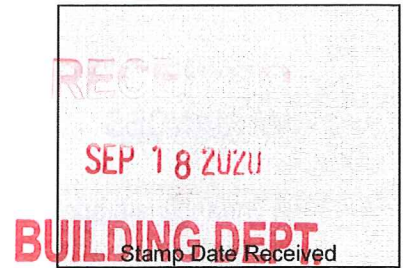


City of Waukesha  
Department of Community Development  
**BOARD OF ZONING APPEALS**  
201 Delafield Street, Waukesha, WI 53188



**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 22.58(2) of the zoning code      ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 2119 Patrick Lane Tax Key #: WAKC 0979186

Current Zoning: RS-3 Single Family Res. Lot Existing Use: Single Family Home

**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: John Paul Urbanek

Address: 2119 Patrick Ln

City & Zip: Waukesha, WI 53188

Phone: 414-828-2341

E-mail: jurbanek@gmail.com

Owner of property:

John Paul Urbanek

2119 Patrick Ln

Waukesha, WI 53188

414-828-2341

jurbanek@gmail.com

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

[Signature]  
Applicant Signature

9/18/2020  
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>credit</u> <u>card</u>	Received by: <u>[Signature]</u>

September 18<sup>th</sup>, 2020

Board of Zoning Appeals  
City of Waukesha Community Development  
201 Delafield St.  
Room 200  
Waukesha, WI 53188

To whom it may concern,

We are submitting this request to be heard by the Board of Waukesha Zoning Appeals and approve a 3' variance to the standard 10' deck allowance (22.58(2)c) to support realizing an elevated deck that will extend 12' 11" from the rear of our home at 2119 Patrick Ln (originally a builder spec home).

In November 2013, the spec home builder obtained an approved variance to allow the home to be built 33' from the property line (from the normal 40'). Such a variance was necessary given the unique circumstances of the lot. The spec home came with a poured 12' x 12' concrete patio. The concrete patio was later expanded from 12' to 33' along the back side of the home (see image *2119 Profile 1 with Figures Resized.jpg*).

The unique circumstances of the lot, particularly when contrasted with immediate and regional neighbors, have made it difficult to utilize our back yard resulting in hardship. An elevated deck covering the concrete patio is the most effective way to utilize the constrained back yard and enjoy the views the wetland provides while also providing access to the first floor rear door.

Consider:

- 2119 Patrick Ln is the shallowest lot on the block (see image *2119 Most Shallow Lot.jpg*).
- The curve of Patrick Ln at 2119, the curve of the wetland (and wetland setback) at 2119, and the high-grade slope leading to the ravine all adversely impact and constrain use of the lot.
- The requested 3' variance will have no effect on neighbors or the surrounding area.
  - The nearest neighbor's property line in the direction of the requested variance is approximately 351' away with two separate tree lines in between (see image *2119 Nearest Property Line.jpg*).
  - No effect on the wetland/ravine.

Adding 3' to the standard 10' deck allowance provides the needed 12' 11" dimension to construct an elevated deck over the 12' dimension of concrete patio that was included with the home and enables utilization of our exceptionally constrained back yard (see image *2119 Profile 1 with Figures Resized.jpg*).

## Board of Zoning Appeals Findings of Fact

In support of the Board of Zoning Appeals Findings of Fact, please consider:

- 
1. *That there are exceptional extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same district.*
- 

2119 Patrick Ln is the shallowest lot on the block due to the curvature of Patrick Lane itself, the wetland curvature, and the high-grade slope leading to the ravine. When combined, these exceptional physical characteristics result in a lot that prevents similar usage of and constrains the back yard as compared to immediate and regional neighbors.



- 
2. *That a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district in the same vicinity.*
- 

Adding 3' to the standard 10' deck allowance enables the construction of an elevated deck covering the builder-included concrete patio that came with the home. An elevated deck covering the concrete patio is the most effective way to *simultaneously* utilize the constrained back yard, enjoy the views provided by the wetland, and maintain access to the first-floor rear door.

- 
3. *That a variance is not being requested solely on the basis of economic gain or loss, and that self-imposed hardships are not being considered as grounds for the granting of a variance.*
- 

Constraints on the lot due to the curvature of Patrick Ln and curvature of the wetland have resulted in constraints on the back yard. Given, an elevated deck is one of few options available to effectively use the space. Extending the patio much further is not an option given a) proximity to high-grade slope leading to wetland/ravine and b) first-floor rear door access.

- 
4. *That the authorizing of a variance shall not be of substantial detriment to adjacent properties and will not materially impair the purpose of this chapter or the public interest.*
- 

The nearest neighbor's property line in the direction of the requested variance is approximately 351' away with two separate tree lines in between. An additional 3' is of no impact. Additionally, the requested additional 3' will have no impact on the wetland/ravine.

## Thank You

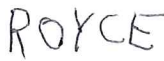
As a six-year resident of the city of Waukesha (September 19<sup>th</sup>) please accept this request and approve the requested variance adding 3' to the 10' deck allowance. Please help my family to enjoy our back yard as our neighbors do theirs and enjoy the wetland that attracted us to this specific home (the bird watching is incredible). We look forward to the next six years as city of Waukesha residents.

Sincerely,

The Urbanek's  
2119 Patrick Ln  
Waukesha, WI 53188  
414-828-2341

  
JohnPaul

  
Sarah

  
Royce