



**City of Waukesha**  
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<b>Committee:</b> Plan Commission	<b>Date:</b> 10/25/2023
<b>Common Council Item Number:</b> PC23-0449	<b>Date:</b> 10/25/2023
<b>Submitted By:</b> Doug Koehler, Principal Planner	<b>City Administrator Approval:</b> <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> <a href="#">Click here to enter text.</a>
<b>Conditional Use Permit – 1608 N. Grandview Blvd. – A request for a conditional use to operate an Asphalt Sealcoating business as a home industry in the Rs-3 Single-Family Residential District</b>	

**Details:** The applicants are the owners and operators of Cotton Sealcoating, which has been in business since 2008. They are residents at 1608 N. Grandview Blvd and use the house as a home office. They also park their trucks in the driveway and store other equipment on the property. In August, Community Development Department staff received a complaint from their neighbor about the use of the property for commercial purposes, forwarded by the alderman for their district. Staff contacted the property owners, and they submitted this application in response.

The property has a three-car garage, and a large driveway space. In their submittal the applicants identify eleven parking spaces in the driveway. They store three trucks and three trailers on the property for business purposes. They also have five personal vehicles and one personal trailer on the property. The minimum setback for driveways is five feet from the property boundary and the driveways appear to be closer than that minimum in several spots. The driveway also exceeds 3,000 square feet, which is typically the threshold for Engineering Department reviews. If the application is approved, staff is recommending that the applicant be required to provide a survey verifying the setbacks of the driveway, and that it does not increase runoff onto the neighboring properties, and to address any violations.

In addition to storage the applicants also operate equipment on the property for maintenance purposes and for startup at the beginning of the day. The tar machine is turned on at 7:30 AM to heat it up. They also regularly clean their vehicles and change oil and do other maintenance on smaller equipment. The complaint specifically referenced the unpleasant odor of the tar machine, as well as runoff from cleaning the vehicles.

Home Industries can be approved by the Plan Commission if the applicant can show that they will be managed in such a way that they will not be disruptive to the surrounding residential neighborhood. Staff feels that the business as proposed is inherently disruptive to the neighborhood, and that it should be located instead in a manufacturing district. The vehicles and equipment are loud and unsightly, the asphalt mixture produces an unpleasant smell, and the residential building code is not intended to account for storage of propane or other chemicals for commercial purposes. As a result, staff is recommending that this Conditional Use Permit be denied.

The applicants have noted that the business is seasonal, operating from April through November only. As with all home industries, outside employees are not allowed to report at the home, for employment purposes, only residents of the home shall be on site for work related activities. All paved must meet setbacks, and unpaved areas used for storage, including

gravel area north of pavement along the north lot line, and dirt areas south of the driveway should be restored to lawn or landscaping regardless of whether or not the permit is approved.

**Options & Alternatives:**

[Click here to enter text.](#)

**Financial Remarks:**

No financial impact to the City.

**Staff Recommendation:**

Staff recommends denial of a Home Industry Conditional Use Permit for vehicle and equipment storage for Cotton Sealcoating at 1608 N. Grandview Blvd. If the Plan Commission chooses to approve the permit, staff recommends the following conditions:

- The applicant must provide a property survey before the start of the spring 2024 work season to verify that all driveways are located at least five feet from the property boundary, and that the driveway does not increase stormwater runoff onto neighboring properties. If the driveways do not meet the setback or do increase runoff, the applicant must take appropriate measures to address the violations.
- All storage of vehicles, cleaning, and other operations must be on paved surfaces. No vehicles are allowed to be parked on the grass.
- No employees who are not residents of the house may be present for work-related purposes.
- The applicant must provide details on the quantity of propane and other chemicals which are stored on the property, and on their manner of storage for Fire Dept./Building Inspection Dept. review.
- Tar should only be heated up at the job site, not at 1608 N. Grandview Blvd.