



100-170-1720-1000-5920

City of Waukesha
Department of Community Development
BOARD OF ZONING APPEALS
201 Delafield Street, Waukesha, WI 53188

Stamp Date Received

To the Board of Zoning Appeals: I hereby make an application for (choose one)

☒ A variance from section 22.56 of the zoning code 5(c) ☐ An appeal from the decision of the Zoning Inspector

For the property located at the following address: 324 Williams Street
(Address of property in question)

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: R.G. Keller
Address: W237 S5505 Maple Hill Drive
City & Zip: Waukesha, WI. 53189
Phone: 414.254.8700

Owner of property:

Tony Paduany
West Main Properties, LLC.
W271 S3800 Cider Hill Court
Waukesha, WI. 53189

Please describe present use of premises: Former Beauty Salon

Briefly describe below your proposal (attach additional sheets as needed):

See attached plans & description:

If this is an appeal from the decision of the zoning inspector, 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.

I hereby depose that the above statements and the statements contained in the papers submitted herewith are true and correct.

Applicant Signature

15 June 1988
Date

PLEASE NOTE: THIS COMPLETED APPLICATION FORM MUST BE ACCOMPANIED BY A \$100.00 FILING FEE

For Internal Use Only

Amount Paid: _____	Check # _____	Received by: _____
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CHAPTER 22
Zoning

22.58 Accessory Use Regulations

- may, at its discretion, permit more than two accessory structures when it determines that more than two (2) such structures are necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.
3. A gazebo connected to a deck which is attached to the permitted principal structure shall be located no closer than three (3) feet to a lot line, but not in the minimum side yard when located adjacent to the wall of a permitted principal structure, or within fifty (50) feet of the front lot line, except where adjacent to an alley or a street side lot line.
 4. (Cr. #15-14) The roofs of all accessory buildings shall be covered with asphalt shingles, wood or shake shingles, standing seam metal, aluminum or other metal, tile roofing, or slate roofing. Membrane structures are only permitted as a temporary use subject to Section 22.64 of the Zoning Ordinance. Any proposals to use membrane structures in excess of 30 days shall require Plan Commission approval.
 5. (Cr. #15-14) The exterior walls of accessory structures shall be covered by aluminum or metal panels, cement fiber, wood, wood clapboards, wood shakes, vinyl, steel or aluminum beveled siding, brick, stone or other masonry-type veneer materials or other similar materials. Membrane structures are only permitted as a temporary use subject to Section 22.64 of the Zoning Ordinance. Any proposals to use membrane structures in excess of 30 days shall require Plan Commission approval.
- b. Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the permitted principal structure, and shall be located not closer than three (3) feet to a lot line.
- c. Decks which are constructed twelve (12) inches or more above lot grade, and which are attached to or closer than ten (10) feet to a permitted principal structure, shall be located not closer to a side lot line than the required side yard requirements for the district in which they are located and shall require the issuance of a building permit. Decks may project a distance not to exceed ten (10) feet into any required rear yard. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least ten (10) feet from the permitted principal structure and shall be located not closer than three (3) feet to a lot line. All decks which are constructed less than twelve (12) inches above yard grade shall be located not closer than three (3) feet to a lot line.
- d. Playhouses and children's swing sets are permitted without a building permit, provided that such uses shall be located no closer than three (3) feet from a lot line.
- e. Central air conditioning compressors are permitted in the rear yard or the side yard without a building permit, provided that the compressor shall be located at least three (3) feet from a lot line. Where it is determined that it is impractical to

BOARD OF ZONING APPEALS FINDINGS OF FACT

Before a variance can be granted, the Board of Zoning Appeals must find that all of the following facts apply:

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.
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.
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.
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.

PLEASE NOTE:

Once a variance is granted, the applicant is to submit a building permit along with required documents to the Community Development Department, Building Division, for approval. Please contact the Building Department at 524-3530 for additional information.



Martony's/324 Williams Street

We are requesting adjustment from Section 22.58.5 (C) which states that any deck constructed more than 12" above grade need to be setback need to be setback at least 3' from the front property line. *Because we have a limited area by which to build a deck we would like to attach the deck at the current building floor line (approx. 30" above grade) and extend it out to approximately 12" from the South property line keeping it in line with the other patios and outside dining areas in the immediate vicinity. (See photos)*

Findings of Fact

1. The current property's First Floor elevation is approximately 30" above grade. This condition, unlike the surrounding properties occurs because this building was originally a Victorian-style single family house that was constructed at the turn of the century. The owner would like to convert the former Hair Salon to a viable food and beverage business and provide an outdoor deck which would be attached to the front of the building. It would be accessed by a pair of doors from the main serving area. Current ADA codes require that these spaces be fully accessible and therefore stepping down to a deck would be difficult for challenged individuals to maneuver. We have included photographs of other similar establishments in the immediate area, but because we have a very different building entry configuration and limited space by which to create an outdoor dining space, we are requesting a deck which extends to about 12" from the current Southern property line.
2. Currently all other similar establishments have outdoor dining capabilities. Creating a hazardous condition by stepping down 18" to a lower level deck opens up liability for patrons as well as staff serving those patrons.
3. The variance is requested primarily based on the limitations of the existing structure built at the turn of the century and the potential hazard to customers. If the deck was only allowed to be raised 12", all handicapped individuals would have to go around the building thru an open driveway and up a ramp to access the ADA Toilet Rooms putting them in harm's way.
4. By granting this variance, it will give equal opportunity to this establishment an allow this property to provide equal food and beverage service to their customers. It WILL also collectively increase the dining opportunities for all parties on Williams Street.



Sobelmanns

6"



6"

5'

Club 400



On grade

La Estacion