



CITY OF WAUKESHA

Administration

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Committee: Board of Zoning Appeals	Date: 8/3/2020
Item Number: ID#20-0815	Date: 8/3/2020
Submitted By: Maria Pandazi, City Planner	City Administrator Approval: Kevin Lahner, City Administrator
Finance Department Review: Diane Gard	City Attorney's Office Review: Brian Running, City Attorney
Subject: The APPEAL of Thomas and Lynn Olson for a dimensional variance from section 22.24(7)(a) of the zoning code. If granted, the variance would allow a new house to be built at 3005 Chancery Lane with a street yard setback of twenty feet, when a minimum street yard setback of thirty-five feet is required.	

Details: The applicants would like to build a new single family house on the currently vacant lot at 3005 Chancery Lane. A large wetland area is located to the west of the property and extends onto the rear of the lot. The property is not zoned C-1, so construction of a single family home is permitted there by the city, but the applicants need approval from the Wisconsin Department of Natural Resources before they can disturb the wetland on their lot.

The wetland area is primarily located on the southwest side of the property, so the DNR would like the house to be built closer to the northeast side, near the street. The DNR has indicated that a permit will not be approved for a new house with a street yard setback of 35 feet, but they will approve one for a house with a 20 foot setback. This means the applicants will only be able to build a house on the property if they receive a variance from the city.

The owner of 3003 Chancery Ln., the neighboring house to the east, has expressed concern that a new house might divert water from the wetland area onto his back yard. City ordinances prohibit building or maintaining a house in a way that will increase drainage onto the neighbor's property, and require that houses be built so the basement floor is at least one foot above the ordinary high water mark. The engineering department reviews all building permits for compliance with this and other parts of the code, but it is sometimes difficult for them to determine from standard building plans whether this will happen. In order to be certain, they would need to see a new survey showing the proposed grading and the elevation of the basement floor. The Board of Zoning Appeals has the authority to impose a condition that this will be provided if a variance is approved.

Options & Alternatives:



Financial Remarks:**Staff Recommendation:**

If the applicant proves a hardship exists, the Board may consider granting the variance request for a new single-family home with a twenty-foot street-yard setback at 3003 Chancery Ln.

- If appropriate, the Board may impose a condition that the applicants will provide a survey showing the proposed grading and showing the elevation of the proposed basement, for Engineering Department approval.