



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

100-170-1720-1000-5920

RECEIVED

OCT 21 2016

CITY PLAN COMMISSION

Stamp Date Received

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-Planning Division 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.

ALL APPEALS FOR VARIANCES MUST INCLUDE PLANS SHOWING THE VARIANCES BEING REQUESTED.
 Other types of applications may require different information, so the Community Development-Planning Division should be consulted before the application is submitted.

Applicant: (Person to receive notices)

Name: Mike & Beth Klumb/Coast Car Wash, LLC

Address: N1993 Birches Drive

City & Zip: Lake Geneva, WI 53141

Phone: +1 (262) 613-5566

Owner of property:

Mike & Beth Klumb/Coast Car Wash, LLC

N1993 Birches Drive

Lake Geneva, WI 53141

+1 (262) 613-5566

To the Board of Zoning Appeals: I hereby (choose one) make an application for Variance
 appeal from the decision of the Zoning Inspector

For the property located at the following address: W227 S1584 Anita Ave., Waukesha, WI - 1676 Arcadian Ave., Waukesha WI
 (Address of property in question) 905 Anita Street, Waukesha WI

Please describe present use of premises: See attached

Briefly describe proposal: See attached

If this is an appeal, attach the following:

- 1) Copy of the decision or order rendered by the Zoning Inspector.
- 2) Statement of principal points on which appeal is based.
- 3) Plans showing the variances being requested.

I hereby depose that the above statements and the statements contained in the papers submitted herewith are true and correct.

[Signature]
 Applicant Signature

10-20-16
 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>7756</u>	Received by: <u>ma</u>

ADDENDUM TO APPLICATION TO BOARD OF ZONING APPEALS

Applicant: Mike & Beth Klumb / Coast Car Wash, LLC

Address: ~~W227 S1584 Anitol Ave., Waukesha, WI~~

11676 Arcadium Ave, Waukesha, WI &
905 Anitol Street, Waukesha, WI

Action Requested: Variance of Street Yard Setback per Chapter 22.37(7), in the B-5 District

Present Use of Premises: The subject parcel is vacant and unimproved at the intersection of 164/59 and Arcadian Avenue and Anitol Avenue.

Description of Proposal: Applicant proposes to construct and operate an automatic car wash at the premises. The Plan Commission has approved a Conditional Use Permit (7-0 Vote) for the proposal. The Plan Commission, at its October 12, 2016 meeting, acknowledged the proposal's non-conformity with the street yard setback in the B-5 District, which requires a 50 foot setback from the road right-of-way. The Plan Commission directed the Applicant to pursue a Variance and indicated their support for granting of same.

Submitted herewith are the Site Plan, Survey, and the CUP package previously submitted to the City Plan Commission.

The variance is for the proposed three-lane vehicle pay stalls with covered canopy on the eastern side of the parcel, adjacent to Hwy 164/59. The B-5 setback from the right-of-way is 50 feet. Per the proposed plans, the improvements require an adjustment of the setback to 24 feet in the limited area of the three lane car stalls and canopy. Applicant seeks a variance to accommodate this proposal.

Grounds for Variance: The Board applies the following factors in considering a variance application:

- 1) There are exceptional extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district.

Response: The parcel is unique in its shape and size. The north-south segment fronting on 164/59 is less than 100 feet wide at the north end and tapers to less than 150 feet at the south end where the eastern segment begins. After applying the 50 foot road setback and side/rear setbacks of 10 or 25 feet, the remaining buildable land ranges from a width of no more than 30 feet at the north end to no more than 80 feet at the south end. Only a very long and narrow building can be accommodated.

The Plan Commission and neighbors have cooperatively worked with Applicant to establish a significant landscaping plan to buffer the site. See attached Landscape Plan. The landscaping will occur in the road setback area and provide a buffer from the three-stall lanes / canopy.

The subject car wash requires the 3 lanes to allow for efficient movement of cars through the payment process and avoid vehicle back-ups that could otherwise affect traffic on city streets. One lane is for "pass holders" who can move through the process without attendant service, which is critical for efficient movement of vehicles.

This proposed use is uniquely suited for the unusually shaped lot. But for this one variance, the site can function exceptionally well for a car wash. The fact that the parcel, at a key intersection, has been vacant or underutilized for an extended period of time is indicative of the limited land uses available to the subject parcel.

- 2) That a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district in the same vicinity.

Response: The present vacant lot is not beneficial to the neighborhood and City of Waukesha. It is unattractive and generates minimal tax revenue. The proposed car wash will be an attractive improvement to the area and have no negative impacts on properties in the vicinity.

Additionally, as noted above, the 3 lane configuration, for which a variance is required, is critical to allowing traffic to flow efficiently around the site. This is a benefit to the public patrons of the site, to neighbors and other drivers who will not be impacted by traffic impacts which might otherwise arise, and to the local business community in general.

- 3) That a variance is not being requested solely on the basis of economic gain or loss, and that self-imposed hardships are not being considered as grounds for granting of a variance.

Response: The Applicant did not create the unique shape of this lot. The hardship is not self-imposed. The Applicant has brought forward a proposed land use that fits on this challenging parcel, but for the extension of a small segment which partially protrudes into the 50 foot setback. The approved car wash can best operate, in terms of customer service and public safety, by having three lanes to process payment. This avoids back-ups, which would likely occur at peak times if only a single lane were operational. Imposing the 50 foot setback would restrict the operation to a single lane.

- 4) That the authorizing of a variance shall not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter of the public interest.

Response: There is no evidence that the variance will harm adjacent properties. The variance will only impact the setback from the 59/164 thoroughfare. There will be extensive landscaping to buffer that area. There will still be approximately 25 feet of setback before the edge of the right-of-way in the subject area, and the full setback is accommodated for the balance of the subject proposal.

The section of 59/164 to the immediate north, on the west side (same as the proposed car wash) is undeveloped all the way up to the intersection to the north. There are no developed properties to be impacted in that area. Moreover, there will be no apparent diversion in setbacks going to the

north. On the east side of 59/164, there is a large surface lot and undeveloped land, none of which will be negatively impacted by this variance.

Overall, there appears to be no significant impact to the public interest. It is noteworthy to consider that the Plan Commission, including the Mayor, expressed their specific support not only for this project, but for the variance to allow it to go forward as proposed.

INDEX OF EXHIBITS

COAST CAR WASH – PRELIMINARY CONDITIONAL USE PERMIT -- PC16-0062

1. Plat of Survey
2. Overhang
3. Colored Elevation
4. Conditional Use Permit Application
5. Elevation Standard
6. Grading Plan
7. Landscape Plan
8. Site Plan
9. Vicinity Map
10. Fire Department Comments – No Comment (8/10/16)
11. Water Utility Department Comments (8/10/16)
12. Engineering Department Comments (8/10/16)
13. Coast Car Wash Conditional Use Cover Sheet (8/10/16)
14. Rezone – Signature of Parcel 1 – TDX, LLC
15. Plan Commission Application for Review – Petition for Amending – Parcel 1
Signature of Owner – Robert Rupnow
16. Site Plan
17. Photo of Fence
18. Plat of Survey
19. Rezone – Parcel 1 Signature of Owner TDX, LLC
20. Rezone – Parcel IV Signature of Owner Irene Boschuet
21. Site Plan Revised
22. Landscape Plan Rendering Revised 9/14/16
23. Photos of Existing Building
24. Engineering Department Comments (10/12/16)
25. Fire Department Comments (10/12/16)
26. Water Utility Department Comments (10/12/16)
27. Coast Car Wash Conditional Use Cover Sheet (10/12/16)

COAST CAR WASH – PRELIMINARY CONDITIONAL USE PERMIT -- PC16-0062

EXHIBIT 1

Plat of Survey

PLAT OF SURVEY WITH TOPOGRAPHIC DATA

KNOWN AS S15 W22724 ARCADIAN AVENUE IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, STATE OF WISCONSIN

PARCEL I
ALL THAT PART OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1) IN TOWNSHIP SIX (6) NORTH, RANGE NINETEEN (19) EAST, IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, STATE OF WISCONSIN, BOUNDARY AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION ONE (1) THENCE NORTH 89°55'44" EAST, ALONG THE NORTH LINE OF THE SECTION, 1464.77 FEET TO THE CENTERLINE OF COUNTY TRUNK HIGHWAY "A"; THENCE SOUTH 5°32'01" EAST, ALONG SAID CENTERLINE, 60.20 FEET TO THE POINT OF BEGINNING OF THE PLAT; THENCE SOUTHWEST ALONG SAID CENTERLINE, 121.65 FEET TO THE PLACE OF BEGINNING OF THE PLAT; THENCE SOUTH 0°55'55" WEST, ALONG THE EAST LINE OF SAID SUBDIVISION AND ITS EXTENSION, 680.00 FEET TO THE CENTERLINE OF STATE TRUNK HIGHWAY "59"; THENCE NORTH 89°11' EAST, ALONG SAID CENTERLINE, 96.29 FEET, THENCE NORTH 41°50' EAST, 121.65 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THOSE LANDS DESCRIBED BY DOCUMENT NO. 3108664.

PARCEL II
LOT TWENTY-NINE (29) IN PLAT OF ANOKA HEIGHTS SUBDIVISION OF PART OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1), IN TOWNSHIP SIX (6) NORTH, RANGE NINETEEN (19) EAST, IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

PARCEL III
LOT THIRTY (30) IN PLAT OF ANOKA HEIGHTS SUBDIVISION OF PART OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1), IN TOWNSHIP SIX (6) NORTH, RANGE NINETEEN (19) EAST, IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

PARCEL IV
LOTS THIRTY-ONE (31) AND THIRTY-TWO (32) IN PLAT OF ANOKA HEIGHTS SUBDIVISION OF PART OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1), IN TOWNSHIP SIX (6) NORTH, RANGE NINETEEN (19) EAST, IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

SEPTEMBER 5, 2007 CANTERBURY REALTY, INC. SURVEY NO. 16366-10AW
ADDED SOIL BORINGS AND WETLANDS REVISION NO. 1-ERS

THIS SURVEY WAS PREPARED BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 070940208 EFFECTIVE DATE OF SEPTEMBER 17, 2007, WHICH LISTS THE FOLLOWING EASEMENTS AND/OR RESTRICTIONS FROM SCHEDULE B-1:

1. NOT SURVEY RELATED
- 2.-4. VISIBLE EVIDENCE SHOWN, IF ANY
- 5.-15. NOT SURVEY RELATED
16. EASEMENT IN AWARD OF DAMAGES RECORDED ON DECEMBER 11, 2003 AS DOCUMENT NO. 3108684 (AFFECTS PARCEL II) AFFECTS SITE BY LOCATION - SHOWN
17. NOT SURVEY RELATED
18. PUBLIC OR PRIVATE RIGHTS, IF ANY, IN SUCH PORTION OF THE PREMISES DESCRIBED IN SCHEDULE A HEREOF AS MAY BELAND OUT, USED OR DEDICATED FOR STREET, HIGHWAYS, AND ALLEYS SHOWN, IF ANY.
19. LIMITED ACCESS RESTRICTION AS CONTAINED IN AWARD OF DAMAGES BY WAUKESHA COUNTY HIGHWAY COMMITTEE RECORDED ON NOVEMBER 13, 1944 IN VOLUME 932 OF COUNTY RECORDS (AFFECTS PARCEL I). AFFECTS SITE BY LOCATION - SHOWN
20. RIGHTS OF THE PUBLIC IN SO MUCH OF THE SUBJECT PREMISES AS ARE AFFECTED BY ORDINANCE ADOPTED BY THE BOARD OF SUPERVISORS OF WAUKESHA COUNTY ESTABLISHING THE WIDTH OF STATE HIGHWAY "59" AT 120 FEET AND ORDINANCE THAT SAID HIGHWAY BE WIDENED TO THE WIDTH SO ESTABLISHED, TOGETHER WITH RIGHTS OF THE PUBLIC IN THAT PORTION OF SAID PREMISES LYING WITHIN THE LIMITS OF SAID ROAD AND NOT AFFECTED BY SAID ORDINANCE. A NOTICE AND PLAT, ETC. IN SAID RECORDS (AFFECTS PARCEL I). AFFECTS SITE BY LOCATION - CURRENT RIGHT-OF-WAY LINE SHOWN
- 21.-22. NOT SURVEY RELATED
23. UTILITY EASEMENT RECORDED ON SEPTEMBER 15, 1969 IN VOLUME 583 OF DEEDS, AT PAGE 579, AS DOCUMENT NO. 370542. AFFECTS SITE BY LOCATION - SHOWN

LEGEND

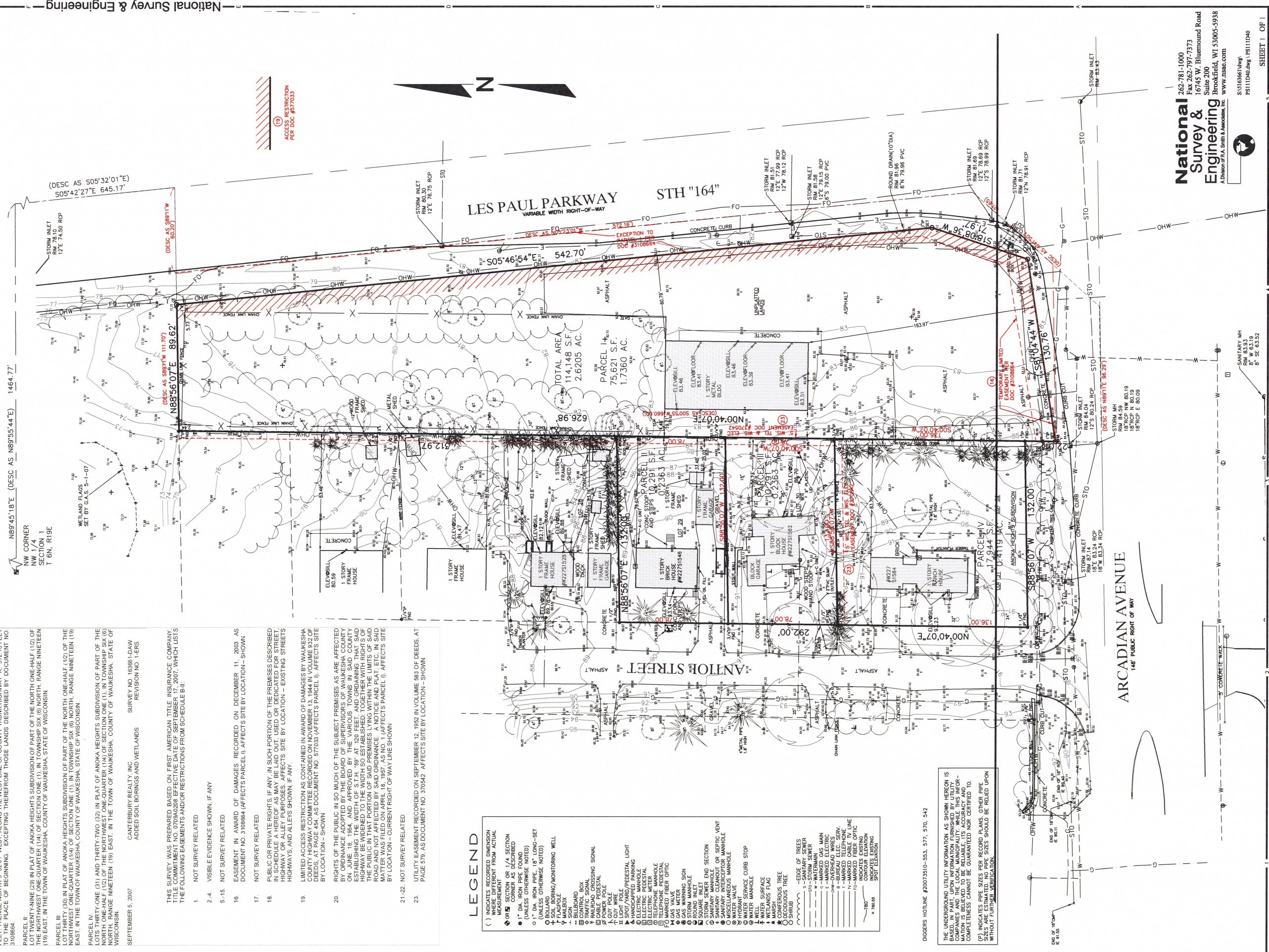
- () INDICATES RECORDED DIMENSION WHERE DIFFERENT FROM ACTUAL
- OR 1/4 SECTION CORNER AS DESCRIBED (UNLESS OTHERWISE NOTED)
- 1" DIA. IRON PIPE FOUND
- 1" DIA. IRON PIPE, 18" LONG-SET
- SOIL BORING/MONITORING WELL
- MANHOLE
- WATER VALVE
- SALE SIGN
- BUILDING BOX
- RAILROAD CROSSING SIGNAL
- TRAFFIC SIGNAL
- POWER POLE
- GUY POLE
- LIGHT POLE
- SPOT/WARD/PEDESTAL LIGHT
- STREET LIGHT
- ELECTRIC MANHOLE
- ELECTRIC PEDESTAL
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- GAS VALVE
- GAS METER
- WATER VALVE
- STORM MANHOLE
- ROUND INLET
- SANITARY MANHOLE OR SEPTIC VENT
- SANITARY MANHOLE OR SEPTIC VENT
- MISCELLANEOUS MANHOLE
- WATER VALVE
- WATER SERVICE CURB STOP
- WATER MANHOLE
- WATER SURFACE
- WETLANDS FLAG
- CONFEROUS TREE
- DECIDUOUS TREE
- SHRUB
- EDGE OF TREES
- 5'-SANITARY SEWER
- 10'-STORM SEWER
- 6'-MARKED GAS MAIN
- 1'-MARKED ELECTRIC
- 1'-BURIED ELEC. SERV.
- 1'-MARKED TELEPHONE LINE
- 10'-MARKED FIBER OPTIC
- INDICATES EXISTING
- INDICATES PROPOSED
- SPOT ELEVATION

DIGGERS HOTLINE #20073510-553, 577, 570, 542

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES. THE ACCURACY OF THIS INFORMATION IS NOT GUARANTEED. THE INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO. (P) INDICATES PIPE SIZES PER RECORD PLANS. OTHER PIPE SIZES ARE ESTIMATED. NO PIPE SIZES SHOULD BE RELIED UPON WITHOUT FURTHER VERIFICATION.

ERIC R. STURM
REGISTERED WISCONSIN LAND SURVEYOR 5-2309

I certify that I have surveyed the above described property (property), and the above map is correct to the best of my professional knowledge and belief and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary lines, apparent easements and roadways and visible encroachments, and that I am a duly licensed and qualified surveyor of the State of Wisconsin, and that I have not been convicted of a crime or guilty of a crime within one (1) year from date hereof.



National Survey & Engineering
A Division of F.A. Smith & Associates, Inc.
262-781-1000
Fax 262-797-7373
16745 W. Bluemound Road
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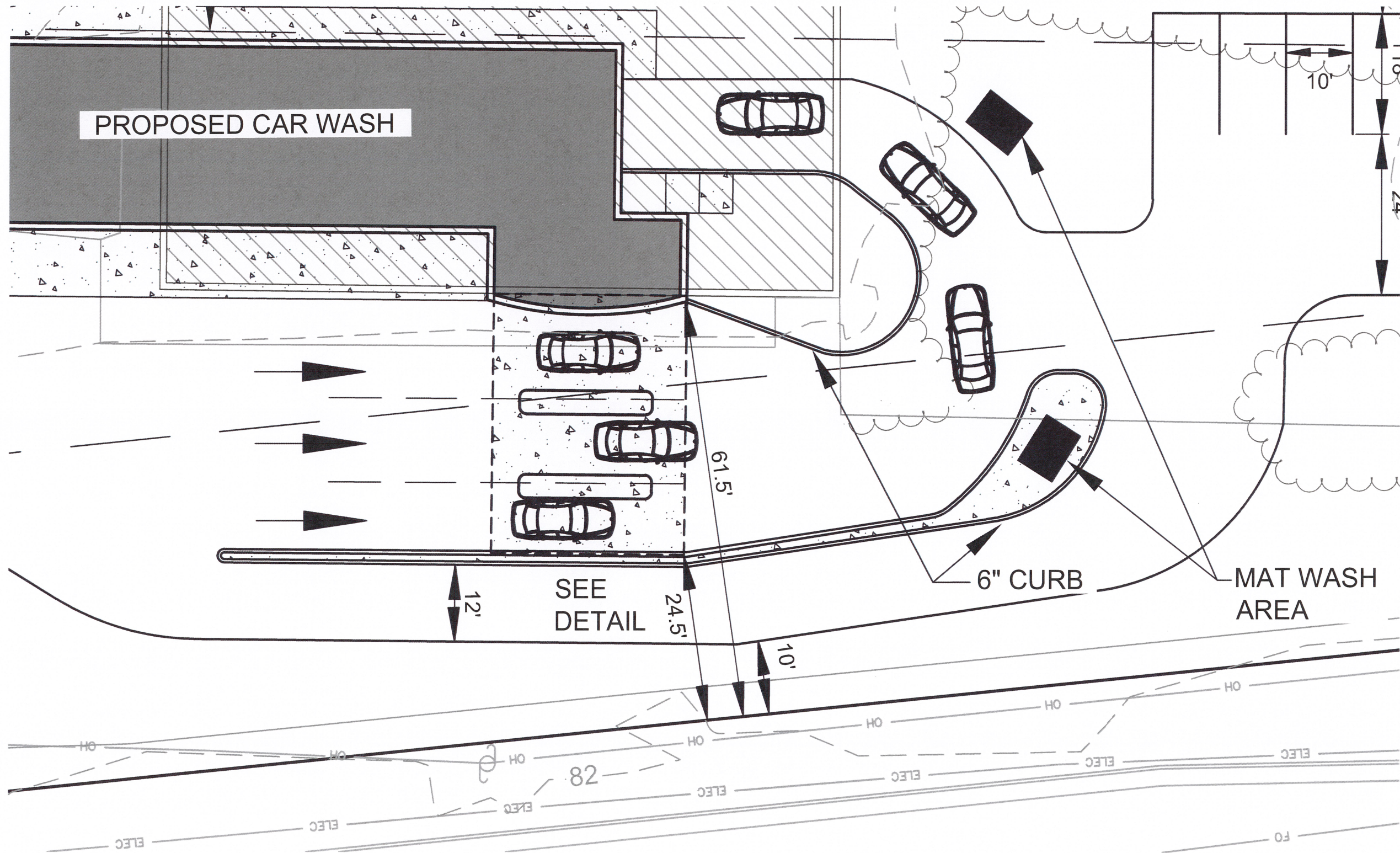
SHEET 1 OF 1

DRAWING SCALE: 1 INCH = 30 FEET

COAST CAR WASH – PRELIMINARY CONDITIONAL USE PERMIT -- PC16-0062

EXHIBIT 2

Overhang



SCALE
1" = 20'

COAST CAR WASH – PRELIMINARY CONDITIONAL USE PERMIT -- PC16-0062

EXHIBIT 3

Colored Elevation