

City of Waukesha
 Department of Community Development
BOARD OF ZONING APPEALS
 201 Delafield Street, Waukesha, WI 53188

Stamp Date Received

NOTICE: The Board meets on the second Monday of every month at 4:00 p.m. 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 **\$375.00.**

This application is for (choose one)

A variance from section _____ of the zoning code An appeal from the decision of the Zoning Inspector

For the property identified below:

Project Address: O Pewaukee Rd. OR Tax Key #: WAKC1000071

Current Zoning: Residential Existing Use: Empty Lot.

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.

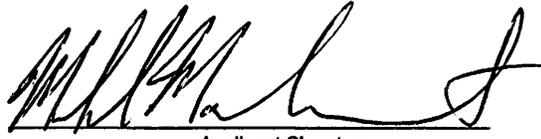
In order to be placed on the Board of Zoning Appeals agenda, the Community Development Department must receive the completed application, fee, project description, and a set of plans in PDF format by the applicable deadline. If this is an appeal from the decision of the Zoning Inspector, also attach 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: Michael Markwardt.
 Address: 1333 6th st. South
 City & Zip: Stillwater, MN 55082
 Phone: 262-527-1852
 E-mail: mwardt63@yahoo.com

Owner of property:
Michael + Charlene Markwardt.
1333 6th st. South.
Stillwater MN 55082
262-527-1852
mwardt63@yahoo.com

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



Applicant Signature

1-21-2026

Date

PLEASE NOTE: THIS FORM MUST BE ACCOMPANIED BY A \$375.00 FILING FEE

For Internal Use Only

Amount Paid: _____	Check # _____	Received by: _____
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VARIANCES ^{of} see attached copy for answers

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 non-refundable.

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.
 - Special circumstances exist that apply only to this property due to its **non-conforming size, shape, and configuration**, which were created prior to current zoning regulations. The lot is **irregularly shaped** and significantly constrained by multiple setbacks, leaving a very limited buildable area that is not typical of neighboring parcels.
 - Unlike surrounding properties, which are rectangular and wide enough to accommodate a reasonably sized single-family home while meeting all setback requirements, this parcel's unique geometry causes the setbacks to overlap in a way that severely restricts development. These circumstances are inherent to the property itself and are not related to the applicant's desired use. The lot was purchased in its current condition and cannot be reasonably altered to comply with the zoning code without a variance.
 - We are requesting a single variance to allow one corner of the house to extend 14 feet 8 inches over the setback on Buena Vista Avenue. This adjustment would have no impact on neighboring properties, as there are no directly adjacent neighbors on this street—only properties across the street. All other lot and zoning requirements will continue to be fully met.

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.
 - Without the requested variance, the applicant would be denied substantial property rights that are enjoyed by neighboring property owners. Nearby lots are able to support **reasonably sized single-family homes** that meet modern living standards, typically well in excess of 500 square feet.
 - Strict application of the setback rules on this parcel would limit development to approximately **500 square feet**, which is not comparable to homes in the surrounding neighborhood and is functionally impractical for a single-family residence. Granting a limited setback variance would allow construction of a **1,000 square foot 1st floor**, enabling the applicant to enjoy the same basic residential use as neighboring properties.

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.
 - The variance is not being requested solely for economic loss or gain. The intent is not to maximize property value or create a profit-making structure, but rather to allow the construction of a **livable, code-compliant single-family home** that is consistent with neighborhood standards.
 - A 1,000 square foot 1st floor represents a modest residence and does not exceed what is typical or expected in the area. The variance simply allows reasonable use of the property and does not result in an excessive or luxury development.

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.

- The hardship is not self-created. The lot's non-conforming shape and size were established prior to the applicant's ownership and were not caused by any action, alteration, or design choice by the applicant.
- The applicant did not subdivide the property, alter lot lines, or create the setback conflict. The hardship arises solely from the existing physical characteristics of the parcel combined with current zoning regulations

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.

- Granting the requested variance would not defeat the purpose of the zoning ordinance nor be detrimental to neighboring properties. The purpose of setback regulations is to ensure adequate light, air, safety, and neighborhood compatibility.
- The proposed variance is **limited in scope**, affects only one setback, and allows a structure that remains consistent with the residential character of the neighborhood. The home would be appropriately scaled, meet all other zoning and building requirements, and would not create congestion, safety issues, or adverse impacts to adjacent properties.
- Rather than undermining the zoning code, the variance allows it to function as intended by enabling reasonable residential development on a uniquely constrained lot.

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.

- This request is for a **dimensional variance**, not a use variance. Strict compliance with the current setback rules creates an unnecessary burden by reducing the buildable area to an unreasonably small footprint that is not comparable to surrounding homes.

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.

- Due to the lot's irregular shape, compliance would prevent reasonable residential use of the property. The requested variance is the **minimum necessary** to alleviate the hardship and allow construction of a modest, functional single-family home while maintaining the spirit and intent of the zoning ordinance.