

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 22.580 of the zoning code ☐ An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: 1121 ELLIS ST. WAUKESHA WI, 53186 Tax Key #: WAKC1304102

Current Zoning: Rs-3 Existing Use: RESIDENCE

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: MATTHEW PAWULA

Address: 1121 ELLIS ST.

City & Zip: WAUKESHA 53186

Phone: 815-575-4202

E-mail: mattpawula@yahoo.com

Owner of property:

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

[Signature]
Applicant Signature

4/30/21
Date

PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$100.00 FILING FEE

For Internal Use Only		
Amount Paid:	Check #	Received by:

VARIANCES

A variance is a special exemption from the city zoning code granted by the Board of Zoning Appeals in unusual circumstances on a case-by-case basis. Variances are difficult to obtain, and they are not granted simply because of an applicant's desire to do certain things or use a property in a certain way. In order to receive a variance an applicant must show that a unique hardship exists on the applicant's property. An applicant bears the burden of proving that all of the following criteria for a variance are satisfied:

1. Special circumstances exist that apply only to the property for which the variance is requested, and not to any other neighboring properties. The special circumstances must relate to the property itself, and not to the applicant's desired use of the property. Explain the circumstances and how they are unique to the applicant's property.
2. Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant. Explain how the owners of neighboring properties are able to enjoy property rights that the applicant cannot.
3. The variance is not being requested solely for economic loss or gain. Explain how the variance is not just to increase property value or to allow profit-making activities.
4. The applicant's hardship is not self-created. Explain how the special circumstances relating to the property are not caused by the applicant's actions or wishes.
5. The variance would not defeat the purpose of the zoning ordinance, and would not be a detriment to neighboring properties. Variances cannot be contrary to the policy reasons for the ordinance from which the variance is requested. Explain how the variance would work within the existing zoning rules and not undermine the reasons for them.

In addition, please provide the following information:

If applicant is asking for a use variance, explain how the property will have no reasonable use unless a variance is granted.

If applicant is asking for a dimensional variance, explain how complying with the current rules is unreasonable or creates an unnecessary burden on the applicant.

Please review these criteria prior to application submission and address each of them in your detailed description of the proposal. Failure to address each point will result in a rejection of the application.

Fees are nonrefundable.

VARIANCE PROPOSAL

GARDEN SHED POSITION ON LOT LINE

ZONING 22.58

1121 ELLIS STREET WAUKESHA WI, 53186

CREATED BY: MATTHEW M. PAWULA

DATE: 4/29/21

1. Special circumstances exist that apply only to the property for which the variance is requested, and not to any other neighboring properties. The special circumstances must relate to the property itself, and not to the applicant's desired use of the property. Explain the circumstances and how they are unique to the applicant's property.

- Property slope runs into back of yard from neighbors.
- Large Black Walnut tree overhangs into yard, which black walnut plants fall into yard throughout several months of year.
- Black walnuts are a hazard to my two dogs from consuming.
- Black walnuts are safety hazard for rolling ankles & harming lawn equipment.
- Black walnuts continue to kill my grass in this area, which is due to lack of maintenance of my neighbor.
- My side neighbor has no issues with my placement of the shed / pitch of roof.
- Pitch of roof is designed to shield the falling debris coming into my yard back into the property owner's yard (owner of black walnut tree).
- Design of sloped roof also is placed in designed spot for aerodynamic purposes of cross winds coming through my yard.
- This design only places forces of compression to the structure to provide the efficient design for rigidity and strength.
 - o This design cannot be placed on any other position of the yard as it will catch the strong cross winds coming through the yard.
- The sides of the sloped roof will have gutters attached to them w/ screens to prevent clogging.
- The gutters will act as a collection barrier to not push any water into either of my neighbor's yards / properties.
- The run-off water will be used as supply for natural water irrigation for planter boxes next to my shed.
- The position of my shed is the only possible solution to have for protecting my plants / vegetables I have grown / without being killed by falling debris of this very large tree.
 - o My side neighbor lost all of his vegetables due to this tree last year.
- The shed is (5-sided) to fit within the footprint of my yard & not become an obstruction to the layout.
- It is designed to fit in the corner of my two fence lines at the lot line intersection.
- Nothing is impeding into either neighbor's yard, but also acts as a solution for the poor maintenance of the 100+ year old tree.
- I have designed this to be an engineered solution for all parties.
 - o I get the storage I need, as well as making a clean structure that is very appealing to look at.
 - o My neighbors will not have water running into their lawns
 - o I save water by routing water runoff into my plants
 - o The black walnut tree falling debris issue gets solved for easy maintenance for the rightful owner that should be responsible.

2. Without a variance, substantial property rights that are enjoyed by neighboring properties will be denied to the applicant. Explain how the owners of neighboring properties are able to enjoy property rights that the applicant cannot.

- The neighbors face the same issues I experience regarding the falling debris of the neighbors tree.
- I have provided a solution to this issue by my specific designed and placed shed.
- My neighbors also do not experience the degree of issues I have to face regarding this issue due to the falling debris acts with the direction of the wind.
- The wind carries most of the debris into my yard as it flows West to East.
- My side neighbors enjoy the design of the shed, and like it compared to being out of place or a "cookie cutter" kit, because if I had placed any other roof pitch on the shed we would be routing falling debris more into mine and their yards.

3. The variance is not being requested solely for economic loss or gain. Explain how the variance is not just to increase property value or to allow profit-making activities.

- I am building a shed regardless, due to me wanting to increase space for storage.
- This is an economic solution for increasing the functional layout of my property.
- This structure shouldn't look as a monument that is out of place, but something that fits into the layout of the area, to rectify a never solved before issue without conflict between neighbors.

4. The applicant's hardship is not self-created. Explain how the special circumstances relating to the property are not caused by the applicant's actions or wishes.

- I have resolved a conflict, and an issue of not having to worry about having my dogs in their yard without having to get sick.
- Also the damage the falling debris has caused myself and neighbor in lawn maintenance and damaging our lawn mowers is a thing of the past.
- If I am forced to move my shed, I will be forced to go down a rabbit hole of getting a huge tree cut down in the middle of closely packed houses.
- I believe I am the only person who has provided an alternative to these issues at hand with a cross-functional method that I have paid fully for out of pocket and designed / built board by board.
- If I have to move the structure out from the corner, everything that falls into my yard will then be stockpiled in the corner, ruining the yard landscape.
- I would have to be responsible for cleaning up after a tree that is not my responsibility.
- Or I would be forced to have my neighbors that I am not close with, come onto my property throughout the year, over and over to pick up the debris.
- I do not want to be forced into a position to do this, as they have been letting their house overgrow since I have lived here.
- Multiple cars broken down in the driveway and backyard.
- House falling apart and never maintaining their property.
 - o This is not a safe or simple alternative because I should not have to be burdened with a result, when I have provided a solution for all parties.
 - o The solution is also paid for completely by myself.

5. The variance would not defeat the purpose of the zoning ordinance, and would not be a detriment to neighboring properties. Variances cannot be contrary to the policy reasons for the ordinance from which the variance is requested. Explain how the variance would work within the existing zoning rules and not undermine the reasons for them.

- The offset requirements are due to impeding on the neighboring properties.
- I have laid out a planned solution that details that everything that will be falling off this structure even at the lot line, will be routed to the responsible party.
- Falling debris going into the neighbor's property.
- Water run-off routing into my property.
- The pitch of the roof is 4.78 degrees, which will allow any compiling snow to gradually melt into the gutter system instead of falling off with more of an extreme slope.
- The melting snow will be routed into the same natural water irrigation system as the rain run-off.

In addition, please provide the following information:

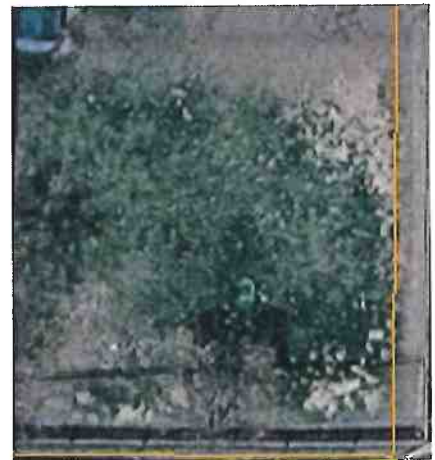
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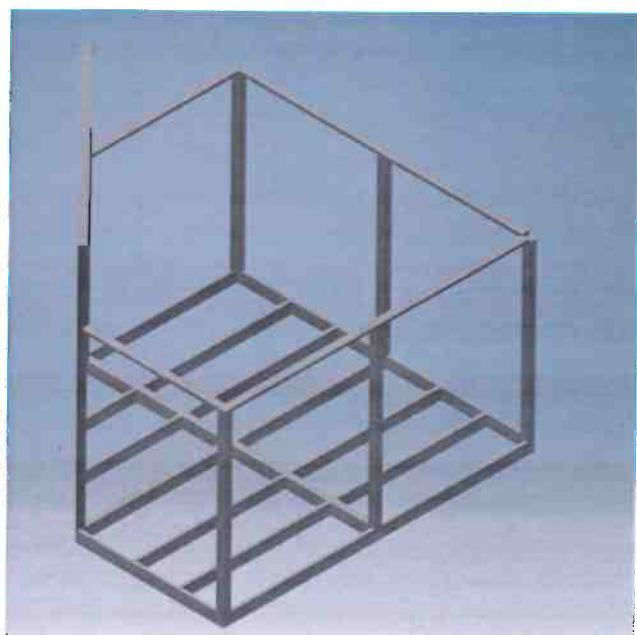
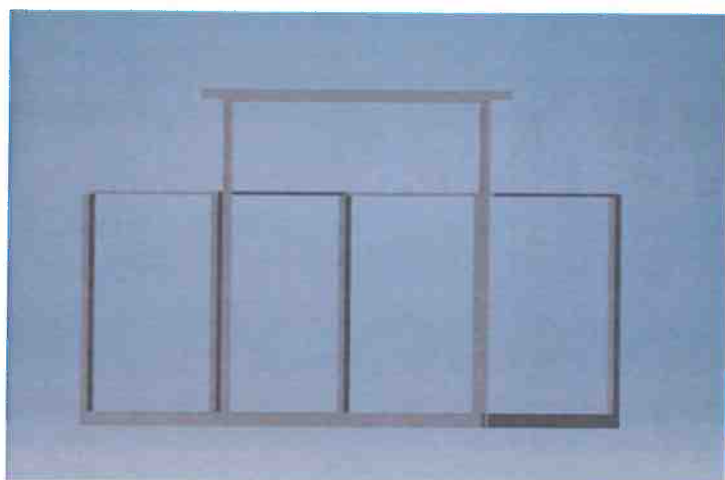
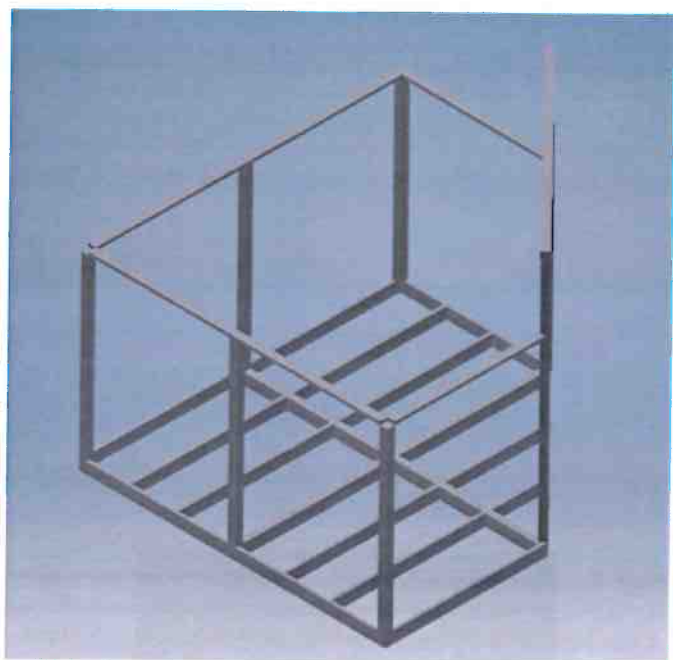
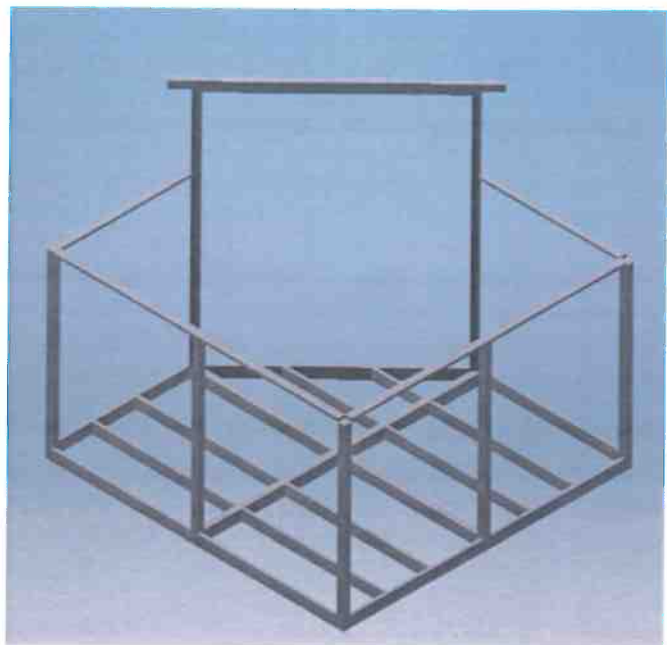
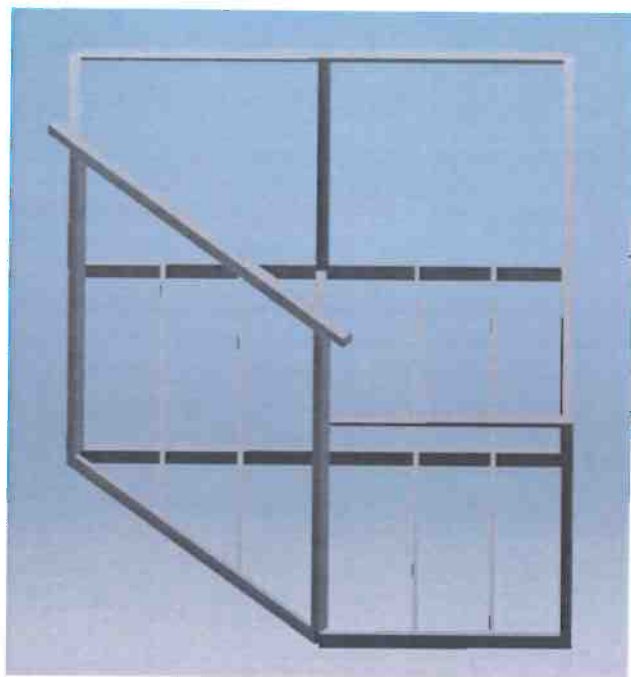
If applicant is asking for a dimensional variance, explain how complying with the current rules is unreasonable or creates an unnecessary burden on the applicant.

- As stated before, my lawn will continue to have dead spots, and will in long term continue to be a burden of maintaining.
- My dogs and future children I will have to fear for eating / hurting themselves if consumed or playing in the area I have paid for.
- The only alternative to this issue is placing a large net overhanging my property to protect it, which is not something I should have to burden.

I am not looking to go around the system. I am looking to create the only form or resolution to this issue, while also serving a purpose for my needs of storage. The design and materials used are of the highest degree, and maximizes the functional space of the yard. I would understand being denied this variance based upon having a structure too close to the property line, making this an issue for all parties. But this is not the case at all. I have provided a solution for all parties, and have detailed the methods of how and why I am planning to accomplish this. I am a degreed Mechanical Engineer, and can stand behind all work being performed is to the highest degree.

I understand these standards need to be in place to provide control over neighbors overstepping bounds to not comply with the city rules. I have detailed the roadmap to success, and am hopeful that the review panel will grant approval for this variance. I am doing this for the betterment of the situation at hand, and am building something that is functional and serves multiple calculated purposes / solutions.






PROPERTY INFORMATION	
PARCEL NUMBER	1304102
PROPERTY ADDRESS	1121 ELLIS ST
PROPERTY CLASS	Residential

OWNER INFORMATION	
OWNER NAME	MATTHEW PAWULA & JUSTINE ZWICKY
OWNER NAME	
OWNER NAME	
MAILING ADDRESS	1121 ELLIS ST
CITY	WAUKESHA
STATE	WI
ZIP	53186

ASSESSMENT INFORMATION			
ASS'D VALUE LAND	\$52500	LAST SALE PRICE	\$212500
ASS'D VALUE IMPROVEMENTS	\$152500	SALE TYPE	Land and Building
TOTAL ASS'D VALUE	\$205000	SALE VALID	Valid
AVE. ASSMT. RATIO	0.87	LAST SALE DATE	06/13/2019

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ASS'D VALUE IMPROVEMENTS	\$152500	SALE TYPE	Land and Building
TOTAL ASS'D VALUE	\$205000	SALE VALID	Valid
AVE. ASSMT. RATIO	0.87	LAST SALE DATE	06/13/2019

PARCEL INFORMATION			
TOTAL ACRES	0.17	ZONING CODE	Rs-3
EFFECTIVE FRONTAGE	50.00	NEIGHBORHOOD	060
EFFECTIVE DEPTH	150.00	TIF DISTRICT	
LEGAL DESCRIPTION	LOT 12 BLK A LOCKNEY'S ADDN PT SE1/4 SEC 2 T6N R19E DOC NO 4405344		
VIEW PARCEL IMAGE			
VIEW TAX BILL BALANCE	TAX BILL DETAILS For current balance due information, visit: http://tax.waukeshacounty.gov		

BUILDING INFORMATION			
BUILDING STYLE	O/S-2S	1ST FLOOR AREA	839
YEAR BUILT	1914	2ND FLOOR AREA	672
STORY HEIGHT	2.5	3RD FLOOR AREA	0
EXTERIOR WALL	Aluminum/Vinyl	HALF STORY AREA	0
AIR CONDITIONING	CENTRAL	ATTIC AREA	0
FIREPLACE	0	FIN BSMT AREA	0
TOTAL ROOMS	6	TOTAL LIVING AREA	1511
BEDROOMS	3	REC ROOM AREA	330
FULL BATHROOMS	2	BASEMENT AREA	798
HALF BATHROOMS	0	BSMT GARAGE AREA	0
ENCLOSED PORCH	166	DECK	0
ATTACHED GARAGE	0	SCREEN PORCH	0
DETACHED GARAGE	504.00	INGROUND POOL AREA	0.00



1121 ELLIS ST

Taxkey: WAKC1304102

Property
Address: 1121 ELLIS ST

WAUKESHA, WI 53186

Owner: MATTHEW PAWULA & JUSTINE ZWICKY

Owner
Address: 1121 ELLIS ST

WAUKESHA, WI 53186

Aldermanic
Dist: 08 - Elizabeth Moltzan

Voting
Ward: 19

Garbage
Day: TUESDAY

Recycling
Route: B - Yellow

Condo: N

Property
Link: [Parcel Inquiry](#)

Legal: LOT 12 BLK A LOCKNEY'S ADDN PT
SE1/4 SEC 2 T6N R19E DOC NO 4405344

[Recycling Route](#)

B - Yellow

[Aldermanic Dist](#)

08 - Elizabeth Moltzan

[Voting Ward](#)

19

[Condo](#)

N

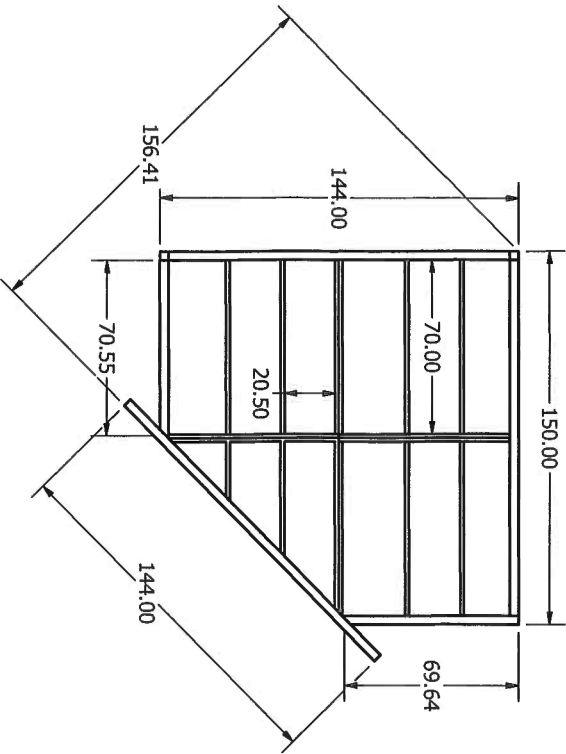
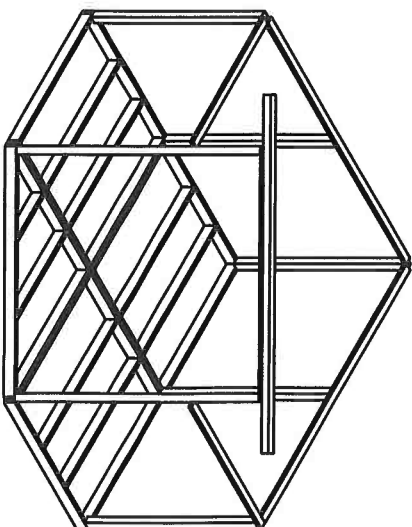
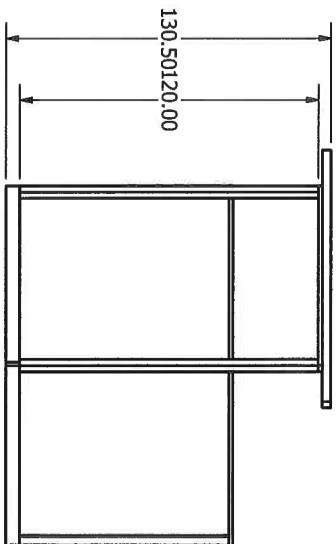
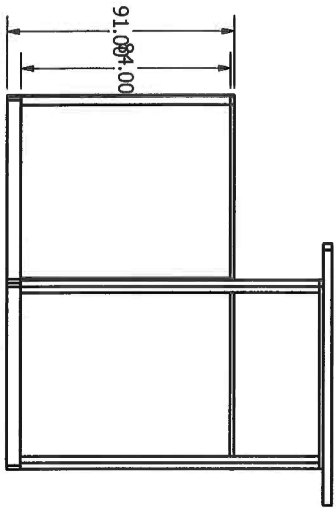
[Legal Description](#)

**LOT 12 BLK A LOCKNEY'S ADDN PT SE1/4
SEC 2 T6N R19E DOC NO 4405344**









DRAWN	mpawula	4/29/2021	TITLE	
CHECKED				
QA				
MFG				
APPROVED			DWG NO	
SIZE	B	1/50	SHED BASE	
SCALE				
			SHEET 1 OF 1	
			REV	

