



**City of Waukesha**  
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<b>Committee:</b> Board of Zoning Appeals	<b>Date:</b> 8/1/2022
<b>Common Council Item Number:</b> ID22-4419	<b>Date:</b> 8/1/2022
<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>Subject:</b> <b>The APPEAL of Paul Cotton for multiple dimensional variances from Section 22.58 of the zoning code. If granted, the variances will allow an oversized detached garage and two sheds which were constructed in the rear yard at 310 E. Main St. to remain, when accessory structures shall be located so that the foundation is no closer than five feet to a lot line, shall not exceed two in number when there is no attached garage, the garage shall not exceed 1,152 square feet in area, and all accessory structures shall not occupy more than 20% of the rear yard area.</b>	

**Details:** 310 E. Main St. is zoned RM-3 Multi-family Residential. It has a lot width of approximately sixty feet and a lot area of 8,400 square feet. Neither the duplex on the property nor the garage meet the current setback requirements, but both predate the zoning code. In 2016 the applicant built an addition onto the garage.

The addition has a total area of just under 500 square feet, bringing the total area of the garage to approximately 1,400 square feet. It is set back as little as six inches from the property boundary. The total rear yard area is approximately 5,200 square feet, so the garage takes up a total of about 27% of the rear yard area. Two sheds, each with an area of 80 square feet, are located behind the garage. Property Maintenance Inspector Matt Dama contacted the applicant in June of 2021 after the assessor's office noted that some work had been done without permits, and the applicants have been working with him since then to bring it into compliance.

The applicant would like to keep both the sheds and the garage addition in place if possible. He has noted that storage space is at a premium given the small size of the lot and the fact that it is a duplex. He also states that he uses the space for storing expensive tools and equipment for work, and that he doesn't feel comfortable storing it outside due to the potential for theft in his neighborhood. Lastly he points out that Jimmy's Grotto, which is on the adjacent lot, is also built right up to the lot line. Some of the restaurant's mechanical equipment, which are also within the setback, are relatively new.

#### **Options & Alternatives:**

[Click here to enter text.](#)

**Financial Remarks:**

No financial impact to the City.

**Staff Recommendation:**

If the applicant proves a hardship exists, the Board may grant a variance to allow the garage addition to remain at 310 E. Main St.