



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.

Variance Request

Brian and Heather Cotton
1608 N Grandview Blvd.
Waukesha WI 53188

1. We are requesting this variance because we are trying to control the water flow that comes from the top of the hill to follow the pitch / slant and stay on our property and not flood our back neighbor's yard.
2. Neighboring property will enjoy the rights because we are trying not to disturb the way our driveway pitches by taking measures so that their home that sits lower than our property will not have issues of water flooding in his yard / home. **See our Plat that shows the water flow to his property.**
3. We are **not** trying to increase property value or allow profit-making activities.
4. We would have to cut 2'8" from our one corner closest to the hill to 2' 1" on the other corner of our driveway closest to Neighbors home, because we were told zoning property line needs to be put 5' away from our back neighbor. We have a letter from our neighbor that states "**he has no issue with our driveway where it is, and it has not caused any trouble for him**". **See Copy of Paul Bowey's letter.**
5. We are not trying to change any zoning rules, we are trying to avoid any potential issue with water flow. **See our plat that shows the water flow to his property.**

Question #4

10-13-23

To Whom It Concerns

Concerning the driveway next to my house I do not have a problem with where it is located it never caused any trouble for me.

Paul Bowey
1812 Sunnyside Ave.
Waukesha, WI 53188
262-822-0606

