

TOWN OF BROOKFIELD

JOINT PUBLIC HEARING

October 24, 2023

PUBLIC HEARING TO RECEIVE COMMENT ON A ZONING CODE TEXT AMENDMENT TO SECTION 17.02(14)(g)11 RELATED TO PROPOSED CHANGES TO THE TOWN'S FENCE REGULATIONS.

The Joint Public Hearing with the Plan Commission and Town Board was held on Tuesday, October 24, 2023, in the Erich Gnant Room of Town Hall at 645 North Janacek Road, Brookfield, Wisconsin.

CALL TO ORDER

Town Board Chairman Keith Henderson called the meeting to order at 7:15pm. Also in attendance were Town Board Supervisors John Charlier, John Schatzmann, Ryan Stanelle; Plan Commissioners William Neville, Len Smeltzer, and Jeremy Watson; Town Planner Bryce Hembrook.

NOTICE OF HEARING

Chairman Henderson read the attached Notice of Hearing into the record.

Planner Hembrook described the potential changes/ inclusions as follows:

- Fence permits would now be required for all fences, solid and open;
- Permit application checklist included;
- Residential districts and non-residential districts are broken down separately;
- Open fences are permitted up to the lot line in the side and rear yards, but shall not extend into the street yard;
- Solid fences allowed up to, but not on, the property line, and within 5 feet of the lot line requires a survey, and within 3 feet requires a survey, a conditional use permit, and a signed agreement from all neighbors abutting the property. A solid fence shall not exceed 6 feet in height.

Planner Hembrook also described chain link and barbed wire as being prohibited materials, unless granted through a conditional use permit. Ornamental fences are allowed in the front yard, but cannot exceed 3 feet [in height] and must be 80% open. Temporary fences for construction sites, snow fencing, decorative for surrounding gardens, and pet kennels are also addressed in the proposed text amendment. It does not include invisible electronic pet fences.

PUBLIC COMMENTS

Kamlesh Soni, 20455 Hunters Court, asked if this would apply to new fences or existing fences. Mr. Hembrook responded that it applies to new fences, and existing fences would be considered legal non-conforming. Mr. Soni asked about a double frontage lot. Mr. Hembrook added to his above description that there is a section in the code that covers double frontage and corner lots. Currently, it is permitted to have a privacy fence on a double frontage lot if it is 5 feet from the right-of-way, and if the zoning administrator approved the fence. It could also go to the Architectural Review Committee for approval. Mr. Hembrook stated that there were not significant changes to this section of the code.

Angie Otto, 21545 Greendale Drive, asked if a fence legally conforms now, under the text amendment, would it be grandfathered in? Mr. Hembrook replied that if it legally conforms now, it would be grandfathered in.

Gopinath Dhakshinamurthy, 20475 Hunters Court, inquired whether it would be required to get permits for existing fences. Mr. Hembrook stated that permits for existing fences would not be required.

Jared Protaskey, 20435 Hunters Court, asked about the current code, and if he wanted to put up a 6 foot privacy fence, without neighbors agreement, would he come to Plan Commission for approval? Mr. Hembrook responded that as the code is right now, if a privacy fence were installed, it would have to meet current code requirements which include being 15 feet from the property line, and no permit or neighbor approval is required. Mr. Protaskey commented that he feels it is quite arduous to require neighbors approval for a fence to be installed on a homeowners property. Mr. Protaskey went on to say that other items like plantings, or for example an arborvitae that can get to be 30 feet tall can be within 3 feet of the property line but there are no regulations for that, so why are such strong requirements being proposed for a 6 foot fence.

Roger Perea, 1005 S. Springdale Road, asked for clarification regarding neighbor approval if the fence is on the property line, and was informed neighbor approval would be required if the text amendment is approved as proposed. Mr. Perea also asked if there was any specific number of gates that can be put in. Mr. Hembrook responded that there is no specific language regarding gates. Mr. Perea asked how long a survey is good, and there is not a consensus on that question, however Mr. Hembrook stated that the property line needs to be staked.

Joe Della, 21620 Greendale Drive, stated that not every back yard is square. His front yard is large, but his back yard is small. Having the setback requirement of 3-5 feet takes a lot of space from his small back yard. Mr. Della feels consideration should be made for those types of yards.

Debora Dabey, 545 S. Allen Road, commented that if the setback is not at least 3 feet from the property line, there is no way of maintaining the fence and grass. Ms. Dabey feels the setback should be a minimum of 3 feet, and presented a petition titled "Town of Brookfield Property 6' Solid Fences Should Be 3' From Lot Line".

Joe Della reiterated his earlier comments, and doesn't feel that it is fair to have a 3 foot setback because not every property is the same in size, and now the usable space in the backyard is decreased.

Angie Otto asked for clarification regarding surveys, and the comments about a survey expiring. Mr. Hembrook responded that a survey from 1960 for example could be outdated due to property lines potentially changing, and staking the property would be beneficial and done during the survey process.

Kamlesh Soni voiced that his property should be used the way he wants without government overreach. He paid for the land and the house, and he is not going on anyone elses property. His family is safe, and his kids are safe with the fence where it is.

ADJOURN

There being no further public comment, a motion was made by Mr. Watson to adjourn the public hearing.

Seconded by Supervisor Stanelle.

Chairman Henderson closed the Public Hearing at 7:42pm.

Submitted by: Bryce Hembrook,

AICP Town Planner