

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

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Committee: Board of Zoning Appeals	Date: 10/5/2020
Item Number: ID#20-1199	Date: 10/5/2020
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 John Paul Urbanek 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 2119 Patrick Lane projecting 13 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: The house at 2119 Patrick Lane is set back 33 feet from the rear property line. The developer of the property received a variance in 2013 to allow that setback. Typically a rear yard setback of at least 40 feet is required in the RS-3 zoning district. Behind the house is a large wetland area surrounding a creek. The back yard drops off into the wetland area almost immediately after the edge of a small patio, which extends from the back of the house about twelve feet into the yard. The nearest property on the other side of the wetland is a farm. The closest residences are roughly 1000 feet away, and the rear of the house is not visible to them at all.

The applicant would like to build a second story deck attached to the rear of the house, over the existing patio. In order to cover the patio and prevent cutting into the concrete the deck it will need to extend thirteen feet behind the house. The 2013 variance set the required rear yard setback at 33 feet, where the house is located, so an additional variance is required to allow the deck to extend more than ten feet beyond it. The applicant has noted that the rear yard is much smaller than most yards in the area, and is further limited by its steep slope. He believes a deck is necessary to allow full enjoyment of the yard.

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

If the applicant proves that a hardship exists, the Board may consider granting a variance to allow a deck extending thirteen feet into the required rear yard at 2119 Patrick Lane.

