



CITY OF WAUWATOSA

7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
www.wauwatosa.net

MINUTES MEETING OF THE BOARD OF ZONING APPEALS Thursday, January 28, 2010

PRESENT: Mr. O'Connell, Mr. Pennoyer, Mr. Randall (7:12 p.m.), Mr. Subotich,
Ms. Bruderle-Baran – 5

EXCUSED: Ms. Meyer

ALSO PRESENT: T. Szudy, Planner

Mr. O'Connell as Chair called the meeting to order at 7:04 p.m.

1651 North 117th Street

Variance

Ms. Szudy reported that the applicant plans to demolish existing cantilevered bedroom closets on the south side of the house and replace them with larger walk-in closets that have frost-depth footings. The existing closets are cantilevered under the roof overhang and are compliant with the 10 foot south side yard setback established in the AAA Single Family Residence District. However, the proposed addition is two feet wider than the existing closets, causing an eight foot setback from the property line. Considering the existing floor plan of the bedrooms, the location of the existing closets, and the roof line of the house, the applicant and her contractor indicated that expanding the closets in the existing location seemed to be the best solution.

Present in favor: Gayle Schneider, 1651 N. 117th St., Wauwatosa
John F. Winter, Architect; 2857 N. 83rd St., Milwaukee
Kevin Doyne, 1641 N. 117th St., Wauwatosa

Mr. Winter advised that the owner would like to add on to their current closet space. Mr. Winter said they would replace the cantilevered closets with larger walk in closets that will have frost-depth footings. Mr. Winter said they are adding two feet to the closet depth which would be about a 2'4" encroachment. The current structure bumps out 2' 7" and does not have a foundation which makes the rooms cold. He reported that the plans have been approved by the Design Review Board.

Ms. Schneider said she has lived in the home for 35 years and has the need for larger closets. She also noted that bringing the closets up to today's standards instead of 1950's would be more aesthetically pleasing and would be an improvement to the area.

Mr. Doyne said he is the neighbor to the south and does not have a problem with the variance. He commented that the area is just dead space anyways.

The committee discussed the setbacks for this general neighborhood. Ms. Szudy said a lot of the existing homes meet the 10' setback requirement. The north side setback requirement in this area is five feet.

Mr. O'Connell asked if the new structure would have a roof overhang. Mr. Winter replied the overhang is about one foot and could be reduced if requested. Mr. Pennoyer said the roof line would look better if it closely matched the home.

Mr. O'Connell noted that there are very strict Wisconsin guidelines which have to be met to grant a variance. He noted that currently there is no foundation under the closet structure. Board members discussed the criteria necessary for a variance request. They thought the lack of foundation under the closet could be an exceptional circumstance.

Mr. Randall asked if there was another location the closets could be placed. Mr. Winter said this solution is the only option. He noted that the bedrooms are small and if the closets were relocated a window in each room would have to be removed as well as the basement windows, which may be required for code and ventilation issues.

Mr. Randall commented that the setback seems different in this neighborhood area with required ten feet on south and five feet to the north. Mr. Randall said an exception might be made due to the fact that five feet is allowed on one side of the property and not on the other. Mr. Randall noted that all of the lots in this area would be affected the same way.

Mr. O'Connell noted that the disproportionate way the house sits on the lot could be a disadvantage to the owner. In the instance to meet current code requirements to remove the windows wouldn't be the best thing. He said a foundation underneath the closet would be the best way to remedy the situation.

Moved by Ms. Meyer, seconded by Mr. Pennoyer to approve the variance. This Board finds that 1). Exceptional circumstances do exist pertaining to this lot in that there are unusual setback requirements in this neighborhood, there is a lack of proper insulation, relocating the closet location is difficult and basement windows required by code would be affected; 2). A variance is necessary for the preservation and enjoyment of the property rights possessed by others in the district and vicinity in that, the new closet aesthetics would improve the area and would improve the living conditions of the home or at least maintain to today's standards; 3). The variance will not create a special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this or to the public interests in that the neighbor most affected appeared and has no objections to the slight encroachment; 4). The difficulty or hardship was not created by the property owner in that the current closets were there when the home was purchased and homeowner wants to bring them up to date.

Vote on the motion: Ayes: 4 Noes: 1 (Randall)

Meeting adjourned at 7:39 p.m.

mks

Tamara Szudy, Secretary