

ZONING PERMIT REVIEW

9/13/21 Plan Commission Meeting

Jennifer & Chad Ponschock

Planning & Zoning Report

Germantown, Wisconsin

Summary

Jennifer and Chad Ponschock, property owners, are seeking approval to install a fence within an existing private stormwater drainage easement on the residential lot located at W146N10881 Heritage Parkway in the High Pointe Subdivision.

Location: W146N10881 Heritage Parkway

Agent/

Property Owners: Jennifer and Chad Ponschock
W146N10881 Heritage Parkway
Germantown, WI 53022

Zoning: Rs-4 Single-family Residential

Adjacent Land Uses		Zoning
North	Single-family Residential	Rs-4
South	Single-family Residential	Rs-4
East	Single-family Residential	Rs-5
West	Single-family Residential	Rs-4



Background/Proposal

Jennifer and Chad Ponschock, property owners, are seeking approval to install a fence within an existing stormwater drainage easement on the residential lot located at W146N10881 Heritage Parkway in the High Pointe Subdivision.

As indicated in their supporting information, the Ponschocks would like to install a 4' high metal fence in the side and rear yards to enclose their back yard (see enclosed sketch on survey). The fence would be located along the rear and side lot lines, west of the dwelling. The drainage easement runs parallel to the rear lot line and is 20' wide. This easement is private and for surface water flow. There is no storm sewer infrastructure below ground.

As indicated below, Section 17.50(2)(f)6. of the Zoning Code prohibits fences from being installed in any easement, except a drainage easement when approved by the Plan Commission:

(f) Fences in Residential Districts.

1. *All fences shall be subject to review and approval of the Building Inspector prior to the issuance of a building permit.*
2. *Fences in rear or side yards may be up to 6 feet in height.*
3. *Fences in front yards may not exceed 4 feet in height, except a maximum height of 6 feet on approval of the Plan Commission after consideration of visibility, privacy and access concerns.*
4. *No fence shall be closer than 2 feet to a public right-of-way.*
5. *Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Building Inspector shall determine which side of the fence is the finished side.*
6. *Fences and easements.*
 - (i) *Fences shall not be located within any type of easement, provided however, the Planning Commission may authorize the encroachment by a fence into a drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the Planning Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.*
 - (ii) *If the Planning Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.*
 - (iii) *If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the Planning Commission, such aggrieved person may appeal the decision to the Village Board by filing a request for appeal review of the record below within 14 days of the date of the Planning Commission's decision.*
7. *It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.*
8. *Should it be necessary that the Village or its agent, remove the fence, the material costs (materials and labor) would be borne by the owner of the fence.*

Staff Analysis

As indicated above, the Planning Commission may authorize the encroachment of a fence into a drainage easement where the owner of the property encumbered by the

easement shows to the satisfaction of the Planning Commission that:

1. considering the proposed location, design and materials of the proposed fence, the fence will not materially interfere with drainage flow within the easement; and
2. in the case of a subdivision, homeowners association consent to the encroachment or, if not a subdivision, the adjacent landowner(s) written consent.

With regard to Item #1, drainage flow interference, the Ponschocks have indicated that the proposed fence type will not interfere with the flow of water and will be 3-4 inches above grade. With regard to Item #2, although not part of a Homeowners Association, the landowners of property adjacent to the subject property have provided their written consent.

The primary concern with any permanent obstruction in a drainage easement is the potential for impeding the flow of and/or backing up water that needs to flow through the easement in the case of a rain event or snow thaw. In this case, the metal pickets will be spaced and open at the bottom to allow the free flow of water.

Village Staff Recommendation

APPROVE the zoning permit application to install a 4' fence be located within the 20'-wide drainage easement on the rear lot line of the property located at W146N10881 Heritage Parkway with the following conditions:

1. It shall be the responsibility of the homeowner to maintain a free flow of water within the drainage easement at all times.
2. If the fence needs to be removed in order to make improvements within the private drainage easement, the property owner (not the Village or another party) shall be responsible for the associated costs.



Village of
 ★ ★ ★
Germantown
 Willkommen

ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 8/6/21

Fee Received By: \$

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: CHAD PONSCHOCK
 Address: W146 N10881 HERITAGE PKWY
 City/State/Zip: GERMANTOWN, WI 53027
 Phone: 414.559.0607
 E-Mail: cponcho2002@yahoo.com

PROPERTY or Business OWNER:

Name: JENNIFER & CHAD PONSCHOCK
 Address: W146 N10881 HERITAGE PKWY
 City/State/Zip: GERMANTOWN, WI 53027
 Phone: 414.559.0607
 E-Mail: cponcho2002@yahoo.com

PROPERTY ADDRESS OR Tax Parcel ID#:

W146 N10881 HERITAGE PARKWAY
 GERMANTOWN, WI 53027

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

- REQUEST FOR PLACING AN ORNAMENTAL METAL FENCE IN DRAINAGE EASEMENT ON PROPERTY AT W146 N10881 HERITAGE PKWY
- SEE ATTACHED INFO FOR DETAILS
- NOT PART OF H.O.A.

READ AND INITIAL THE FOLLOWING:

- ^{CSP} I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself be sufficient cause to deny the petition.
- ^{CSP} I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- A scaled site plan showing location of proposed use on the property (not required if within building).
- \$175 Application Fee
- Other Information required by Zoning Administrator

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

[Signature]
 Applicant
[Signature]
 Property Owner

8/5/21
 Date
8/5/21
 Date

VILLAGE USE ONLY

August 5, 2021

Dear Planning Commission,

We are requesting a permit and an easement waiver for the construction of an ornamental 48" tall metal fence for our back yard. The fence will be about 3" - 4" above grade for entire fence lines. The fence will be professionally installed by Clover Fence Company which has installed numerous fences in the Germantown area.

We are the new owners of this home as of 7/30/21 and have two large Labrador Retrievers that love playing outside. While both dogs are extremely friendly we would like to keep them in our yard so they do not "visit" our neighbors who may not want company. Our neighbors to the north (right side of yard) have an in ground pool that is like a magnet for water dogs like Labs so we would like to ensure they are not constantly begging them for a swim. Our neighbors to the west (back side of our yard behind us) have two young children who play ball and in their backyard and we would like to prevent our boys from joining their play sessions uninvited and taking their balls. Our neighbor to the south (left side of our yard) have a small dog that may be intimidated by a visit from our boys.

A fenced yard is the most responsible thing we can do for our neighbors as responsible dog owners as electric underground fences do not provide 100% containment for large breed dogs like Labs that are motivated to play and greet people. We are committed to the large financial investment a fence is to be responsible dog owners to our new neighbors. We choose this style of fencing, despite its higher costs, to not only contain our boys but also to be visually pleasing to the neighbors too when compared to a wood fence. Our former home had a fenced yard that the boys loved playing in and we do not leave them outside except for play time or to be with us while we are enjoying our yard.

We have communicated our plans for a fence to all three neighbors that we border with no objections.

We do not see foresee any issues or impediments to drainage that this fence will cause by being allowed to placed in the drainage easement area. The reasons for this are:

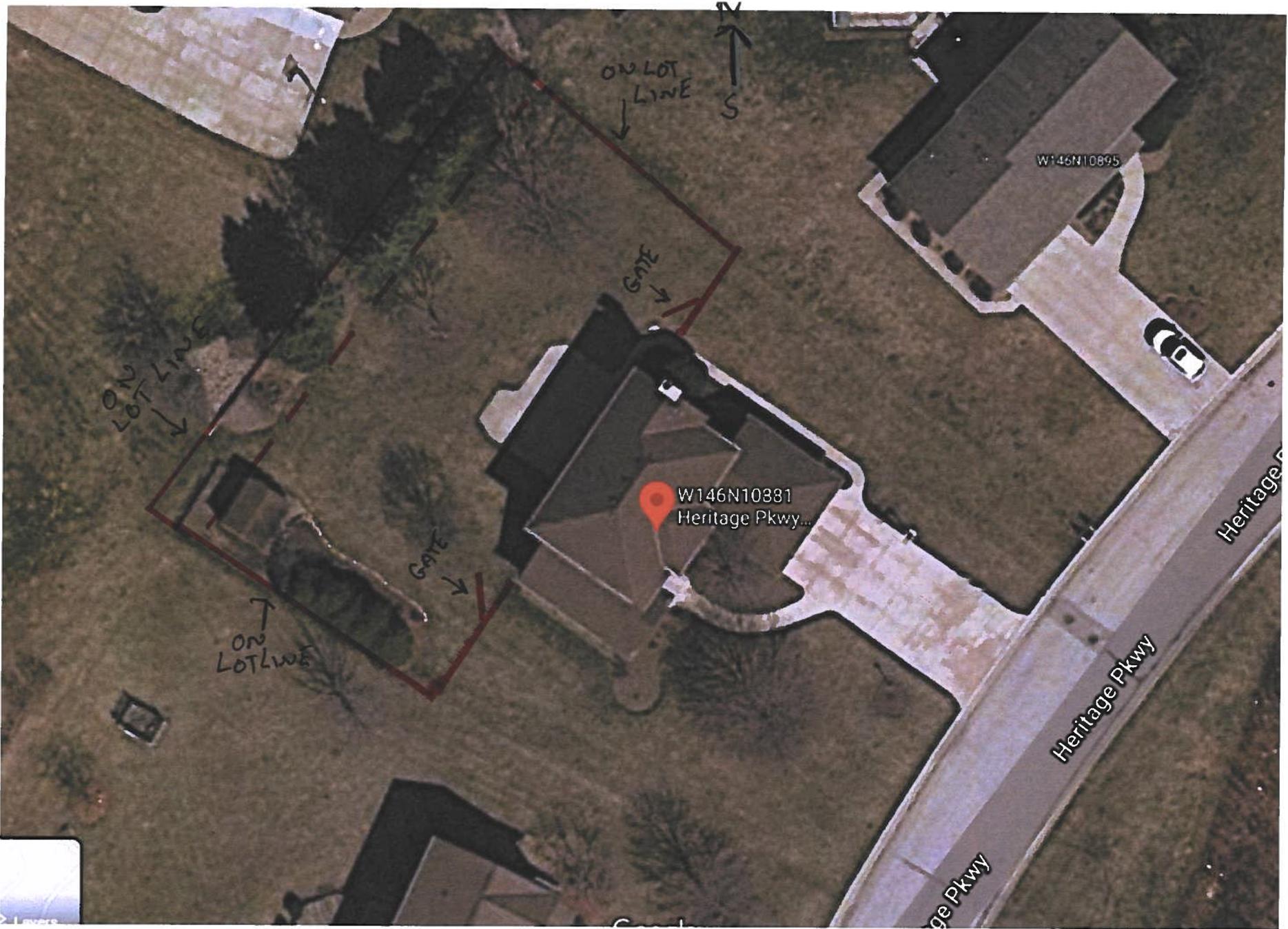
- 1) the style and make-up of the proposed fence will not impede any flow of water if it ever needed to pass through
- 2) there is currently no standing water or evidence of past water flows in the area of installation
- 3) our back lot line/yard is about 3' higher than our neighbors yard which is why we were surprised to discover that there was any drainage easement on the property, much less so wide, when we began this project

Thank you for the commission's time in reviewing this application and taking it up at your meeting. We look forward to your approval so we can obtain our permit and getting this project completed as soon as possible.

Thank you,

Jennifer & Chad Ponschock

W146 N10881 Heritage Parkway



- = PROPOSED FENCE (NOTE THE 3 SIDES NOTED ARE ON LOT LINES)
- - - = APPROX. EASEMENT BOUNDARY

PONSCHOCK
ATTACHMENT #1



- STYLE OF FENCE TO BE INSTALLED - 48" H
- FENCE TO BE PROFESSIONALLY INSTALLED BY CLOVER FENCE COMPANY

August 5, 2021

I have no issues with my neighbors, Jen & Chad Ponschock, installing a decorative ornamental 48" metal fence in the backyard of their property at W146N10881 Heritage Parkway, Germantown, WI 53022.

Name: Lindsey Helt

Address: W147 N 10902 Hackberry Circle

Signature: Lindsey Helt

REAR
NEIGHBOR
MOST AFFECTED

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

PONSCHOCK
ATTACHMENT #3

August 5, 2021

I have no issues with my neighbors, Jen & Chad Ponschock, installing a decorative ornamental 48" metal fence in the backyard of their property at W146N10881 Heritage Parkway, Germantown, WI 53022.

Name: BIL DE GRACE

Address: W146 N10881 HERITAGE PKWY., GERMANTOWN, WI 53022

Signature: 

Name: Joan Butz

Address: W147 N10867 Heritage Pkwy

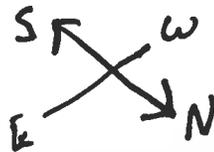
Signature: 

Name: _____

Address: _____

Signature: _____

PROPOSED FENCE
IN RED IN ALL
PICTURES



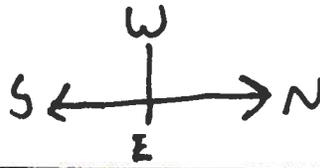
PIC 1 - FROM OUR YARD FACING ~~S~~ SW FACIN LOT LINE (BACK)



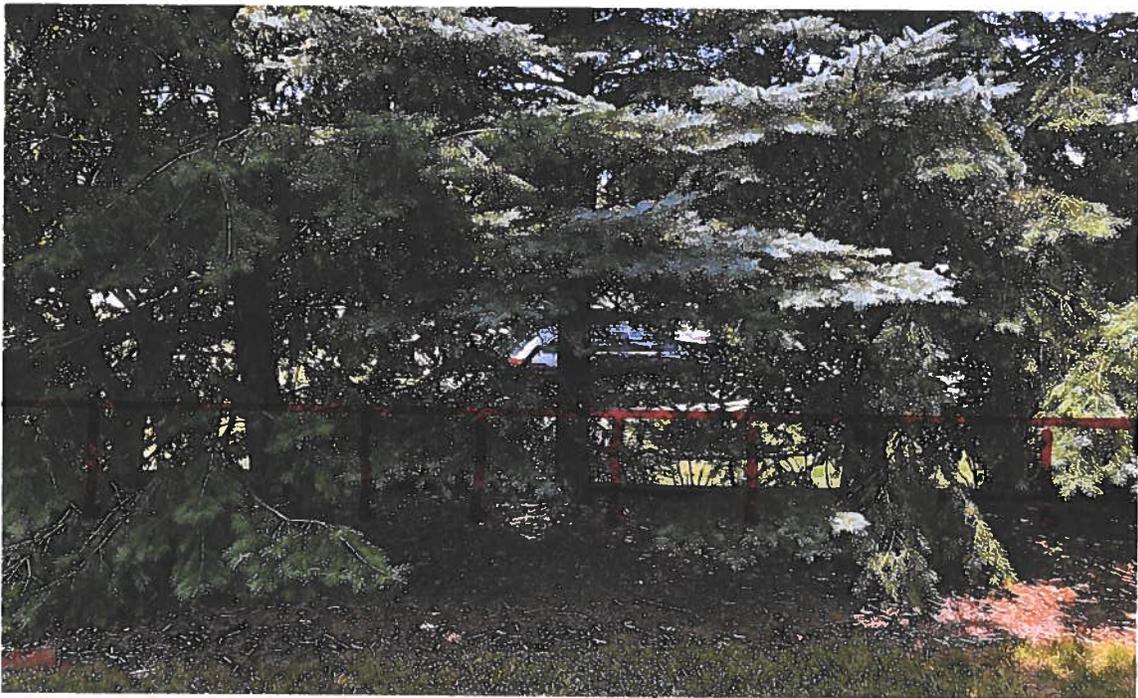
PIC 2 - FROM OUR YARD FACING LOT LINE (BACK) ~~WEST~~ (WEST)



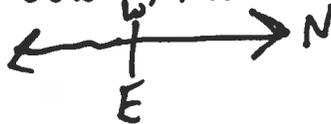
Powertek
ATTACH. 4



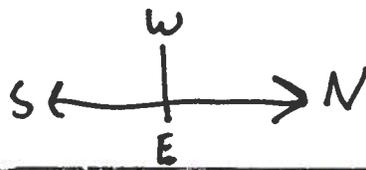
PIC 3 - FROM OUR YARD FACING LOT LINE (BACK) (WEST)



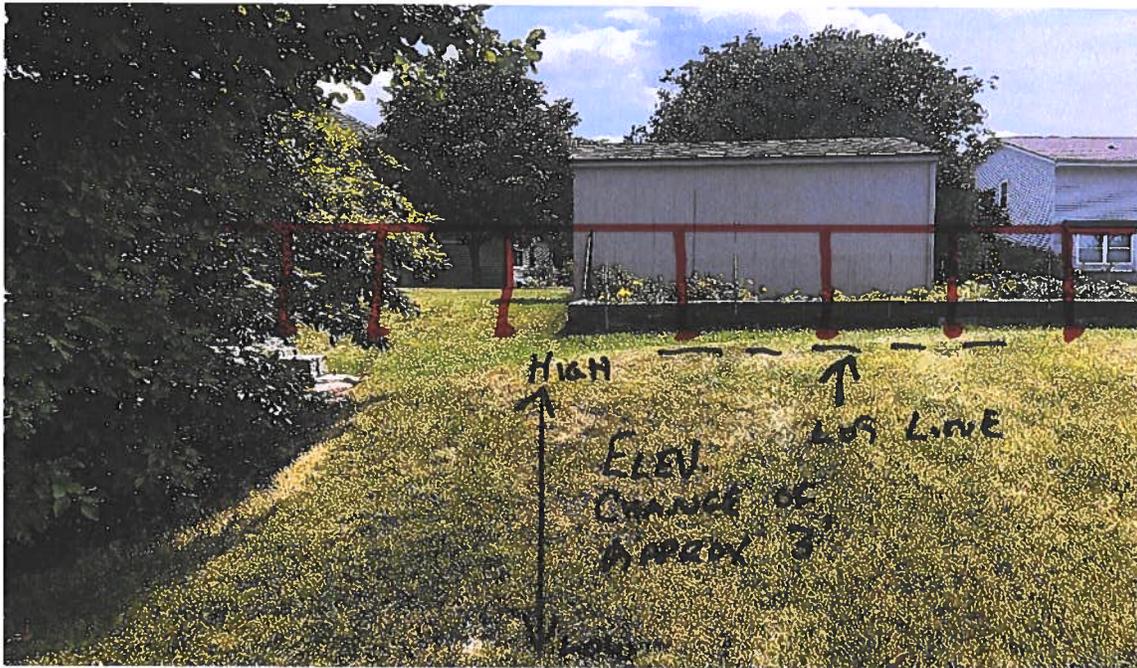
PIC 4 - FROM OUR YARD FACING LOT LINE (BACK) (WEST)



PANSCHOCK
ATTACH 5

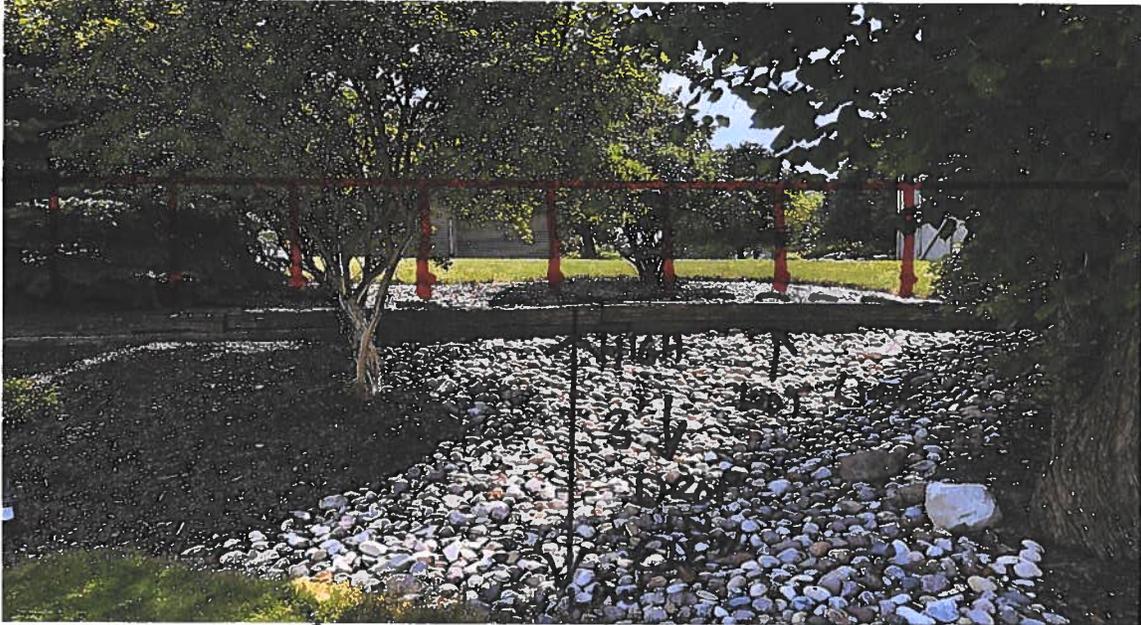
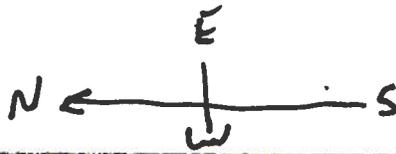


Pic 5 - From OUR YARD FACING LOT LINE (BACK) (WEST)

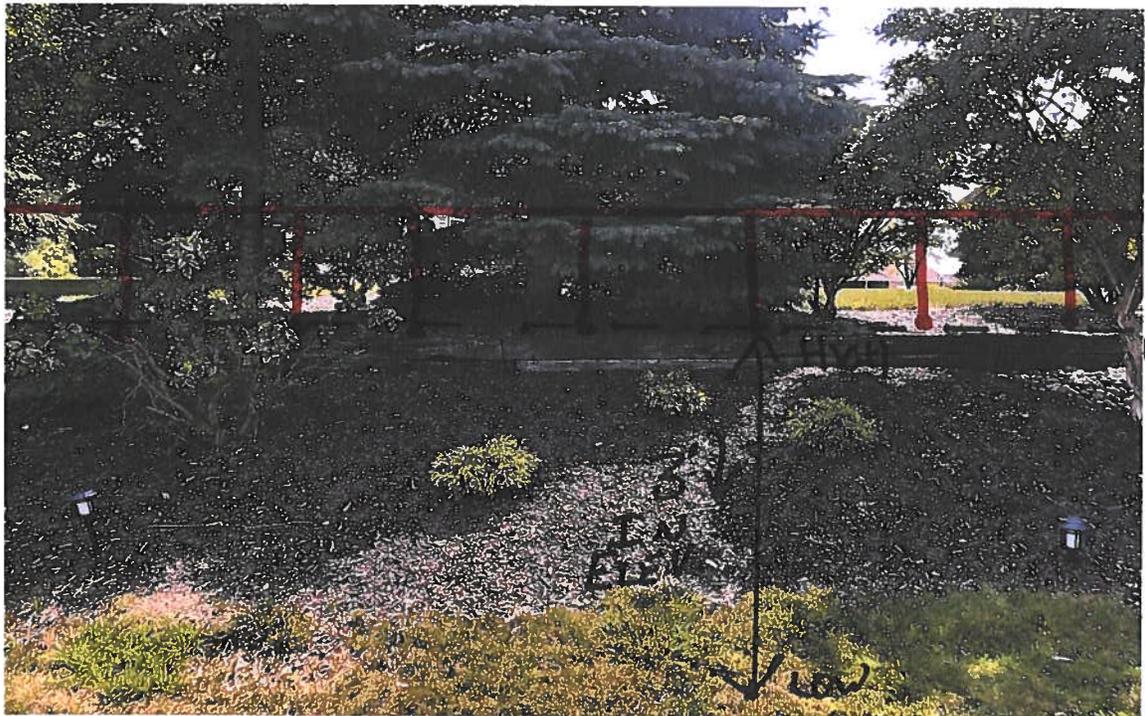


Pic-6 - From REAR NEIGHBORS YARD FACING LOT LINE (BACK) (EAST)





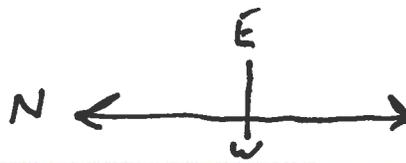
PIC 7 - From REAR NEIGHBORS YARD FACING LOT LINE (BACK) (EAST)



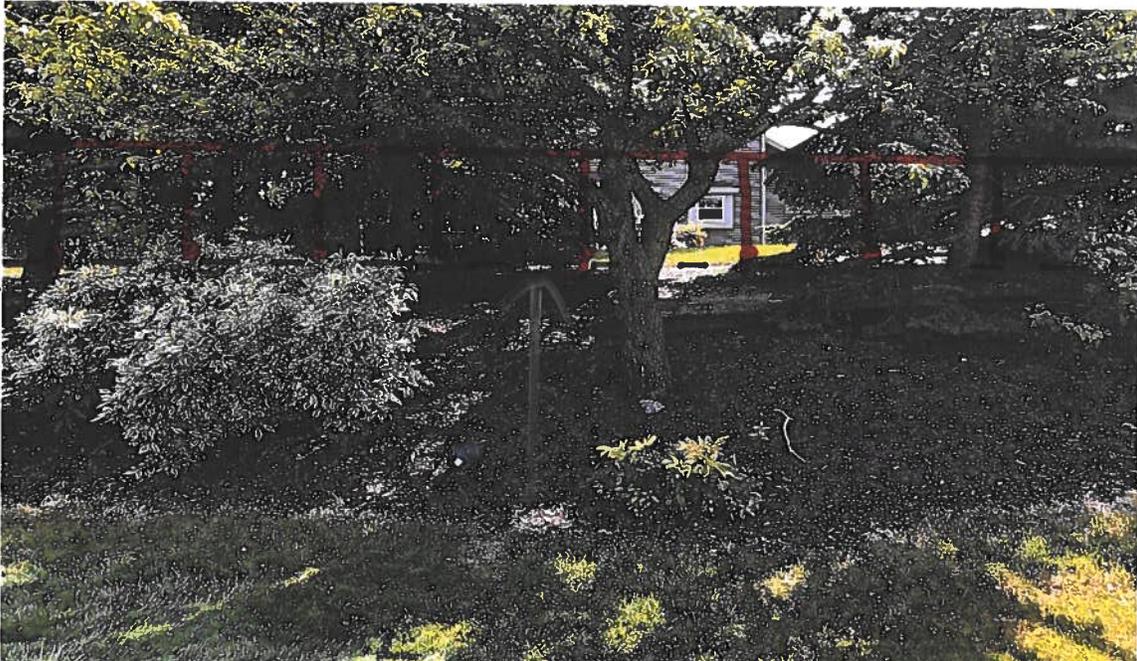
← LOT LINE

PIC 8 - From REAR NEIGHBORS YARD FACING LOT LINE (BACK) (EAST)





High
3' ↓
IN
ELEV
↓
Low



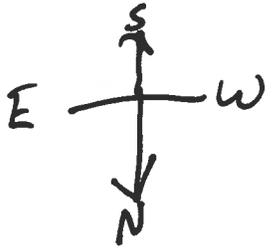
← LOT
LINE

PIC 9 - FROM REAR NEIGHBORS YARD FACING LOT LINE (BACK)

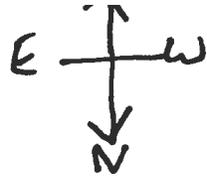


← LOT
LINE

PIC 10 - DOWN REAR LOT LINE NORTH TO SOUTH



Pouschack
Armen ?



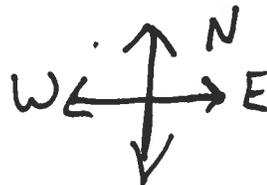
LOT
LINE

PIC 11 - DOWN REAR LOT LINE NORTH TO SOUTH

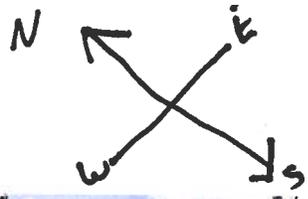


LOT
LINE

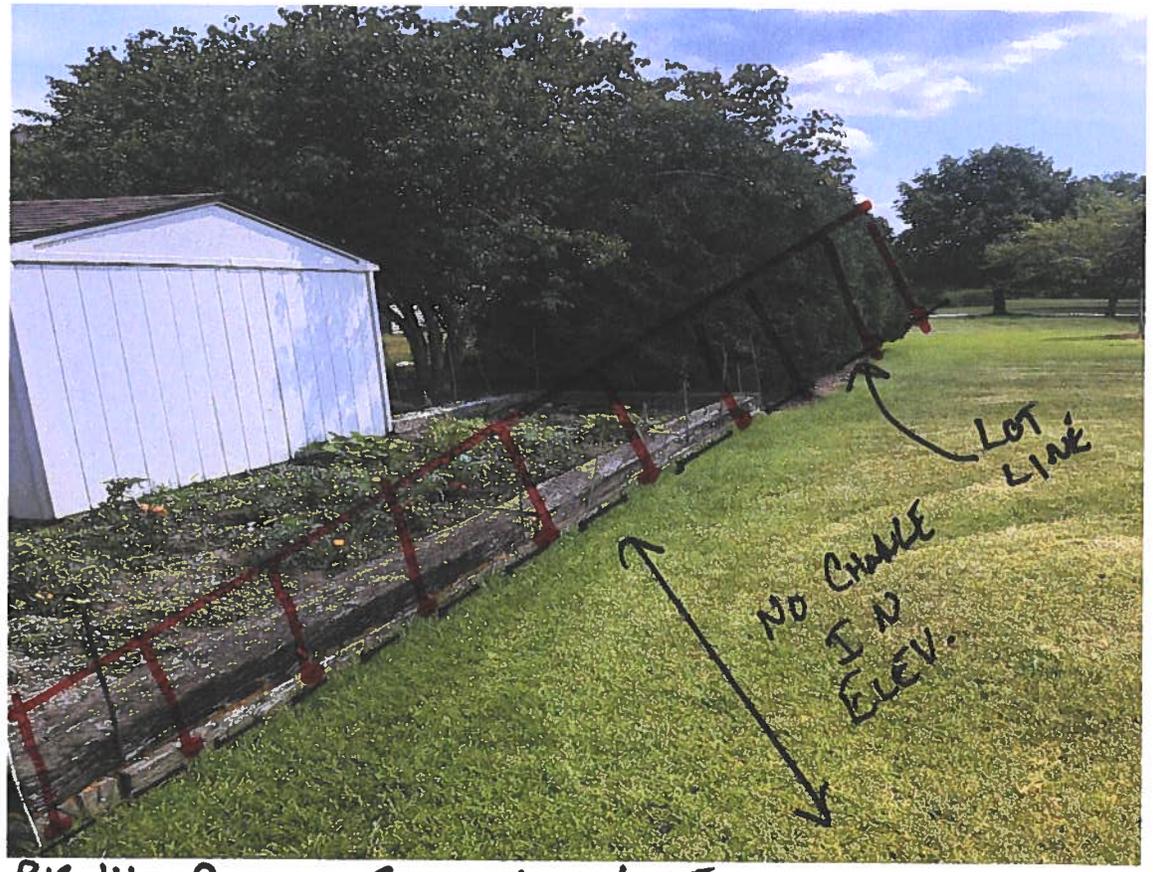
PIC 12 - DOWN REAR LOT LINE SOUTH TO NORTH



Pauschock
Attach 9



PICTURE 13 - PIC OF REAR S W CORNER OF LOT LINE



PICTURE 14 - PIC OF SOUTH LOT LINE



PONSCHACK
ATTACH 1D

W146110881 HERITAGE PKWY.

JAMES R. ELDER

PROFESSIONAL ENGINEER — REGISTERED LAND SURVEYOR

3782 OVERLOOK DRIVE WEST

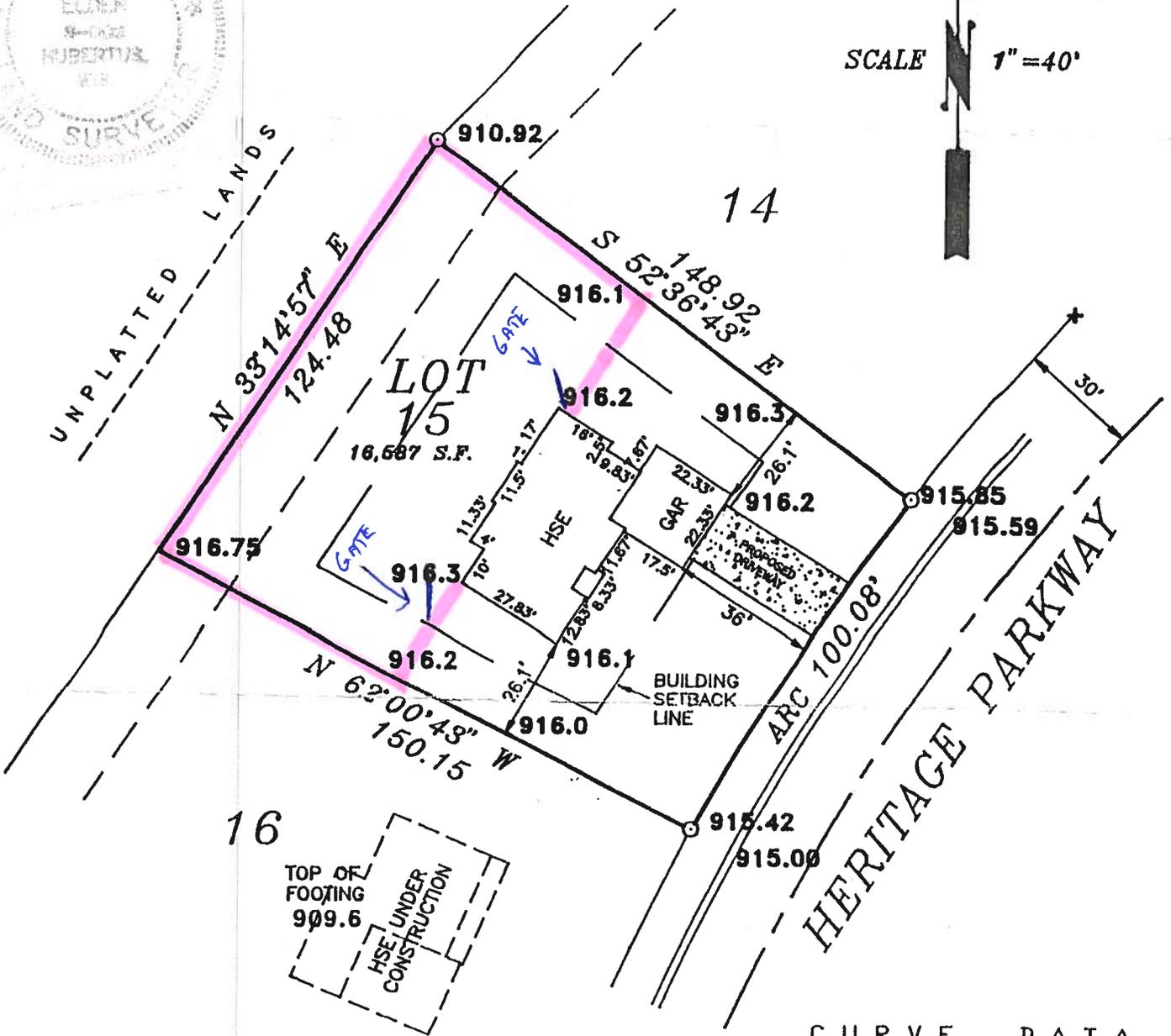
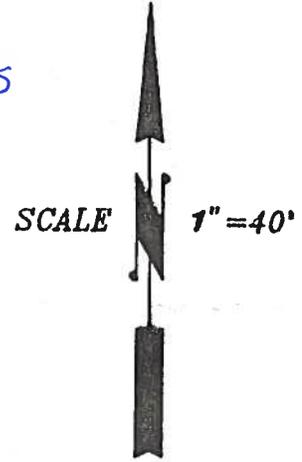
HUBERTUS, WISCONSIN 53033

PHONE 414-628-1409

FAX (414)628-1855

PLAT OF SURVEY

 = PROPOSED FENCE LINES



CURVE	DATA
RADIUS	610.00'
ARC	100.08'
CHORD	99.97'
CH BRG	S32°41'17"W

BM — HYDRANT TOP FLANGE BOLT UNDER THE "OPEN" ARROW.
EL: 918.81

DOUBLECHECK
ATTACH. 11

DESCRIPTION:

All of Lot 15 in HIGH POINTE, being a Subdivision in part