



100-170-1720-1000-5920

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-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: Matt Retzak
Address: 510 Lake Street
City & Zip: Waukesha WI 53186
Phone: (414) 861-6602

Owner of property:

Matthew & Amy Retzak

To the Board of Zoning Appeals: I hereby (choose one) ☒ make an application for variance Section 22.61(4)(b)
☐ appeal from the decision of the Zoning Inspector

For the property located at the following address: 112 N. Porter Ave.
(Address of property in question)

Please describe present use of premises: Empty lot

Briefly describe proposal: See attached plans + description for new single family home.

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

2-16-18
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>1810</u>	Received by: <u>ma</u>
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Request for Zoning Variances:
New Single-Family Home
February 15th, 2018

Owners: Matthew and Amy Retzak

Address: 112 N. Porter Avenue

Waukesha, WI 53186

Phone: (414) 861-6602 (Matt)

Email: mattretzak@icloud.com

Project overview:

New construction of 2,850 square foot home with 2-1/2 car attached garage. Please see survey and plans that have been submitted with this letter.

Findings of fact items:

1. That 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.

The lot width and location in the East Broadway Historic District present challenges to siting and fitting a comparable sized home to those that exist on the north side of Broadway between Porter Avenue on the east and Frederick Street to the west. A variance is not required to build the home as it has been designed, but is being requested to maintain the character of the East Broadway Historic District. Mainly, the visual centering of the homes on the lots as viewed from Broadway.

Having a home of a reasonable width and equal placement from east and west lot lines to maintain the character of the East Broadway Historic District requires a variance from Section 22.61(4)(b) which requires a 13’ setback from the Porter Avenue lot line. A variance would allow a setback of 10.42’ if granted.

There is precedent for smaller setbacks than required by the code in the near vicinity. The 10.42’ distance would be consistent with the home located directly to the east on the corner of Broadway and Porter and set further back than the property at Broadway and the west side of Frederick.

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.

The new construction would not require a variance because the setbacks could all conform to the sub-standard lot requirements defined by code. However, by not granting a variance the home would encroach on the property to the west and disrupt the integrity of the historic district.

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.*

The variance is being requested to maintain a historically significant block in the city of Waukesha, and only for this reason.

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 or the public interest*

Issuing the variance will move the new home further away from the only property that is contiguous with any of the lot lines, thereby improving upon what would otherwise be allowed if the setbacks as defined were adhered to.

PLAT OF SURVEY

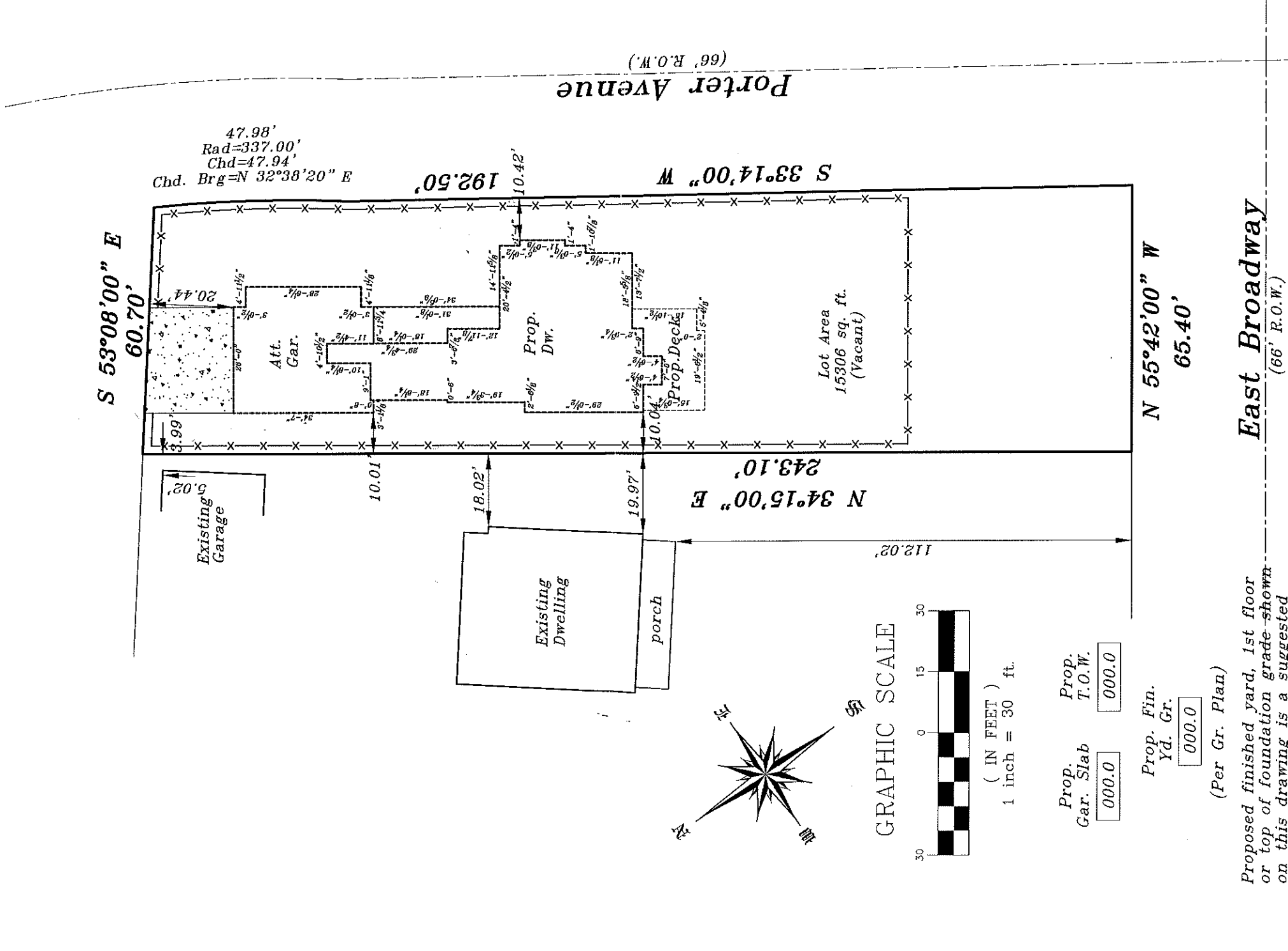
LOCATION: 112 Porter Avenue, Waukesha, Wisconsin

LEGAL DESCRIPTION:

Lot 7 in **GEORGE B. HARRIS BROADWAY HEIGHTS ADDITION TO THE CITY OF WAUKESHA**, a subdivision of the Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 2, Town 6 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin.

July 23, 2014

Survey No. 104936
January 25, 2018 Revision - Added Proposed House (Not Staked)



METROPOLITAN SURVEY SERVICE, INC.

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com

- Denotes Iron Pipe Found
- Denotes Iron Pipe Set

000.0 — Denotes Proposed Grade

—x—x—x— Denotes Proposed Silt Screen

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED

Dennis C. Sauer
Registered Land Surveyor S-2421