

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



**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 Department 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**.

This application is for (choose one)

☒ A variance from section 22.58 of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 160 S. HARTWELL AVE Tax Key #: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Existing Use: \_\_\_\_\_

**ATTACH DETAILED DESCRIPTION OF PROPOSAL** including what is being requested, the rationale, and if a variance request, the facts and circumstances that satisfy the criteria for variance listed on the reverse of this form.

In order to be placed on the Board of Zoning Appeals agenda, the Community Development Department must receive the completed application, fee, project description, and a set of plans in PDF format by the applicable deadline. If this is an appeal from the decision of the Zoning Inspector, also attach a copy of the decision or order rendered by the Zoning Inspector and a statement of principal points on which the appeal is based. The Community Development Department - Planning Division should be consulted to assure an application is complete before being submitted.

**SEE REVERSE FOR DEADLINES AND ADDITIONAL INFORMATION.**

Applicant: (Person to receive notices)

Name: DANIEL M GREENE

Address: 160 S. HARTWELL AVE

City & Zip: WAUKESHA, WI 53186

Phone: (262) 893-4468

E-mail: 77SASQUATCH@GMAIL.COM

Owner of property:

SAME

I certify that the above statements and the statements contained in the materials submitted with this application are true and correct.

[Signature]  
Applicant Signature

5/16/19  
Date

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

For Internal Use Only		
Amount Paid: <u>\$100-</u>	Check # <u>C.C.</u>	Received by: <u>ma</u>

We are requesting to build a 24' x 13' detached deck in our rear yard. We are requesting to build the deck in our rear yard due to the rear yard being the only area on our lot large enough to accommodate a functional deck. Our side yard is not an option to build on due to the zoning limitations in that area & due to the proximity of our neighbor's home to our home. We do not have a back door on our home, rather we have a side door, which poses unique zoning issues for building options on our property. Our garage is also a 4-car garage, which was on the property when we moved in, which takes up a substantial amount of our rear yard space. We would like to be able to enjoy our yard with family & friends in a functional, level, clean, designated space. Honoring this variance would not interfere with our neighboring properties or zoning ordinance, as described below.

Hardship reasoning:

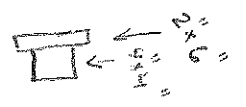
1. Our circumstances are unique to our property in that we are on a small, non-conforming lot. A standard lot is at least 65' wide & a total of 8,000 square feet. Our lot is only 41' wide & less than 6,000 total square feet. We also do not have a back door off the back of our home. Our door is on the side of our home, lending us minimal options for a deck off the side of our home due to our neighbor's home being in such close proximity to ours. Our property has a large garage that was built before the house, which consumes a large portion of our otherwise-usable rear yard space. Having a ranch style home also takes up a larger footprint on our lot. Given these hardships, our most feasible option is to build a deck in our rear yard.
2. The neighboring properties can enjoy property rights that we cannot because their homes have doors directly off of the back of their homes, lending them to more deck options than if their door was on the side of their home. The neighboring properties also have smaller garages, which allows them more greenspace in their rear yard to build on, while staying within the 20% guideline.
3. This variance is being requested to enrich our lives during the Spring & Summer months. We enjoy hosting birthday parties for our 6-year old son, grilling out & having family & friends over for various occasions & as of now, it's inconvenient to find a gathering spot for people to enjoy comfortably without sitting on the uneven, small, grassy area that we currently have.
4. The hardships we are experiencing are due to our home being on a small, non-conforming lot, not having a back door, our garage being disproportionate & our home being ranch style. All of which existed before we purchased the home. Based upon the layout of our lot & our home being a ranch style, it takes up a larger footprint. That, coupled with the size of the garage makes our rear yard smaller, diminishing our percentage of available rear yard space.
5. This variance would not defeat the purpose of the zoning ordinance & would work within the existing zoning rules in that we are building the deck in our rear yard only, not in the street yard or side yard. It will take up less than 20% of our total green space in our rear yard. It will be constructed at less than 12-inches above yard grade & will not be closer than 3-feet to any of the surrounding lot lines. We have also installed a 6-foot high wooden fence (that has no gaps in between the panels), which will provide privacy & a sound barrier for the surrounding properties. For these reasons, the deck would not be a detriment to neighboring properties.

We are requesting a dimensional variance. We have been in communications with Chris Buzzell since the end of April 2019 and have explored all possible options with him for building this deck without a variance, only to be told it simply isn't feasible. Chris has been very informative & has been a great help throughout this process. Chris' professional opinion is to apply for a variance due to the hardships we are facing with our non-conforming lot space, layout of our home, size of our garage & proximity to our neighbors. We have explored all options & have come to realize that without this variance, we will be unable to build any type of functional deck in our yard.

← HOUSSE →  
160 S. HARLOWE AVE  
[A/C]

TORN BACKYARD  
AREA = 1846 SQ. FT.  
20% = 369 SQ. FT.  
DECK = 312 SQ. FT.

CONCRETE WALKWAY



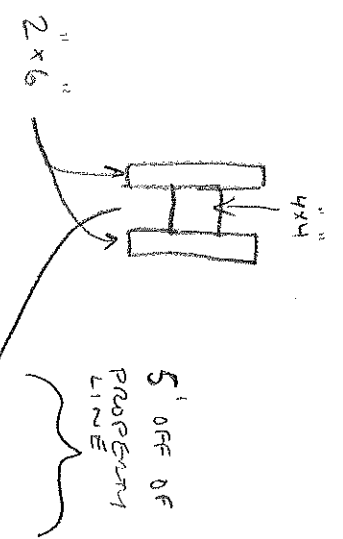
← 24' W →

JOISTS @ 1' O.C. (2" x 6")

← GARAGE (22' W) →

← CONCRETE PAD (14' W) →

⊗ = FOOTINGS  
48" DEEP



← 7' W →











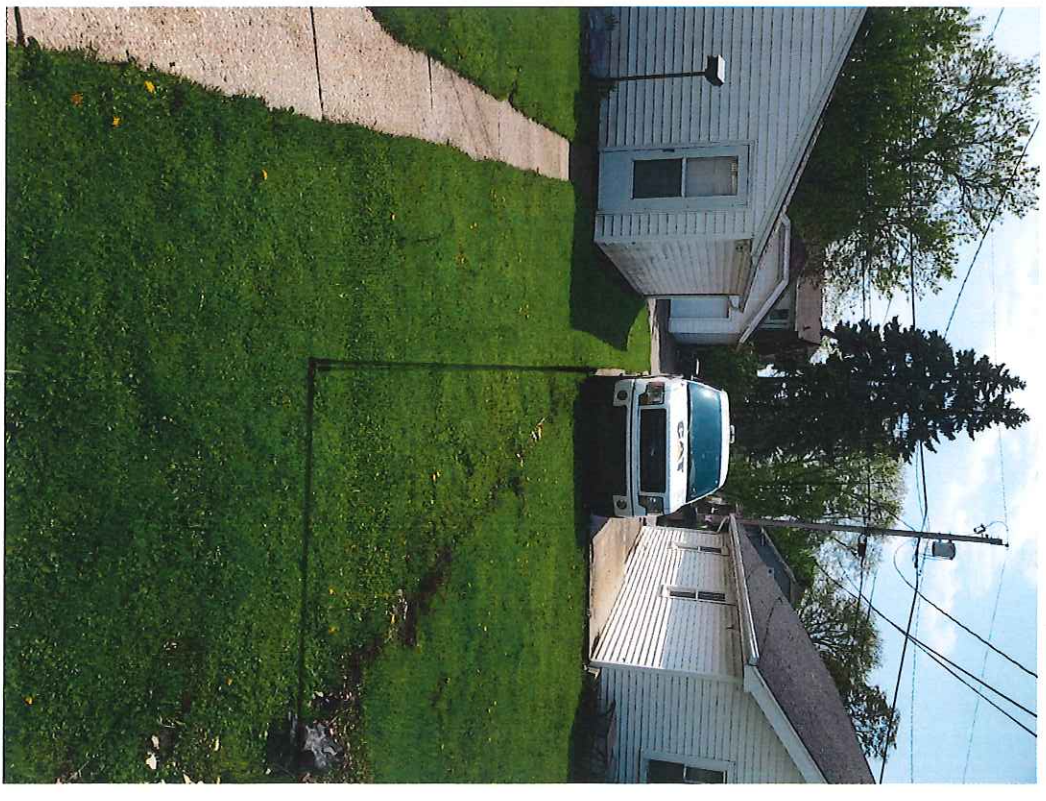






Imagery ©2019 Google, Map data ©2019 Google 10 ft





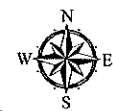


Greene Family  
Residence

41

4

17



0 5 10 20 30



Feet