



CITY OF WAUKESHA

Administration

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Committee: Board of Zoning Appeals	Date: 4/5/2021
Item Number: ID#21-1982	Date: 4/5/2021
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 Eaton Corporation for a dimensional variance from section 32.10(d)(6)(H)(ii) of the Storm Water Management and Erosion Control Ordinance. If granted the variance would allow for construction of a new paint storage room attached to the factory building at 2300 Badger Dr. with a horizontal setback of 25.4 feet from the high water mark of the 100 year flood level of a nearby stormwater pond, when structures shall be set back at least 40 feet horizontally from the 100 year flood level.	

Details: A 200,000 square foot addition to the Eaton manufacturing facility at 2300 Badger Dr. was approved by the Plan Commission last fall and is currently under construction. Since the project will significantly increase the impervious surface on the site, the applicants were required to update their stormwater management facilities, and they plan to add a stormwater pond stretching along the west side of the addition to fulfil that requirement.

Recently the applicants have put in a request to make a minor alteration to their plans. They would like to add a small paint storage room to the edge of the building on the west side. The addition will be one story high, significantly lower than the rest of the building, and it will have an area of roughly 1,200 square feet. The exterior will match the rest of the building, but the addition will be reinforced to protect against explosions from the paint that will be stored inside. They plan to relocate the paint storage for the factory from a storage room in the existing building which does not meet current code requirements for blast resistance. The addition will be the same size as the existing storage room, but the location on the outside of the plant will allow any blast to be directed outward, which the Building Code requires. This would be impossible in the storage room's current location.

The edge of the building will be located 25.4 feet horizontally from the high water mark of the 100 year flood elevation of the stormwater pond. The stormwater management ordinance requires a minimum horizontal setback from the stormwater pond of 40 feet, so this proposal requires a variance from Chapter 32, the Stormwater Management ordinance. In cases where a variance is requested, Chapter 32 requires appeals to go through the Board of Zoning Appeals, and states that the board should follow the same standards it uses to review zoning variances.

The applicants have examined the possibility of expanding the stormwater pond to alter the location of the 100-year flood elevation and found that there is no space to do so on the property. However, they have pointed out that the floor of the storage room will be nine feet higher vertically than the 100-year flood elevation of the pond, so it will be extremely unlikely that any flood will actually reach it.



The applicants also do not believe there is any other viable location for the room. There are other exterior wall locations where such an addition would theoretically fit, but none of them allow the necessary unimpeded access within the building, and some of them would require forklifts carrying paint to travel outside. This would be unsafe during the winter months due to slippery driveway conditions. Additionally, no other exterior wall of the building is as isolated as the section adjacent to the stormwater pond. This means that other areas would be less safe in the event of an explosion, since the explosion would be directed outward into a parking lot or otherwise occupied space.

Since the proposed addition is very small relative to the rest of the project and the plant as a whole, and since it is in a location that will have minimal visibility and impact on the surrounding area, it will be approved at staff level if a variance is granted, and it will not need to go back to the Plan Commission.

Options & Alternatives:

Financial Remarks:

Staff Recommendation:

If the applicant proves that a hardship exists, the board may consider granting a variance to allow a new paint storage room to be located on the outer wall of the previously approved addition to the factory building at 2300 Badger Dr., set back 25.4 horizontal feet from the 100 year elevation of the stormwater pond. The Board should apply the same standards it would use to review a variance from Chapter 22 of the city code.