



CITY OF WAUKESHA

Administration

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Committee: Board of Zoning Appeals	Date: 5/3/2021
Item Number: ID#21-2115	Date: 5/3/2021
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 Thomas Anderson for a dimensional variance from section 22.58(2)(c) of the zoning code. If granted the variance will allow construction of a new deck at 1412 Garfield Avenue, projecting sixteen feet into the required rear yard setback, when decks may project a distance not to exceed ten feet into any required rear yard.	

Details: 1412 Garfield Ave. is zoned RS-3 Single Family Residential. The lot meets all of the area and width requirements for the zoning district. The house exceeds the required street yard setback and the side yard setback to the north. Based on a measurement the applicant submitted it meets the forty foot setback requirement for the rear yard by just about two feet. The rear yard slopes down toward the adjacent properties on S. Grand Ave. The houses on those properties are located toward the front of their lots, so they significantly exceed their required rear yard setback.

The applicant would like to build an uncovered deck extending eighteen feet back from the rear of the house. The deck will be twenty-four feet from the rear lot line. Uncovered decks are allowed to extend ten feet into the setback area, which would mean it would normally be allowed to be thirty feet from the lot line in this zoning district. It will replace a patio which has become unstable partially due to the slope of the yard, and partially because of the soil quality.

The applicant has argued that extra space is necessary to make the deck useable and to provide a useable outdoor space in the back yard, and that the large distance to the houses on the adjacent properties will limit the impact on them. He has also pointed out that the slope and other issues which made the old patio unstable will also make it difficult to put a new patio or a deck that is less than twelve inches high into the same location.

The applicant also plans to add an above-ground pool into the yard, with a deck around a portion of it. The pool will meet all of it's setback and location requirements. The pool deck will be a few feet lower than the deck in question and the two will be connected by stairs.

Options & Alternatives:



Financial Remarks: No Financial impact.

Staff Recommendation:

If the applicant proves a hardship exists, the board may choose to grant a variance to allow a new deck at 1412 Garfield Ave., extending sixteen feet into the rear yard setback area.