

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 22.30 of the zoning code    ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:  
Project Address: 815 W. COLLEGE AVENUE Tax Key #: \_\_\_\_\_  
Current Zoning: M-1 LT-MANUF Existing Use: S-1 STORAGE (PER 2015 IBC)

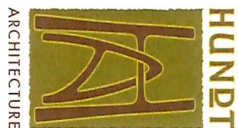
**ATTACH DETAILED DESCRIPTION OF PROPOSAL** including what is being requested, the rationale, and if a variance request, the facts and circumstances that satisfy the criteria for variance listed on the reverse of this form.

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)	Owner of property:
Name: <u>Ryan Hucht AIA</u>	<u>Deb Christl</u>
Address: <u>3058 N. Newhall St.</u>	<u>2005 Harris Highland Dr.</u>
City & Zip: <u>Waukesha 53211</u>	<u>Waukesha 53188</u>
Phone: <u>414-554-3853</u>	<u>262-527-4659</u>
E-mail: <u>ryanh@hucht-architecture.com</u>	<u>jackchristl37@gmail.com</u>

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

Applicant Signature		Date
<u>Ryan Hucht</u>		<u>11/14/2019</u>
PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$100.00 FILING FEE		
For Internal Use Only		
Amount Paid: <u>\$100-</u>	Check # <u>2174</u>	Received by: <u>ma</u>



**To:** City of Waukesha, WI  
Department of Community Development – Board of Zoning Appeals

**From:** Ryan Hundt, Principal  
Hundt Architecture LLC

**Re:** Project Description for:  
Dimensional variance request, building address: 815 W. College Avenue  
Project Number: 19,047; Documents dated: 11-14-2019

**Date:** November 14, 2019

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The property located at 815 W. College Avenue consists of a one-story commercial building 40' wide and 75' long originally constructed in 1971. An addition 40' wide and 30' long was constructed in 1977. This office has obtained copies of the building permits and a plat of survey from the City confirming this information. A third addition - approximately 32' wide and 21' long - and a fourth addition to the building along the west property line - 7' wide and 16' long – were built after 1977. However, no building permits, plats of survey, or architectural drawings are on file with the City, indicating that these additions were built without obtaining the proper building permit(s). These various portions of the building are shown on the attached Site Plan.

1. The property was purchased in 2005 by the father of the current owners. He has since passed away, and his children are currently engaged with a buyer interested in purchasing the building. During the course of preparing to sell the building, it was discovered that not only were the two portions of the building described above built without a permit, they were built in violation of the required setbacks for the M-1 zoning district within which the property is located. These setback amounts and their respective setback lines are documented on the attached Site Plan. In both cases – along the south setback line and the west setback line – the building additions project more than 4 feet into the required setbacks.

These are special circumstances that apply only to the applicant's property, and not to any neighboring properties. The setback violations extend within the required setback, but they do not extend over the owner's property lines onto adjacent properties.

2. Without a variance, no future legal alterations will be allowed on this property, either within the existing building or within the required setbacks on the property. This essentially freezes the property as-is without any ability to, for example, upgrade the structure for future use, upgrade the life-safety features of the building, or add on to the existing building in any way.

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3. While it is true that the owners of the building will not be able to sell the building unless this zoning issue is resolved, it is also true that future building permits will be denied to the property owners. One potential impact of this would be the inability to obtain building permits for repairs to the building. Since it is larger than 50,000 cubic feet in volume, a professional would be required to design and stamp Level 1, 2, or 3 alterations and even repairs to the building. With the building non-compliant this is not possible unless a variance is granted.

4. Since the hardship documented in this application was the result of construction activities by the current owner's now deceased father, Ms. Christ and her siblings were unaware that this zoning violation had occurred until it was discovered by this office.

5. Aside from the documented violation of the setback requirements of section 22.38, the building itself conforms to all other dimension-related requirements of the section. In terms of open space, ingress, egress, parking, landscaping, building plan, and the general layout in relationship to the immediate surrounding neighborhood of light manufacturing buildings in the district, this building is compatible. Therefore granting this variance would not defeat the purpose of the zoning ordinance as it applies to dimension-related requirements, nor is it contrary to the policies and principles this ordinance was enacted to uphold: uses limited in nature and size, which on the basis of actual physical character will not be detrimental to the surrounding area or City by reason of physical appearance. See attached River Park Industrial Subdivision Map for more information.

6. Were the owners to comply with the current zoning district setback requirements, they would incur costs associated with the removal of the portions of the building that are not in compliance, including demolition, electrical, mechanical, building repairs after demolition, landscaping, paving, erosion control, sediment control, and stormwater management. These costs, along with the time required to perform this Work, constitutes an unreasonable burden considering the circumstances and evidence provided in this submission.

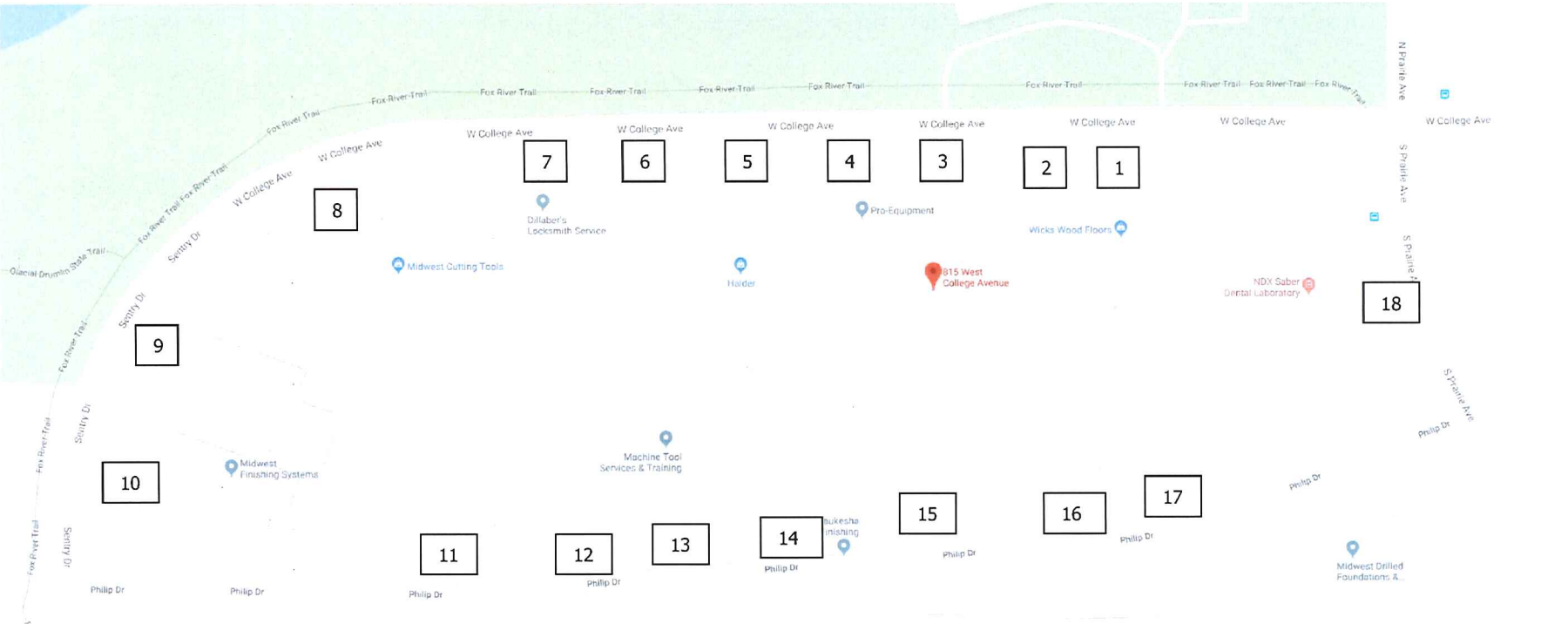
Sincerely,



Ryan S. Hundt, AIA  
Hundt Architecture  
E [ryanh@hundt-architecture.com](mailto:ryanh@hundt-architecture.com)  
Ph 414-554-3853

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River Park Industrial Subdivision – FAR Data Map (from Waukesha County GIS interactive map)

1. 807 W. College Ave: .187 FAR

2. 811 W. College Ave: .293 FAR

3. 815 W. College Ave: .281 FAR

4. 819 W. College Ave: .365 FAR

5. 821 W. College Ave: .302 FAR

6. 825 W. College Ave: .250 FAR

7. 829 W. College Ave: .295 FAR

8. 833 W. College Ave: .252 FAR

9. 843 W. College Ave: .456 FAR

10. 845 W. College Ave: .239 FAR

11. 832 Philip Drive: .203 FAR

12. 828 Philip Drive: .356 FAR

13. 824 Philip Drive: .365 FAR
14. 820 Philip Drive: .279 FAR

15. 818/16 Philip Drive: .388 FAR

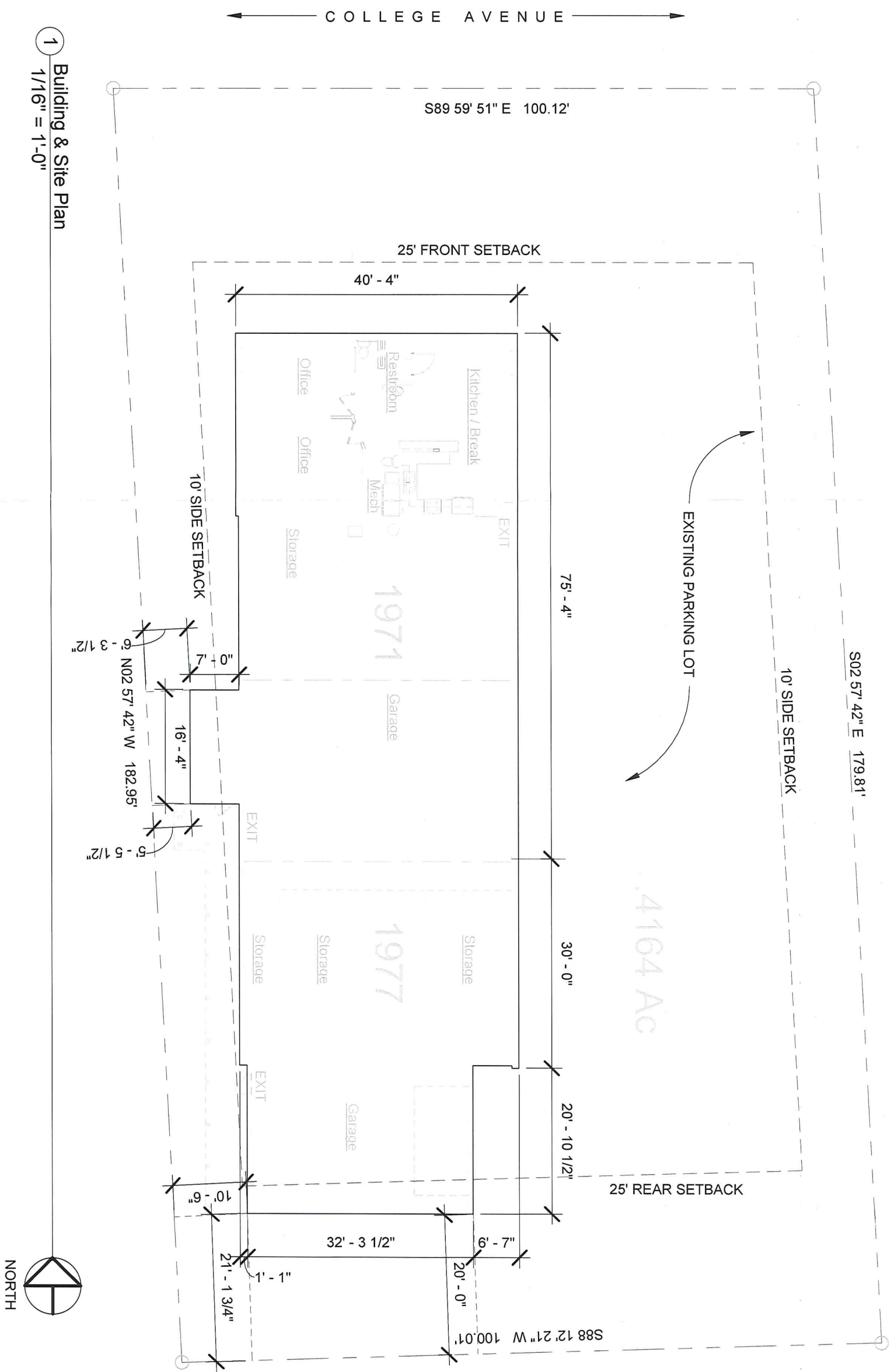
16. 810 Philip Drive: .390 FAR

17. 806 Philip Drive: .227 FAR

18. 803 W. College Ave: .185 FAR
- Average FAR of Subdivision: .295

# Zoning Summary

- I. Zoning District: M-1 - Light Manufacturing (River Park Industrial Subdivision)
- II. Required Setbacks (Street / Side / Rear): 25' / 10' / 25'
- III. Lot Area: 18,318 Sq. Ft.
- IV. Building Area: 5,010 Sq. Ft.
- V. Lot Coverage: 27.35%



1 Building & Site Plan  
1/16" = 1'-0"

Deb &amp; Daniel Christl

**Project Name:** 815 College Avenue  
**Project Address:** 815 W. College Avenue, Waukesha, WI 53188

Site Plan	
Project number	19.047
Date	11/14/2019
Drawn by	RSH
Scale 1/16" = 1'-0"	