

May 11, 2026

FINDINGS OF FACT AND RESOLUTION
BOARD OF ZONING APPEALS

The APPEAL of the City of Waukesha for a dimensional variance from sections 22.33(5)(b), 22.33(7)(a), and 22.33(7)(c) of the zoning code. If granted, the variance will allow for alteration of lot lines on an existing property at 223 S. West Ave., resulting in a new parcel with a setback of less than one foot from the street right of way, and a rear yard of less than seven feet, when there shall be a minimum street yard setback of 25 feet from the right of way of all streets, there shall be a rear yard of no less than 25 feet, and individual business sites in the B-1 district shall provide sufficient area for the principal building and its accessory buildings, and required yards.

- 1) That there are exceptional or 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 zoning district. (Sec. 22.68(3)(b)(1)(A) Zoning Code).

Affirm (it is exceptional) _____

Dissent (it is general or not exceptional) _____

- 2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity. (Sec. 22.68(3)(b)(1)(B) Zoning Code).

Affirm (equal property rights could not otherwise be enjoyed) _____

Dissent (the same property rights can be enjoyed without a variance) _____

- 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 the granting of a variance. (Sec. 22.68(3)(b)(1)(C) Zoning Code).

Affirm _____

Dissent _____

- 4) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose and intent of the Zoning Code or public interest (Sec. 22.68(3)(b)(1)(D) Zoning Code).

Affirm (adjacent property and/or public interest will not be detrimented) _____

Dissent (adjacent property and/or public interest will be impaired if the variance is granted) _____

On the basis of the foregoing Findings of Fact, the Board took the action indicated in the minutes.

ATTEST _____
Secretary to the Board