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MINUTES
MEETING OF THE BOARD OF BUILDING & FIRE CODE APPEALS
Friday, May 14, 2010

PRESENT: R. Bachman; S. Jung; R. Lex; C. Millman; P. Nook; J. Price -6

ALSO

PRESENT: A. Kesner, City Atty.; W. Mainus, Bldg. Insp.

Mr. Lex in the Chair called the meeting to order at 9 a.m.

1420 N. 120th Street

Mr. Ryan Janssen, homeowner and contractor, has requested a variance to construct a 988 square foot [amended to approximately 890 square foot] garage whereas a 720 square foot detached garage is permitted. Reference WMC 15.04.040.C.3

Present in favor: Ryan Janssen, 1420 N. 120th Street
Jen Janssen, 1420 N. 120th Street

Present in opposition: Sue Porter, 1407 N. 120th Street
Ald. Donald Birschel, District 7

Letters in opposition: Jeff Billstrom, 1406 N. 120th Street
Byron Rachow, 1333 N. 120th Street

City Attorney Kesner explained the procedure to be followed, and Mr. Lex administered oaths to those planning to testify.

Referring to a plat, Mr. Janssen stated that he would like to build an 888 square foot garage at the back of the lot to supplement the home's existing attached two-car garage. The house is 1,300 square feet with a finished basement, only about 300 square feet of which is suitable for storage. His wife's vehicle can be parked in the existing garage, but his truck is too large and must be parked on the driveway. His brother, who also lives there, has a large truck that he parks on the driveway. He needs additional parking and storage space.

Mr. Janssen cited four nearby properties with extra garages: 1574 N. 118th Street, one-car attached and two-car detached; 12007 Watertown Plank Road, one-car attached and three-car detached with storage above; 12108 Elmhurst, one-car attached, two car detached; and 1434 N. 122nd Street, two-car detached with large second story with storage. He estimated that 80% of the lots in this neighborhood are not large enough for an additional garage. Maximum allowable lot coverage is 37%. At 21%, his lot definitely

supports the additional structure, he felt. He referred to information from the National Association of Realtors regarding property values and the popularity of oversize garages and additional storage. He has new renderings that include gables, as requested by the Design Review Board. To get to 720 square feet, he would have to cut down the additional storage area from 12 feet by 22 feet to four or five feet by 22 feet. He would put a 100 square foot shed next to the new garage, which would not require a permit.

Mr. Price asked if the additional garage would be used for a business purpose. Mr. Janssen said that he has a home office for his rough carpentry and siding business but is not using the garage for any business purposes. He acknowledged that he could live with a 720 square foot garage but said that a larger structure would be better. His work truck—an F35, his brother’s truck—an F250, and a small personal car are the current vehicles. His truck has no ladder racks, cap, or signage. As a subcontractor, he is never responsible for the materials and no one comes to his home. A job site trailer would be there only while the garage is under construction. If he is going to a new job the next day, he does bring the trailer home for the evening but never for extended periods of time. With the new driveway, he would be able to keep it farther back and more out of sight. The board viewed photos submitted by Mr. Janssen showing the surrounding area from the perspective of the middle of the proposed garage site.

Mr. Mainus, building inspector, said that the 720 square foot limitation basically allows for a small three-car garage. Mr. Janssen can run a business from the basement as long as there is no outside storage and customers are not using the driveway. He emphasized that in a residential district commercial trailers must be kept in a garage. He confirmed that the Design Review Board withheld approval pending a revised design with gables to match the house.

Sue Porter, 1407 N. 120th Street, said she observes construction trucks and huge trailers there all the time as well as cars parked up and down the street. She read letters from Jeff Billstrom, 1406 N. 120th Street, and Byron Rachow, 1333 N. 120th Street, objecting to the application based on its size, additional runoff surfaces, and commercial usage.

Ald. Birschel, 7th District, said that he represents Ellen Purtell, 1417 N. 119th Street, whose property abuts to the rear. Her land is eight feet lower in grade, and her chief concern is that the garage would take up 40% of the width of the lot line. Ms. Purtell has prepared a photo with the proposed garage superimposed, which she will forward to the Design Review Board. Ald. Birschel said that he also heard from Mr. Bachman expressing some concerns. He then recounted similar situations in the district involving construction equipment on residential property that were ultimately resolved.

Responding to comments, Mr. Janssen said he has three job trailers but never has had all there at the same time and does not have any there for extended periods. He said that a trailer would fit in the garage lengthwise, but he was somewhat uncertain about the height. Mr. Kesner noted that a commercial trailer would have to be parked inside the garage. Any personal trailer such as a boat trailer needs only to be on a paved surface. These types of violations are pursued on a complaint-only basis.

Asked about accessibility issues from a fire protection standpoint. Mr. Nook said that hose lines would be used; there would be no need to get apparatus to the garage. If approved, he would recommend installation of a 10 lb. ABC fire extinguisher.

It was noted by the board that the issue to be addressed is the question of additional garage area; other issues are outside the board’s purview. Mr. Lex listed four criteria: 1) whether there is a practical difficulty or hardship; 2) whether it will create special detriment; 3) whether it will adversely affect property values, and 4) whether an equivalent degree of safety is maintained.

Mr. Price said that, as a commercial real estate appraiser, he believes that an extra garage on the property could enhance resale value. The norm today is a three-car garage. If done tastefully and it blends with the architecture and nature of the neighborhood, it would not be likely to decrease surrounding values. The topography of the property to the rear exists now, and the garage does not necessarily increase potential runoff outside of the paved driveway. Perhaps the neighbor's concerns could be addressed through a berm or some type of screening.

Mr. Lex noted that although there is opposition, it is within the zoning and the rights of the homeowner to erect a 720 square foot garage. Mr. Price said that the question is whether denying the exception creates a hardship for the owner. The allowed square footage of 720 is equal to a three-car garage, so Mr. Janssen would have five car spaces, which is far in excess of the norm.

Moved by Mr. Price, seconded by Mr. Bachman to deny the request for a variance to construct an approximately 890 square foot detached garage based on the fact that there is no demonstration of practical difficulty or hardship –

Discussion continued on the question of a larger garage versus a 720 square foot garage and adjacent shed. In terms of the property to the rear, Mr. Janssen said that he offered at the Design Review Board meeting to put detailing on the siding to break up the rear surface and make it look more like a fence. The Chair pointed out that a larger garage would be a permanent structure whereas a shed next to a smaller garage would be a temporary structure that another homeowner could remove. Mr. Price conceded that most people wouldn't perceive the difference in size but said the hardship issue still remains.

Jen Janssen, 1420 N. 120th Street, said that the hardship is that with two trucks and her car there is only a small area for lawn and snow equipment and personal storage. Mr. Janssen felt there was aesthetic benefit to having one structure rather than a garage and a separate shed.

Upon roll call vote on the motion, Ayes: 5; Noes: 1 (Jung)

The meeting adjourned at 10:04 a.m.

David M. Wheaton, Secretary

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