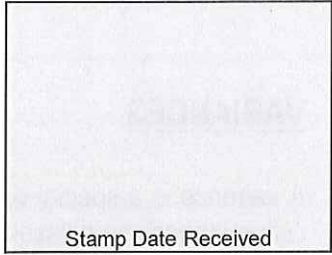


City of Waukesha
Department of Community Development
BOARD OF ZONING APPEALS
201 Delafield Street, Waukesha, WI 53188



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 Ch. 22 of the zoning code An appeal from the decision of the Zoning Inspector
22.58 J. 3 * Accessory use Reg Fences *

For the property identified below:

Project Address: 1651 Aldora Dr. Tax Key #: 0993-123

Current Zoning: Rs-3 Existing Use: Single Family

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: Stephen B. Styza
Address: P.O. Box 966
City & Zip: Waukesha WI 53187-0966
Phone: 414-573-1231
E-mail: SStyza@harmonyreality.com
SAME

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

[Signature] Applicant Signature 7-18-19 Date

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

| | | |
|----------------------------|---------------------|---------------------------------|
| For Internal Use Only | | |
| Amount Paid: <u>100.00</u> | Check # <u>CASH</u> | Received by: <u>[Signature]</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.

CHAPTER 22
Zoning

22.58 Accessory Use Regulations

5. No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sanitary sewerage system, or directly into a navigable body of water;
 6. Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
 7. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than twenty (20) feet to a lot line.
 8. There shall be an unobstructed areaway around all pools of at least three (3) feet in width.
 9. No private swimming pool, including areaways surrounding the pool, shall be located closer than ten (10) feet to a lot line.
 10. Private swimming pools, together with other accessory structures regulated by this section shall not occupy more than fifty percent (50%) of the rear yard area.
- i. Rummage Sales may be conducted in any district provided that the rummage sale does not exceed four (4) consecutive days in length and is not conducted more often than three (3) times per year. Rummage sales do not require the issuance of a building permit.
- j. (Am. #6-17) Fences are a permitted accessory use in any district. All fences are subject to the following rules:
1. Barbed-wire fences and electric fences are permitted only in the T-1 Temporary district, and only for control of livestock.
 2. Fences are not subject to setback requirements, except for street-yard setbacks for Solid Fences in subsection (3) and street-yard requirements for open Security Fences in subsection (7), and may be located on lot lines.
 3. Solid Fences are permitted in residential zoning districts, subject to the following rules: They shall not exceed a height of 6 feet; they are permitted in side and rear yards; and they are not permitted in street yards, except that they may extend on or parallel to the lot line into the street yard, no farther than the line of the adjacent property's street yard. (See Illustration No. 4)

Date: July 18th, 2019

To: City of Waukesha Zoning Board of Appeals (B.O.Z.A.) Meeting Date August 5th, 2019 (4:00p.m.)

Applicant: Stephen B. Styza

Requests a Variance; To keep an existing 14 year old Solid 6' high fence within the Yard Street Setback area with no known objections. "Instead of a 4' high open picket fence"

Location Request: 1651 Aldoro Drive, Waukesha Wi

Site Plan Attached:

WHEREAS, the considerations to hear and grant for an appeal of variance, as this is not contrary to the public interest, spirit and purpose is observed and public safety, welfare and justice secured. (A) That there are exceptional circumstances and conditions that do apply to this property in question that do not apply to the surrounding properties. With this being a corner lot, thus greater constraints and limitations than all others.(B) That the variance is necessary for the preservation of Quiet Enjoyment and Continuous Privacy Rights that are granted under Wisconsin State Statutes, that all property owners are afforded by and within the same district, vicinity, City, County and State. (C) That this is not a self-imposed hardship and that the fence has been in place and has existed for about 14 years with no known objections. (D) That authorizing of such a variance is not a substantial detriment to adjacent properties and does not materially impair the purpose nor intent of any public interest.

In Conclusion:

WHEREAS, the proposed variance is consistent with the spirit and intent of the goals and regulations set forth in Chapter 22.68 of City Code. That the effect of granting such variance on the health, safety and welfare of the community and immediate neighborhood in which said variance is located and as to no immediate impact on the surrounding properties and others, will not violate the spirit or intent of the City Code, will not be contrary to the public health, safety or general welfare of the City of Waukesha will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood.

