



CITY OF WAUKESHA

Administration

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Committee: Board of Zoning Appeals	Date: 5/21/2021
Item Number: ID#21-2199	Date: 6/7/2021
Submitted By: Doug Koehler, Principal 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 Matthew Pawula for a dimensional variance from section 22.58(2)(a)(1) of the zoning code. If granted the variance will allow construction of a new storage shed set back one foot from the property line at 1121 Ellis St. when sheds shall be located not closer than five feet to a lot line.	

Details: 1121 Ellis St. is zoned Rs-3 Single Family Residential. It is a corner lot with a width of 50 feet, so it is considered to be substandard, as are most of the lots in the surrounding neighborhood. The property to the south, 320 Frederick St., is up a small incline from 1121 Ellis, and it has a large, mature black walnut tree in the back yard. Walnuts from the tree fall for several months every year, and the applicant is worried that his dogs may eat them and have negative health effects, they may damage his lawn equipment, and they will kill the grass and other plants in that portion of his yard.

He has designed and partially built a shed in the rear corner of his yard, which he believes will mitigate the problem. The shed is five sided to fit into the corner of the lot, and it has a roof sloped toward the neighbor's yard, so walnuts that hit the roof will fall off onto the neighbor's property. The applicant plans to add screened gutters around the edges to direct water runoff onto his yard rather than the neighbor's property.

The shed will have an area of roughly 130 square feet. It will be about ten feet tall at its tallest point, with the roof sloping down to a height of just under eight feet. The siding will be plywood panels and the roofing will be a hybrid metal/fiberglass shed roof product. The shed will be located about one foot from the property boundary, in order to direct walnuts onto the neighbor's property.

The applicant has argued that moving the shed to a location which will meet the setback requirement will reduce the useability of his rear yard, both by taking up more space and by failing to solve the black walnut problem.

The property has a fence in the street yard, but the Building Department is holding off on all code enforcement action for fences while the proposed fence ordinance is under consideration.

Options & Alternatives:



Financial Remarks: No Financial impact.

Staff Recommendation:

If the applicant proves a hardship exists, the Board may consider granting a variance to allow a shed with a setback of one foot at 1121 Ellis St.