



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

Stamp Date Received

**NOTICE:** The Board meets on the second Monday of every month at 4:00 p.m. 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 **\$375.00**.

This application is for (choose one) (#7)  
 A variance from section 22.38 of the zoning code     An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 576 Elizabeth St., Waukesha OR Tax Key #: \_\_\_\_\_

Current Zoning: M-1 Existing Use: Outdoor storage of Bldg mat'ls

**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: <u>Mark Rollinger</u>	<u>Bethesda, LLC</u>
Address: <u>235 W. Broadway</u>	<u>235 W. Broadway</u>
City & Zip: <u>Waukesha WI 53186</u>	<u>Waukesha, WI 53186</u>
Phone: <u>414-839-1718</u>	<u>262-521-9935</u>
E-mail: <u>mark@bergmanagement.com</u>	<u>info@bergmanagement.com</u>

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

*Marc Hollings*

Applicant Signature

1-14-26

Date

PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$375.00 FILING FEE

For Internal Use Only

Amount Paid: _____	Check # _____	Received by: _____
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## 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.**

## Variance request for 576 Elizabeth St.

We are requesting a variance at 576 Elizabeth St. in order to replace a portion of the building that was torn down several years ago. The old building was built right up to the property line of the railroad tracks on the north side of the existing building. Other parts of the same structure and the neighboring building to the east are also currently built up to the property line. The zoning ordinance states that there shall be a rear yard of not less than twenty-five (25) feet. If we were to adhere to the 25-foot setback, the new building would be too narrow to be functional.

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. **This is a unique situation in that the property line is adjacent to the railroad property line and raised railroad tracks. There was, previously, a building built up to the property line that was falling apart due to age and so was torn down several years ago. Because the existing buildings to the east and west are already built up to the property line, if a variance is not allowed for the new building, the new building would have limited accessibility.**

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. **The neighboring property is owned by the railroad. When the previous building was located in the same spot, the railroad had plenty of room for train travel and rail maintenance which they will continue to enjoy with a new building. The new building will be much more aesthetically pleasing than the previous structure, or the existing building, to the surrounding neighbors.**

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. **We are requesting this variance to build a newer, nicer building to not only enhance the existing M-1 space, but to create a nicer view for the neighboring properties and public areas.**

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. **Years ago, when the building was used as a bottling plant, the railroad behind it carried supplies and deliveries, but the bottling plant has been gone for many years and the train has not stopped at this site since. Therefore, the existing building has been repurposed and updated with a portion being torn down due to aging. It is the portion that was torn down that we now propose to re-build to update and restore what was once there to make it again a useful space.**

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. **The previous building was old, dilapidated, unable to be used and an eyesore to the neighborhood. This variance would allow for a new, more modern building to be built with the only direct neighbor being the railroad tracks. The new**

building would not be detrimental to the surrounding area as no smoke, noise, dust, or odor would be visible. It would not impede any traffic and would greatly improve the physical appearance of the area.

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. This variance is being requested for use. We intend to build a new building for light manufacturing and retrofitting of equipment to accommodate the adjacent current tenant's expansion. If the variance is not allowed, it would make the new structure too narrow to serve any useful function.