

City of Waukesha  
Department of Community Development  
**BOARD OF ZONING APPEALS**  
201 Delafield Street, Waukesha, WI 53188



**NOTICE:** The Board meets on the first Monday of every month at 4:00 p.m. in the upper level hearing room (207) at Waukesha City Hall. **ATTENDANCE OF THE APPLICANT OR A REPRESENTATIVE IS REQUIRED.** Failure to appear could result in the application being acted on without the applicant's input, or it could result in the item being removed from the agenda, requiring the applicant to reapply and pay another filing fee.

The appeal or application must be filed with the Community Development Department at least 17 days before the Board's meeting and within 20 days of the Zoning Inspector's order or decision, accompanied by the filing fee of **\$100.00**.

This application is for (choose one)

A variance from section 22.58 of the zoning code     An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 3951 OAKMONT TRL 53188 Tax Key #: 291-0987-015-000

Current Zoning: RESIDENTIAL Existing Use: RESIDENTIAL

**ATTACH DETAILED DESCRIPTION OF PROPOSAL** including what is being requested, the rationale, and if a variance request, the facts and circumstances that satisfy the criteria for variance listed on the reverse of this form.

In order to be placed on the Board of Zoning Appeals agenda, the Community Development Department must receive the completed application, fee, project description, and a set of plans in PDF format by the applicable deadline. If this is an appeal from the decision of the Zoning Inspector, also attach a copy of the decision or order rendered by the Zoning Inspector and a statement of principal points on which the appeal is based. The Community Development Department - Planning Division should be consulted to assure an application is complete before being submitted.

**SEE REVERSE FOR DEADLINES AND ADDITIONAL INFORMATION.**

Applicant: (Person to receive notices)

Owner of property:

Name: MARK WOJCINSKI

SAME, WITH SPOUSE

Address: 3951 OAKMONT TRL

City & Zip: WAUKESHA 53188

Phone: 262-893-0813

E-mail: andrea.wojcinski@gmail.com

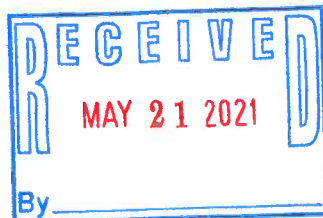
I certify that the above statements and the statements contained in the materials submitted with this application are true and correct.

Mark Wojcinski  
Applicant Signature

5/20/2021  
Date

**PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$100.00 FILING FEE**

For Internal Use Only		
Amount Paid: <u>\$100-</u>	Check # <u>4516</u>	Received by: <u>ma</u>



## **VARIANCES**

A variance is a special exemption from the city zoning code granted by the Board of Zoning Appeals in unusual circumstances on a case-by-case basis. Variances are difficult to obtain, and they are not granted simply because of an applicant's desire to do certain things or use a property in a certain way. In order to receive a variance an applicant must show that a unique hardship exists on the applicant's property. An applicant bears the burden of proving that all of the following criteria for a variance are satisfied:

1. Special circumstances exist that apply only to the property for which the variance is requested, and not to any other neighboring properties. The special circumstances must relate to the property itself, and not to the applicant's desired use of the property. Explain the circumstances and how they are unique to the applicant's property.
2. Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant. Explain how the owners of neighboring properties are able to enjoy property rights that the applicant cannot.
3. The variance is not being requested solely for economic loss or gain. Explain how the variance is not just to increase property value or to allow profit-making activities.
4. The applicant's hardship is not self-created. Explain how the special circumstances relating to the property are not caused by the applicant's actions or wishes.
5. The variance would not defeat the purpose of the zoning ordinance, and would not be a detriment to neighboring properties. Variances cannot be contrary to the policy reasons for the ordinance from which the variance is requested. Explain how the variance would work within the existing zoning rules and not undermine the reasons for them.

In addition, please provide the following information:

If applicant is asking for a use variance, explain how the property will have no reasonable use unless a variance is granted.

If applicant is asking for a dimensional variance, explain how complying with the current rules is unreasonable or creates an unnecessary burden on the applicant.

**Please review these criteria prior to application submission and address each of them in your detailed description of the proposal. Failure to address each point will result in a rejection of the application.**

**Fees are non-refundable.**

**Addendum to Board of Zoning Appeals Variance Application**

**May 21, 2021**

**Resident:** Wojcinski

**Residence:** 3951 Oakmont Trail  
Waukesha, WI 53188

**Variance Requested:** This request is for a dimensional variance to exceed the 150 square foot requirement by 42 square feet to construct a 12 foot by 16 foot shed on our residential property.

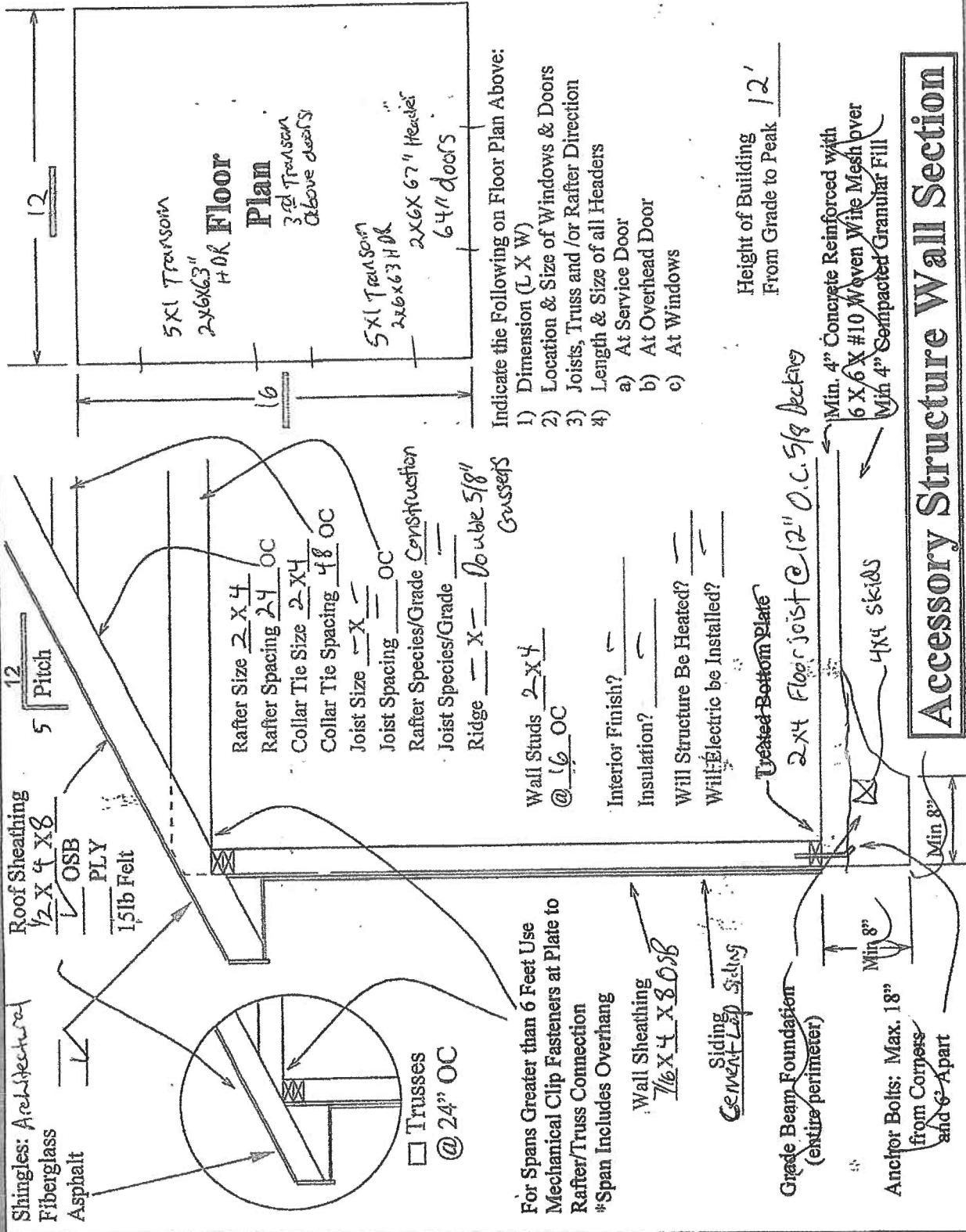
**Request Details:**

1. The unique shape and size of this specific lot justifies consideration of a variance to the established shed zoning requirements of the City of Waukesha. This property is pie slice shaped and is wider in the back than the front, allowing for a larger backyard. The size of this specific lot is ~22,000 square feet or 0.47 acres compared to the average size of neighboring lots, which are closer to ~11,000 square feet or 0.25 acres. Because of this, the property can accommodate a slightly larger shed when compared to other lots in the area while still achieving the objectives of the City's zoning requirements.
2. When comparing the square footage ratio of shed to property size, the property rights enjoyed by other residents with a smaller property size are being denied to this property owner with a larger lot that can accommodate a larger shed than the 150 square foot maximum while still achieving the objectives of the City's zoning requirements. The shed size being requested by this property owner is significantly lower than the ratio allowed for smaller lots.
  - a. Quarter Acre Lot Example = 13.6% (150 / 11,000 sq ft)
  - b. This residence variance request = 8.7% (192 / 22,000 sq ft)
    - i. This is ~36% less than allowed for the example estimate
3. The requested variance is not being requested for economic gain or loss avoidance and is not requested to change the property value.
4. The variance request is not a result of the applicant's actions or wishes, but is a mathematically minor dimensional variance that will allow for the use of standard size building materials (4 foot by 8 foot) resulting in less building material waste that would otherwise need to be disposed of.
  - a. Compared to the dimensions of a 149 square foot (10.75 ft. x 13.75 ft) shed the additional width and length is insignificant
    - i. Requested shed is only 12% wider than current maximum allowed by City
      1.  $12\text{ ft} - 10.75\text{ ft} = 1.25\text{ ft} / 10.75\text{ ft} = 12\%$  wider
    - ii. Requested shed is only 16% longer than current maximum allowed by City
      1.  $16\text{ ft} - 13.75\text{ ft} = 2.25\text{ ft} / 13.75\text{ ft} = 16\%$  longer
5. This variance request will not defeat the purpose of the zoning ordinance as the objectives of the ordinance will be maintained for this property. The shed will be constructed using similar siding and roofing materials to match the house as required by our subdivision committee, follow the setback requirements, and will not be a detriment to neighboring properties.

This dimensional variance is being requested to allow the property owner similar property rights granted to owners of smaller lots as it relates to the shed square footage as a percentage of total lot square footage.



Applicant to provide all information in red



Shingles: Architectural Fiberglass Asphalt

Roof Sheathing 1/2" X 4" X 8"  
OSB  
PLY  
15lb Felt

5 Pitch 12

Rafter Size 2 X 4  
 Rafter Spacing 24 OC  
 Collar Tie Size 2 X 4  
 Collar Tie Spacing 48 OC  
 Joist Size X  
 Joist Spacing OC  
 Rafter Species/Grade Construction  
 Joist Species/Grade Construction  
 Ridge X Double 5/8" Crosses

For Spans Greater than 6 Feet Use Mechanical Clip Fasteners at Plate to Rafter/Truss Connection  
 \*Span Includes Overhang

Wall Sheathing 1/2" X 4" X 8" OSB  
 Siding Cement Lap Siding

Grade Beam Foundation (entire perimeter)

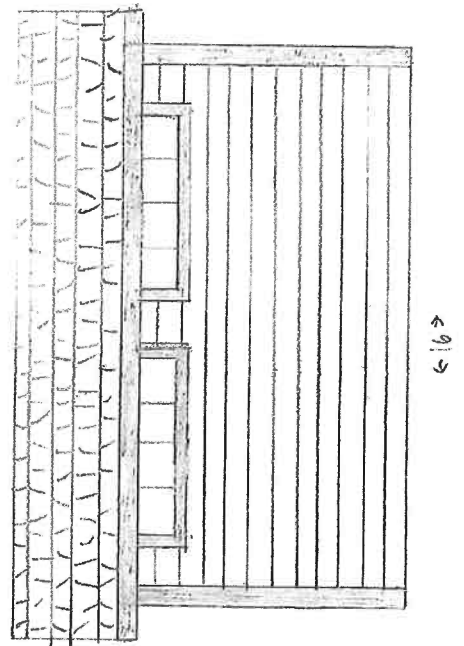
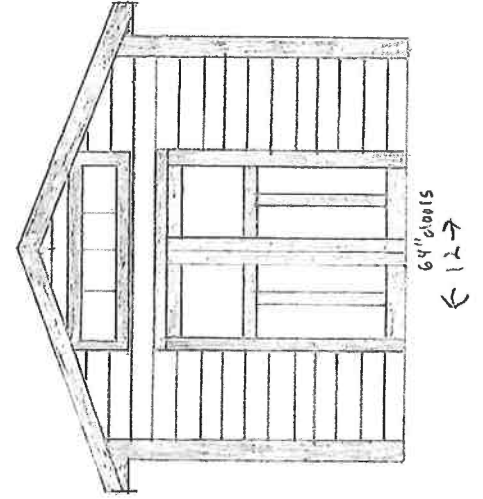
Anchor Bolts: Max. 18" from Corners and 6' Apart

- Indicate the Following on Floor Plan Above:
- 1) Dimension (L X W)
  - 2) Location & Size of Windows & Doors
  - 3) Joists, Truss and /or Rafter Direction
  - 4) Length & Size of all Headers
    - a) At Service Door
    - b) At Overhead Door
    - c) At Windows

Height of Building From Grade to Peak 12'

2x4 Floor Joist @ 12" O.C. 5/8 Decking  
4x4 Skids  
 Treated Bottom Plate  
 Min. 4" Concrete Reinforced with 6 X 6 X #10 Woven Wire Mesh over Min 4" Compacted Granular Fill

## Accessory Structure Wall Section

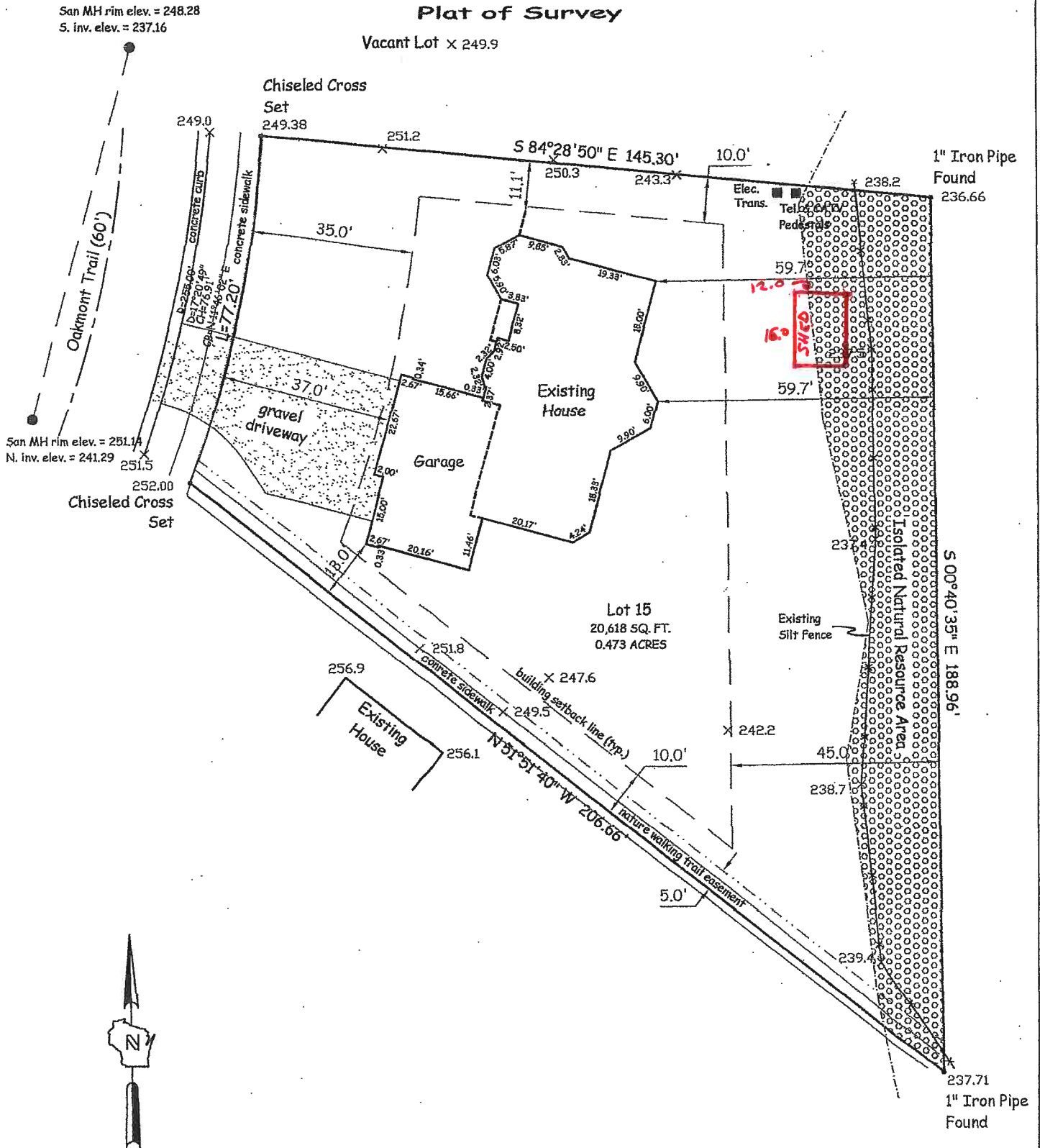


# Bernklau Surveying, Inc.

N64 W24801 Main St., Suite 103  
Sussex, WI 53089  
(262) 246-0718

## Plat of Survey

Vacant Lot x 249.9



San MH rim elev. = 248.28  
S. inv. elev. = 237.16

San MH rim elev. = 251.14  
N. inv. elev. = 241.29

Chiseled Cross Set  
249.38

Chiseled Cross Set  
252.00

Lot 15  
20,618 SQ. FT.  
0.473 ACRES

1" Iron Pipe Found  
236.66

S 00°40'35" E 188.96'

237.71  
1" Iron Pipe Found



SCALE 1" = 30'

NOTE: offsets shown to existing house foundation.  
Existing top of foundation elevation = 253.5

Lot 15, Oakmont, being a subdivision of a part of the NW 1/4, NE 1/4, SW 1/4 and SE 1/4 of the SW 1/4 of Section 31, Town 7 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.

