

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 22.96 1A of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 1462 Cleveland Ave, Waukesha, 53186 Tax Key #: 291-1004-056-000

Current Zoning: Yard modifications Existing Use: Front porch

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: Sarah Eibl

Address: 1462 Cleveland Ave

City & Zip: Waukesha, 53186

Phone: 414-303-2372

E-mail: Sarah.eibl82@gmail.com

Owner of property:

Sarah Eibl

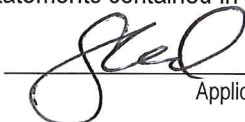
1462 Cleveland Ave

Waukesha 53186

414-303-2372

Sarah.eibl82@gmail.com

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


Applicant Signature

3/15/20
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>\$100</u>	Received by: <u>ma</u>
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BZA 120-00006

VARIANCES

A variance is a special exemption from the city zoning code granted by the Board of Zoning Appeals in unusual circumstances on a case-by-case basis. Variances are difficult to obtain, and they are not granted simply because of an applicant's desire to do certain things or use a property in a certain way. In order to receive a variance an applicant must show that a unique hardship exists on the applicant's property. An applicant bears the burden of proving that all of the following criteria for a variance are satisfied:

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. *Just looking to improve the quality of my front porch.*
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. *other neighbors having a nice front porch, that is closer to the road than I am looking to build.*
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. *Improving the porch for curb appeal, and owner comfort. Assuming no value will change with the current porch.*
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. *I am not allowed to improve the look and use of the front of my house.*
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. *The variance would allow for the improvement of the current porch set up.*

In addition, please provide the following information:

If applicant is asking for a use variance, explain how the property will have no reasonable use unless a variance is granted. *It will still be useable, but it will be ugly.*

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. *Current porch is 5' x 4' (not including stairs) new porch would ideally be 6' x 12' including stairs. But dimensions can be up for discussion.*

Please review these criteria prior to application submission and address each of them in your detailed description of the proposal. Failure to address each point will result in a rejection of the application.

Fees are non-refundable.

Tools Measure Draw

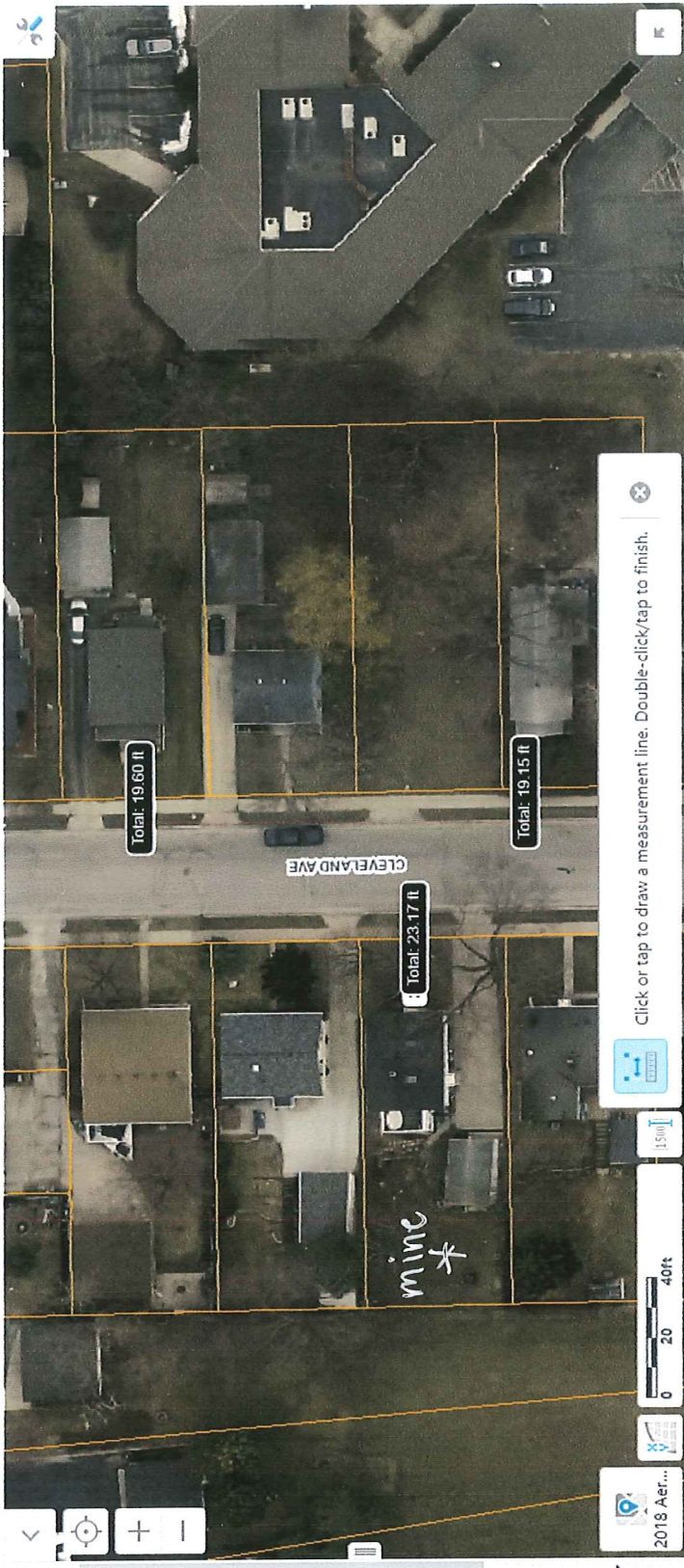
Distance Area Feet (ft) Feet² (ft²)

Enable Snapping Select Snapping Layers

Erase Clear

Layers

- ☒ Map Layers
- ☒ Labels
- ☒ Benchmarks
- ☐ Buildings
- ☒ City Limits
- ☐ Elevation Contours
- ☒ Cadastral Linework
- ☒ Parcels
- ☐ Landmarks
- ☐ FEMA Floodplain
- ☒ Quarter Section Boundary
- ☒ Water Bodies



Click or tap to draw a measurement line. Double-click/tap to finish.

2018 Aer... 0 20 40ft 15m

Type here to search

2:56 PM 3/13/2020

Current porch measuring 23.17.
Looking to expand the porch & roof are additional 2 feet. max. 1/2 ft min.

Tools Measure Draw

Distance

Area

Feet (ft)

Feet² (ft²)

Enable Snapping

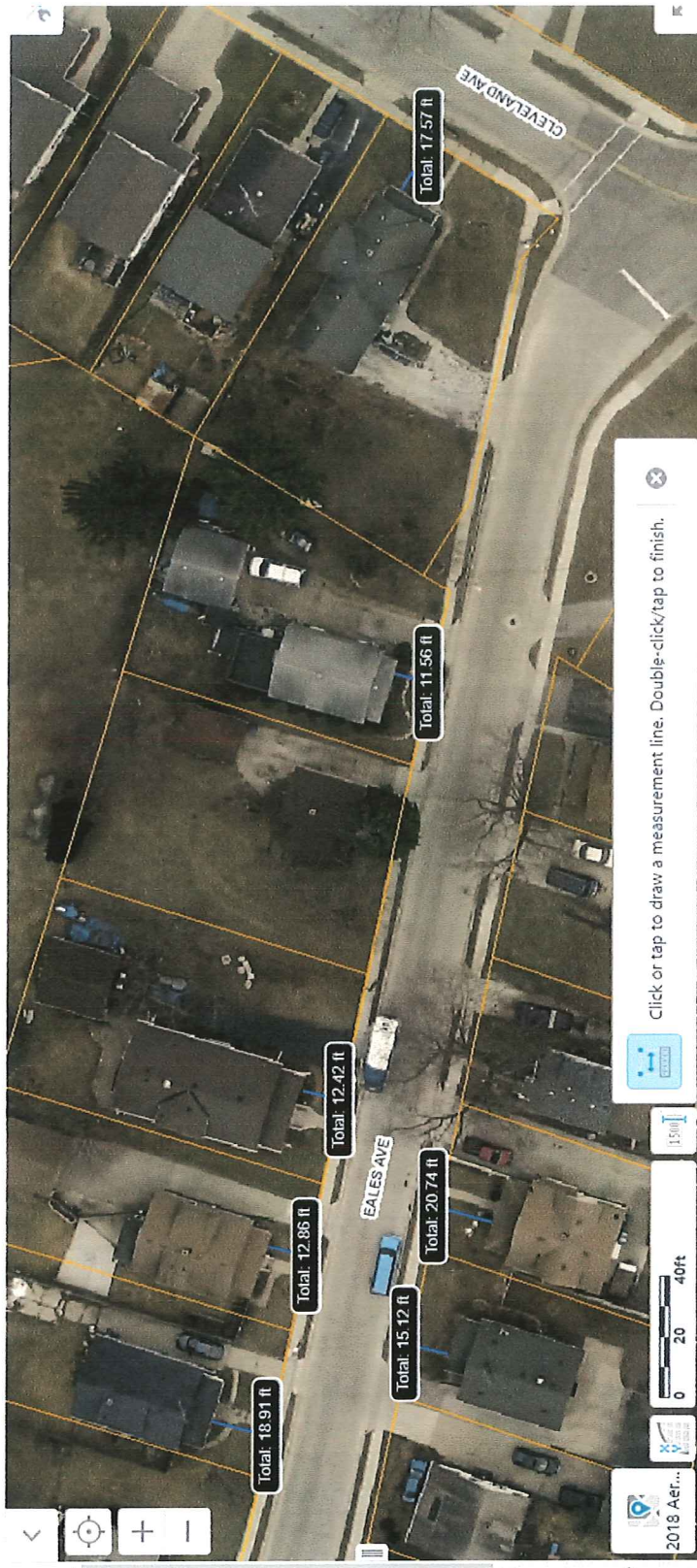
Select Snapping Layers

Erase

Clear

Layers

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- ☒ Quarter Section Boundary
- ☒ Water Bodies



Click or tap to draw a measurement line. Double-click/tap to finish.

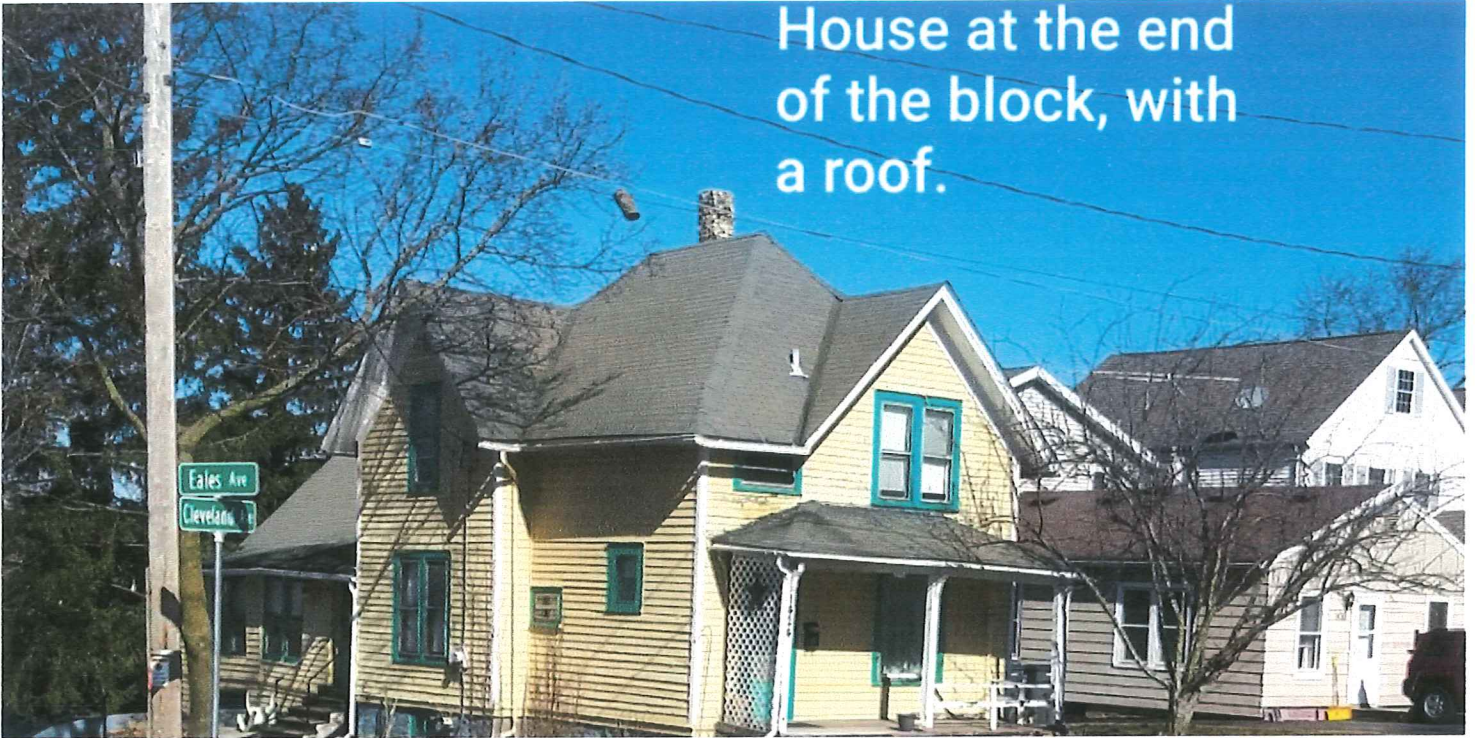
2018 Aerial

Scale: 0 20 40ft

Type here to search

↓ 17.57 from side walk

House at the end of the block, with a roof.



Current eye sore of a "roof structure"

↑ 23.12 from sidewalk



This house is directly across the street from me

↑ 19.6 from sidewalk

All 3 houses on Cleveland Ave

CHAPTER 22
Zoning

22.56 Yard Modifications

(Rep. & recr. #66-01)

(1) YARD PROJECTIONS.

- a. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.
- b. Architectural Projections, such as chimneys, flues, sills, eaves, bay windows, belt courses, and ornaments may project into any required yard, but such projection shall not exceed three (3) feet.
- c. Decks may project a distance not to exceed ten (10) feet into any required rear yard.

(2) SETBACK AVERAGING. (Am. #19-14)

a. Purpose and Intent. This subsection applies only in residential districts, and is intended to address circumstances where the street-yard setbacks applicable to new construction may exceed the setbacks allowed when existing structures were built, so that street-yard setbacks for new construction may be adjusted to avoid large differences in setbacks between adjacent properties, to allow for more consistency of appearance of properties in the district.

b. General Rule. Any lot that is adjoined on both sides of its street frontage by lots which have residential structures on them, one or both of which have residential structures on them that are legally within the current street-yard setback, shall have its street-yard setback adjusted to the average of the depth of the street yards on the adjoining lots.

c. Exceptions. Regardless of the foregoing, no setback shall be reduced to less than 10 feet; no setback shall be increased to greater than the currently-applicable street-yard setback, and the street yards of a corner lot shall not be reduced to less than 25 feet.

(3) OFF-STREET PARKING. Off-Street parking is permitted in all yards of all districts provided that commercial and industrial parking shall be located no closer than twenty-five (25) feet to a residential district.

(4) LANDSCAPING AND VEGETATION. Landscaping and vegetation are exempt from the yard requirements of this Chapter provided that such landscaping and vegetation shall not interfere with the traffic visibility restrictions provided for in Section 22.53.

(5) COMPUTATION OF DEPTH OF YARDS. (Am. #61-02) In computing the depth of a rear yard where the rear yard abuts an alley, one-half ($\frac{1}{2}$) the width of the alley may be included as a portion of the required rear yard. However, no projection or overhang shall be erected closer than five (5) feet to any lot line.

CHAPTER 22
Zoning

22.02 Purpose and Scope

(Rep. & recr. #66-01) (Am. #33-09)

This chapter and the regulations and restrictions set forth herein are enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property, property values, to secure the most appropriate use of land; and to facilitate adequate and economical provisions for public improvements consistent with the Comprehensive Plan provided for in sec. 22.025 pursuant to the authority of sec. 66.1001 Wis. Stats. for the desirable future development of the City and to provide a method of administration and to prescribe penalties for violations of the provisions of the provisions hereafter described.

WAUKESHA MUNICIPAL CODE 11/18/09