
Applicant Signature

Date

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

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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 non-refundable.

DETAILED DESCRIPTION OF PROPOSAL

Board of Zoning Appeals – Dimensional Variance Request
Property: 2219 Northview Rd, Waukesha, WI 53188 | Zoning: Rs-3
Applicants: Eyrekr & Clifford Wiemer

Request Summary

The applicants request a dimensional variance from the Rs-3 zoning code's 150 square foot maximum size for accessory structures. They seek to remove a structurally failing shed (10x12 ft / 120 sq ft) that has served this property for at least 25 years and replace it with a new 12x16 ft (192 sq ft) shed, just 42 square feet above the current limit. The new shed will occupy the same general footprint as the existing structure on the applicants' approximately one-acre lot, with the modest size increase extending into the applicants' own open lawn, not toward any property line. The nearest property line is approximately 15 feet from the shed location, a setback that fully accommodates the new structure. The applicants have owned and maintained this property for over 2004 and have made repeated good-faith efforts to preserve the existing shed.

Criterion 1: Special Circumstances Unique to This Property

A combination of fixed, property-specific physical circumstances creates a genuine and documented need for a modestly larger replacement shed at this location.

First, this property has had a shed in this backyard location continuously for at least 25 years, predating the applicants' purchase of the home. The shed's long-established presence as a functional element of the property is not a new or speculative use; it is an existing condition that has defined how this property operates for a quarter century. The question before the Board is not whether to introduce a new structure, but whether to allow the replacement of a long-standing one with a modestly larger version that meets the property's current needs.

Second, the property's garage is fixed near the front of the lot and is fully utilized for vehicle storage. It provides no practical capacity for outdoor equipment. On an approximately one-acre lot, the volume of equipment required for routine maintenance (a riding lawn mower, push mower, snowblower, bicycles, gardening tools, and seasonal equipment) is substantial and cannot be stored elsewhere on the property.

Third, the physical dimensions of modern riding lawn mowers have increased over time. The applicants have already replaced the original shed doors with wider ones in an effort to accommodate their equipment, and even those modified doors barely fit a standard older riding mower. A 10x12 ft replacement shed would perpetuate this problem, as the door width required for current mower models cannot be achieved within that footprint without sacrificing the interior storage capacity needed for the property's other equipment. These are fixed, physical constraints specific to this property and its established use, not generalized desires.

Criterion 2: Denial of Property Rights Enjoyed by Neighboring Properties

Neighboring properties on comparable lots along Northview Rd maintain functional outdoor storage structures adequate for their size and equipment needs. Many are believed to have accessory structures that meet or exceed the storage capacity the applicants are requesting, either through grandfathering, pre-existing construction, or prior approvals. The applicants' property has supported a backyard shed for at least 25 years, the same right enjoyed by their neighbors. However, because the existing structure has reached the end of its useful life and requires replacement, the applicants are now subject to a size restriction that their neighbors with older or grandfathered structures are not. Neighbors who have not needed to replace their accessory structures continue to enjoy functional storage capacity that the Wiemers, through no fault of their own, are being denied simply because they are doing the responsible thing and replacing a failing structure rather than leaving it in place.

Criterion 3: The Variance Is Not for Economic Gain

This request is driven entirely by practical residential necessity. The new shed will be used exclusively to store the equipment required to maintain a one-acre residential property: a riding lawn mower, push mower, bicycles, lawn and garden tools, and seasonal household items. There is no commercial purpose, no income-generating activity, and no intent to profit from this structure in any way. The variance is not sought to increase property value or to enable any use beyond ordinary residential storage. The applicants simply need a functional replacement for a structure that has served this property for 25 years and can no longer do so.

Criterion 4: The Hardship Is Not Self-Created

Every element of the hardship in this case originates from the fixed characteristics of the property and the natural passage of time, not from any action or decision by the applicants.

The shed's deterioration is the result of 25+ years of weather exposure and normal aging. Far from neglecting the structure, the applicants have repeatedly invested in its maintenance over their over 20 years of ownership: they reinforced the flooring and replaced the original doors with wider ones to extend the shed's useful life and better accommodate their equipment. These repairs demonstrate good-faith stewardship, not indifference. The shed has simply reached the end of its serviceable life despite those efforts.

The garage's placement near the road is a fixed architectural feature of the property that existed before the applicants purchased the home and cannot be relocated. The lot's one-acre size, which drives the need for a riding mower and the associated equipment volume, is likewise a permanent characteristic of the property, not a choice. The evolution of mower dimensions over time is an industry-wide development entirely outside the applicants' control. The applicants did not create the 150 sq ft limit, did not cause the shed to deteriorate, and did not choose any of the physical conditions that make a modestly larger shed necessary.

Criterion 5: The Variance Would Not Defeat the Purpose of the Ordinance

The accessory structure size limit in Rs-3 zoning exists to preserve residential neighborhood character, prevent oversized or commercial-scale outbuildings, and protect neighboring property owners from structures that affect light, privacy, views, or lot coverage. The proposed 12x16 ft shed does not implicate any of these concerns.

The structure will sit in the same backyard location where a shed has existed for at least 25 years, a location already established as appropriate for this use. The modest size increase expands the footprint into the applicants' own open lawn, away from the nearest property line (approximately 15 feet), and will have no discernible impact on neighboring properties. The shed is a standard residential storage structure: not a workshop, not a commercial facility, and not a building that alters the character of the neighborhood in any way. At 192 square feet on a one-acre lot, it represents less than 0.5% of the total lot area. Granting this variance is fully consistent with the intent of the Rs-3 zoning ordinance and sets no precedent incompatible with the neighborhood's residential character.

Dimensional Variance: Unreasonable Burden Statement

Strict compliance with the 150 sq ft limit would impose an unreasonable and unnecessary burden that is specific to this property and its established use. A code-compliant 10x12 ft replacement would not resolve the core problem: the door opening remains too narrow for a modern riding mower, and the interior volume is insufficient to store the full complement of equipment needed to maintain a one-acre lot. The applicants have already demonstrated, through years of repairs and door replacements, that they are willing to work within constraints to make a smaller structure function. That effort has reached its practical limit.

The 12x16 ft shed is the smallest standard size that resolves both the door-width and storage volume problems simultaneously. It replaces, rather than expands upon, a use that has existed on this property for 25 years. Denying this variance would force homeowners who have maintained this property since 2004 to accept a replacement structure that still cannot meet the basic storage requirements of their property, a burden their neighbors, whose older structures face no replacement requirement, do not share. That outcome is neither fair nor consistent with the equitable purpose of the zoning code.