

Variances for Buchner Pool  
Criteria for Board of Zoning Appeals  
March 2, 2020 Meeting

The new Buchner Pool building will be located exactly at the same set back to the property line as the current building. The dimension is 20' from the property line.

1. **Special circumstances exist that apply only to the property for which the variance is requested, and not to any other neighboring properties. The special circumstances must relate to the property itself, and not to the applicant's desired use of the property. Explain the circumstances and how they are unique to the applicant's property.**

Buchner Park was donated to the City for the use of a park, and there are deed restrictions ensuring its use as a park. This community park provides many activities that cannot be found in other City Parks. There are tennis courts, volleyball courts, kickball and softball diamonds, ice skating and a public pool. The pool had to be closed per a DNR ordinance and a new pool and building will be constructed in 2020 and 2021. The pool building has been in the same location for more than 60 years, and this location allows for the other activities to continue in the park. The neighborhood and other residents of Waukesha would be denied the right to enjoy these aspects of the park if the building had to be set back 40 feet from the property line. In order to move the building, all the mentioned activities would have to be removed from Buchner Park.

2. **Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant. Explain how the owners of neighboring properties are able to enjoy property rights that the applicant cannot.**

In the surrounding neighborhood there are many properties zoned residential with a setback requirement of 25'; the entire block of Oakland Ave from Racine to Broadway does not meet the setback. (as shown below Fig 2). For the Park, the property line is not at the back of walk, as it is in most areas of the City. Therefore, even though the proposed and existing building is 20 feet from the property line, it is 31 feet from the back of walk. (as shown below, Fig 1). This gives the appearance that the building is set back further and still allows for the use of the other amenities of the park.

3. **The variance is not being requested solely for economic loss or gain. Explain how the variance is not just to increase property value or to allow profit-making activities.**

The property is currently City Owned and therefore will not influence property value or profit making.

4. **The applicant's hardship is not self-created. Explain how the special circumstances relating to the property are not caused by the applicant's actions or wishes.**

The current pool building has been in this location for over 50 years, and the pool building before that was in the same location since at least the 1930's. The proposal is to put it back in the same location. It is not in the City's benefit to decimate the park. Parks and recreational activities are important to the City's overall health and wellbeing.

5. **The variance would not defeat the purpose of the zoning ordinance and would not be a detriment to neighboring properties. Variances cannot be contrary to the policy reasons for the ordinance from which the variance is requested. Explain how the variance would work within the existing zoning rules and not undermine the reasons for them.**

In the surrounding neighborhood there are many properties with a set back from the property line less than the required 40 feet. The current pool building has been in this location for over 50 years, and the building before that in the same location since at least the 1930's. The proposal is to put it back in the same location. By keeping the building in its current location, many other park amenities will be maintained, as has been emphasized by the community as critical to this park. This has been communicated by the community to the City in multiple public input meetings, informal surveys, and a formal needs assessment. The purpose of the zoning rules is to promote health and general welfare, which is the intention of all parks, and this variance would ensure that the public health and welfare is maximized by maintaining all existing facilities within the park.

**If Applicant is asking for a dimensional variance, explain how complying with the current rules is unreasonable or creates an unnecessary burden on the applicant.**

As stated above, if the building was setback 40 from the Property line, the public would be denied use of the amenities in the park, which promote health and welfare. Also, in this case, the City owns the right of way of Oakland Ave, and that right of way is much wider than the standard therefore the offset to the street curb is 43' to the building.



Figure 1: Showing offset of the building to the back of public sidewalk.



Figure 2: Showing the residential offsets in the same block of Oakland Ave.