

**STAFF REPORT  
GREENFIELD ZONING BOARD OF APPEALS  
THURSDAY, JANUARY 23, 2025  
5:30 PM**

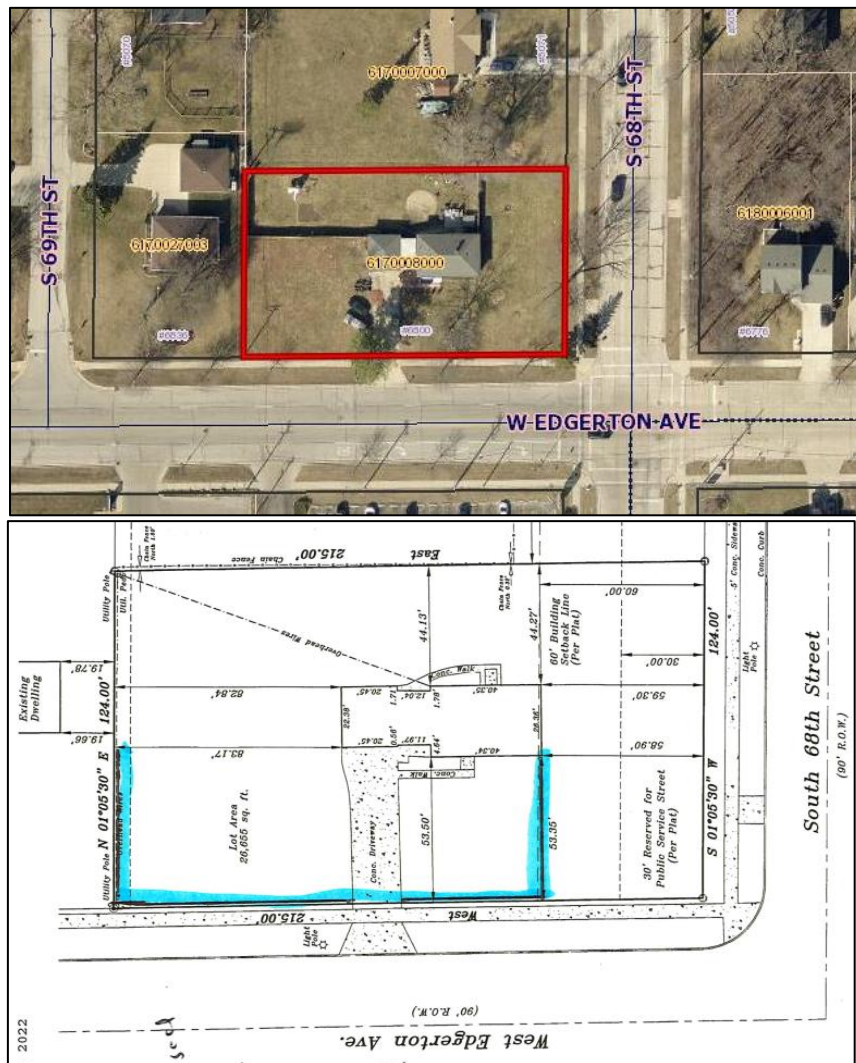


**ROOM 100 – 7325 W. FOREST HOME AVE., GREENFIELD, WI 53220**

1. Roll Call
2. Approval of the minutes from the July 25, 2024 meeting.
3. Zoning Special Exception petition for construction of a fence in the front yard, to be located at 6800 W. Edgerton Ave., submitted by Brent Crubaugh, d/b/a A-1 Fence Company. (Tax Key No. 617-0008-000).

The applicant, Brent Crubaugh, is requesting a variance to construct a fence in the front yard of the property located at 6800 W. Edgerton Ave. The proposed fence is a 4ft high cedar dogeared solid fence. The location of the fence would extend south, from the existing 6ft high fence along the western property line south, continue along the southern property line, across the existing driveway, and return north where it will terminate at southeast corner of the primary structure. A gate would be constructed across the driveway to provide vehicular access to the property. No details about the gate have been submitted at this time. The property is zoned R2 Single-Family Residential Conservation District.

The requested waiver contains two components. First, the requested waiver is regarding the height of the fence in the front yard. Code permits decorative fencing in the front



yard at a maximum height of three (3) feet whereas the proposed fence is four (4) feet in height. Second, the requested waiver is regarding the openness of the fence in the front yard. Code permits decorative fencing, which is more than seventy-five (75) percent open in the front yard whereas the proposed fence is solid.

Mr. Crubaugh has submitted the following narrative explanation for the variance request:

*We are applying for a variance on height restrictions of fencing in the front yard for 6800 W Edgerton Ave. This is a corner lot with very high and steady traffic on both Edgerton and 68th. The specific ordinances would be section 21.04.0902 and section 21.04.0802 (D) 2b.*

*We would like to build a 4 ft high cedar dogeared solid fence along designated lines to block a child from potentially running into traffic. The child that lives in this house has a disability and has a documented flight risk/severe elopement without the capability to understand the risks associated with traffic etc.*

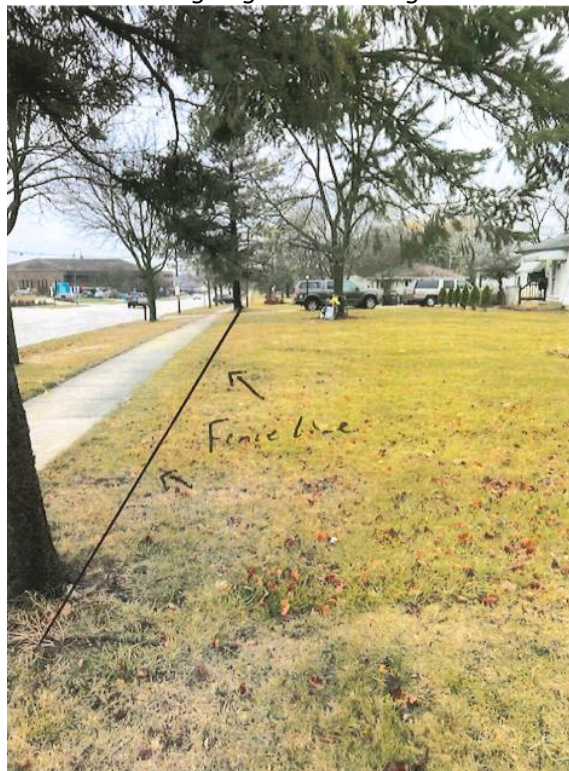
*The fence would not encroach on any visual setback from the corner of property. We understand that this is merely a deterrent to block the danger of this intersection, but feel that it is definitely needed. Even if this just buys a little piece of mind for the parents, who do their best to keep doors locked inside the house. We have provided documentation/pictures for you to reference.*

*Thank you for your time*

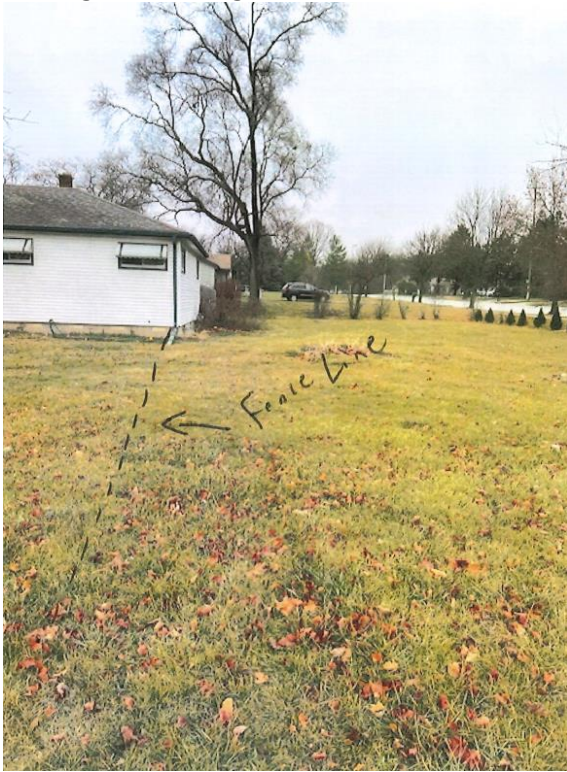
*Fence line Looking East Along Edgerton*



*Fence Line Along Edgerton Looking West*



Looking North Along 68th



West Lot Line Looking North



Corner Edgerton & 68th from Driveway



*Looking from Front Door At Edgerton*



*Front Door Facing Edgerton*



*Example provided of proposed fence*



Municipal Code speaks to fences in multiple places. Table 21.04.0902 details permitted obstructions in yards. Using this table, fences are permitted in the rear, side, and corner side yard but are not permitted in the front yard. Furthermore, Section 21.04.0802(D)2(b) states “Fences may not be within the front yard, except decorative fencing not exceeding a maximum height of three (3) feet, and creating a continuous enclosure, may be installed within the front yard areas in the residential districts. Chain-link fences shall not be allowed in the front yards of residential districts.” Decorative fencing is defined in Section 21.02.0103 as “a fence, including gates, which is more than seventy-five (75) percent open and less than three (3) feet in height, such as split rail fences used for ornamental purposes. For purposes of this section, chain link and picket fences are not considered decorative fences.”

**21.04.0902 Yards.**

The yard requirements stipulated elsewhere in this Code may be modified as shown in Table 21.04.0902 and as follows:

Table 21.04.0902  
PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE			
	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD
Fences	N	P	P	P

P=Permitted |  
N=Not Permitted

Section 21.09.0209 of the Municipal Code states that, “No special exceptions shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist:

1. Preservation of Intent.
  - a. No special exception shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No special exception shall permit a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.
2. Exceptional Circumstances.
  - a. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the special exception would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Special Exception.
  - a. No special exception shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the special exception.
4. Preservation of Property Rights.

- a. The special exception must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- 5. Absence of Detriment.
  - a. No special exception shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Code or the public interest.
- 6. Additional Requirements in Floodland Districts.”

If a variance is granted for this application, Staff feels strongly that a precedence would be set, applying Fact #2 above, that if one exception is granted, more applications are to come. If this exception is granted, the City should consider modifying the Zoning Code regulation of fences for every residentially zoned property in the City. Currently, in no residentially zoned district in the City may a solid fence be constructed in the front yard. Further, in no residentially zoned district in the City may a fence 4ft in height be constructed in the front yard. Granting this exception would set a precedent for all residentially zoned properties in the City. Staff does not recommend approval of the proposed application/ variance request.

**4. Zoning Special Exception petition for construction of a home addition in a side yard setback, to be located at 11528 W. Cold Spring Rd., submitted by Cristian and Courtney Garcia, owners. (Tax Key No. 566-9981-000)**



The property owners, Cristian and Courtney Garcia, are requesting a variance for the construction of a home addition within the required side yard setback. The property, located at 11528 W. Cold Spring Rd., is zoned R1 Single-Family Residential District. Homes within this zoning district have a required side yard setback of fifteen (15) feet.

The southwest corner of the existing structure is located approximately 4.62 feet from the side property line and the northwest corner of the existing structure is located approximately 3.53 feet from the side property line. The owners are requesting a variance to construct an addition that would be located 2.20 feet from the side property line.

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

*My family and I are looking to extend our home. We are looking to add a master bedroom with an en suite bathroom, and a walk-in closet. This extension would give us the space needed for our growing family, and ensure that we have the extra living space without having to move into a new home, as we love our neighborhood and do not want to relocate. The bathroom would be a huge bonus as we only have one bathroom, which doesn't quite workout with our growing family. The walk-in closet is much needed as the one we currently have is not practical. The master bedroom will give us a much larger space to work with and make it our own. We have been thinking and designing this extension for some time now, and we are hoping to make it finally happen for us.*

*The siding and length of the house will match the current style of the home and will continue to stay a one level ranch style. We are replacing the entire siding of the existing home for it to match the extension/addition. The way it will be built will not impact the neighbor's house nor cause any issues. The extension was discussed with the neighbor and they had no issue with the extension (see attached letter).*

*Attached Letter*

December 17, 2024

City of Greenfield

To whom it may concern:

We, Mr. and Mrs. Perea, reside at 11540 W Cold Spring Rd, Greenfield, WI 53228. We are writing to express our support for the home addition plans proposed by our neighbors, the Garcias, who reside at 11528 W Cold Spring Rd, Greenfield, WI 53228.

We have discussed the addition plans with the Garcias and are fully aware of the details of their proposed project. As the owners of the lot adjacent to the building site, we confirm that the addition will not impact us in any negative way.

We support their building plans and believe that the addition will be a positive enhancement to the neighborhood. We kindly request that the city approve their project. Thank you for your time and consideration.

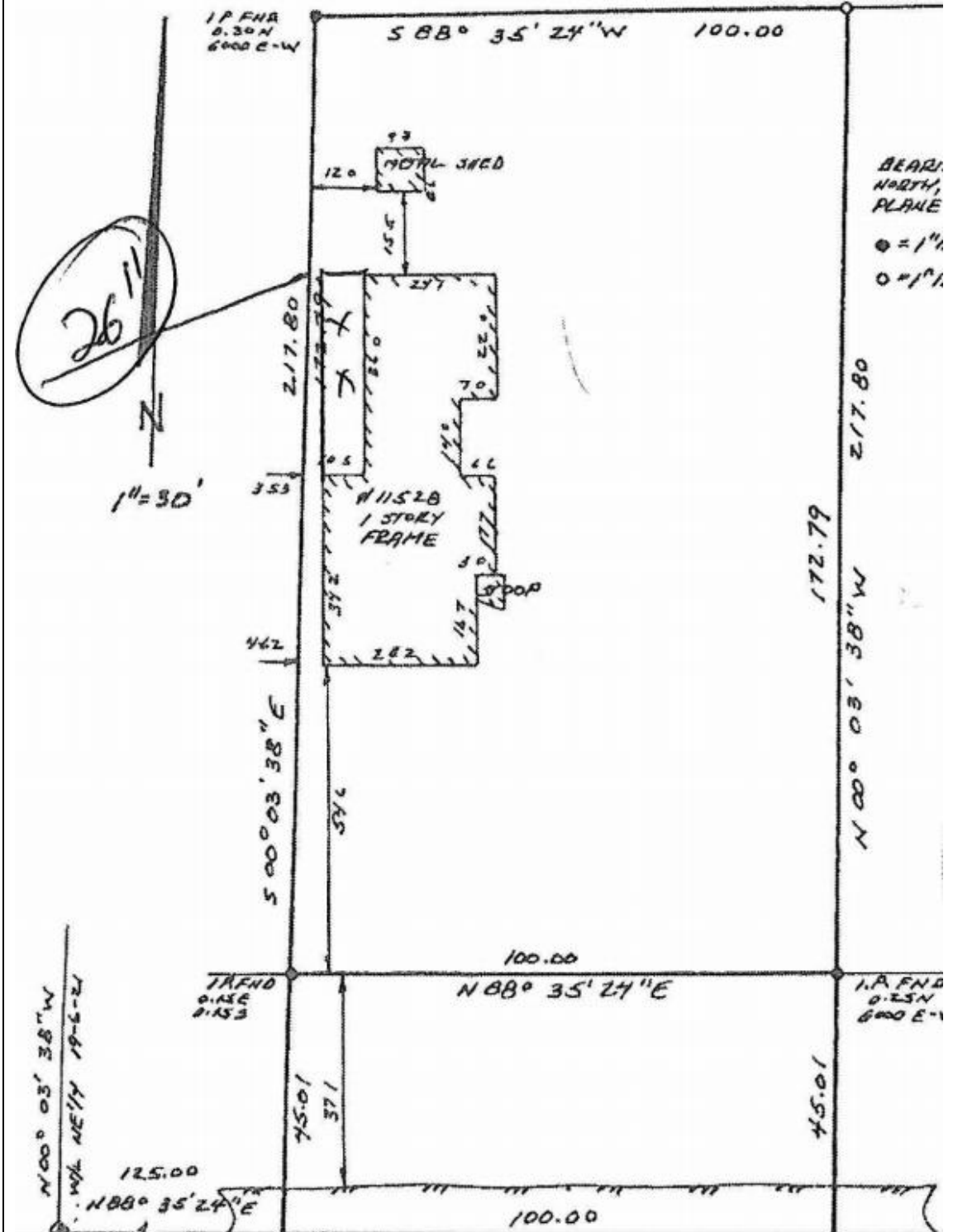
If you have any question or concern, please do not hesitate to contact us at 414-722-9108.

Sincerely,

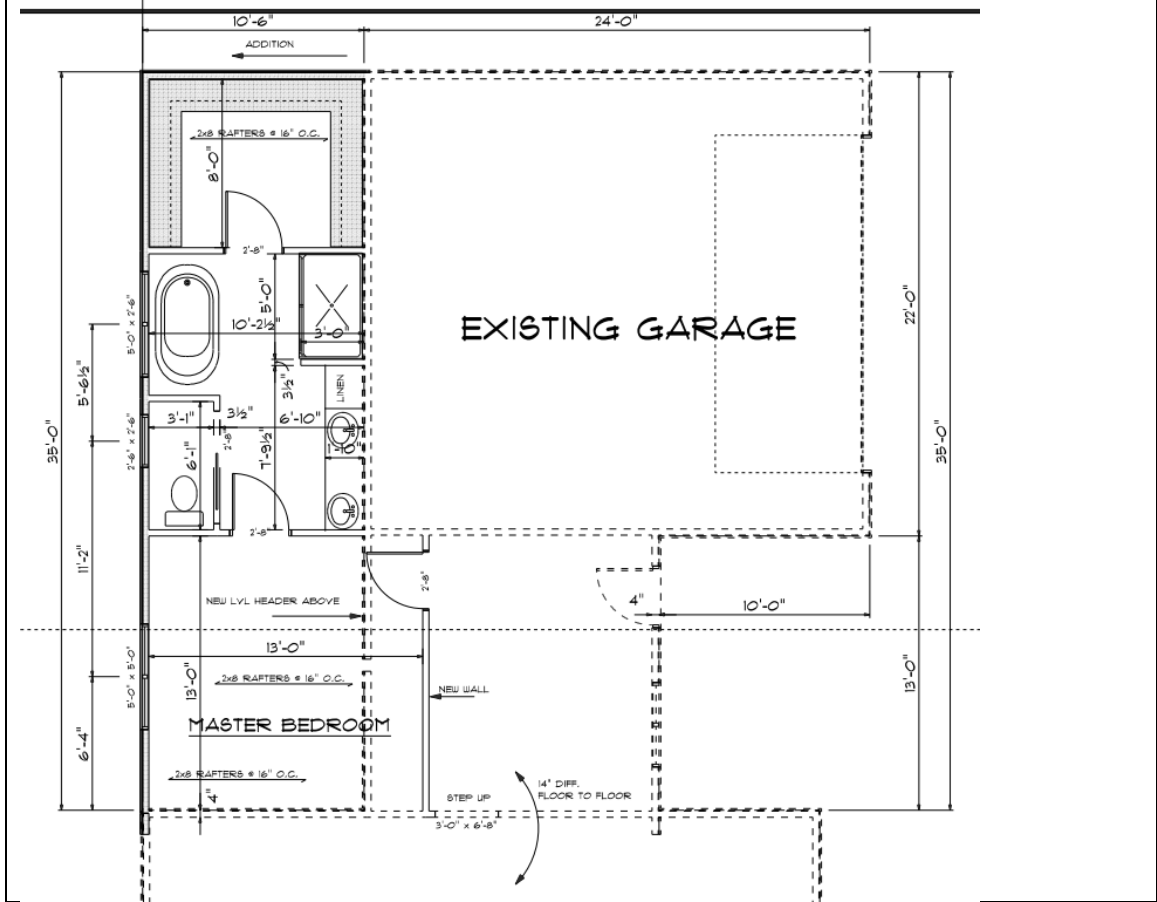
Mr. and Mrs. Perea

11540 W Cold Spring Rd  
Greenfield, WI 53228

Proposed Survey



Proposed Site Plan



Supporting Photos







***Precedence – May 25, 2022***

The Zoning Board of Appeals voted unanimously to approve the petition for construction of a home addition within the front yard setback of the property located at 4004 S. 89<sup>th</sup> St. In 2022, Staff recommended approval of the home addition based on the following considerations: (1) the setback encroachment request for the proposed addition does not encroach any more than the front yard setback encroaches today; and, (2) a considerable amount of homes in the area do not meet today's front yard setback requirements and the proposed setback encroachment request would not be setting a precedent within the neighborhood.

***Precedence – December 22, 2022***

The Zoning Board of Appeals voted unanimously to approve the petition for construction of a home addition within the rear yard setback and a garage addition within the side yard setback of the property located at 5070 S. 69<sup>th</sup> St. The differences between this case and the one concerning the property located at 11528 W. Cold Spring Rd. include the following:

1. The property at 5070 S. 69<sup>th</sup> St. is zoned R2 Single-Family Residential Conservation District, which requires a 10ft. side yard setback. The property at 11528 W. Cold Spring Rd. is zoned R1 Single-Family Residential District, which requires a 15ft. side yard setback.
2. The approved variance resulted in a garage 4.9ft. off the side yard setback. If approved, the variance at 11528 W. Cold Spring Rd. would result in a home addition that is 2.2ft. (26 inches) off the side yard setback.
3. The neighboring property to 5070 S. 69<sup>th</sup> St. (5050 S. 69<sup>th</sup> St.) is located approximately 30ft. from the adjoining side lot line. Further, the attached garage, as opposed to the residential portion of the building, is the closest structure to the neighboring property. The neighboring property to 11528 W. Cold Spring Rd. (11540 W. Cold Spring Rd.) is located approximately 15ft. from the adjoining side lot line. The closest portion of the neighboring structure is the residential portion of the building.
  - a. In the 2022 precedent, the neighboring structures were the attached garages as opposed to the current variance request where the residential portions of the structures are closest to the side lot line.

In 2022, Staff recommended approval of the variance based on the existing setback conditions of the neighboring properties.

Looking to the homes located along the north side of W. Cold Spring Rd., we find that many of the side yard setbacks are less than the required 15ft. side yard setback. More specifically, the three properties immediately to the east of the subject property, 11512, 11436, and 11430 W. Cold Spring Rd., each have a side yard setback of less than 10ft. for one of their property lines.

Another factor to consider is that the existing structure is not square to the property lines. This is evident in the difference between the distance from the northwest and southwest corners. As such, the proposed addition is even closer to the side lot line than the existing structure. If the structure was square to the property lines, and the same addition was proposed, then the proposed encroachment would not encroach any more than the side yard setback encroaches today. This distinction is important as it relates to the May 2022 decision by the Zoning Board of Appeals which voted to approve a variance in a setback. However, unlike the variance request in May 2022, this proposal would encroach more within the side yard setback.

Staff is recommending that the variance be approved based on the setback conditions of neighboring properties, the exceptional circumstances of the construction of the lot on the property, and the existing encroachment by the property.

**5. Zoning Special Exception petition for construction of a fence in the front yard, to be located at 3320 W. Lynndale Ave., submitted by Marsha Hernandez, owner. (Tax Key No. 553-0407-000)**



The owner, Marsha Hernandez, is requesting a variance to construct a solid fence in the front yard of the property located at 3320 W. Lynndale Ave. The proposed fence is 6ft in height and solid. The fence begins at the garage, extends over a concrete walkway towards W. Lynndale Ave., continues parallel to the street, and terminates at the front post of the porch. Two gates will be constructed as part of this project. One gate would provide access from the driveway to concrete walkway that heads toward the primary structure. A second gate would be constructed between the post of the porch and the corner of the primary structure. The property is zoned R4 Single-Family and Two-Family Residential Conservation District.

The requested waiver contains two components. First, the requested waiver is regarding the height of the fence in the front yard. Code permits decorative fencing in the front yard at a maximum height of three (3) feet whereas the proposed fence is six (6) feet in height. Second, the requested waiver is regarding the openness of the fence in the front yard. Code permits decorative fencing, which is more than seventy-five (75) percent open in the front yard whereas the proposed fence is solid.

Ms. Hernandez has submitted the following narrative explanation for the variance request:

*I am writing to seek a fence variance for my single-family home at 3320 W. Lynndale Ave, for a 6ft foot privacy fence to be ran from the side of my covered front porch structure to the garage on the back of the lot.*

*Ever since owning my home for the past 18yrs, I have always wanted to install a fence for the added security to my property, a safe area for my children, my large dogs to run, play & protect*

*the entryways of our home, and to increase the functionality and aesthetics of the property as well. Our property is in an older area of Greenfield and I have always defined my porch as part of the structure of my home. But the City of Greenfield is defining it as the front yard due to the R4 minimum setback requirement of 25ft.*

*My home has a unique and irregular lot due to the lot lines which does not give me many options for installing a 6ft fence since no useable rear yard, and at the curve of an alleyway. It was built in the late 1930's. My covered front porch is part of the original structure of my home and even provides front support to the upper dormer on the second floor (see exhibits D, E). It shares the same roof and siding as the rest of the home as well and has bead board along the inside ceiling which also supports that it was constructed with the original build of the home almost 91yrs ago. It would be reasonable to consider this is not my front yard. R4 zoning indicates that front setback should be a minimum of 25ft, rear setback a minimum of 25ft, and then length of lot overall a minimum of 100ft. As you can see from my survey, my property does not meet these minimum requirements and is non-confirming. I have no rear yard, just a side and front yard. I did discuss this fence with multiple neighbors and friends, and everyone thought the same as I did, the front of my home would include the covered porch structure. I was informed by the city planners Luke & Gina that the reason I need to apply for the variance is due to my front yard setback of 25.35ft which does not include my entire front porch. But there are other properties also on my street that are non-confirming to these min setback requirements as well and even closer to the city line than my fence/porch. If you refer to exhibit C, this includes my neighbors home next door, since their porch is heated/walls/windows and would be considered part of their house per the zoning definitions, it is 3 feet closer to the city line than my fence/porch area so the neighbor's home is non-confirming to the R4 requirements also and further out than my own home. My fence is also located in the middle of my lot, not near any lot lines, and is posing no negative effects upon my neighbors or community. I have included letters of support from my neighbors facing the front and sides of my property. And there are 2 appraisals attached, one from 2023 showing a value of \$265,000, and now one from Dec 2024 showing the value at \$306,400 to further support this.*

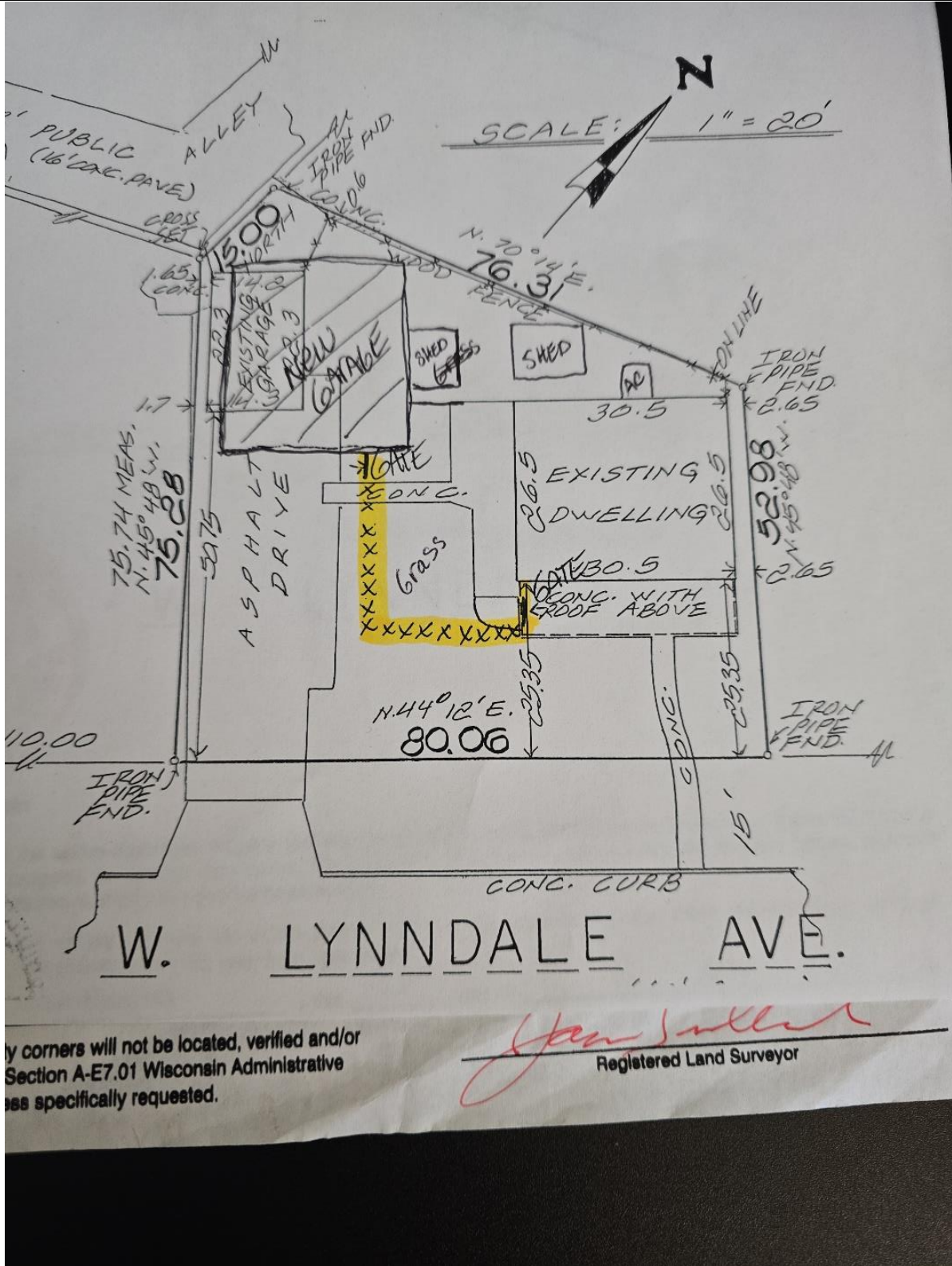
*This request is for the additional 7.65ft needed from the setback to the end of the supportive porch structure on our home that we have never considered our front yard so we may keep our fence in place to have more functionality and enjoyment out of our property's unique layout. I hope you agree that my request is fair and has produced an aesthetically proper addition to our home and an enhancement to my neighborhood as well.*

*Should you have any questions, please do not hesitate to contact me at 608-234-0068. I thank you for your thoughtful consideration of this request.*

*Sincerely,  
Marsha Hernandez*

**Exhibit A:**

Survey from garage build in 2022-New fence highlighted in yellow.

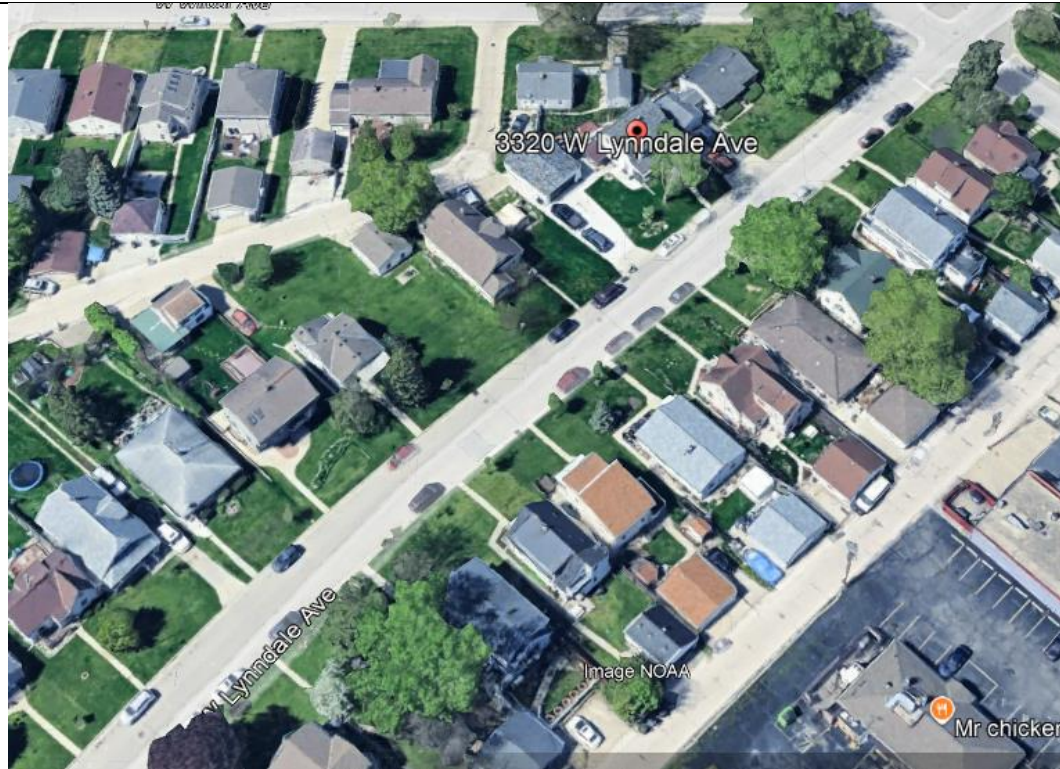


by corners will not be located, verified and/or  
Section A-E7.01 Wisconsin Administrative  
ess specifically requested.

*Jan Soller*  
Registered Land Surveyor

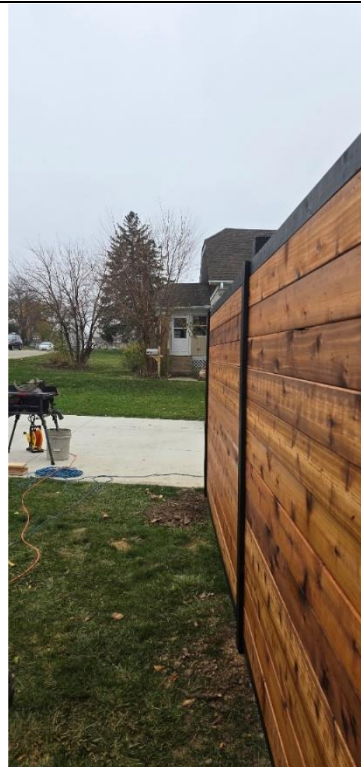
**Exhibit B:**

*Aerial view of neighborhood showing alleyway and roads.*



**Exhibit C:**

*Measurement from front of home next door at 3330 W. Lynndale Ave to curb is 29ft. The measurement from my fence/porch to the curb is 32ft.*



**Exhibit D:**

*Porch was constructed when the house was constructed in 1939 as it has the original beat board on the ceiling of the porch covering, and the front of dormer is supported by porch rafters. Gate posts are steel and were drilled and cemented into the existing concrete for gate installation.*



**Exhibit E:**  
*Wide angle views*





**Exhibit F:**

*Side/Rear of home. Lot line/Rear fence runs at an angle towards home. Utility poles behind home on my lot along with large AC unit behind shed. Grassy area in pictures roughly 10ftx10ft. Old Shed has been there since purchasing the property and is still used-plan on refinishing it. Our land is raised higher than the house behind the fence. Everything else is an old rock garden & dirt that has been in place since buying our home. We have not disturbed it, so it does not affect the stability of our rear fence and grading in the rear of our property.*

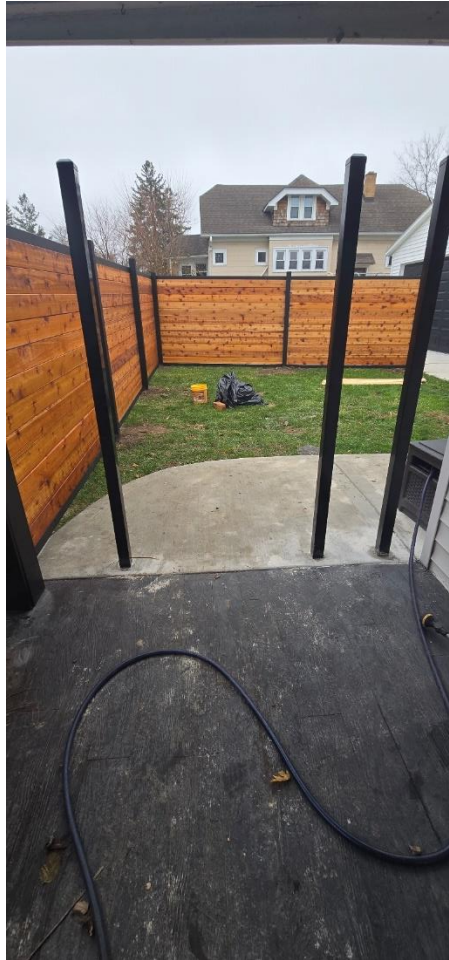




**Exhibit G:**

*Additional photos from inside fenced area/dog area. 55ft of fencing with 2 gates. The length of the porch structure is 8ft towards front yard.*

*View from side entrance/side of home. 18x18ft grassy area for our large dogs. Neighbors home is higher up than mine. Placement of 2<sup>nd</sup> gate from fence to garage.*



**Exhibit H:**  
*Front wide angle views*



Municipal Code speaks to fences in multiple places. Table 21.04.0902 details permitted obstructions in yards. Using this table, fences are permitted in the rear, side, and corner side yard but are not permitted in the front yard. Furthermore, Section 21.04.0802(D)2(b) states “Fences may not be within the front yard, except decorative fencing not exceeding a maximum height of three (3) feet, and creating a continuous enclosure, may be installed within the front yard areas in the residential districts. Chain-link fences shall not be allowed in the front yards of residential districts.” Decorative fencing is defined in Section 21.02.0103 as “a fence, including gates, which is more than seventy-five (75) percent open and less than three (3) feet in height, such as split rail fences used for ornamental purposes. For purposes of this section, chain link and picket fences are not considered decorative fences.”

**21.04.0902 Yards.**

The yard requirements stipulated elsewhere in this Code may be modified as shown in Table 21.04.0902 and as follows:

Table 21.04.0902  
PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE			
	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD
Fences	N	P	P	P

P=Permitted |  
N=Not Permitted

One element of the narrative, provided by the applicant, speaks to what is considered a front yard and how that should be interpreted to apply to her property. This is an important determination with this variance request because of the difference between how fences are regulated in the front yard setback. The following details the process taken by staff in making the determination that the fence is located within the front yard.

Staff utilized Section 21.02.0103 to review the definitions of the key terms. They are as follows (underlining and bolding added by staff for emphasis):

**Yard.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**Yard, front.** A yard extending along the full length of the front lot line between the side lot lines. That yard which is obviously the front due to the prevailing custom of the other buildings in the area or in the City. Where such front yard is not obviously evident to the Zoning Administrator, the Zoning Administrator shall determine the front yard.

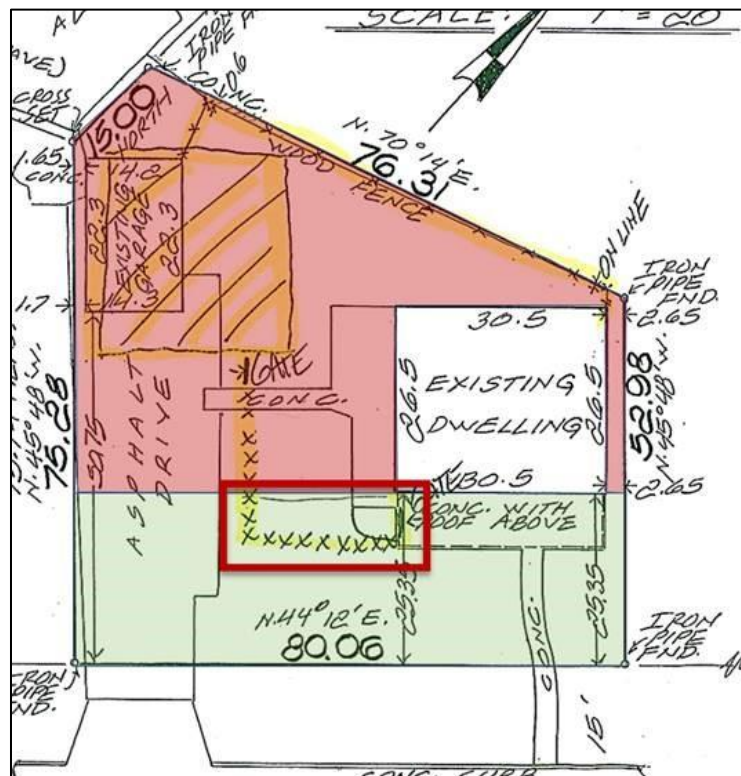
**Porch.** A covered area adjoining an entrance to a building and usually having a separate roof.

**Floor area, ground.** The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

**Living area.** That area of a dwelling unit measured from the outside of the exterior walls; including utility rooms, foyers, interior stairwells, hallways, closets, columns and walls and finished half-basements or finished portions of half-basements; but excluding basements and unfinished half-basements, or unfinished portions of half-basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating, or sleeping purposes. The unit of measurement of living area shall be in square feet.

Staff also reviewed Section 21.04.0902 as it relates to the regulation of porches. Based on this section of Code, porches with roofs are regulated as a projection onto the primary dwelling of the property. Important to the question at hand, porches with roofs are permitted in the front yard of a property; because porches with roofs are permitted in the front yard, they are not considered the front extent of the primary dwelling on the property. Simply, the porch *is in* the front yard and does not delineate the extent of the front yard.

To illustrate the determination of the location of the front yard, the image to the right was created by Staff. The colors were added to the survey provided by the applicant and their fence contractor. The green portion of the property is the front yard and the red portion of the property represents the rear and side yards. The red box has been superimposed on the image to demarcate the portion of the proposed fence that is in the front yard and is not in compliance with City code.



Staff would also like to note that the survey submitted as part of this application is not an official survey and is not completely accurate to what is present on the property. Specifically, the garage addition is roughly added to the survey and the concrete pathway leading between the driveway and primary structure has been moved to a different location. Please see below for the survey that was submitted as part of the construction of the new garage in 2022.

# M.S.S. / MORTGAGE SURVEY SERVICE

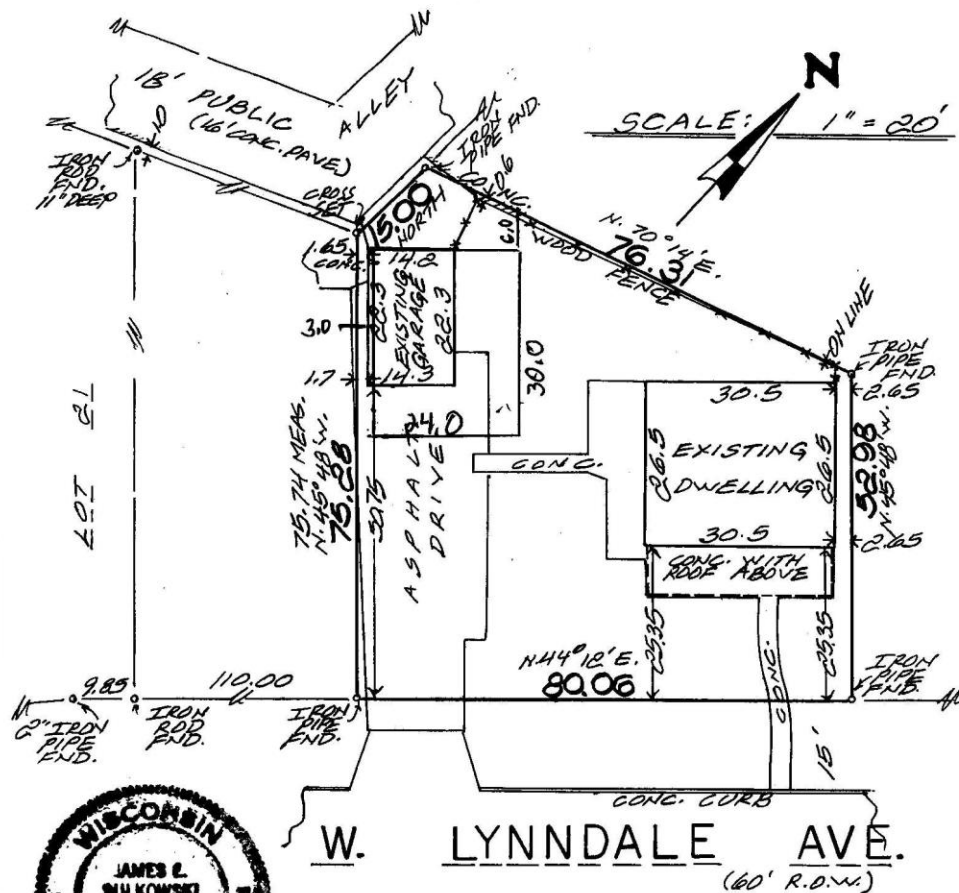
6617 West Coldspring Road Greenfield, Wisconsin 53220 (414) 327-4400

Prepared For LA Contractors

Location of Property 3320 West Lynndale Avenue, Greenfield, WI

Description of Property

Lot 24, Block 13, LYNNDALE NO. 2, being a subdivision of a part of the Southeast ¼ of Section 13, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, Wisconsin.



I have surveyed the above-described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owner of the property, and also those who purchase, mortgage, or guarantee the title thereto within (1) year from date hereof.

Dated at Greenfield, WI, this 11<sup>th</sup> day of April, 2022

NOTE: All property corners will not be located, verified and/or reset (per Section A-E7.01 Wisconsin Administrative Code) unless specifically requested.

*James E. Sulkowski*  
Registered Land Surveyor

Section 21.09.0209 of the Municipal Code states that, “No special exceptions shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist:

1. Preservation of Intent.
  - a. No special exception shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No special exception shall permit a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.
2. Exceptional Circumstances.
  - a. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the special exception would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Special Exception.
  - a. No special exception shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the special exception.
4. Preservation of Property Rights.
  - a. The special exception must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
5. Absence of Detriment.
  - a. No special exception shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Code or the public interest.
6. Additional Requirements in Floodland Districts.”

If a variance is granted for this application, Staff feels strongly that a precedence would be set, applying Fact #2 above, that if one exception is granted, more applications are to come. If this exception is granted, the City should consider modifying the Zoning Code regulation of fences for every residentially zoned property in the City. Currently, in no residentially zoned district in the City may a solid fence be constructed in the front yard. Further, in no residentially zoned district in the City may a fence 6ft in height be constructed in the front yard. Granting this exception would set a precedent for all residentially zoned properties in the City. Staff does not recommend approval of the proposed application/ variance request.

Additionally, Staff feels strongly that a precedent would be set, applying Fact #3 above.

***Precedence – June 27, 2024***

The Zoning Board of Appeals voted 3-1 to deny the petition for the construction of an 8ft tall fence at the property located at 4199 S. 121<sup>st</sup> St. As part of the discussion during that meeting, a member of the Board asked the applicant if the home had an 8ft fence when she purchased the property. The owner confirmed that, when they purchased the property, only a 6ft fence was present. The member then stated that they felt that the petition fell within the self-imposed hardship facts and conditions given that the house was purchased knowing what was visible from their property since a 6ft fence was already present on the property. The member noted that self-imposed hardships are not grounds for special exceptions.

The applicant of the current request mentioned in their narrative that the location of the fence is necessary given their irregular lot shape and lack of a usable rear yard. While what is considered usable could be up for debate, recent decisions by the property owner have drastically reduced the available area in the rear and side of their property. In 2022, the property owner demolished their existing 316 sq. ft. garage and replaced it with a new 720 sq. ft. garage. The additional 404 sq. ft. of garage space reduced the amount of unused space in the rear and side yards of the property.

The location of the garage also impacts the amount of space in the rear and side yard. The applicant could have chosen to build their new garage at the front yard setback (25ft) and reserved space behind the garage. Instead, the location of the new garage prioritized retention of driveway area. Additionally, the owner has chosen to not remove the shed in the rear of the property despite having the new larger garage. The difference between the 316 sq. ft. garage and the 720 sq. ft. garage can be seen in the comparison below.

2022



2024



Municipal Code Section 21.09.0209(C) clearly states that self-imposed hardships shall not be considered as grounds for the granting of a special exception. In the case of the space available for the enjoyment of the property, the owner has made specific choices that have resulted in the limited use of their property. For this reason, Staff recommends that the variance be denied.

**6. Adjournment.**