

BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that the Board of Appeals of the Village of Hales Corners will convene at the Municipal Building located at 5635 South New Berlin Road, on July 23, 2025 at 5:30 P.M. regarding a request by Milwaukee County – Parks Department, Guy Smith, Parks Executive Director, acting for Milwaukee County, for the property located at 5879 S. 92nd Street, for the necessary variance to permit a nine (9) foot high fence on parcel number 699-9999-000.

Per Village Code Article XIV. Fences and hedges. Section §445-14.4 E. Security Fences. Security fences are permitted, with Plan Commission approval, on the property lines in all districts except residential districts, but shall not exceed eight feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

The subject parcel is zoned P-1 Parks and Institutional Use and therefore the request is to permit a fence that is one (1) foot higher than permitted under Section §445-14.4 E.

All interested persons will be given an opportunity to be heard at this meeting.

Dated June 9, 2025

Sandra M. Kulik
Village Administrator

Publish: CNI – Hales Corners Now 2X: June 25, 2025 and July 2, 2025

Interested parties

VARIANCE PETITION

Village of Hales Corners, WI

Date: 06/05/2025BA 25 - 03

Subject Parcel Location

Address 5879 S 92nd StreetCity Hales CornersZip 53130Parcel No. 6999999000Zoning P-1

THE UNDERSIGNED, does hereby respectfully petition the Village of Hales Corners Board of Zoning Appeals to appeal the following zoning regulation or decision of the Zoning Administrator, as it applies to the above subject property [to be completed by staff].

Petitioner requests Fence height variance. - 9 ft

Request was denied as Section(s) 445-14.4 E of the Village of Hales Corners Zoning Ordinance Limits fence height to 8 feet.

In accordance with Section 445-17.5 of the Zoning Ordinance, the reasons for the petition are: [to be completed by petitioner] (additional sheets may be necessary)

See Attached Sheet

The following are attached in accordance with the requirements of Section 445-17.2(c) of the Ordinance:

- ☒ Full Plat of Survey drawn to scale showing all of the information required under this Ordinance for a Zoning Permit (not to exceed 8½ x 14" format)
- ☒ Names, Addresses and Parcel numbers of all property owners abutting and opposite the subject property
- ☐ Additional Information as required by the Zoning Administrator
- ☐ Fee of \$ _____ (Section _____)

PROPERTY OWNER

Signature Guy SmithName Guy Smith, Parks Executive DirectorAddress 9480 Watertown Plank RdCity Wauwatosa State WI Zip 53226Phone 414-257-7275

AGENT*

Signature _____

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

***If Applicant is other than property owners, both signatures are required.**

For Office Use Only: Submit by Mike Chy Public Hearing July 23, 2025 Action _____



June 5, 2025

- 1) **Exceptional Circumstances.** There is something unusual or exception about the lot or the use of the lot (which does not apply to similar lots or uses) which causes the applicant to request the variance.
 - i) Boerner Botanical Gardens attract wildlife browse that is detrimental to the horticultural collections. Even the with the existing fence heights, staff have witnessed deer and other animals jumping into the gardens and harming the vegetation. As a trial garden with limited plant stock being evaluated for hardiness, and a children's garden providing vibrant play spaces, fencing to limit or eliminate wildlife damage is necessary for the operation and success of the site.
- 2) **Absence of Detriment.** The variance requested will not have any negative effects on the neighboring properties.
 - i) Fence materials have been selected to provide a screen that is partially transparent and does not obstruct views as a solid structure would. Where possible, vegetation is also used to screen and soften aesthetics around the property limits. To date no complaints related to fence visibility have been received from neighbors of Whitnall Park.
- 3) **Hardship not Created by Owner.** The current or prospective property owner has not created a need for this variance. The hardship or difficulty must be peculiar to the subject parcel in question and different from that of similar parcels. Generally, hardships arise because of some unique property limitation of a parcel that will not accommodate a structure of reasonable design or size for a permitted use, if all area, yard, and setback requirements are observed.
 - i) Boerner Botanical Gardens is a unique land use within the Village of Hales Corners, with no comparable public gardens in the region. Balancing the opportunity and benefit of botanical gardens to the area requires a commitment to operational upkeep that is in line with land management practices expected of such a public resource. In the case of fencing, residential fencing standards as described in local codes are insufficient for controlling wildlife damage to the gardens. A fence height variance is requested accordingly.



MilwaukeeCountyParks
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