

**CITY OF WAUKESHA****Administration**

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Committee: Board of Zoning Appeals	Date: 9/14/2020
Item Number: ID#20-0998	Date: 9/14/2020
Submitted By: Maria Pandazi, City Planner	City Administrator Approval: Kevin Lahner, City Administrator
Finance Department Review: Bridget Souffrant, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: The appeal of Javier and Kelly Muniz for a dimensional variance from section 22.58(2)(c) of the zoning code. If granted, the variance would allow a deck to be built at 2101 Austin Ct. projecting 16 feet into the required rear yard setback area, when decks may project a distance not to exceed 10 feet into any required rear yard.	

Details: 2101 Austin Ct. is located at the corner of Austin Ct. and Penhurst Way. It is zoned RS-3 Single Family Residential, and the required rear yard setback is 40 feet. The house is built exactly 40 feet from the rear property boundary. The applicants would like to build a deck attached to the rear side of the house. Uncovered decks are allowed to extend up to ten feet into the required rear yard area, so in this case they would be allowed a deck with a width of exactly ten feet.

The applicants believe a ten-foot deck will not be wide enough to allow them to use it in the way they would like to, so they would like to build a sixteen-foot deck instead. The deck will have a width of twenty feet so it will be 20' x 16' for a total area of 320 square feet. They believe other options, such as a patio would be more difficult or impossible due to grading and drainage issues. They have noted that their neighbors are fully supportive of the deck proposal and that several other houses in the area have decks that are similarly sized or larger.

Options & Alternatives:**Financial Remarks:****Staff Recommendation:**

If the applicant proves that a hardship exists, the Board may consider granting a variance to allow an uncovered deck extending 16 feet into the required rear yard setback at 2101 Austin Ct.

