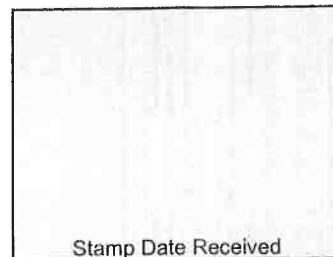


City of Waukesha  
Department of Community Development  
**BOARD OF ZONING APPEALS**  
201 Delafield Street, Waukesha, WI 53188



**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(1)(b) of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 2304 Judith Ln Waukesha, WI 53188 Tax Key #: WAKC0979086

Current Zoning: RS3 Single Family Residential Existing Use: Single Family Home

**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)

Name: Jeremy Egert

Address: 2304 Judith Lane

City & Zip: Waukesha 53188

Phone: 262-290-1105

E-mail: jeremy.egert@yahoo.com

Owner of property:

Jeremy Egert

2304 Judith Lane

Waukesha 53188

262-290-1105

jeremy.egert@yahoo.com

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

Jeremy Egert  
Applicant Signature

9/15/23  
Date

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

| For Internal Use Only |               |                    |
|-----------------------|---------------|--------------------|
| Amount Paid: _____    | Check # _____ | Received by: _____ |

## **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.**

## APPLICATION DEADLINE

All applications must be delivered to the Planning Division no later than the deadline indicated below to be considered for the subsequent meeting date. The advance application deadline is necessary to meet legal notification requirements.

| <u>Deadline</u>          | <u>Meeting Date (4:00 p.m.)</u> |
|--------------------------|---------------------------------|
| December 23, 2022 -----  | January 9, 2023                 |
| January 20, 2023 -----   | February 6, 2023                |
| February 18, 2022 -----  | March 6, 2023                   |
| March 17, 2023 -----     | April 3, 2023                   |
| April 14, 2023-----      | May 1, 2023                     |
| May 19, 2023 -----       | June 5, 2023                    |
| June 23, 2023 -----      | July 10, 2023                   |
| July 21, 2023 -----      | August 7, 2023                  |
| August 25, 2023 -----    | September 11, 2023              |
| September 15, 2023 ----- | October 2, 2023                 |
| October 20, 2023 -----   | November 6, 2023                |
| November 17, 2023 -----  | December 4, 2023                |

# Variance Rationale

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## Criteria 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.

**Rationale: Given that our property is a double frontage lot (as opposed to a standard interior lot), the special circumstance, for which we would require a variance, is to place a shed in our rear street yard, given that we don't have a classic rear yard adjacent to another property.**

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## Criteria 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.

Rationale: **Neighboring properties are able to maintain a shed in their back yard, but given that my back yard borders a street as opposed to another lot, the code will restrict me from maintaining shed in my back yard.**

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## Criteria 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.

Rationale: **The variance is not being requested to increase my property value or to allow profit-making activities. The shed is simply to store our yard and garden equipment that is currently cluttering our garage.**

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## Criteria 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.

Rationale: **The hardship is not self-created but is fundamental to the layout of the property (e.g property has two street yards vs. one street yard and one rear yard)**

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## Criteria 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.

Rationale: **The purpose of the rule is to ensure that sheds are not built in the front yard. In this case, the shed will be built in the back yard behind our fence and therefore meets the spirit of the law.**

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## Variance for Dimensional Use

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.

Rationale: **Since we are asking for a dimensional variance, compliance to the current rule would unfairly limit our ability to place a shed in our back yard.**