

# ST. PAUL PLACE PARTNERS LLP

November 10, 2016

## **St. Paul Place Partners, LLP – Project Description and Findings of Fact**

St. Paul Place Partners, LLP (hereinafter referred to as “St. Paul Place”) owns property at 222 West St. Paul Avenue in the City of Waukesha. The current use of the existing building is professional office space for The VanderBloemen Group and storage. The proposed use of the building is professional office space and up to three (3) leasable commercial retail or professional office tenant spaces. St. Paul Place had received approval from the City to complete façade improvements and alterations to the exterior of the building and remodel the south part of the existing building. It was deemed more prudent to raze the southern part of the structure and build an addition instead.

St. Paul Place is submitting an application to the City of Waukesha Board of Zoning Appeals requesting a variance to Section 22.35(7)(a) of the City of Waukesha Municipal Code; said section requires buildings in the B-3 General Business Zoning District maintain a 25 foot setback from the right-of-way from all streets. The current building is located approximately 14 feet from the West St. Paul Avenue right-of-way and approximately sixth-tenths of a foot (0.60’) from the east property line [current codes require a minimum ten foot (10’) side-yard setback]. The proposed reconstruction would result in the structure being brought into compliance with the required side-yard setback but encroaching slightly closer to the West St. Paul Avenue right-of-way as follows:

- 13.71 feet from the right-of-way as measured to the southeasterly corner of the proposed addition.
- 13.51 feet from the right-of-way as measured to the southwesterly corner of the proposed addition.
- 12.26 feet from the right-of-way as measured to the bump-out in the center of the south wall of the addition.

Pursuant to a November 8, 2016 telephone conversation with City Planner Maria Pandazi, the proposed patio/outdoor seating area between the building wall and the street right-of-way is allowed to encroach into the required building setback. This application requests a variance to allow a minimum 11 foot setback to the West St. Paul Avenue right-of-way to ensure the proposed addition will fit within the parameters of the approved variance.

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Before a variance can be granted, the Board of Zoning Appeals must find:

- 1. That there are 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 use in the same district.***

There are existing easements for ingress/egress located to the west of the current building/proposed addition that prevent westward expansion even though said expansion would comply with the City required ten foot (10') side yard setback.

- 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 area in which the property is located, bound by West St. Paul Avenue on the south, Fuller Street to the east, and West North Street to the north and west is zoned B-3 (General Business). As proposed, the south building face would maintain the status quo by generally being in line with the existing St. Paul Place building, and the building on property at 212 West St. Paul Avenue; it would also be similar to the property at 200 West St. Paul Avenue that is built out to the edge of the sidewalk along Fuller Street and West North Street. All of the subject buildings are legal non-conforming with regard to street setback in the B-3 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.***

It is the intent of the owner to redevelop the property in the spirit of the local neighborhood business district to complement and offer services to the newer residential development in the neighboring districts; much like those on the adjacent property to the west. In this general area of the City (along the St. Paul Avenue Corridor), the adjacent B-2 District is quite expansive when compared to the limited areas of the B-3 District (see attached zoning map excerpt). The hardship is indirectly caused by the zoning ordinance as the building predates the Ordinance and, while the uses permitted in the B-3 District are very similar or the same as the uses permitted in the B-2 District, the setbacks in the B-3 District (25 foot front/street and rear yard setback, and 10 foot side yard setback) are more restrictive than those of the B-2 District (1' front/street, no minimum side or rear yard setbacks).

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- 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.***

If granted, the variance will not negatively impact neighboring properties or the public interest and will comply with the spirit and intent of the Ordinance. As proposed, the building encroachment towards the street right-of-way is minimal; approximately six inches (6"). Furthermore, the construction will result in compliance with the code required side-yard setback of ten feet (10') from the east property line thereby resulting in a positive impact to the neighboring property and creating greenspace between the two (2) buildings. The location of the addition with respect to the street yard setback will be consistent with the existing building it is replacing and with buildings on adjacent parcels in this B-3 District and the other B-3 District located along the St. Paul Avenue Corridor. The addition will fit within the character of the neighborhood it is located in.