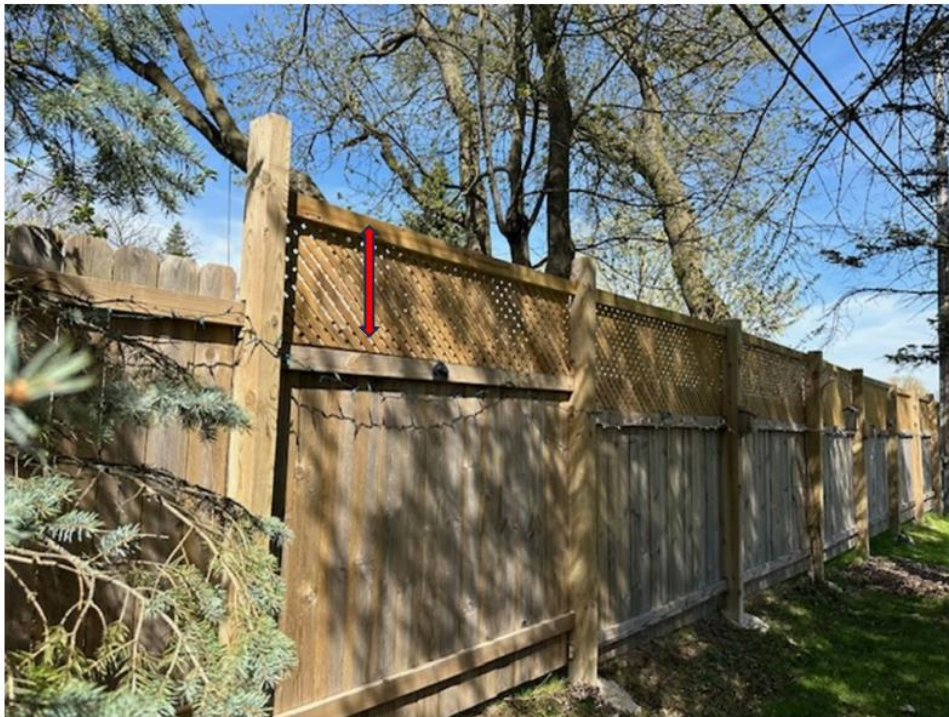
We respectfully request to add the two additional feet being that of lattice.

Please note that we have reached out to our neighbor about our fence variance. We wish to be considerate in reaching out for their opinion, approval and support. We have received support from our adjacent neighbor behind us located at 4200 S. 122nd Street, who is supportive and enjoys the fence.

For Exceptional Circumstances, our lot line is approximately 5 feet below grade, our home sits lower than the home adjacent from ours. We spend much of our time in our back yard and put up a 6 foot wooden privacy fence. Once the fence was put up we found that it didn't provide much privacy as the adjacent home is on higher ground. In conversation with our neighbor we share lot line, we both were in agreement to the additional lattice. Please note we used lattice as we wished for the fence to look decorative and tasteful, and feel that it goes well with both parties landscaping and our lovely neighborhood. We are tucked away in the Helen Heights neighborhood surrounded by many trees and the fence is also wood, nicely maintained not very visible to the rest of the neighborhood, primarily between ourselves and our adjacent neighbor.

Please view the supportive photos.

Below: Full side view of lattice 4199 S. 121 Street. (lattice 18 inch height – see red arrows)
NOTE: Notice that lattice overlaps the top of the dog ear fence, so additional height of lattice is 18"



Below: 4200 S. 122nd Street Backyard View of Fence
Added lattice height on left 24" and lattice height on right 18".



Below: Full backyard view on 4199 S. 121 Street
Added lattice height on left 18" and lattice height on right 24".



I hope you agree that our request would produce an aesthetically proper addition. Should you have any questions, please do not hesitate to contact us at (414) 897-XXXX.

Thank you for your thoughtful consideration of this request.

In June 2023, the Zoning Board of Appeals heard a request for approval of an 8ft. solid fence to be located at 3653 S. 52nd St. That submittal was similar to the current request as both applications cite a difference in grade as reasoning for why the variance should be approved. Of note, the fence variance from 2023 involved the applicant being two (2) feet above grade from their neighbors whereas the current application is due to the applicant being five (5) feet below grade from their neighbors. In addition, the 2023 application was for a solid 8ft. tall fence whereas the current application is for modification of a 6ft. solid fence with 2ft. of lattice.

The Zoning Board of Appeals voted unanimously to deny the 2023 petition for construction of an 8ft. tall fence to be located at 3653 S. 52nd St. expressing concern that “approval of the petition would set a precedent for fences in residential districts” and that the petition “did not meet all exceptional circumstances identified”.

Staff recommends denial of the variance request to modify the existing fence with lattice, resulting in an 8ft. tall fence.

5. Adjournment.