

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, JUNE 27, 2024**

1. The meeting was called to order by Chairperson Mike Braswell at 5:34 p.m.

ROLL CALL:	Mike Braswell (chair)	Present
	Donald Reid	Excused
	Kevin Thomas	Present
	Stephanie Kosmeder	Excused
	Paul Haggas	Excused
	Amanda Henderson (alt)	Present
	Christopher Porterfield (alt)	Present

ALSO PRESENT: Gina Vlach – City Planner
Dawn O’Boyle – 4199 S. 121st St.

2. Approval of the minutes from the May 23, 2024 meeting.

Motion by Chairperson Braswell, seconded by Mr. Porterfield, to approve the minutes from the May 23, 2024 meeting. Mr. Thomas abstained. Motion carried unanimously.

3. 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 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.

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.

The supportive photos noted within the letter were displayed via the projector as part of the PowerPoint presentation.

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 above grade from their neighbors whereas the current application is due to the applicant being below grade from their neighbors. 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.

With assistance from Mr. Craig Skala from the City's Engineering Department, the slope was calculated between the applicant's home and the closest structure on the neighboring property for both the 2023 and 2024 ZBOA applications. The distance between the home located at 3653 S. 52nd Street and the garage located at 5220 W. Wilbur Ave. is approximately 20ft. and has a 4ft change in grade; approximately a 20% slope. The distance between the home located at 4199 S. 121st Street and the home located at 4220 S. 122nd Street is 220ft. and has an 8ft. change in grade; approximately a 3% slope.

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.

The applicants had provided an updated letter that was read aloud by Mrs. Vlach.

Dear Members of the Zoning Board:

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 lattice as our home is below grade and the original fence did not provide much privacy.

We respectfully request to add up to two additional feet being that of ¼" thick lattice.

Please note that we have reached out to our neighbors 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 neighbors, some who have signed letters of support, which I've provided.

For Exceptional Circumstances

Our lot line is approximately 5 feet below grade, our home sits lower than the home adjacent from ours. Spending much of our time in our back yard we wished to put up a wooden privacy fence. Once the fence was installed we found that it didn't provide much privacy as the adjacent home is on higher ground.

Preservation of Intent

Current 6ft privacy fence would result in additional 20-24 inches of ¼" thick lattice. We used lattice as we did not want solid fencing and wished for it to look decorative and tasteful. By adding the lattice, it provided that additional privacy we were hoping for.

Preservation of Property Rights

We are tucked away in the farthest corner of Heleen Heights neighborhood, and the fence is not very visible to the rest of the neighborhood.

Special Circumstances Request

If Zoning Board Members are in agreement to allow the additional lattice on the current fence, we will remove the additional lattice in advance of the exchange of hand/property ownership should we move from this property.

Thank you for your thoughtful consideration.

*Kind regards,
Jim and Dawn O'Boyle*

The applicant, Dawn O'Boyle was present to answer any questions.

Chairman Braswell asked the applicant if she could provide some history regarding the fence. The applicant, Ms. O'Boyle, stated that the fence had been installed prior to them purchasing the home. However, as some of the property line trees have lost branches and become sparser, the fence alone was not providing the desired level of screening for their property. Ms. O'Boyle stated that an expired building permit for the fence had prompted a building inspector to come to the property, which is when the lattice was discovered and she was informed it is not compliant with the code and it would need to be removed.

Mr. Thomas asked where the fence and lattice are located on the property. Ms. O'Boyle responded that not every section of fence has lattice, but there are sections on both the western fence and the southern fence.

Mr. Porterfield stated for the record that he is the property owner of the home at 4220 122nd Street, the property immediately to the west of the applicant. Upon confirmation with the Clerk's Office, he was advised that he was not required to recuse himself and was still permitted to vote, if he so chose.

Discussion was had concerning the municipal code's definition of a fence, a solid fence, a decorative fence, and fence height. Additional discussion was had regarding municipal code section 21.09.0209 and whether the petition met the facts and conditions provided within that section for granting a special exception.

Ms. Henderson asked the applicant to confirm that the house did not have any sections of lattice when she purchased the house. Ms. O'Boyle confirmed that the fence existed but no sections of lattice were present when she purchased the house. Ms. Henderson stated that she felt that the petition fell within section C, self-imposed hardship, given that the house was purchased knowing what was visible since the 6ft fence was already present. Ms. Henderson noted that self-imposed hardship is not grounds for a special exception.

Motion by Mr. Thomas, seconded by Ms. Henderson, to deny the 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). On a roll call vote, the motion was approved 3-1, with Chairperson Braswell, Mr. Thomas, and Ms. Henderson in favor and Mr. Porterfield opposed.

4. Adjournment

Motion by Chairperson Braswell, seconded by Ms. Henderson, to adjourn the meeting at 6:10 p.m. Motion carried unanimously.

Respectfully Submitted,

Gina Vlach
City Planner

Distributed July 3, 2024