

Variance:

1. Special circumstances exist that apply only to the property for which the variance is requested.

Lot subdivision: 709 and 705 N. Hartwell Ave share a driveway- currently 709 owns said driveway and 705 has easement to use driveway. Since there is no longer a house at 709, the driveway should rightfully belong to 705. We also ask that an easement be approved for 709/713 N Hartwell to occasionally use the driveway to access the shared concrete slab(old garage slab) at the back of the property. For many years 705 has endured sharing a driveway with several different tenants of the rental house at 709, sharing the responsibilities of the upkeep and maintenance of the driveway-ie snow removal(705 did most of this through the years). About 10 yrs ago the owners of 705 also paid for half the cost of a new concrete driveway installation.

Pool: The current codes require pools be in a rear yard, however, the size of the rear yard in the old, smaller lots is inadequate for any type of above ground pool.

2. Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant.

Lot subdivision: Many of the homes in our area do not have a shared driveway, since there is no longer a house at 709, it makes sense that 705 should now own the driveway seeing that they use the driveway on a daily basis. Also see #1, 705 has paid for half of the cost of the concrete driveway

Pool: Our current rear yard is inadequate for placement of any size pool, cannot conform to current codes related to pools(10 ft from lot line, distance from power lines, etc)

3. The variance is not being requested solely for economic loss or gain.

Lot subdivision: Variance requested for our neighbors at 705 so they have the ability to purchase the piece of property containing the driveway and no longer have a shared driveway. If the variance is not granted, the lot lines will remain as is with shared driveway and current easement. We have other plans for the lot and selling a larger piece to 705 would prevent those plans from occurring.

Pool: Variance to have pool in side yard will enable us to have an entertaining space enjoyed by us and our neighbors. Not able to install pool in rear yard due to inadequate lot size, not able to follow all zoning codes in rear yard.

4. The applicant's hardship is not self-created.

Lot subdivision: Shared driveway with easement was in place prior to our purchase of 709. By requesting a variance we are removing the hardship of 705 related to shared driveway. The lot size requirements have changed(required to be larger) since our lots were originally created, we are currently nonconforming but grandfathered in.

Pool: Old, nonconforming lots have inadequate rear yards, cannot conform to current codes related to pools(10 ft from lot line, etc)

5. The variance would not defeat the purpose of the zoning ordinance, and would not be a detriment to neighboring properties.

Lot subdivision: We would actually be assisting the zoning ordinance by taking 3 nonconforming lots and creating one conforming lot and another lot that is more conforming than it is currently. Before the house fire that destroyed the house at 709, the house and lot were not maintained well. There have been many different renters over the years, some better than others but none truly cared for the house as if it were their own. Many times we would mow the front lawn as renters would be neglectful and not mow for weeks at a time. Since we bought the property we have finished demolishing the foundation of the old house as we have no plans to rebuild, only use as recreational space. After removing the foundation, we also leveled the entire lot and planted grass. If a variance is not granted, all 3 nonconforming lots will be left as is. We have gathered letters from several of our neighbors who have no issues with our plans to subdivide the lot and install a above ground pool.

Pool: During the summer we enjoy being outside, we love gardening and improving the appearance of our yard. Our plan for installing an above ground pool also includes plans to fence the entire yard using a tasteful, PVC coated black chain link fence at a height of 5'(taller than the standard 4' fence) to make the yard more secure. We also have plans to install a deck on the street side of the pool with motion sensor security light that will deter trespassers. The area of the 709 lot to the south side of the house at 713(side lot) is large enough that we can still follow all the zoning codes for pool and deck installation. There are power lines running along the rear of the 709 lot that would prevent a pool being erected there. We have gathered letters from several of our neighbors who have no issues with our plans to subdivide the lot and install a above ground pool.

Additional information:

Our main purpose in purchasing the lot at 709 was to have a larger yard with the hopes of installing a pool to be used for recreation and neighbor gatherings. Without this variance our dreams of having a pool are shattered and we are left with a large yard. We love living in Waukesha near the city but the current lot sizes are inadequate for these types of personal entertaining spaces.

Tuesday, March 2, 2021

To whom it may concern,

Our neighbors and the owners of the properties at 709 and 713 N. Hartwell Avenue in Waukesha, Mark and Molly Wissler, have planned improvements to the property at 709. They have shared these plans with us and we are in full support of the improvements planned, including the installment of an above ground pool and the selling of a portion of the lot to increase our property at 705.

Mark and Molly have been an integral part of the neighborhood for many years. They are very attentive with their property, but are also wonderful neighbors who will always lend a hand to the rest of us as we work to maintain and improve our own properties.

It is in this vein that we, in particular, are so fortunate. Since purchasing our property at 705 N. Hartwell Avenue in 1996, we have never had sole ownership of our driveway. As Mark and Molly moved forward with their plan to purchase the lot at 709 N. Hartwell, they presented us with the opportunity to purchase the part of the lot that contains the driveway, thereby enabling us to finally have sole ownership of our driveway, if the variance is approved.

It is this thoughtfulness and concern for all of us who call this neighborhood home that makes us confident in supporting Mark and Molly's plans for their property.

Sincerely,  
Paul and Rhonda Kwiecien  
705 N. Hartwell Avenue  
Waukesha

